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File created: 3/9/2023 **In control:** City Council

On agenda: 3/30/2023 **Final action:** 3/30/2023

Title: HEARING to Consider Annexation Application No. P21-03755; Pre-zone Application No. P21-03756; Tentative Parcel Map No. 2022-03; and related Environmental Assessment No. TPM 2022-03/P21-03755/P21-03756 for approximately 0.68 acres of property located on the south side of West Bullard Avenue, between North Maroa and North Winchester Avenues (Council District 4).

1. ADOPT - Environmental Assessment No. TPM 2022-03/P21-03755/P21-03756 dated January 25, 2023, a determination that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15315/Class 15 (Minor Land Division), 15319(b)/Class 19 (Annexation of Existing Facilities and Lots for Exempt Facilities), and 15061(b)(3) (Review for Exemption) of CEQA Guidelines.
2. ***RESOLUTION - Approving Annexation Application No. P21-03755 (for the Bullard-Maroa No. 3 Reorganization) proposing detachment from the Kings River Conservation District and North Central Fire Protection District and annexation to the City of Fresno. (Subject to Mayor's Veto)
3. BILL - (For introduction and adoption) - Approving Pre-zone Application No. P21-03756 proposing to pre-zone: approximately 0.68 acres of the subject property from the Fresno County R-1-C/NB (Single-Family Residential/Neighborhood Beautification) zone district to the City of Fresno RS-4 (Single-Family Residential, Medium Low Density) zone district.
4. APPROVE - Tentative Parcel Map No. 2022-03, proposing to subdivide approximately 0.68 acres of the subject property into a 4-lot single-family residential subdivision subject to compliance with the Conditions of Approval dated February 15, 2023, and contingent upon approval of Annexation No. P21-03755, Pre-zone Application No. P21-03756, and the related environmental assessment.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Tentative Parcel Map No. 2022-03 [10-28-2022], 2. Exhibit B - Operational Statement [11-4-2022], 3. Exhibit C - Aerial Map, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Fresno General Plan Land Use & Zoning Map, 6. Exhibit F - Proposed Pre-zone Exhibit, 7. Exhibit G - Proposed Annexation Boundary Exhibit, 8. Exhibit H - Fresno Municipal Code Findings, 9. Exhibit I - Public Hearing Notice Radius Map, 10. Exhibit J - Conditions of Approval for Tentative Parcel Map No. 2022-03 [2-15-2023], 11. Exhibit K - Comments and Requirements from Responsible Agencies, 12. Exhibit L - Environmental Assessment No. TPM 2022-03/P21-03755/P21-03756 [1-25-2023], 13. Exhibit M - Planning Commission Resolution No. 13786 [Annexation Application No. P21-03755], 14. Exhibit N - Planning Commission Resolution No. 13787 [Pre-zone Application No. P21-03756], 15. Exhibit O - Planning Commission Resolution No. 13788 [Tentative Parcel Map No. P21-03757], 16. Exhibit P - City Council Resolution for Annexation Application No. P21-03755, 17. Exhibit Q - City Council Ordinance Bill for Pre-zone Application No. P21-03756

Date	Ver.	Action By	Action	Result
3/30/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: JENNIFER CLARK, Director
Planning and Development Department

THROUGH: ISRAEL TREJO, Planning Manager
Planning and Development Department

BY: ROB HOLT, Supervising Planner
Planning and Development Department

SUBJECT

HEARING to Consider Annexation Application No. P21-03755; Pre-zone Application No. P21-03756; Tentative Parcel Map No. 2022-03; and related Environmental Assessment No. TPM 2022-03/P21-03755/P21-03756 for approximately 0.68 acres of property located on the south side of West Bullard Avenue, between North Maroa and North Winchester Avenues (Council District 4).

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RECOMMENDATION

1. ADOPT Environmental Assessment No. TPM 2022-03/P21-03755/P21-03756 dated January 25, 2023, a determination that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15315/Class 15 (Minor Land Division), 15319(b)/Class 19 (Annexation of Existing Facilities and Lots for Exempt Facilities), and 15061(b)(3) (Review for Exemption) of CEQA Guidelines.
2. ADOPT RESOLUTION approving Annexation Application No. P21-03755 (for the Bullard-Maroa No. 3 Reorganization) proposing detachment from the Kings River Conservation District and North Central Fire Protection District and annexation to the City of Fresno.
3. INTRODUCE AND ADOPT BILL approving Pre-zone Application No. P21-03756 proposing to pre-zone: approximately 0.68 acres of the subject property from the Fresno County R-1-C/NB (*Single-Family Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-4 (*Single-Family Residential, Medium Low Density*) zone district.
4. APPROVE Tentative Parcel Map No. 2022-03, proposing to subdivide approximately 0.68 acres of the subject property into a 4-lot single-family residential subdivision subject to compliance with the Conditions of Approval dated February 15, 2023, and contingent upon

approval of Annexation No. P21-03755, Pre-zone Application No. P21-03756, and the related environmental assessment.

EXECUTIVE SUMMARY

Provost and Pritchard, on behalf of Adriatic LLC, has filed Tentative Parcel Map No. 2022-03, Annexation Application No. P21-03755 and Pre-zone Application No. P21-03756 pertaining to approximately 0.68 acres of property located on the south side of West Bullard Avenue, between North Maroa and North Winchester Avenues.

Tentative Parcel Map No. 2022-03 proposes to subdivide the property into a 4-lot single-family residential subdivision. Annexation Application No. P21-03755 proposes to initiate annexation proceedings for the Bullard-Maroa No. 3 Reorganization proposing incorporation of the subject property within the City of Fresno, and detachment from the Kings River Conservation District and North Central Fire Protection District. Pre-zone Application No. P21-03756 proposes to pre-zone approximately 0.68 acres of the subject property from the Fresno County R-1-C/NB (*Single Family Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-4 (*Residential Single Family, Medium Low Density*) zone district.

The subject property is located within the boundaries of the Fresno General Plan and Bullard Community Plan, and both plans designate the subject property as the Medium Low Density Residential (3.5 to 6 du/ac) planned land use designation. Based upon the subdivision design and conditions of approval, the proposed subdivision can be found consistent with the Medium Low Density Residential planned land use for the subject property designated by both the Fresno General Plan and Bullard Community Plan.

Fresno City Planning Commission Action

On February 15, 2023, the Planning Commission considered the item. After a complete hearing, the Planning Commission voted and recommended the City Council approve the annexation, pre-zone, tentative parcel map, and related environmental assessment. The Planning Commission Resolutions (**Exhibits M, N, and O**) are attached for more information.

BACKGROUND

Tentative Parcel Map No. 2022-03 proposes to subdivide the property into a 4-lot single-family residential subdivision which would allow for future residential uses for each newly created parcel. The parcel with frontage along West Bullard Avenue (Parcel A) is required to provide direct access to West Bullard Avenue, with the other parcels fronting onto the proposed easement. The proposed parcels will be required to comply with the development standards of the RS-4 zone district.

Annexation Application No. P21-03755 proposes to annex the subject property and the entirety of the street width right-of-way adjacent to the property frontage on West Bullard Avenue. No other property, besides the subject property, is proposed to be annexed in addition to the subject property.

The subject property is located in the County of Fresno, but within the City of Fresno's Sphere of Influence (SOI). The SOI is a boundary for land that is expected to be annexed by the City as development is proposed, but until then remains under the jurisdiction of the County of Fresno. The proposed zone district will take in effect once the annexation is approved by the Local Agency

Formation Commission (LAFCO) of Fresno.

The subject property is a vacant site located on the south side of West Bullard Avenue, between North Maroa and North Winchester Avenues. The immediate vicinity of the subject property to the east includes multi-family apartment complexes and churches, and to the north, south, and west are single-family neighborhoods generally located within a large Fresno County island.

Landscaping/Walls/Open Space

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Furthermore, the developer is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309 (Irrigation Specifications) and AB 1881.

The long-term maintenance and operating costs, including repair and replacement, of certain required public improvements (Services) associated with all new single-family developments (e.g., landscaped areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of these Services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 9 ("CFD No. 9").

Pursuant to Section 12-4.705 of the FMC, residential subdivisions with tentative maps containing 50 parcels or less are required to pay in-lieu fees for open space/park facility purposes.

Public Services

Public Utilities

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the mitigation measures of the related Program Environmental Impact Report and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

For sanitary sewer service, infrastructure improvements and facilities include the construction and extension of sanitary sewer mains and branches within the interior of future proposed parcels or lots. The proposed project will also be required to provide payment of sewer connection, lateral sewer, oversized sewer, and wastewater facility charges.

For water service, the current property is served with a 1.0-inch water service and meter. The required infrastructure improvements and facilities include construction of water mains within the interior of the proposed parcels, providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes will be required. The Project applicant will be required to pay all water-related fees and charges in accordance with the City's Master Fee Schedule and the Fresno Municipal Code.

Fresno Metropolitan Flood Control District

According to the Fresno Metropolitan Flood Control District ("FMFCD"), the subject site is not located

within a flood prone or hazard area. Master Plan Facilities exist and permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s). Drainage covenants shall be put in place on the proposed parcels to allow surface runoff to reach West Bullard Avenue.

Fire Department

The Fire Department offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District and the City of Clovis Fire Departments.

Based on the conditions received from the Fire Department dated November 22, 2022, the subject property will require annexation along with payment by the applicant of the fires service transition fee to the North Central Fire Protection District.

CFD No. 18

The recurring expenditures related to Public Safety Services, police and fire safety/protection/suppression (“Services”), provided by the City are the ultimate responsibility of the Developer. The Developer shall provide these Services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno’s Community Facilities District No. 18 (“CFD No. 18”). Community Facilities District requirements are further outlined within the Public Works memo dated November 30, 2022.

Streets and Access Points

The project will take direct access from West Bullard Avenue. The project will require dedications and/or acquisitions for public street rights-of-way and utility easements as well as incorporation of existing easements for construction and/or retention of public facilities and infrastructure in accordance with all applicable standards, specifications and policies of the City of Fresno and responsible agencies in order to facilitate the future proposed development of the subject property.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed application and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division dated December 1, 2022. These requirements include: (1) Street dedications and improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (2) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee.

Vehicle Miles Traveled (VMT)

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a

significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities is no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that “[a] lead agency has discretion to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, pursuant to Senate Bill 743 effective July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor's Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

The City of Fresno VMT Thresholds adopted a screening standard and criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis.

The City of Fresno VMT Thresholds Section 3.0 regarding Project Screening discusses a variety of projects that may be screened out of a VMT analysis including specific development and transportation projects. For development projects, conditions may exist that would presume that a development project has a less than significant impact. These may be size, location, proximity to transit, or trip making potential. For transportation projects, the primary attribute to consider with transportation projects is the potential to increase vehicle travel, sometimes referred to as “induced travel.”

One of the eligible screening criteria is if a project is located within an area with low VMT, as designated in the screening map for residential uses (Figure 6) in the City of Fresno's CEQA Guidelines for Vehicle Miles Traveled Thresholds Technical Advisory. These low VMT areas were calculated using Fresno County as the region. The Fresno County average VMT per capita is 16.10.

Additionally, using the Fresno Council of Governments (COG) VMT Calculator (Version 3.7), the proposed project in this area has an average VMT per capita of 10.6, which is 13 percent or more lower than the County's 16.10 average VMT per capita (14 percent).

The proposed project is eligible to screen out because it is located in a low VMT zone, as designated by the Fresno COG screening map and Figure 6 of the City of Fresno CEQA Guidelines for VMT

Thresholds.

Land Use Plans and Policies

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.
- Promote a city of healthy communities and improve quality of life in established neighborhoods.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

Policy LU-5-b promotes medium-low density residential uses to preserve existing uses of that nature or provide a transition between low and medium density residential areas.

Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities.

Approximately less than one mile away to the east is an established commercial use corridor along North Blackstone Avenue providing employment opportunities for all new residents of the neighborhood and access to public bus rapid transit (BRT).

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing and needs to quadruple the current rate of housing production over the next 7 years for prices and rents to decline. Approval of the tentative parcel map would help contribute to fulfilling the housing needs of the region.

Council District Project Review Committee

The project will be located in Council District 4, which currently does not have an active Project Review Committee.

Notice of City Council Hearing

The Planning and Development Department mailed notices of this City Council hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 of the FMC (**Exhibit I**).

ENVIRONMENTAL FINDINGS

A Categorical Exemption was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

A determination of a Categorical Exemption from Sections 15315/Class 15, 15319(b)/Class 19 and Section 15061(b)(3) was made and Environmental Assessment No. TPM 2022-03/P21-03755/P21-

03756 (**Exhibit L**) was prepared for this project.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Furthermore, the proposed project is not expected to have a significant effect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project.

Fresno Municipal Code Findings

Based upon analysis of the applications, staff concludes that the required findings contained within Section 15-3309, 15-5812, 15-6104 et seq. of the Fresno Municipal Code. These findings are attached as **Exhibit H**.

Grounds for Denial of Tentative Map

The Subdivision Map Act (California Government Code §§ 66410, et seq.) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made.

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff has reviewed the proposed annexation, pre-zone, and tentative parcel map and has determined that none of the findings above apply to the project and, therefore, has recommended approval subject to the conditions of approval.

Conclusion

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Bullard Community Plan; compliance with the provisions of the FMC; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment and exhibits. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code 66400, *et seq.*) and staff concludes that the required findings contained within Sections 15-3309, 15-5812, and 15-6104, *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed projects are appropriate for the project site.

LOCAL PREFERENCE

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

Attachments:

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