

FRESNO MUNICIPAL CODE FINDINGS

VESTING TENTATIVE TRACT MAP FINDINGS

Section 15-3309 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) for a tentative tract map may approve or conditionally approve a tentative tract map if it makes all of the following findings:

| Findings per Fresno Municipal Code Section 15-3309 | |
|--|--|
| A. <i>Consistency.</i> <i>The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code; and,</i> | |
| Finding A: | For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section of the Staff Report to the Planning Commission dated December 18, 2019, the proposed project is found to be consistent with applicable goals, objectives and policies of the Fresno General Plan and West Area Community Plan. Subject to compliance with the conditions of approval and project specific mitigation measures, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards. |
| B. <i>Passive and Natural Heating and Cooling.</i> <i>The proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,</i> | |
| Finding B: | The proposed subdivision has been designed with approximately 65% of the lots oriented in a north-south direction in order to take advantage of passive heating and cooling opportunities. |
| C. <i>Availability of Water.</i> <i>Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with the Subdivision Map Act (Section 66473.7); and,</i> | |
| Finding C: | The project consists of a proposed 318-lot conventional single family residential subdivision/development, therefore, a water supply assessment is not required. Water facilities are available to provide service to the site subject to the conditions listed in the Public Utilities comments dated December 18, 2019. |
| D. <i>Infrastructure Capacity.</i> <i>There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,</i> | |
| Finding D: | The project was routed to the appropriate agencies and it was determined that there is sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision. |
| E. <i>Compliance with Floodplain Regulations.</i> <i>The proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance and the State of California Code of Regulations Title 23, as well as any other applicable State or federal laws.</i> | |
| Finding E: | The proposed project site is not located within a designated floodplain or floodway. |

PLANNED DEVELOPMENT FINDINGS

Section 15-5905 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) may approve or conditionally approve a Planned Development if all of the following findings are made:

| Findings per Fresno Municipal Code Section 15-5905 | |
|---|--|
| <i>a. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;</i> | |
| Finding a: | The subject parcel which contains split zoning designations is zoned approximately five acres of Community Commercial, or 12% of the total parcel size, which is well below the maximum percentage of which the prevailing zone designation may be applied to the entire parcel. The prevailing RS-5 zone district is consistent with the General Plan as well as all density and intensity requirements set forth in the General Plan and West Area Community Plan. |
| <i>b. The subject site is physically suitable for the type and intensity of the land use being proposed;</i> | |
| Finding b: | The subject portion of the project site of which the planned development applies is surrounded by the single family residential planned land use, which is a less intense use than the current community commercial use, and therefore is suitable for single family residential uses. |
| <i>c. Adequate transportations facilities, utilities, and public services exist or will be provided in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare;</i> | |
| Finding c: | The conditions of approval for the associated Vesting Tentative Tract Map will require the construction of all necessary facilities to serve the project site. The proposed map will also provide increased access to the surrounding subdivision which will result in improved connectivity, and will not result in a reduction of public services. |
| <i>d. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and,</i> | |
| Finding d: | The proposed development will be consistent with surrounding properties which have been developed with single family residential, and has been designed to complement neighboring neighborhoods. Therefore, the proposed development will not have a detrimental effect on the planned land use character of the surrounding area. |
| <i>e. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial benefit.</i> | |
| Finding e: | The proposed development expands the proposed VTTM to CC property which would most likely remain undeveloped until a later time. By approving the Planned Development, the proposed tract can be designed to facilitate additional connectivity which might otherwise be lacking should a future commercial use be developed on the |

subject portion of the site. This also provides for additional infrastructure improvements and improved connectivity in the area, and prevents development which could otherwise potentially be disjointed and fail to contribute to the overall character of the neighborhood. In addition, it is noted that the CC portion of property was originally designated at its current location and size for purposes of facilitating a form of development which was previously proposed and approved with the tentative map for Tract 5891 in 2008. As provided within the Staff Report to the Planning Commission dated January 08, 2020, this previous project has been abandoned, its associated development agreement was terminated, and the lands have been sold into new ownership. The West Area Community Plan provides that new commercial development shall be compatible with surrounding areas. The Fresno General Plan provides that Community Commercial centers should be located within Activity Centers, which it defines as mixed-use areas with public spaces, medium-high and high density residential, retail and employment uses along major street BRT corridors to provide more intensive concentrations of urban uses. The current location of the CC zoned portion of the site does not comply with these policies and objectives. The West Area Specific Plan currently being drafted includes general commercial land use designations at the intersection of Hayes and Ashlan Avenues which will afford neighborhood serving commercial uses for the project vicinity.