

EXHIBIT I
FRESNO MUNICIPAL CODE FINDINGS

CRITERIA FOR REZONES AND PLAN AMENDMENTS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Rezone or Plan Amendment meets the following criteria:

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5812	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; 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 contained within the Staff Report to the Planning Commission dated January 08, 2020, the proposed project is found to be consistent with the applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with future conditions of approval for development and implementation of identified project specific mitigation, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
<i>B. The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and,</i>	

Finding B:	<p>The subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. Furthermore, the project site is located within an area which is located within an area attracting substantial development interest and which meets the General Plan goals and strategies for sequencing of development and growth. The vicinity of the subject property is currently undergoing growth in development in a manner which is rapidly encompassing the subject property with urban development. Therefore, for the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, the project site is a logical expansion for purposes of orderly development within Growth Area 1 as depicted on Figure IM-2: Sequencing of Development of the General Plan; and, will promote orderly land use development in pace with public facilities and services needed to serve development.</p>
<p><i>C. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.</i></p>	
Finding C:	<p>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 January 08, 2020, the proposed project achieves the balance of land uses desired by the City of Fresno. This includes but is not limited to emphasizing land conservation and maximizing the efficient use of available underutilized property within a planned residential growth area through the proposed planned development which affords an efficient, diverse mix of residential densities and housing types that foster a variety of market-based options (including affordable housing) to suit a large range of income levels on lands situated within proximity to public facilities, schools and employment opportunities.</p>

ANNEXATION CRITERIA

Section 15-6104 of the Fresno Municipal Code provides that annexation shall not be approved unless the proposed annexation meets all of the following criteria:

Findings Criteria per Fresno Municipal Code Section 15-6104	
<p>A. <i>Concept Plan.</i> <i>If land proposed for annexation is required to create a Concept Plan per Section 15-6102, the Concept Plan must be created and adopted prior to annexation; and,</i></p>	
<p>Finding A:</p>	<p>Annexation Application No. P19-00843 includes a proposed Concept Plan Connectivity Map pursuant to the requirements of Section 15-6102 of the Fresno Municipal Code (FMC). An affirmative action by the Fresno City Council regarding Annexation Application No. P19-00843 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed McKinley-Armstrong No. 2 Reorganization; and, approval of the related Concept Plan Connectivity Map prepared for the annexation application.</p>
<p>B. <i>Plan Consistency.</i> <i>The proposed annexation and parcel configuration is consistent with the General Plan, Concept Plan, and any applicable operative plan; and,</i></p>	
<p>Finding B:</p>	<p>For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, the proposed annexation is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with future conditions of approval for development and implementation of identified project specific mitigation, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.</p>
<p>C. <i>Revenue Neutrality. (1) Public Services, Facilities, and Utilities.</i> <i>Adequate public services, facilities, and utilities meeting City standards are available to the lands proposed for annexation or will be provided within a specific period of time, with financial guarantees and performance requirements, to ensure this will occur; and, (2) Projects requiring annexation will not negatively impact City Finances; and, (2) Fair and Proportional Payments.</i> <i>Projects requiring annexation will not negatively impact City finances in any manner set forth in Section 15-6104-C-2 of the FMC; and,</i></p>	

Finding C:	<p>The proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project remains revenue neutral and will cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. Therefore, (1) No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; (2) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; (3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.</p>
<p><i>D. Disadvantaged Unincorporated Communities.</i> <i>The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process; and,</i></p>	
Finding D:	<p>No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.</p>
<p><i>E. LAFCO Approval.</i> <i>The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i></p>	
Finding E:	<p>The proposed Pre-zone Application No. P19-00801 has been filed to facilitate annexation of the ±125 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. P19-00843. The combination of these actions comprises the proposed McKinley-Armstrong No. 2 Reorganization and ultimately fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO). An affirmative action by the Fresno City Council regarding Annexation Application No. P19-00843 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed McKinley-Armstrong No. 2 Reorganization. Annexation will be required to be completed prior to recordation of a Final Map for either Vesting Tentative Tract Map No. 6201/UGM or 6235/UGM.</p>

REQUIRED FINDINGS FOR PLANNED DEVELOPMENT PERMITS

Section 15-5905 of the Fresno Municipal Code provides that a Planned Development shall only be approved if all of the following findings are made:

Findings Criteria 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:	For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with future conditions of approval for development and implementation of identified project specific mitigation, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
<i>B. The subject site is physically suitable for the type and intensity of the land use being proposed;</i>	
Finding B:	<p>For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, the proposed project site is physically suitable for the type and intensity of the land use being proposed.</p> <p>The Planned Development project proposes a Density Transfer pursuant to the provisions of Section 15-310-C of the Fresno Municipal Code in order to maximize efficient use of underutilized property within a planned residential growth area of the City in accordance with the objectives and policies of the Fresno General Plan. Approval of a Density Transfer allows surplus planned residential density (expressed as number of expected residential units per acre), which cannot otherwise be realized due to development constraints (e.g., conventional public development standards, product marketability, and/or existing development or rural parcelization of land) to be transferred to adjacent available areas or portions of land where achieving greater density can occur in a manner which is viable and consistent with already-allowable planned density ranges.</p>

	<p><i>C. Adequate transportation 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></p>
<p>Finding C:</p>	<p>For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, adequate facilities, infrastructure, and services exist or will be provided to serve the proposed development.</p> <p>The project site is located within an area of the City of Fresno's sphere of influence with proximity to regional transportation, multiple elementary schools, public facilities (e.g., international airport and surface water treatment facility), and land designated for industrial, office, research and development, and flexible commercial uses, which are intended to strengthen the city's economic based and provide a range of employment opportunities for the current and future population of the City and the region.</p> <p>The proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project remains revenue neutral and will cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b.</p>
	<p><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></p>

<p>Finding D:</p>	<p>For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, the proposed project will not have a substantial adverse effect on surrounding land uses.</p> <p>While the Planned Development project proposes custom development standards, those standards proposed do not allow for residential density in excess of that which is designated by the Fresno General Plan for the subject property; and, the proposed custom standards do not substantially deviate from standards otherwise applicable to areas of interface with adjacent property/lands.</p> <p>Custom interface standards and restrictions have been incorporated within the proposed Planned Development regulations to buffer adjacent land and minimize potential intrusion upon the privacy of adjacent properties.</p> <p>Consideration has been given to facilitate potential future connectivity to adjacent lands and in order to afford opportunity for adjacent owners to feasibly develop underutilized portions of property while retaining the overall integrity and existing rural residential character of the area.</p> <p>Zoning provisions and requirements for covenant agreements will assure that existing rural residential and agricultural lifestyles on properties within the project area and vicinity may remain.</p>
<p><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 public benefit.</i></p>	

<p>Finding E:</p>	<p>For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated January 08, 2020, the proposed project 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 public benefit.</p> <p>The project site is a logical expansion for purposes of orderly development within Growth Area 1 of the General Plan; and, will promote orderly land use development in pace with public facilities and services needed to serve development.</p> <p>The proposed Planned Development includes a Density Transfer to maximize efficient use of available underutilized land. The project proposes diversity in residential density and housing types for the area to foster variety in market-based options for varying income levels on lands situated within proximity to public facilities, schools and employment opportunities.</p> <p>The housing project proposes product plans and options as well as customized development and street standards in conjunction with open spaces, pocket parks and a portion of a regional trail creatively to afford quality home and neighborhood design features, amenities, and connectivity.</p> <p>The project will be required to pay its fair and proportional share of costs for needed community improvements through impact fees, assessment districts, and other mechanisms such as mitigation measures.</p> <p>All of these factors ultimately contribute to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.</p>
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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. Consistency. <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 January 08, 2020, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with the conditions of approval and mitigation measures attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
B. Passive and Natural Heating and Cooling. <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 lot sizes and configuration to provide for future passive and natural heating or cooling opportunities. Although approximately 79 percent of lots within the subdivisions are designed with a north-south orientation, all proposed housing models are designed with a principal side-gable roof orientation, which will accommodate southern exposure for future solar energy opportunities; and, with the proposed form of development and customized development standards will allow the project to take advantage of shade.
C. Availability of Water. <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>	

<p>Finding C:</p>	<p>The project consists of a subdivision to create and facilitate development of 379 single family residential lots within a Planned Development incorporating two tentative maps. Therefore, a water supply assessment is not required.</p> <p>However, in accordance with the provisions of the Fresno General Plan and Master EIR No. 2012111015 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project.</p> <p>Furthermore, in order for the City to develop a Sustainable Groundwater Management Act (SGMA) compliance plan for this proposed development project, a Water Demand Analysis was calculated and SGMA compliance requirements are incorporated into the water supply conditions of approval for the project.</p> <p>The Department of Public Utilities, Water Division has reviewed the proposed project and has determined that Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within the proposed tracts, installation of services with meters, and payment of applicable water fees and connection charges will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.</p>
<p>D. Infrastructure Capacity. <i>There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,</i></p>	
<p>Finding D:</p>	<p>Pursuant to the findings and representations made within the Public Services section included within the Staff Report to the Planning Commission dated January 08, 2020, and subject to compliance with the attached conditions of approval and mitigation measures identified within the initial study prepared for the associated environmental assessment, it may be determined that sufficient infrastructure capacity for water, runoff, storm water, waste water, and solid waste systems exist or will be available to serve the proposed project.</p>
<p>E. Compliance with Floodplain Regulations. <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></p>	

<p>Finding E:</p>	<p>According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is located within a flood prone or hazard area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. As a result: All development shall be properly flood-proofed below the calculated water surface elevation of the 100-year flood event; All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water could carry such obstruction downstream to the damage or detriment of either life or property, will not be permitted; and, development proposed to be constructed in a manner which would cause displacement of any and all floodwaters from that portion of the flood plain to be developed will not be permitted.</p>
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