

**CITY OF FRESNO ADDENDUM TO
 ENVIRONMENTAL ASSESSMENT NOS. A-17-007/R-17-010/TPM-17-06/ANX-17-005 AND P18-03290 PREPARED FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF FRESNO AND 2500 MLK, LLC.**

(The West Creek Village Development Agreement)

Addendum prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines

The full Initial Study and the Master Environmental Impact Report SCH No. 2012111015 are on file in the Planning and Development Department,
 Fresno City Hall, 3rd Floor
 2600 Fresno Street
 Fresno, California 93721
 (559) 621-8277

ENVIRONMENTAL ASSESSMENT NUMBER:
 A-17-007/R-17-010/TPM-17-06/ANX-17-005 AND P18-03290

This addendum was not circulated for public review pursuant to Section 15164(c) of the CEQA Guidelines.

APPLICANT:
 Daniel Bond
 Gateway Engineering, Inc.
 405 Park Creek Dr
 Clovis, CA 93611

PROJECT LOCATION:
 Located on the west side of South Martin Luther King, Jr. Boulevard, south of East Church Avenue in the City and County of Fresno, California (±14.79 acres)
 Latitude: 36°43'45.6" N & Longitude: -119°51'12.9" W
 Assessor's Parcel Number(s): 326-100-36, -55, -67, -69, -76, -77, -78
 Mount Diablo Base & Meridian, Township 14S, Range 19E, Section 12

PROJECT DESCRIPTION: An Addendum to Section 3.9(a) of the Development Agreement by and between the City of Fresno and 2500 MLK, LLC. (hereinafter referred to as the West Creek Village Development Agreement) proposing to remove the number of units respective to specified Residential Housing Types while retaining the overall total number of residential units for the West Creek Village Master Plan Area. The amendment proposes to revise Section 3.9(a) of the West Creek Village Development Agreement as follows (via strike-through removal):

March 29, 2022

Density Limitation. Master Developer covenants and agrees to develop Master Developer's Property within the density limits articulated by the West Creek Village Approvals and shall not exceed the number of residential units which are set forth in those approvals as a total of 481 residential units ~~comprised of 92 single family detached, 25 single family attached, 264 multi family, and 100 lofts over ground floor retail.~~

Anticipation of a future vesting tentative tract map for a 136-lot single-family residential subdivision is included in this Addendum, but a formal application is not included concurrently with the application for the Development Agreement Addendum.

Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005, a Mitigated Negative Declaration ("MND") dated August 2, 2017, was prepared for a project that included an Annexation, Plan Amendment, Rezone, and Tentative Parcel Map. Annexation Application No. ANX-17-005 was approved for the detachment of the ±115.95 acres of property located on the northwest corner of East Jensen Avenue and South Martin Luther King, Jr. Boulevard (the West Creek Village Project Area) from the Kings River Conservation District and the Fresno County Fire Protection District and annexation into the City of Fresno. Plan Amendment Application No. A-17-007 was approved amending the Fresno General Plan and Edison Community Plan from the following land use designations: Medium Density Residential (±19.25 acres), Urban Neighborhood (±29.44 acres), Community Commercial (±10.11 acres), Employment – Office (±37.69 acres), and Open Space – Community Park (±19.09 acres) to Medium Density Residential (±54.48 acres), Community Commercial (±2.40 acres), Regional Commercial (±22.52 acres), Open Space – Park (±9.63 acres), and Public Facility – College (±26.55 acres). Pre-zone Application No. R-17-010 was approved amending the Official Zone Map from the Fresno County AL-20 (Limited Agricultural) to the City of Fresno zone districts designated as follows: RS-5 (Single-Family Residential, Medium Density) (±54.48 acres), CC (Commercial – Community) (±2.40 acres), CR (Commercial – Regional) (±22.52 acres), PR (Parks and Recreation) (±9.63 acres), and PI (Public and Institutional) (±26.55 acres). Tentative Parcel Map No. 2017-06 was approved for the subdivision of the subject property into four parcels totaling ±115.95 acres.

Environmental Assessment No. P18-03290, an Addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005, dated January 13, 2020, was prepared for a project that included a Plan Amendment and Rezone which would develop the project as a mixed-use activity center accommodating a diversified housing stock, commercial amenities, and anchored by the future Fresno City College – West Fresno Satellite Campus. Plan Amendment No. P18-03290 was approved for the redesignation of ±89.63 acres of existing land, previously analyzed under Plan Amendment Application No. A-17-007, which include changes to the following land use designations: Open Space – Community Park (±9.51 acres), Public Facilities – College (±6.48 acres), Medium Density Residential (±50.18 acres), Regional Commercial (±21.08 acres), and Community Commercial (±2.43 acres) to Medium Density Residential (±26.58 acres), Medium High Density Residential (±21.32 acres), Open Space – Community Park (±11.74 acres), Community Commercial (±3.08 acres), and Regional Commercial (±26.96 acres).

March 29, 2022

Rezone Application No. P18-03290 was approved for ±89.63 acres of existing land, previously analyzed under Rezone Application No. R-17-010, which include changes to the following zone districts in the Official Zone Map of the City of Fresno: RS-5 (Single-Family Residential, Medium Density) (±50.18 acres), CR (Commercial – Regional) (±21.08 acres), PI (Public & Institutional) (±6.48 acres), CC (Commercial – Community) (±2.43 acres), and PR (Parks and Recreation) (±9.51 acres) to RS-5 (Single-Family Residential, Medium Density) (±26.58 acres), RM-1 (Multi-Family Residential, Medium High Density) (±21.32 acres), CC (Commercial – Community) (±3.08 acres), PR (Parks and Recreation) (±11.74 acres), and CR (Commercial – Regional) (±26.96 acres). A Development Agreement was adopted as part of this Addendum.

Addendum to Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290 (“Project Addendum”) assesses the anticipation of the approval of an Amendment to the West Creek Village Development Agreement and subsequent approval of a vesting tentative tract map consisting of a total of 136 single-family residential parcels. The Amendment to Section 3.9(a) of the West Creek Village Development Agreement considers the removal of the number of specified Residential Housing Types. Neither of the previous environmental assessments specified the number of single-family lots to be located within any respective area of the West Creek Village. The approval of a 136-lot single-family residential development for within the West Creek Village Project Area is therefore functionally a technical change within the meaning of California Environmental Quality Act (CEQA) Guidelines Section 15164 because the project does not exceed the maximum number of dwelling units allowed specified in the Development Agreement (481 dwelling units). These minor technical changes are appropriate for an Addendum pursuant to CEQA Guidelines Section 15164 and Public Resources Code Section 21166.

Therefore, the City of Fresno has determined that an Addendum to Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Environmental Impact Report or negative declaration have occurred; and, new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

CEQA Section 15162 provides that when a negative declaration has been adopted for a project, no subsequent negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.

- (1) *Substantial changes are proposed in the project which would require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

Finding

The approval of an amendment to a Development Agreement to remove the specified number of units relative to respective Residential Housing Types while retaining the overall total

<p>(1):</p>	<p>number of residential units within the West Creek Village Master Plan Area, and anticipation of a future vesting tentative tract map including a 136-lot single-family residential development that was already analyzed in the previous Mitigated Negative Declaration and Addendum for single-family residential development does not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects that would require major revisions of the previous Mitigated Negative Declaration (“MND”) and Addendum because the intent of the total number of residential units within the West Creek Village Master Plan Area from the original adopted Development Agreement remains and the anticipation of the future vesting tentative tract map only specifies the number of lots proposed for development consistent with the Development Agreement density limitations of the subject property previously analyzed in the MND and Addendum. These factors do not physically change any of the approved maps, and do not create any new significant environmental effects or substantially increase in the severity of previously identified significant effects.</p>
<p>(2) <i>Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,</i></p>	
<p><i>Finding</i> (2):</p>	<p>There have been no substantial changes to the surrounding area or project site which would otherwise affect the circumstances under which the project is undertaken. The severity of environmental issues identified in the Mitigated Negative Declaration dated August 2, 2017, and Addendum dated February 13, 2020, have not substantially increased since the preparation of the initial study.</p>
<p>(3) <i>New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous Negative Declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Mitigated Negative Declaration, would substantially reduce one or more significant effects on the environment.</i></p>	
<p><i>Finding</i> (3):</p>	<p>This Project Addendum is relative to the Prior MND and Addendum and assesses the approval of an amendment to a Development Agreement to remove the specified number of units relative to respective Residential Housing Types while retaining the overall total number of residential units within the West Creek Village Master Plan Area, and anticipation of a future</p>

March 29, 2022

vesting tentative tract map including a 136-lot single-family residential development that was already analyzed in the previous Mitigated Negative Declaration and Addendum for single-family residential development. This Addendum did not identify new information regarding significant effects not previously discussed in the MND and Addendum, and potential effects previously examined are not substantially more severe than originally discussed. No mitigation measures which were previously identified have been found infeasible, nor has it been determined that identified mitigation measures would not substantially reduce significant effects of the project. No mitigation measures have been added or modified, nor are they considerably different from those analyzed in the previous MND and Addendum.

This Addendum contains no additional information regarding proposed mitigation measures and does not change or affect the previous findings of the MND and Addendum. Therefore, no new information identifies significant or substantially more severe effects than originally discussed.

ADDENDUM PREPARED BY:

Rob Holt, Planner III

DATE: March 29, 2022

SUBMITTED BY:

Will Tackett, Planning Manager

CITY OF FRESNO PLANNING AND
DEVELOPMENT DEPARTMENT