

Exhibit H

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 Criteria 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 Staff Report to the Planning Commission dated December 2, 2020, such as the planning for a diverse housing stock that will support balanced urban growth, and expanding the network of pedestrian and bicycle paths, the proposed project is found to be consistent with the applicable goals, objectives and policies of the Fresno General Plan and West Area 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:	The project site is located within an area which is attracting substantial development interest and which meets the General Plan goals and strategies for sequencing of development and growth. By removing the conditions of zoning for the previous Westlake project, and adding conditions of zoning applicable to the proposed project, the appropriate infrastructure and improvements will be constructed to ensure orderly development; and, will promote the public health, safety, peace, comfort and general welfare of the surrounding area.
<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>	
Finding C:	The project proposes to amend the Fresno General Plan and West Area Community Plan to achieve 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 Tentative Tract Map applications which will increase the inventory of land available for development of single family residential homes while providing for 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.

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	
<p>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></p>	
Finding A:	For the reasons contained within the Background/Project Analysis section of the Staff Report to the Planning Commission dated December 2, 2020, 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.
<p>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></p>	
Finding B:	The proposed subdivision has been designed with lots oriented facing north-south exposures, and takes advantage of passive heating and cooling opportunities to the extent feasible by the subdivision design.
<p>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></p>	
Finding C:	The project consists of two proposed conventional single family residential developments consisting of an 84-lot and 83-lot subdivision, and a Water Assessment was prepared for the associated EIR, which determined that the City of Fresno water system has sufficient capacity to supply the projected demands. Water facilities are available to provide service to the site subject to the conditions listed in the Public Utilities comments dated November 20, 2020.
<p>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></p>	
Finding D:	The project was routed to the appropriate agencies and it was determined that there is sufficient infrastructure capacity for water, runoff, wastewater, and solid waste systems to serve the proposed subdivision, subject to mitigation measures of the associated EIR. Temporary storm water facilities shall be constructed until permanent facilities are available.
<p>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></p>	

Finding E:

The proposed project site is not located within a designated floodplain or floodway.