



Legislation Details (With Text)

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File created:	11/10/2021	In control:		Planning Commission	
On agenda:	11/17/2021	Final action:		11/17/2021	
Title:	<p>Consideration of Plan Amendment and Rezone Application No. P21-01875, Vesting Tentative Tract Map Nos. 6238 and 6246, and Final Subsequent Environmental Impact Report (FSEIR) State Clearinghouse (SCH) No. 2000021003 relative to property generally located between North Friant Road, East Copper Avenue, North Willow Avenue and the East Silaxo Road (Council District 6)</p> <ol style="list-style-type: none">1. RECOMMEND CERTIFICATION (to the City Council) of Final SEIR SCH No. 2000021003 for the proposed development; and,<ol style="list-style-type: none">a. RECOMMEND ADOPTION (to the City Council) of Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,b. RECOMMEND ADOPTION (to the City Council) of the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; andc. RECOMMEND APPROVAL (to the City Council) of a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application P21-01875 proposing to amend the Fresno General Plan from the Medium Density Residential (± 35.59 acres) planned land use designation to Low Density Residential (±35.59 acres), Medium High Density Residential (± 0.93 acres) planned land use designation to Urban Neighborhood (± 0.93 acres), Medium High Density Residential (± 7.23 acres) planned land use designation to Medium Density Residential (± 7.23 acres), Medium High Density Residential (± 0.79 acres) planned land use designation to Medium Low Density Residential (± 0.79 acres), Medium High Density Residential (± 2.68 acres) planned land use designation to Community Commercial (± 2.68 acres), Open Space, Golf Course (± 2.07 acres) planned land use designation to Medium Low Density Residential (± 2.07 acres), Community Commercial (± 1.17 acres) planned land use designation to Low Density Residential (± 1.17 acres), Community Commercial (± 8.17 acres) planned land use designation to Urban Neighborhood (± 8.17 acres), Community Commercial (± 2.68 acres) planned land use designation to Medium Low Density Residential (± 2.68 acres), General Commercial (± 4.53 acres) planned land use designation to Low Density Residential (± 4.53 acres).3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. P21-01875 proposing to amend the Official Zone Map to reclassify: ± 35.59 acres of property from the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 0.93 acres of property from the RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 7.23 acres of property from the RM-1/UGM/cz (Multi Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district, ± 0.79 acre of property from the RM-1/UGM/cz (Multi Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth				

Management/conditions of zoning) zone district, ± 2.68 acres of property from the RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district, ± 2.07 acres of property from the PR/UGM/cz (Parks and Recreation/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 1.17 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 8.17 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 2.68 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, and ± 4.53 acres of property from the GC/UGM/cz (General Commercial/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district.

4. RECOMMEND ADOPTION (to the City Council) of findings pursuant to Government Code Section 65863(b)(2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).

5. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6238/UGM which requests authorization to subdivide approximately 14.01 acres of property for purposes of creating a 47-lot single family residential planned development subdivision located near the southeast corner of North Alicante Drive and North Crest View Drive subject to compliance with the Conditions of Approval dated November 17, 2021.

6. RECOMMEND APPROVAL (to the City Council) of Planned Development No. P21-02863 subject to compliance with the Conditions of Approval dated November 17, 2021.

7. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6246/UGM which requests authorization to subdivide approximately 41.58 acres of property for purposes of creating a 144-lot single family residential subdivision near the northeast corner of North Alicante Drive and North Crest View Drive subject to compliance with the Conditions of Approval dated November 17, 2021.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vesting Tentative Tract No. 6238 dated May 20, 2021, 2. Exhibit A-1 - Planned Development No. P21-02863, related to Vesting Tentative Tract No. 6238, dated May 20, 2021, 3. Exhibit B - Vesting Tentative Tract No. 6246 dated September 1, 2021, 4. Exhibit C - 2020 Aerial Photograph, 5. Exhibit D - Proposed Planned Land Use Exhibits, 6. Exhibit E - Proposed Rezone Exhibits, 7. Exhibit F - Fresno Municipal Code Findings, 8. Exhibit G - Conditions of Approval for Vesting Tentative Tract Map No. 6238 dated November 17, 2021, 9. Exhibit H - Conditions of Approval for Planned Development Permit No. P21-02863 dated November 17, 2021, 10. Exhibit I - T-6238 Comments and Requirements from Responsible Agencies, 11. Exhibit J - Conditions of Approval for Vesting Tentative Tract Map No. 6246 dated November 17, 2021, 12. Exhibit K - T-6246 Comments and Requirements from Responsible Agencies, 13. Exhibit L-1 - Draft Subsequent Environmental Impact Report, 14. Exhibit L-2 - Draft Subsequent Environmental Impact Report - Appendices Vol. 1, 15. Exhibit L-3 - Draft Subsequent Environmental Impact Report - Appendices Vol. 2, 16. Exhibit L-4 - Final Subsequent Environmental Impact Report and Response to Comments, 17. Exhibit L-5 - Mitigation Monitoring and Reporting Program, 18. Exhibit L-6 - Findings of Fact, 19. Exhibit L-7 - Statement of Overriding Considerations, 20. Exhibit M - Ordinance Bill 2003-45, 21. Exhibit N - Department of Public Works, Memorandum dated September 28, 2021

Date	Ver.	Action By	Action	Result
11/17/2021	1	Planning Commission	APPROVED	Pass

REPORT TO THE PLANNING COMMISSION

November 17, 2021

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

BY: ISRAEL TREJO, Planner
Development Services Division

SUBJECT

Consideration of Plan Amendment and Rezone Application No. P21-01875, Vesting Tentative Tract Map Nos. 6238 and 6246, and Final Subsequent Environmental Impact Report (FSEIR) State Clearinghouse (SCH) No. 2000021003 relative to property generally located between North Friant Road, East Copper Avenue, North Willow Avenue and the East Silaxo Road (Council District 6)

- 1. RECOMMEND CERTIFICATION** (to the City Council) of Final SEIR SCH No. 2000021003 for the proposed development; and,
 - a. RECOMMEND ADOPTION (to the City Council) of Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,
 - b. RECOMMEND ADOPTION (to the City Council) of the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
 - c. RECOMMEND APPROVAL (to the City Council) of a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,
- 2. RECOMMEND APPROVAL** (to the City Council) of Plan Amendment Application P21-01875 proposing to amend the Fresno General Plan from the Medium Density Residential (± 35.59 acres) planned land use designation to Low Density Residential (±35.59 acres), Medium High Density Residential (± 0.93 acres) planned land use designation to Urban Neighborhood (± 0.93 acres), Medium High Density Residential (± 7.23 acres) planned land use designation to Medium Density Residential (± 7.23 acres), Medium High Density Residential (± 0.79 acres) planned land use designation to Medium Low Density Residential (± 0.79 acres), Medium High Density Residential (± 2.68 acres) planned land use designation to Community Commercial (± 2.68 acres), Open Space, Golf Course (± 2.07 acres) planned land use designation to Medium Low Density Residential (± 2.07 acres), Community Commercial (± 1.17 acres) planned land use designation to Low Density Residential (± 1.17 acres), Community Commercial (± 8.17 acres) planned land use designation to Urban Neighborhood (± 8.17 acres), Community Commercial (± 2.68 acres) planned land use designation to Medium Low Density Residential (±

2.68 acres), General Commercial (\pm 4.53 acres) planned land use designation to Low Density Residential (\pm 4.53 acres).

3. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. P21-01875 proposing to amend the Official Zone Map to reclassify: \pm 35.59 acres of property from the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, \pm 0.93 acres of property from the RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, \pm 7.23 acres of property from the RM-1/UGM/cz (Multi Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district, \pm 0.79 acre of property from the RM-1/UGM/cz (Multi Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, \pm 2.68 acres of property from the RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning) zone district to CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district, \pm 2.07 acres of property from the PR/UGM/cz (Parks and Recreation/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, \pm 1.17 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, \pm 8.17 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, \pm 2.68 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density /Urban Growth Management/conditions of zoning) zone district, and \pm 4.53 acres of property from the GC/UGM/cz (General Commercial/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density /Urban Growth Management/conditions of zoning) zone district.
4. **RECOMMEND ADOPTION** (to the City Council) of findings pursuant to Government Code Section 65863(b)(2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
5. **RECOMMEND APPROVAL** (to the City Council) of Vesting Tentative Tract Map No. 6238/UGM which requests authorization to subdivide approximately 14.01 acres of property for purposes of creating a 47-lot single family residential planned development subdivision located near the southeast corner of North Alicante Drive and North Crest View Drive subject to compliance with the Conditions of Approval dated November 17, 2021.
6. **RECOMMEND APPROVAL** (to the City Council) of Planned Development No. P21-02863 subject to compliance with the Conditions of Approval dated November 17, 2021.

7. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6246/UGM which requests authorization to subdivide approximately 41.58 acres of property for purposes of creating a 144-lot single family residential subdivision near the northeast corner of North Alicante Drive and North Crest View Drive subject to compliance with the Conditions of Approval dated November 17, 2021.

EXECUTIVE SUMMARY

Jeff Roberts, on behalf of CRD East, Inc, has filed Plan Amendment and Rezone Application No. P21-01875 pertaining to property located within the Copper River Ranch Planned Community, which is generally located between North Friant Road, East Copper Avenue, North Willow Avenue and the East Silaxo Road. Gary Giannetta Civil Engineering and Land Surveying, on behalf of Gary McDonald Homes, has filed Vesting Tentative Tract Map Nos. 6238 (and related Planned Development No. P21-02862) and 6246, pertaining to a 47-lot single family residential planned development subdivision and a 144-lot single family residential subdivision, respectively, within the Copper River Ranch Planned Community.

Plan Amendment No. P21-01875 proposes to amend the Fresno General Plan and the Woodward Park Community to change various planned land use designations within the Copper River Ranch development. Rezone Application No. P21-01875 proposes to amend the Official Zoning Map of the City of Fresno to rezone the same portion of the subject property in accordance with the proposed plan amendment.

Vesting Tentative Tract Map No. 6238/UGM proposes to subdivide approximately 14.01 acres of property for purposes of creating a 47-lot single family residential planned development subdivision located near the southeast corner of North Alicante Drive and North Crest View Drive subject. The proposed density of the subdivision is 3.4 du/ac. and complies with the proposed low density residential density planned land use designation. The applicant has also submitted related Planned Development No. P21-02862 which features private gated streets. As part of the Planned Development application process, an applicant may request a modification of development standards.

Vesting Tentative Tract Map No. 6246/UGM proposes to subdivide approximately 41.58 acres of property for purposes of creating a conventional 144 single-family residential lot subdivision. The proposed density of the subdivision is 3.5 du/ac. and complies with the proposed Medium Low Density Residential planned land use designation.

The application also proposes to remove the conditions of zoning associated with the subject property approved by Ordinance Bill No. 2003-45 (Exhibit M), as they were specific to the development of the original Copper River Ranch project. With the removal of the previous conditions of zoning, new conditions of zoning specific to the proposed project will be applied to the rezone application to include conditions of approval pertaining to compliance with the mitigation measures of the subject Subsequent Environmental Impact Report and infrastructure improvements from the Public Works Department. The proposed conditions of zoning are as follows:

“The project shall comply with the mitigation measures of the subject Subsequent Environmental Impact Report (SCH No. 2000021003) and the City of Fresno, Department of Public Works, Memorandum dated September 28, 2021, which specify the implementation and construction of the

Public Works improvements for the project.” (Exhibit N)

BACKGROUND / ANALYSIS

The existing Copper River Ranch Development was originally submitted to and approved by the County of Fresno Board of Supervisors in 2000. The project was designated and zoned for a mixture of uses including commercial, multi-family residential, and single-family residential. In 2001, the City of Fresno initiated the update of the General Plan and included the Copper River Ranch area. The Copper River Ranch Project was approved in 2003 by the Fresno City Council. The Project has been in a state of development since 2004 and today, there are commercial and residential uses on the project site.

The City of Fresno prepared and certified an Environmental Impact Report (No. 10126) for the Copper River Ranch Project (State Clearinghouse #2000021003), adopted in 2003. Said EIR analyzed the impacts of the following:

- 2,837 residential units on 706 acres
- 250,000 square feet of office/commercial (60 acres)

The Copper River Ranch Project has been building out/developing since that time in general conformance to what was analyzed in the 2003 EIR. However, as development has occurred there have been some changes with regard to subdivision layouts, number of units, and some changes to locations of commercial/office. In addition, there are approximately 170.77 acres that were not studied as part of the 2003 EIR; the project applicant proposes to eventually develop approximately 109 acres of the 170.77 acres.

As such, those areas required additional environmental evaluation, and the SEIR includes a full evaluation of the “new” project areas as well as all proposed land use changes and associated maps. The remaining approximately 62 acres of the 170.77 acres is not included in this study and is comprised of a hatched area of 36.85 acres and golf course area of 25.08 acres.

The subject applications consist of various components. The first consists of adding approximately 109 acres to the Copper River Ranch development that were not included in the original 2003 Copper River Ranch EIR. The second consists of proposed land use designation and zoning changes within the existing 706.5-acre Copper River Ranch Development. Also, in addition to Vesting Tentative Tract Map Nos. 6238/UGM and 6246/UGM, future subdivision maps will be submitted and processed pursuant to the subject SEIR and the subject proposed plan amendments/rezones, as applicable.

Summary of proposed Plan Amendments/Rezones

The applicant is proposing various changes to the Fresno General Plan planned land use and Official Zoning Map. Below is a summary of the proposed plan amendments and rezones (Exhibits D and E, respectively).

An approximate 10.16 acre portion of land is planned for Medium Density Residential and zoned RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to

change the planned land use designation for the subject property to Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the central area of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 4.53 acre portion of land is planned for General Commercial and zoned GC/UGM/cz (General Commercial/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the central area of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 1.17 acre portion of land is planned for Community Commercial and zoned CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the central area of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 2.07 acre portion of land is planned for Open Space, Golf Course and zoned PR/UGM/cz (Parks and Recreation/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Medium Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the northeast area of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 16.21 acre portion of land is planned for Medium Density Residential and zoned RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the southeast corner of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 9.22 acre portion of land is planned for Medium Density Residential and zoned RS-5/UGM/cz (*Single Family Residential - Medium Density/Urban Growth Management/conditions of zoning*). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-3/UGM/cz (*Residential Single-Family, Low Density/Urban Growth Management/conditions of zoning*) zone district. This property is generally located near the southeast corner of the overall Copper River

Ranch development and may facilitate future single-family residential development.

An approximate 7.23 acre portion of land is planned for Medium High Density Residential and zoned RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Medium Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the southeast corner of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 0.79 acre portion of land is planned for Medium High Density Residential and zoned RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Medium Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the southeast corner of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 2.68 acre portion of land is planned for Medium High Density and zoned RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Community Commercial. Rezone Application No. P21-01875 proposes to reclassify the subject property to the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the southeast corner of the overall Copper River Ranch development and may facilitate future commercial development.

An approximate 7.11 acre portion of land is planned for Community Commercial and zoned CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Urban Neighborhood. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the south-central area of the overall Copper River Ranch development and may facilitate future multi-family residential development.

An approximate 2.68 acre portion of land is planned for Community Commercial and zoned CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Medium Low Density Residential. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RS-4/UGM/cz (Single Family Residential, Medium Low Density /Urban Growth Management/conditions of zoning) zone district. This property is generally located near the southeast corner of the overall Copper River Ranch development and may facilitate future single-family residential development.

An approximate 1.06 acre portion of land is planned for Community Commercial and zoned CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Urban Neighborhood. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district. This property is generally located near the west central area of the overall Copper River Ranch development and may facilitate future multi-family residential development.

An approximate 0.93 acre portion of land is planned for Medium High Density Residential and zoned RM-1/UGM/cz (Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning). Plan Amendment Application No. P21-01875 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property to Urban Neighborhood. Rezone Application No. P21-01875 proposes to reclassify the subject property to the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district. This property is generally located on the west boundary of the overall Copper River Ranch development and may facilitate future multi-family residential development.

Summary of proposed Tentative Tract Maps

Vesting Tentative Tract Map No. 6238/UGM

Vesting Tentative Tract Map No. 6238/UGM proposes to subdivide approximately 14.01 acres of property for purposes of creating a 47-lot single family residential planned development subdivision located near the southeast corner of North Alicante Drive and North Crest View Drive subject. The proposed density of the subdivision is 3.4 du/ac. and complies with the proposed low density residential density planned land use designation. The applicant has also submitted related Planned Development No. P21-02862 which features private gated streets. As part of the Planned Development process, an applicant may request a modification of development standards. The applicant is proposing 10' front yard setbacks. The standard minimum front yard setback in the RS-4 (Residential Single Family District) zone district is 13'. The applicant is proposing 5' street yard setbacks, the standard minimum is 10'.

Vesting Tentative Tract Map No. 6246/UGM

Vesting Tentative Tract Map No. 6246/UGM has been filed requesting authorization to subdivide the approximately 41.58 acres of property for purposes of creating a 144-lot conventional single family residential development at a density of approximately 3.5 dwelling units per acre. No modifications to the property development standards of the RS-4 (Residential Single-Family District) are being proposed. All proposed lot dimensions and setbacks will comply with the requirements of the Fresno Municipal Code.

Future Subdivisions

There are various other subdivisions analyzed by the subject Subsequent Environmental Impact Report, including Vesting Tentative Tract Map No. 6250, 6311, 6248 and 6269, currently in preliminary process with the Planning and Development Department. Said applications will be reviewed by the Planning Commission in future meetings.

Public Services

Public Utilities

The Department of Public Utilities (DPU) has identified 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 migration measures of the related Subsequent 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 the Project site is served by the North Fresno Wastewater Reclamation Facility (NFWRF), which is located near the intersection of Copper Avenue and Cedar Avenue. It was constructed in late 2006 to provide wastewater treatment service for residential and commercial development in the area of north Fresno. The proposed project will be required to provide payment of sewer connection charges per the Copper River Impact Fee and install branches within the interior of the residential tract to each lot created.

For water service, the total project area considered for water supply requirements consists of an original Project area of 706.5 acres and new Project area of 109 acres. The City has previously established water supply requirements for the original Project area of 706.5 acres and memorialized them in a Water Supply Implementation Agreement. For the new Project area, the Developer shall pay the Water Capacity Fee, as specified in the City's Master Fee Schedule, for all new connections to the City's water system.

Fire Department

The City of Fresno Fire Department reviewed the proposed project, which is located within the boundaries of Fire Station 17, which is located at 10512 N. Maple Avenue, Fresno, CA approximately one-half mile south of the Project site, and has determined that adequate Fire service will be available subject to future requirements for development. These requirements will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water: and the provision of two means of emergency access during all phases of construction.

Fresno Metropolitan Flood Control District

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site does not appear to be located within a flood prone or hazard area. The Fresno Metropolitan Flood Control District has provided comment that permanent drainage service will available and lies within the District's Drainage Area "DN". Existing Master Plan facilities were constructed to accommodate runoff generated from various land uses. The cost of the Master Plan facilities is to be paid through the collection of drainage fees calculated from these land uses.

Landscaping/Walls/Open Space

The Copper River Ranch project area could have a total population of 9,587 persons at build-out which would equate to a need for a minimum of 28.8 acres of parkland based on the City's standard. As previously described, the existing Copper River Ranch Development is substantially built out.

Currently, there are approximately 17.84 acres of recreational trails and park areas within the existing development and an additional 0.21 acres of landscaped area (for a total of 18.05 acres). To meet the requirement of 28.8 acres, the Project will need an additional 10.75 acres of parks/recreational facilities. Future trail areas interior to the Copper River Ranch development are proposed on 7.38 acres and there are two options to achieve the additional 3.37 acres ($10.75 - 7.38 = 3.37$) as follows: Option 1: Utilize approximately 3.4 acres of the FMFCD basin at the corner of N. Cedar Avenue and E. Copper River Drive, or Option 2: Develop an additional 3.37 acres of pocket parks or other parks within the Development.

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” by City of Fresno’s Community Facilities District No. 12 and 15 (“CFD No. 12 and 15”).

Streets and Access Points

The project site is generally bounded to the south by Copper Avenue, to the east by Willow Avenue and to the northwest by N. Friant Road. Originally approved in 2003, the project site has been in various states of construction and buildout since 2004. The project includes a combination of residential land uses (both single and multi family) and other uses (including a golf course, office and commercial land uses).

Major roads in the Project area include: Friant Road is an existing north-south four-lane divided expressway adjacent to the project site. Willow Ave is an existing north-south two-lane Super Arterial between Friant Road and Copper Avenue. Copper Avenue is an existing east-west four-lane divided super arterial adjacent to the project site.

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 proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the SOI as of December 31, 2012. In accordance with Policy MT-2-i of the Fresno General Plan, when a project includes a General Plan amendment that changes the General Plan Land Use Designation, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets. Therefore, a Traffic Impact Study was prepared to assess the impacts of the new development on existing and planned streets.

Vehicle trips projected to be generated by the proposed project were calculated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition. Based upon the calculations, the proposed project is projected to generate 46,164 Average Daily Trips (ADT) with 3,163 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 4,281 vehicle trips occurring during the evening (4 to 6 p.m.) peak hour travel period. Traffic Impact Analysis (TIA) was prepared to assess the impacts of the new development on existing and planned streets. This assessment

evaluated the impacts of the project by analyzing the following 23 study intersections in the vicinity of the project during the AM and PM peak hours for the Existing Conditions; Existing plus Project Conditions; Near Term Plus Project Conditions; Cumulative Year 2035 No Project Conditions and, Cumulative Year 2035 plus Project Conditions study scenarios:

Study Intersections:

1. Friant Road/ Willow Avenue-Birkhead Avenue
2. Willow Avenue / New Full Access (Future)
3. Willow Avenue / Alicante Drive (Future)
4. Friant Road / Copper River Drive
5. Friant Road / Copper Avenue
6. Millbrook Avenue / Copper Avenue
7. Cedar Avenue / Copper Avenue
8. Maple Avenue / Copper Avenue
9. Chestnut Avenue / Copper Avenue
10. Willow Avenue/ Copper Avenue
11. Peach Avenue / Copper Avenue
12. Auberry Road / Copper Avenue
13. Millbrook Avenue / Olympic Avenue
14. Cedar Avenue / Olympic Avenue
15. Chestnut Avenue / International Avenue
16. Willow Avenue / International Avenue
17. Chestnut Avenue / Behymer Avenue
18. Sommerville Drive / Chestnut Avenue
19. Friant Road / Audubon Drive
20. Fresno Street / Friant Road
21. State Route 41 Northbound (NB) Off-Ramp / Friant Road
22. State Route 41 Southbound (SB) Off-Ramp / Friant Road
23. Blackstone Avenue / Nees Avenue

The City of Fresno General Plan includes multiple policies related to transportation funding and regional level coordination. These policies are crafted so that new development pays the proportional share of the developments impacts. These policies identify continued support for the implementation of metropolitan-wide and region-wide transportation impact fees to cover the proportional share of the developments impacts and need for a comprehensive multi-modal transportation system that are not funded by other sources.

The project conditions of approval and mitigation measures also require payment of the Fresno Major Street Impact (FMSI) Fee, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Regional Transportation Mitigation Fee (RTMF)

The Fresno General Plan establishes growth projections through the General Plan Horizon year of 2035 as well as through build out of the General Plan. The General Plan includes goals, objectives, and implementing policies for the transportation system. A General Plan traffic model was prepared that was consistent with the goals, objectives, and policies of the General Plan. In accordance with the identified transportation needs based on traffic volume growth forecasts generated by the traffic model, the City's Public Works Department subsequently provided an FMSI Fee Program.

The proposed project shall pay its Fresno Major Street Impact (FMSI) fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the General Plan circulation element and are included in the Nexus Study for the TSMI fee. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. For project specific impacts that are not consistent with the General Plan, Public Works Standards, and/or not incorporated into the TSMI fees, the infrastructure costs may not be eligible.

The Regional Transportation Mitigation Fee (RTMF) is an important part of the Measure “C” Extension approved by Fresno County voters in 2006 (continuing a one-half cent sales tax for transportation purposes). The RTMF is intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target level of service in the face of higher traffic volumes brought on by new developments. The RTMF is governed by a Joint Powers Agency which is the same as the Fresno Council of Governments (COG) Board. Fresno COG’s primary functions are transportation planning and programming. As a state-designated Regional Transportation Planning Agency (RTPA) and federally-designated Metropolitan Planning Organization (MPO) for Fresno County, Fresno COG must comply with both designation requirements. Fresno COG prepares a Regional Transportation Plan (RTP) that looks 25 years into the future and sets policies for a wide variety of transportation options and projects. It guides how and where people and goods will travel by identifying both existing and needed transportation facilities. Fresno COG prepares the region’s Federal Transportation Improvement Program, a four-year program of financially constrained transportation projects consisting of highway, transit, bicycle, and pedestrian projects that are selected through an approved project selection process.

The Citywide Regional Street Impact Fee Program and the New Growth Area Major Street Impact Fee Program are collectively referred to as the Fresno Major Street Impact Fee Program (FMSI Fee Program). The FMSI Fee Program was implemented to provide a funding mechanism for transportation facilities required to serve future development through 2025. The FMSI Fee Program is a successor fee program that replaced the previous transportation facility components of the City’s Urban Growth Management (UGM) fee program.

The City of Fresno General Plan will accommodate planned population and employment growth without expanding its current SOI, accommodating 180,000 more people than the previous General Plan in the same area. The intent is to accommodate anticipated growth through compact, walkable, infill, new complete neighborhoods, and mixed-use development through intensification of the downtown planning area, high-capacity transit corridors, intensive urban activity centers, and multi-modal districts. This focus will locate population and employment closer to services. The City of Fresno General Plan Update also provides a complete streets approach, which considers all modes of transportation, in the planning, design and implementation facilities to support planned population and employment growth. Even with this focus on more compact development and complete street

concepts, vehicle travel as measured in terms of Vehicle Miles Traveled (VMT) is forecasted to increase.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project 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 outlined within the memoranda from the Traffic Engineering Division dated September 28, 2021 (Exhibit N). These requirements generally include: (1) The provision of a minimum two points of vehicular access to major streets for any phase of the development; (2) Major and local street dedications; (3) Dedications of bicycle, pedestrian and landscape easements for trail purposes; (4) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (5) 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).

ENVIRONMENTAL IMPACT REPORT

Key Components of Requested Action

Environmental Impact Report: An “EIR” or “Environmental Impact Report” is a detailed statement prepared under the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term “EIR” may mean either a draft or a final EIR depending on the context. The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and propose changes to the Draft SEIR if needed. These documents are provided in Exhibits L-1, L-2, L-3 and L-4.

Final Subsequent Environmental Impact Report and Response to Comments (RTC): This document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project. One comment letter was received, and the letter and responses are contained in the RTC, which is provided in Exhibit L-4.

Mitigation Monitoring and Reporting Program (MMRP): This document contains a table with the required mitigation measures, the responsible party or parties for implementing the measure, and the timing of implementation. The MMRP is contained in Exhibit L-5.

Findings of Fact and Statement of Overriding Considerations: When an EIR has been certified that identifies one or more significant and unavoidable environmental impacts, the approving agency must make one or more findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant and unavoidable impact. The Findings of Fact are attached as Exhibit L-6. The Statement of Overriding Considerations is attached as Exhibit L-7.

Certification of the EIR: The Planning Commission will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and will make a recommendation to City Council regarding certifying the EIR and adopting the necessary Findings of Fact and Statement of Overriding Considerations. The Planning Commission will make a separate resolution regarding its

recommendation on the consideration of the proposed project.

EIR PROCESS/PUBLIC INPUT AND NOTICING

The City, as the lead agency under CEQA, determined that a Subsequent Environmental Impact Report was required for the proposed project. The firm of Crawford & Bowen was contracted with the City of Fresno to prepare the SEIR. The SEIR was assigned State Clearinghouse No. 2000021003. The preparation of the SEIR followed the process prescribed by CEQA as described below:

Notice of Preparation (NOP) and Scoping Meeting: Upon the City's determination that a SEIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on July 31, 2020, and the 30-day comment period on the NOP closed on August 31, 2020. The NOP included a project description, project location, and a brief overview of the topics to be covered in the SEIR. Comment letters were received from public agencies and were incorporated into the Draft SEIR (DSEIR). A Scoping Meeting was also announced and was held on August 20, 2020. One member of the public attended the scoping meeting. Outreach was as follows:

- NOP and Scoping Meeting notice were circulated to relevant agencies and other interested parties
- NOP was mailed to the Office of Planning and Research State Clearinghouse
- NOP and Scoping Meeting notice were published in the Fresno Bee
- NOP was posted by the Fresno County Clerk for 30 days
- NOP was posted by the Fresno City Clerk for 30 days, including the public counter, website, and City Hall bulletin boards.

Draft Subsequent Environmental Impact Report: Upon completion of the Draft SEIR, the City issued a Notice of Availability (NOA) announcing the release of the document for a 45-day public comment period beginning August 25, 2021. Due to the closures of public facilities in response to COVID-19, the Draft SEIR was available for viewing via the following methods:

- Via web link on the City of Fresno webpage
- Copies of the Draft SEIR were made available for review or check-out at Fresno City Hall
- Via email by contacting the assigned staff person
- Hard copy provided to the Woodward Park Regional Library

One comment letter was received was from a public agency. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

Final EIR/Response to Comments: The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and possibly propose changes to the Draft EIR, if needed. After the close of the public review period for the Draft EIR described above, the City prepared formal responses to the written comments received. CEQA Guidelines, Section 15088(b), requires the City's responses to comments to be provided to commenting public agencies 10 days prior to final certification of the FEIR. As noted above, one comment letter was received, and the letter is contained in the Response to Comments, which is provided in Exhibit L-4.

Summary of Environmental Impacts

The existing Copper River Ranch development area consists of approximately 706.5 acres situated generally between Friant Road, Copper Avenue, Willow Avenue and Silaxo Road. The existing development has been building out/developed since the original EIR was approved in 2003. The area consists of residential housing, commercial establishments, a golf course, parks/trails and related improvements. The new 109-acre area has been mostly disturbed (graded, disced or developed) and supports residential development. The original EIR evaluated the impacts of development of up to 2,837 residential units. The proposed Project could result in the development of up to 3,216 total housing units.

The objectives of the City of Fresno for the project are to provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area; provide a sense of community and walkability within the development and through the use of street patterns, parks/open space areas, landscaping and other project amenities; to create a successful and financially feasible project by meeting the housing needs of the area; and, to provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.

Impacts Analyzed

The EIR analyzed impacts to the following environmental areas, as these were the areas determined to have potential impacts (see Chapter 3 of the Draft EIR):

Aesthetics
Agriculture and Forestry Resources
Air Quality
Biological Resources
Cultural Resources
Energy
Geology and Soils
Greenhouse Gases
Hazards and Hazardous Material
Hydrology and Water Quality
Land Use and Planning
Mineral Resources
Noise
Population and Housing
Public Services
Recreation
Transportation
Tribal Cultural Resources
Utilities and Service Systems
Wildfire

Under CEQA, environmental impacts can be classified as either less than significant (LTS), less than significant with mitigation (LSM), or significant and unavoidable (SU). The environmental areas above were found to have impacts in the Draft EIR as noted below:

Less Than Significant

Energy
Geology and Soils
Greenhouse Gases
Mineral Resources
Population and Housing
Tribal Cultural Resources
Wildfire

Less Than Significant with Mitigation

Agriculture and Forestry Resources
Biological Resources
Cultural Resources
Hazards and Hazardous Material
Hydrology and Water Quality
Land Use and Planning
Public Services
Recreation
Utilities and Service Systems

Significant and Unavoidable The conclusion of Significant and Unavoidable does not exempt the topic area from mitigation: to the contrary, mitigation is required in order to lessen the impact as much as possible. However, the analysis included in the Draft EIR indicates that, even with maximum mitigation, some potential environmental impacts under the following topic areas would still be significant and unavoidable.

Aesthetics
Air Quality
Noise
Transportation

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations." The following sections provide a description of each of the project's significant and unavoidable impacts and the justification for adopting a statement of overriding considerations.

According to Section 15355 of the CEQA Guidelines, the term cumulative impacts "refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project

may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable.

Summary of Significant Impacts

The EIR identified Aesthetics, Air Quality, Noise and Transportation/Traffic as having significant impacts.

Aesthetics

Project Impacts

After implementation of mitigation measure AES - 1, the Project would have a less than significant impact at the project-level pertaining to substantially degrading the existing visual character or quality of public views of the site and its surroundings or conflicting with applicable zoning and regulations governing scenic quality.

Cumulative Impacts

Mitigation Measure AES - 1 is expected to reduce aesthetic impacts to a less than significant level at the project-level, but not to a less than significant level at the cumulative- level. For this reason, the proposed Project would have a significant and unavoidable cumulatively considerable contribution to degrading the existing visual character or quality of public views of the site and its surroundings or conflicting with applicable zoning and regulations governing scenic quality. When combined with other development in the area, the Project could substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). The landscape in north-central Fresno County has been changing over the years from one of predominately rural open space and agricultural grazing land to urban uses. The cities of Fresno and Clovis have been rapidly growing to the north and northwest, contributing to the landscape change. Several land development proposals envisioned by the City of Fresno, City of Clovis and Fresno County general plans and individual project proposals have received their entitlements or are seeking them. Although the urban environment that is ultimately built could be aesthetically pleasing to many, these cumulative changes will significantly degrade the existing visual character and quality of the area. Based on the standards of significance, the proposed Project individually would have a less than significant aesthetic impact as concluded in Section 3.1 of the SEIR. However, ultimate impacts of the proposed Project in combination with other projects in the area are significant, and the Project's incremental contribution to this impact is itself cumulatively considerable and thus significant.

Air Quality

Project Impacts

The Project would conflict with or obstruct implementation of an applicable air quality plan. The Project's emissions are significant for ROG, NOx, CO, and PM10 and would be considered inconsistent with the applicable Air Quality Plan (AQP) for this criterion. The Project complies with applicable control measures of the AQP and would be less than significant for this criterion. The growth accommodated by Copper River Ranch is included in the City's General Plan and therefore it is consistent with the land use assumptions used to prepare the AQP. A substantial portion of the undeveloped area in Copper River Ranch is fully entitled by the City so no additional mitigation can be imposed on those individual projects. Copper River Ranch includes numerous design features to

reduce motor vehicle trips and increase walking, bicycling, and transit use. In addition, all projects are required to comply with Rule 9510, which is intended to mitigate the cumulative impacts of new development in the San Joaquin Valley to the extent feasible. However, after compliance with Rule 9510, emissions will still exceed the SJVAPCD quantitative thresholds of significance. Mitigation measure AIR-1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) will reduce impacts; however, impacts are still considered significant and unavoidable.

Cumulative Impacts

Mitigation Measure AIR - 1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) is expected to reduce emissions, but not to a less than significant level. For this reason, the proposed Project would have a significant and unavoidable cumulatively considerable contribution to conflicting with an applicable air quality plan.

Project Impacts

The Project would result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard. The Project's operational emissions exceed San Joaquin Valley Air Pollution Control District (SJVAPCD) regional criteria pollutant thresholds for ROG, NO_x, CO, and PM₁₀; therefore, this is considered a significant impact. The proposed Project incorporates design features that reduce air quality impacts as required by the mitigation measures. In addition, regulations adopted by the SJVAPCD and the State of California since the 2003 FEIR was prepared, provide emission reductions that meet or exceed the requirements of the mitigation measures included in the 2003 FEIR and relevant General Plan policies. However, the Project would continue to implement the mitigation measures included in the 2003 FEIR that have not been superseded by more stringent regulations and standards. Mitigation Measure AIR-1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) will reduce impacts; however, those impacts remain significant and unavoidable.

Cumulative Impacts

Mitigation Measure AIR - 1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) is expected to reduce criteria pollutant emissions, but not to a less than significant level. For this reason, the proposed Project would have a significant and unavoidable cumulatively considerable contribution to increasing criteria pollutants for which the region is in nonattainment.

Noise

Project Impacts

The Project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Project buildout would likely occur over several years, and as such, Project related noise increases may not be realized for numerous years; however, Project-related traffic applied to existing traffic conditions would result in exterior noise levels at one modeled receptor location (Identified as R-6 in the Project's Environmental Noise Assessment, which was attached as Appendix F to the SEIR) to increase by approximately 3dB, which is considered a significant impact per the City of Fresno General Plan Noise Element. While it may be possible by means of the construction of an individual sound wall at this receptor location, mitigation of traffic noise impacts is more difficult to achieve for existing noise sensitive uses due to

the many complications associated with working with individual landowners to implement noise mitigation measures such as sound wall construction and often create access issues. It therefore may not be feasible to achieve successful noise mitigation for this noise sensitive use that could be impacted by the Project. Impacts are therefore considered significant and unavoidable.

Cumulative Impacts

Mitigation Measures 2.6.2-a, 2.6.3-a, and 2.6.4-a are expected to reduce noise impacts associated with temporary construction, but not to a less than significant level for operational noise at one modeled receptor location (R-6). For this reason, the proposed Project would have a significant and unavoidable cumulatively considerable contribution to generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance.

Transportation

Project Impacts

After implementation of mitigation measures TRA - 1 and TRA - 2, the Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities at the project-level (Existing Plus Project and Near Term Plus Project scenarios).

Cumulative Impacts

Mitigation Measures TRA - 1 and TRA - 2 are expected to reduce transportation impacts to a less than significant level at the project-level, but under the Year 2035 Cumulative scenario, the impact remains significant and unavoidable. As identified in the Project's Draft and Final SEIR, some of the recommended improvements identified in TRA - 1 and TRA - 2 are infeasible due to the existing built nature. Friant Road is constrained to six lanes. Thus, improvements at the intersections of Friant Road/Audubon Drive, Fresno Street/Friant Road and SR 41/Friant Road are infeasible. Thus, after implementation of all feasible mitigation and conditions of approval, the Project would have a significant and unavoidable cumulatively considerable contribution by conflicting with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Project Impacts

The Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The Project would exceed the City's Vehicle Miles Traveled (VMT) targets for residential and commercial components of the Project. Implementation of mitigation measure TRA - 3 will reduce the Project's VMT impacts, but not to a less than significant level. Therefore, the Project's project-level impacts are significant and unavoidable.

Cumulative Impacts

Implementation of mitigation measure TRA - 3 will reduce the Project's VMT impacts, but not to a less than significant level. Thus, after implementation of all feasible mitigation (TRA - 3) and conditions of approval, the Project would have a significant and unavoidable cumulatively considerable contribution by conflicting with CEQA Guidelines section 15064.3, subdivision (b).

Project Alternatives

Pursuant to the requirements of CEQA, the SEIR considered a reasonable range of potentially feasible alternatives to the Project that could attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluated the comparative merits of those alternatives.

The specific alternatives analyzed were the following:

1. No Project (unbuilt portions of the site remain vacant)
2. No Project (site is developed according to existing Land Use and Zoning designations)
3. Increased (25%) Project Density
4. Reduced (25%) Project (same footprint)

Based on the project alternative analysis contained in the SEIR, the No Project (site remains vacant and unoccupied) and the Reduced Project (same footprint) could potentially result in fewer impacts than the proposed project's impacts. These alternatives, however, would not meet the objectives of the proposed project. Objectives of the project include, but are not limited to, the following: i) to provide a variety of housing opportunities with a complete range of densities, styles, sizes, and values which are designed to satisfy the identified increasing demand of the existing and future population base, ii) to provide for commercial and office development sufficient to accommodate the needs of the Project population of the Project, and iii) to provide for alternative forms of transportation within the Project and connection to regional trail and mass transit systems thereby reducing dependency upon the automobile. After this full, substantial, and deliberate analysis, the proposed project remains the preferred alternative.

Tribal Consultation

The Planning and Development Department is required to notify various tribes of the opportunity to conduct consultation when preparing an environmental assessment for which a Notice of Preparation is filed. Notification letters were sent to local tribes by certified mail on August 17, 2020. The Planning and Development Department received no letters in response.

Council District Project Review Committee

Plan Amendment and Rezone Application No. P21-01875 was reviewed and recommended for approval by the District 6 Project Review Committee on June 7, 2021, by a vote of 6-0. As part of the recommendation, the Committee recommended that a condition be added to provide a crossover/under, across Friant Road, which leads to a trail across from the project site.

Vesting Tentative Tract Map No. 6238/UGM was reviewed and recommended for approval by the District 6 Project Review Committee on August 16, 2021, by a vote of 4-0.

Vesting Tentative Tract Map No. 6246/UGM was reviewed and recommended for approval by the District 6 Project Review Committee on November 8, 2021, by a vote of 4-0.

Neighborhood Meeting and Public Response

Due to the Covid-19 pandemic, the neighborhood meeting was held online via webinar. The Scoping Meeting for the SEIR was held on May 20, 2021. One member of the public was present; however, they had no comments.

Notice of Planning Commission Hearing

Pursuant to the requirements of Fresno Municipal Code section 15-5806 (and 15-5007.D), notice of this public hearing was published in the Fresno Bee on November 5, 2021. Section 15-5007.D allows the posting of a public hearing notice, in at least one newspaper of general circulation, as an alternative noticing method for large mailings.

LAND USE PLANS AND POLICIES

As proposed, the project will be consistent with the Fresno General Plan goals and objectives related to residential 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.
- Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.
- Encourage the development of 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. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and Safe public spaces for social interaction.

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-d further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Likewise, 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; and, Implementing Policy LU-5-c promotes medium density residential use to maximize efficient use of residential property through a wide range of densities.

The Strategic Sequencing of Development policies included within the Implementation Element of the Fresno General Plan state that the City will focus on infill development as well as new development within Growth Area 1 (as depicted in Figure IM-2: Sequencing of Development of the General Plan) based on planned infrastructure expansion, public service capacity, and fiscal considerations.

The General Plan notes that while roughly one-half of the City's development will be within infill areas through 2035, the other one-half or so of the City's development will be in growth areas, which include unincorporated land planned for urban use. However, there will be no incentives or public financial assistance programs for new development that would not otherwise qualify for aid in these areas, and development projects in the growth areas will be obligated to pay their fair share and proportional payment of fees and all development mitigation costs. Public and private development that in these growth areas will proceed under the supportive sequencing detailed in the Implementation Element of the General Plan.

Policy UF-1-f directs utilization of the Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan. The intent of the Complete Neighborhoods concept is to enable Fresnoans to live in communities with convenient services, employment, education, and recreation within walking distance.

The project site is located within City of Fresno 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.

Policy MT-6 identifies to establish a network of multi-purpose pedestrian and bicycle paths, as well as limited access trails, to link residential areas to local and regional open spaces and recreation areas and urban Activity Centers in order to enhance Fresno's recreation amenities and alternative transportation options. The project proposes to construct an internal network of bicycle and pedestrian trails to connect future subdivisions to a proposed park, as well as external connections to a trail to Woodward Park.

Given these circumstances, the proposed project supports and is consistent with the goals, objective and policies of the Fresno General Plan as referenced herein above.

Woodward Park Community Plan

The goals of the Woodward Park Community Plan include developing the area as a planned community with a complete range of services and facilities for the needs of the community residents, in adherence to a set of specific standards for residential, commercial, and public infrastructure development.

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.

ENVIRONMENTAL FINDING

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an EIR must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

- a. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final SEIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed in the Findings of Fact and Statement of Overriding Considerations document provided in Exhibits L-6 and L-7, respectively.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings for Plan Amendments/Rezones, Vesting Tentative Tract Maps, and Planned Developments contained within Sections 15-5812, 15-3309 and 15-5905, et seq. of the Fresno Municipal Code can be made. These findings are attached as Exhibit F.

HOUSING ELEMENT FINDINGS

Vesting Tentative Tract Map No. 6238/UGM

This project is located on a site listed in the 2013-2023 Housing Element Sites Inventory. The Housing Sites Inventory establishes the minimum capacity of this site to be 44 units with an affordability categorization of Above Moderate. This project proposes 28 units of above moderate housing on the portion of the site that coincides with the housing element site (12.69 acres of 19.41). The housing capacity of the 12.69 acres is 44 units of above moderate housing, thus there will be a loss of 16 units of above moderate housing in the Sites Inventory.

State law requires that when a jurisdiction permits development on a Housing Element Site at less than the established minimum residential capacity, the following findings must be made at the time of approval: (a) the reduction is consistent with the adopted general plan and (b) the remaining sites identified in the Housing Element are adequate to accommodate the City of Fresno's share of the Regional Housing Needs Allocation (RHNA). These findings are attached as Exhibit F.

Approval of this project will decrease the 2013-2023 RHNA capacity for Above Moderate by 16 units which will decrease the excess capacity from 5,174 to 5,158. As the remaining sites identified in the Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.

Vesting Tentative Tract Map No. 6246/UGM

This project is located on a parcel that overlaps with three sites in the 2013-2023 RHNA Housing Element Sites Inventory. There will be a gain of two units of above moderate housing in the Sites Inventory should the project develop as proposed. As the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.

Senate Bill 330

Senate Bill 330 requires that if a property within the City is downzoned (reduction of residential density/capacity), then another property must be concurrently upzoned (increase in residential density/capacity). In order for the subject project to comply with SB 330, the proposed decrease in residential density with the subject application will be considered at the same time as another project within the City which proposes an increase in residential density.

The applicant has submitted two separate Plan Amendments and Rezones applications that would offset the loss of potential dwelling units for the subject area, consistent with SB 330. These separate applications have previously been considered by the Planning Commission and will also be scheduled for consideration by the City Council in accordance with SB 330.

GROUNDNS 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 vesting tentative tract maps and has determined that none of the findings above apply to the project and, therefore, has recommended approval of Vesting Tentative Tract Map Nos. 6238/UGM and 6246/UGM subject to the conditions of approval.

CONCLUSION / RECOMMENDATION

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 Woodward Park Community Plan; 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. Upon consideration of this evaluation, it can be concluded that Plan Amendment/Rezone Application No. P21-01875, Vesting Tentative Tract Map No. 6238/UGM and Vesting Tentative Tract Map No. 6246/UGM are appropriate for the project site.

Attachments:

Exhibit A:	Vesting Tentative Tract No. 6238 dated May 20, 2021
Exhibit A-1:	Planned Development No. P21-02863, related to Vesting Tentative Tract No. 6238, dated May 20, 2021
Exhibit B:	Vesting Tentative Tract No. 6246 dated September 1, 2021
Exhibit C:	2020 Aerial Photograph
Exhibit D:	Proposed Planned Land Use Exhibits
Exhibit E:	Proposed Rezone Exhibits
Exhibit F:	Fresno Municipal Code Findings
Exhibit G:	Conditions of Approval for Vesting Tentative Tract Map No. 6238 dated November 17, 2021
Exhibit H:	Conditions of Approval for Planned Development Permit No. P21-02863 dated November 17, 2021
Exhibit I:	T-6238 Comments and Requirements from Responsible Agencies
Exhibit J:	Conditions of Approval for Vesting Tentative Tract Map No. 6246 dated November 17, 2021
Exhibit K:	T-6246 Comments and Requirements from Responsible Agencies
Exhibit L-1:	Draft Subsequent Environmental Impact Report
Exhibit L-2:	Draft Subsequent Environmental Impact Report -Appendices Vol. 1
Exhibit L-3:	Draft Subsequent Environmental Impact Report -Appendices Vol. 2
Exhibit L-4:	Final Subsequent Environmental Impact Report and Response to Comments
Exhibit L-5:	Mitigation Monitoring and Reporting Program
Exhibit L-6:	Findings of Fact
Exhibit L-7:	Statement of Overriding Considerations
Exhibit M:	Ordinance Bill 2003-45
Exhibit N:	Department of Public Works, Memorandum dated September 28, 2021