



Legislation Details (With Text)

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File created: 10/23/2020 **In control:** Planning Commission
On agenda: 11/4/2020 **Final action:**
Title: Consideration of Annexation Application No. P20-00737, Pre-zone Application No. P20-00736, Tentative Tract Map No. 6310/UGM, and related Environmental Assessment No. T-6310/P20-00736/P20-00737, for property located on the north side of West Dakota Avenue between North Hayes and North Polk Avenues Avenues (Council District 1).

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6310 dated September 11, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RECOMMEND APPROVAL (to the City Council) of Annexation Application No. P20-00737 proposing to initiate proceedings for the Dakota-Polk No. 4 Reorganization to annex the ±10 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District.
3. RECOMMEND APPROVAL (to the City Council) of Pre-zone Application No. P20-00736 proposing to pre-zone the subject property from the Fresno County RR (Rural Residential) to the City of Fresno RS-5/UGM (Residential Single Family, Medium Density/Urban Growth Management) zone district in accordance with the Fresno General Plan.
4. RECOMMEND APPROVAL (to the City Council) Tentative Tract Map No. 6310/UGM, proposing to subdivide approximately 7.37 acres of the subject property into a 38-lot single-family residential development subject to compliance with the Conditions of Approval dated November 4, 2020, and the related environmental assessment.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Tentative Tract Map No. 6310/UGM dated September 28, 2020, 2. Exhibit B - Operational Statement, 3. Exhibit C - 2020 Aerial Photograph of Site, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Existing Fresno General Plan Planned Land Use Map, 6. Exhibit F - Proposed Annexation Boundary, 7. Exhibit G - Proposed Pre-zone, 8. Exhibit H - Fresno Municipal Code Findings, 9. Exhibit I - Noticing Vicinity Map (1000 feet), 10. Exhibit J - Conditions of Approval for Tentative Tract Map No. 6310/UGM dated November 4, 2020, 11. Exhibit K - Comments and Requirements from Responsible Agencies, 12. Exhibit L - Environmental Assessment No. T-6310/P20-00736/P20-00737, Mitigated Negative Declaration, dated September 11, 2020, 13. Exhibit M - Fiscal Analysis

Date	Ver.	Action By	Action	Result
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REPORT TO THE PLANNING COMMISSION

November 4, 2020

FROM: DAN ZACK, Assistant Director
Development Services Division

THROUGH: ISRAEL TREJO, Supervising Planner
Development Services Division

BY: CHRIS LANG, Planner
Development Services Division

SUBJECT

Consideration of Annexation Application No. P20-00737, Pre-zone Application No. P20-00736, Tentative Tract Map No. 6310/UGM, and related Environmental Assessment No. T-6310/P20-00736/P20-00737, for property located on the north side of West Dakota Avenue between North Hayes and North Polk Avenues (Council District 1).

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- 3. RECOMMEND APPROVAL** (to the City Council) of Pre-zone Application No. P20-00736 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district in accordance with the Fresno General Plan.
- 4. RECOMMEND APPROVAL** (to the City Council) Tentative Tract Map No. 6310/UGM, proposing to subdivide approximately 7.37 acres of the subject property into a 38-lot single-family residential development subject to compliance with the Conditions of Approval dated November 4, 2020, and the related environmental assessment.

EXECUTIVE SUMMARY

Jerome Keane of QK, Inc., on behalf of D.R. Horton, has filed Annexation Application No. P20-00737 and Pre-zone application No. P20-00736, pertaining to ± 10 acres of property; as well as, Tentative Tract Map No. 6310/UGM pertaining to ± 7.37 acres of property in the County of Fresno and within the City of Fresno Sphere of Influence. The subject property is located on the north side of West Dakota Avenue between North Hayes and North Polk Avenues.

The Annexation Application has been filed requesting authorization to initiate annexation proceedings for the Dakota-Polk No. 4 Reorganization, proposing incorporation of the subject ± 10 acre property within the City of Fresno; and, detachment from the Kings River Conservation District and North Central Fire Protection District (these actions are under the jurisdiction of the Fresno Local Area Formation Commission [LAFCO]). This application has been filed to facilitate subdivision and development of an ± 7.37 net acre portion of the subject property pursuant to

Tentative Tract Map No. 6310/UGM.

The Pre-zone Application proposes to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County RR (*Rural Residential District*) to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district in accordance with the Fresno General Plan and the West Area Community Plan.

Tentative Tract Map No. 6310/UGM proposes to subdivide the ±7.37 net acre portion of the subject property for purposes of creating 38 single-family residential lots at a density of 5.1 dwelling units per acre (du/ac). The subject property is located within the Fresno General Plan and the West Area Community Plan, and both plans designate the subject site for Medium Density Residential (5 to 12 du/ac) planned land uses. The subject property has also been pre-zoned to RS-5/UGM (*Single-Family Residential, Medium Density/Urban Growth Management*). Therefore, the subject application is consistent with the planned land use and zoning for the project site, and will implement goals, objectives, and policies of the Fresno General Plan and the West Area Community Plan.

The project will also require dedications and/or acquisitions for public street rights-of-way and utility easements as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno in order to facilitate future proposed development.

BACKGROUND / ANALYSIS

The subject property is located within the unincorporated area of the County of Fresno and lies within the City of Fresno's General Plan Boundary and Sphere of Influence; more specifically, within Growth Area 1 (as depicted in Figure IM-2: Sequencing of Development of the General Plan). The Fresno General Plan identifies that new development will focus on infill and properties within Growth Area 1 based on planned infrastructure expansion, public service capacity, and fiscal considerations.

The immediate vicinity of the subject property is a combination of rural residential and agricultural uses to the north and west, and single-family residential dwellings to the east and south. There is an approximate 2.5 acre parcel, which contains a rural residence, that is included with the annexation, pre-zone applications. This property is located near the southwest corner of the tentative tract map. Staff from the Planning and Department met with representatives from the Local Agency Formation Commission (LAFCO) and County Public Works and Planning Department (County), both LAFCO and the County recommended that the 2.5 acre parcel be annexed in to the City in order to provide squared city/county boundaries.

Property directly to the east is located within the boundaries of the City of Fresno, and is developed with single-family residential homes. Properties to the west and directly north all remain in the County of Fresno, however it is expected that the subject property as well as property to the west, will begin the annexation process with Fresno LAFCo in the near future. Properties further to the north, beyond West Ashlan Avenue, are primarily located within the City of Fresno boundaries.

The marginally broader area surrounding the immediate vicinity of the subject property is undergoing rapid growth through current development and renewed investment interest. Properties located to the north of West Ashlan Avenue have either been recently developed with single-family residences or are at different stages of the approval process of finalizing new subdivisions to provide additional

single-family residences. A new 486-lot subdivision has also been approved approximately one quarter of a mile to the west of the subject property for single-family residences. Therefore, the project site is located adjacent to the City of Fresno boundaries and within a City of Fresno Sphere of Influence area which is planned for present growth and which is being rapidly encompassed with urban development.

Tentative Tract Map No. 6310/UGM and related applications

The subject property was included within the boundaries of Annexation and Pre-zone Applications P19-02237 and P19-02239. These applications were considered and subsequently approved by the Fresno City Council on September 17th, 2020. An Ordinance Bill has been adopted to pre-zone the subject property to RS-5/UGM (*Single-Family Residential, Medium Density/Urban Growth Management*), and the City Council has resolved to authorize the initiation of annexation proceedings for the Dakota-Hayes No. 4 Reorganization, which pertains to ±230 acres of property. The applicant of Tentative Tract Map No. 6310/UGM has also filed an annexation application with the Planning and Development Department, and intends to submit an application to LAFCo for an approximately 10 acre portion of property in the event the previously approved Dakota-Hayes No. 4 does not move forward with Fresno LAFCo.

Prior to submittal of a complete annexation application to LAFCO by the City of Fresno, a Revenue and Taxation Code Section 99 Tax Sharing Agreement between the City of Fresno and the County of Fresno evidencing revenue neutrality to the City of Fresno, as required by FMC §15-6104(C), is required.

Landscaping/Walls/Open Space

The proposed subdivision is abutting West Dakota Avenue, which is classified a collector street, and is located within the boundaries of the West Area Community Plan. Pursuant to the West Area Community Plan, the development will be required to install landscaping and irrigation within a minimum 15-foot wide landscape strip along all collector streets, specifically West Dakota Avenue. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the West Dakota Avenue as well.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309, Irrigation Specifications and AB1881.

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements (“Services”) associated with all new single-family developments (e.g., landscaped areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of these “Services” either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno’s Community Facilities District No. 11 (“CFD No. 11”).

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 mitigation measures of the related Master 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 there is an existing 12-inch sewer main in in West Dakota Avenue which will provide service to the proposed subdivision. The proposed project will be required to provide payment of sewer connection charges and install branches within the interior of the residential tract to each lot created.

For water service, there is an existing 12-inch water main in in West Dakota Avenue which will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

Installation of these services with meters to proposed residential lots along with payment of applicable Water Capacity Charges comprise this project's obligations toward implementation of the Fresno General Plan policies (including the mitigation measures of the associated Master Environmental Impact Report). Implementation of the Water Resources Management Plan and the identified project related conditions of approval will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

Fire Department

The City of Fresno Fire Department reviewed the proposed project, which is located within the boundaries of Fire Station 16, 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 is not located within a flood prone or hazard area. The Fresno Metropolitan Flood Control District has indicated that master plan facilities are to be constructed by the developer. Grading and drainage patterns are to direct drainage on property to the south toward West Dakota Avenue, where existing drainage facilities are located.

Streets and Access Points

The project will take access from a single point along West Dakota Avenue, and will provide additional access to the subdivision to the east on West Pontiac Way. Stubs for future connections are also proposed to adjacent properties to the west and north of the subject property. The developer of this project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within the subdivision. Direct vehicular access will be relinquished along all major street frontages of single-family residential lots. The subdivision design includes boundary streets along its western boundaries in order to afford access and facilitate

connectivity for future development on adjacent undeveloped property.

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.

Dedications and acquisitions for ultimate public street rights-of-way will be required for designated half-mile major streets adjacent to and within the limits of the proposed tract (i.e. West Dakota Avenue). The proposed subdivision has also been designed with consideration to the alignment and integration of quarter-mile Connector Streets as necessary to comply with the Connectivity requirements of Section 15-4107 of the FMC.

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. The project does not propose an amendment to the planned land use, nor does it propose more than 100 lots, therefore a Traffic Impact Study was not required for the proposed project.

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 proposed project will pay both FMSI Program fees, including: (1) The Citywide Regional Street Impact Fee (Citywide Fee) applicable to all new residential, retail, office, and industrial development in both the Infill and New Growth areas. (this fee funds larger regional transportation improvements that are designed to accommodate traffic volumes resulting from development on a citywide basis); and, (2) The New Growth Area Major Street Impact Fee (New Growth Fee) applicable to only development in the New Growth areas of the City (this fee funds major streets that are located in the New Growth Area and primarily serve and benefit new development in the New Growth Area).

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 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

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 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 October 13, 2020. 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).

The Public Works Department/Traffic Engineering Division has determined that, based upon the proposed traffic yield from and the expected traffic generation of the proposed project for the subject property, the proposed project will not adversely impact the existing and projected circulation system based upon implementation of the mitigation measures included within the MEIR and based upon compliance with the project specific mitigation measures referenced herein.

Council District Project Review Committee

The project was reviewed at the October 8, 2020 meeting of the District 1 Project Review Committee. The Committee recommended approval of the project with a vote of 4-0-1.

Notice of Planning Commission Hearing

The Planning and Development Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (see attached Noticing Vicinity Map - **Exhibit I**

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.

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.

Policy LU-1-e pertaining to Annexation Requirements directs adoption of implementing policies and requirements that achieve annexations to the City that conform to the General Plan Land Use Designations and open space and park system, and are revenue neutral and cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b.

Policy ED-5-b requires new residential and commercial development that requires annexation to the City to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms. Approve new residential and commercial development projects that require annexation to the City only after making findings that all of the following conditions are met:

- No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project;
- The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development;
- The development project will pay for public facilities and infrastructure improvements in

proportion to the development's neighborhood and citywide impacts; and,

- The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.

Policy LU-1-f calls for coordination with Fresno County Land Use Planning and to seek a Memorandum of Understanding (MOU) with the County of Fresno to prohibit development inconsistent with the General Plan on unincorporated land within the City's SOI.

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 an area of the City of Fresno's sphere of influence with proximity to regional transportation, multiple elementary schools, public facilities (e.g., international airport and surface water treatment facility), and land designated for industrial, office, research and development, and flexible commercial uses, which are intended to strengthen the city's economic based and provide a range of employment opportunities for the current and future population of the City and the region.

The proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project remains revenue neutral and will cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. Therefore, (1) No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; (2) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; (3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) The development will fully fund ongoing public facility and infrastructure maintenance and public service cost (see Exhibit M, the fiscal analysis which was prepared for purposes of the proposed project and annexation).

Given its proximity to unincorporated lands within the County of Fresno, which remain eligible for future agricultural operations, a “Right-to-Farm” covenant will be required to be executed in accordance with the mitigation measures of the Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015). Therefore, the project will not contribute to the premature conversion of agricultural lands and, will not constitute a detriment to the management of agricultural resources and/or facilities important to the metropolitan area in accordance with Objectives and Policies G-5 of the Fresno General Plan.

The project applicant has filed an annexation application with the City of Fresno (vs. initiating directly with LAFCO); and, staff from the City of Fresno, County of Fresno and LAFCO have met to discuss the proposed annexation associated with the proposed project pursuant to the applicable standards, requirements and/or provisions of the Memorandum of Understanding (MOU) between the City and County of Fresno and Cortese-Knox-Hertzberg Local Government Reorganization Act.

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.

West Area Community Plan

The goals of the West Area Community Plan include developing the West 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, industrial, and public infrastructure development, with special emphasis on minimization of land use conflict between agriculture and urban uses.

Objective W-1 of the West Area Community Plan supports this goal by promoting compatibility between areas planned for, or committed to, active farming operations and areas planned for urban development.

Objective W-3 of the West Area Community Plan encourages providing streetscapes which create a positive image of the West Area and contribute to the West Area Community's quality of life.

Objective W-4 of the West Area Community Plan also encourages the establishment and maintenance of safe, attractive, and stable residential neighborhoods; to preserve the long-term integrity of the community.

This project supports the above-mentioned policies in that the density and intensity of the proposed development conform to the applicable Medium Density Residential land use designation of the Fresno General Plan and West Area Community Plan.

The proposed development of the subject property will contribute to the completion of missing roadway (such as the widening of West Dakota Avenue within the limits of the application), and infrastructure improvements within the area in a manner which is consistent with the land use designations and circulation element of the Fresno General Plan. The proposed project will also provide for connectivity through both vehicular and pedestrian integration with adjacent land for future 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. Furthermore, the proposed project, including the design and improvement of the subject property, is found to be consistent with the findings stated in **Exhibit G**.

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Planning and Development Department proposes to adopt a Mitigated Negative Declaration for the proposed project, which is tiered off the Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015)

It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures, as necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Mitigated Negative Declaration for this project. A public notice of the attached Mitigated Negative Declaration for Environmental Assessment Application No. T-6310/P20-00736/P20-00737 was published on September 11, 2020; there have been no comments received to date. The Environmental Assessment No. T-6310/P20-00736/P20-00737 dated September 11, 2020 is attached as **Exhibit L**.

FRESNO MUNICIPAL CODE FINDINGS

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

GROUNDINGS 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 tentative tract map and has determined that none of the findings above apply to the project and, therefore, has recommended approval subject to the conditions of approval.

CONCLUSION / 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 West Area 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 Annexation Application No. P20-00737, Pre-zone Application No. P20-00736 and Tentative Tract Map No. 6310/UGM are appropriate for the project site.

Attachments:

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