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**Title:** CONTINUED HEARING to consider the Official Plan Line (OPL) for the North Temperance Avenue alignment from State Route 180 to East Clinton Avenue, and, related Environmental Assessment No. EA-17-018. (Council Districts 4 and 5)  
 1. ADOPT the Finding of Conformity to the Fresno General Master Environmental Impact Report (MEIR #201211015) as prepared for the Environmental Assessment EA-17-018  
 2. BILL - (For introduction and adoption) - Approving the Official Plan Lines for the North Temperance Avenue alignment from State Route 180 to East Clinton Avenue pursuant to the Fresno General Plan Land Use and circulation Map.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-0469 Exhibit A Vicinity Map.pdf, 2. 18-0469 Exhibit B Aerial Photograph.pdf, 3. 18-0469 Exhibit C North Temperance OPL\_Public Hearing Notice Mailing List.pdf, 4. 18-0469 Exhibit D Fresno General Plan Land Use and Circulation Map.pdf, 5. 18-0469 Exhibit E Official Plan Lines for North Temperance Ave from State Route 180 to East Clinton Ave.pdf, 6. 18-0469 Exhibit F Environmental Assessment No EA-17-018.pdf, 7. 18-0469 Exhibit G Planning Commission Resolution No 13521.pdf, 8. OPL North Temperance 180 Clinton Ord.pdf, 9. 18-0469 North Temperance OPL - CC Presentation - abridged.pdf

Date	Ver.	Action By	Action	Result
8/30/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**August 30, 2018**

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**SUBJECT**

**CONTINUED HEARING** to consider the Official Plan Line (OPL) for the North Temperance Avenue alignment from State Route 180 to East Clinton Avenue, and, related Environmental Assessment No. EA-17-018. (Council Districts 4 and 5)

1. ADOPT the Finding of Conformity to the Fresno General Master Environmental Impact Report (MEIR #201211015) as prepared for the Environmental Assessment EA-17-018
2. BILL - (For introduction and adoption) - Approving the Official Plan Lines for the North Temperance Avenue alignment from State Route 180 to East Clinton Avenue pursuant to the Fresno General Plan Land Use and circulation Map.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #201211015) as prepared for Environmental Assessment No. EA 17-018, file September 29, 2017.
2. Adopt a Bill approving the Official Plan Line for the North Temperance Avenue alignment from State Route 180 to East Clinton Avenue pursuant to the Fresno General Plan Land Use and Circulation Map.

## EXECUTIVE SUMMARY

The City of Fresno Public Works Department, Traffic Operations and Planning Division has submitted an Official Plan Line (OPL) for the North Temperance Avenue alignment from State Route 180 to East Clinton Avenue for purposes of establishing the ultimate alignment and widths for future public street rights-of-way in accordance with the circulation element of the Fresno General Plan. Temperance Avenue establishes the western boundary of the Southeast Development Area (SEDA) and is bordered by residential, commercial and employment land uses. Recent residential subdivision projects have precipitated the need to establish the ultimate alignment of North Temperance Avenue to accommodate the developments.

Temperance Avenue from State Route 180 to Clinton Avenue is designated as a six lane, super-arterial roadway in the 2035 General Plan and is located primarily within an unincorporated area of the Fresno County that is within the City's Sphere of Influence (SOI). The southwest corner of Temperance and Belmont Avenues and the southeast corner of Temperance and Clinton Avenues are within the City limits. The project area is the boundary between Growth Area 1 and Growth Area 2 as depicted in Figure IM-2 (Sequencing of Development) of the Fresno General Plan and is planned for residential and commercial development.

The proposed project will require future acquisition and dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno. Timelines for future construction of the public street segment will be contingent upon development; occurring incrementally, as growth is proposed in the area in accordance with the goals, objective and policies of the Fresno General Plan.

Three public meetings have been held at Boris Elementary School on Temperance at Clinton. There was also a Public Hearing at the Planning Commission. The meetings were all well attended with more than 75 people at the last meeting. Most of the citizens in attendance were homeowners in the unincorporated area, but within the City of Fresno sphere of influence, who were conceptually

opposed to growth in traffic volumes from new development or widening of Temperance Avenue, because of future impacts related to the right-of-way acquisition. Staff recommends the Council adopt the proposed Official Plan Line, in order to provide a six-lane alignment which best achieves the goals of the 2035 General Plan.

## **BACKGROUND**

In Fresno, the roadway system configuration has been primarily based on a traditional grid pattern. Outside of the Downtown Area, the grid has a north-south and east-west orientation based on Township, Range and Section lines. Almost all of the Arterial and Collector Streets (roadways) within the Metropolitan Area are regularly spaced at half-mile intervals. This roadway pattern has been modified in the past several decades to include several curvilinear and diagonal alignments, and neighborhood street patterns have sometimes deviated from the grid patterns.

Figure MT-1: Circulation Diagram of the Fresno General Plan designates the planned roadway network of the General Plan. The planned roadway system focuses primarily upon roadways, which includes the Expressway, Super-arterial, Arterial, and Collector Streets. For some roadways, especially in areas that are not yet developed with urban uses, the diagram indicates the future and not the present character of the road. The construction of planned roadways occurs during the course of a general plan's implementation through the execution of the City's capital improvements program utilizing funds from a variety of sources. In addition, portions of roadways are constructed by private property owners and developers in accordance with applicable development standards.

The General Plan establishes a refined street classification system to categorize roadways and other transportation facilities, as shown in Figure MT-1: Circulation Diagram. Each classification reflects the character of the facility as well as its function within the context of the entire transportation system. Each classification has standards considering a facility's relation to surrounding land uses, existing rights-of-way, accessibility via other roadways, and appropriate travel speeds. While roadway classification types were originally based upon a priority given to various types and lengths of motor vehicle trips, they now give substantial consideration to the accommodation of multiple travel modes and trips (public transportation, bicycle, pedestrian). This classification system is used for engineering design and traffic operation standards.

Super-arterial Streets are four- to six-lane divided (median island separation) roadways with limited motor vehicle access to abutting properties. The primary purpose of a super-arterial is moving multiple modes of traffic to and from major traffic generators among the sub-regions. The access points along super-arterials are limited to right-turn entrance and exit vehicular movements as well as select left-turn partial openings in medians from the super-arterials to surrounding properties or neighborhoods, limited to one location per half mile. No left turns are allowed out of local streets or properties.

## **Land Use Plans and Policies**

As proposed, the project will be consistent with the Fresno General Plan goals and objectives related to industrial land use and the urban form:

### Goals:

- Emphasize and plan for all modes of travel on local and Major Streets in Fresno.

Objectives & Policies:

- Objective MT-1: Create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes.
- Policy MT-1-a: Continue to review local, regional and inter-regional transportation plans and capital improvement plans, and advocate for the approval and funding of State highway and rail projects, consistent with the General Plan and discourage projects inconsistent with the plan.
- Policy MT-1-b: Design and construct planned streets and highways that complement and enhance the existing network, as well as future improvements to the network consistent with the goals, objectives and policies of the General Plan, as shown on the Circulation Diagram (Figure MT-1), to ensure that each new and existing roadway continues to function as intended.
- Policy MT-1-c: Prepare and adopt an OPL, or other appropriate documentation such as Director Determinations, for transportation corridors, roadways, and bicycle/pedestrian paths/trails, as necessary to preserve and/or obtain rights-of-way needed for planned circulation improvements.
- Policy MT-1-g: Provide transportation facilities based upon a Complete Streets concept that facilitates the balanced use of all viable travel modes (pedestrian, bicyclists, motor vehicle and transit users), meeting the transportation needs of all ages, income groups, and abilities and providing mobility for a variety of trip purpose, while also supporting other City goals.

These Goals, Objectives and Policies contribute to the establishment of a comprehensive city-wide land use planning strategy to facilitate travel by walking, biking, transit, and motor vehicle with interconnected and linked neighborhoods, districts, major campuses and public facilities, shopping centers and other service centers, and regional transportation such as air, rail, bus and highways.

The proposed project includes the identification and adoption of an OPL for the alignment of the North Temperance Avenue street segment located between State Route 180 and East Clinton Avenue for purposes of establishing the ultimate alignment and widths for future public street rights-of-way in accordance with the Circulation Diagram of the Fresno General Plan.

The designated major (Super-arterial) street segment is located primarily within the City of Fresno SOI. The project area is the boundary between Growth Area 1 and Growth Area 2 as depicted in Figure IM-2 (Sequencing of Development) of the Fresno General Plan and is planned for residential, commercial, employment and industrial development.

The proposed project will require future acquisition and dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno. Timelines for future construction of the public street segment will be contingent upon development; occurring incrementally, as growth is proposed in the area in accordance with the goals, objective and policies of the Fresno General Plan.

The public street alignment proposed for adoption will contribute to the completion of missing roadway 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 facilitate future connectivity through both vehicular, bicycle and pedestrian integration with adjacent land for future development through utilization of the concept of Complete Streets; and, through utilization of the Fresno General Plan classification system for engineering design and traffic operation standards.

The OPL is consistent with the planned major street segment designated on the Circulation Diagram of the Fresno General Plan. The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system; no substantial increase in transportation or traffic is expected to result.

Therefore it is staff's determination 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 is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and, (4) to not conflict with any public interests in the subject property or adjacent lands.

### **Public Participation and Project History**

Three public meetings have been held to explain the project to the area landowners and to provide them with the opportunity to voice their concerns. All of the meetings were located at Boris Elementary School on Temperance Avenue south of Clinton Avenue. The first meeting was held on July 11, 2017. Approximately 25 individuals attended this meeting. Representatives of the City provided a strip map of the OPL and Power Point slide show followed by a question and answer period. Attendees voiced concerns regarding the future increase in traffic, traffic backup, excessive speeds, right-of-way dedications and impacts to property frontage, the proposed trail, timeframe for the future widening, noise and safety. Attendees also voiced concerns about the condition of the roadway, increasing development and its impact on property values and quality of life, including skepticism of developers building or paying their fair share for improvements, and questioning the priority of City traffic signal projects along Temperance Avenue.

On April 5, 2018, a scheduled 90-minute neighborhood meeting was held at Boris Elementary School to present the proposed OPL and gather public comment from concerned citizens. Representatives of the City provided a strip map of the OPL and Power Point slide show followed by a question and answer period. Similar to the meeting on July 11, 2017, attendees voiced many of the concerns mentioned above.

The Public Works Department, Traffic Operations and Planning Division mailed notices of this hearing to all surrounding property owners within 1,000 feet of the proposed major street alignment, pursuant to Section 15-5007 of the Fresno Municipal Code (FMC); and, provided published notice in

the Fresno Bee on February 23, 2018 pursuant to Article 7 of Chapter 12 of the FMC.

On June 20, 2018, a scheduled neighborhood meeting was held at Boris Elementary School to present the proposed OPL and gather any final public comment from concerned citizens. Representatives of the City provided a strip map of the OPL and Power Point slide show followed by a question and answer period. Also in attendance were Fresno City Councilman Paul Caprioglio and Fresno County Supervisor Nathan Magsig. Similar to the meeting on April 5, 2018, attendees voiced many of the concerns mentioned above. During the June meeting, staff was able to share the results of a traffic impact study prepared for existing and future traffic conditions by Peters Engineering, a local traffic engineering firm.

City staff received many comments/questions, at several public meetings held for this project, concerning the determination of Temperance Avenue needing to be six lanes with the build-out of the City's 2035 General Plan. The Public Works Traffic Division conducted additional traffic analysis of North Temperance Avenue with the help of Peters Engineering. The findings from this additional traffic analysis confirm the conclusions of the adopted 2035 General Plan for Temperance Avenue to have six travel lanes at build-out. This additional traffic analysis was presented to the public at subsequent neighborhood meeting on June 20, 2018. Reducing the number of lanes would reduce the level of service of Temperance Avenue to unacceptable levels per the adopted 2035 General Plan.

Many of the property owners at the public meetings also expressed concerns about annexations into the City. Most of the people indicated that they moved to the County because they did not want to be in the City. The adoption of the OPL will not result in any properties being annexed into the City. Annexations typically occur when properties develop or when neighboring properties develop.

Notices were mailed out notifying residents that this item was continued from the July 19, 2018 hearing to the August 30, 2018 hearing. An additional reminder notice was sent out on August 15, 2018 for the August 30, 2018 hearing at 10:15 am, or thereafter.

### **Fresno City Planning Commission Action**

The proposed OPL was considered by the Fresno City Planning Commission at its meeting on March 7, 2018. After a complete hearing, the Commission voted unanimously to recommend that City Council approve the proposed OPL and associated environmental findings. Seven (7) members of the public spoke at the public hearing expressing concerns related to increased traffic and noise.

Staff is recommending the City Council approve the proposed OPL and associated environmental findings in accordance with the recommendations included within this report.

### **ENVIRONMENTAL FINDINGS**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

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; air quality, greenhouse gases and global climate change; and, student generation projections and school facility site location identification, etc.

The proposed OPL for the designated major (Super-arterial) street segment of North Temperance Avenue between State Route 180 and East Clinton Avenue has been determined to be a subsequent project that is 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). It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, 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 finding of conformity 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 finding of conformity for this project. A public notice of the attached finding of conformity for Environmental Assessment Application No. EA-17-018 was published on September 29, 2017 with no comments or appeals received to date.

## **LOCAL PREFERENCE**

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

## **FISCAL IMPACT**

The actual widening of North Temperance Avenue will occur with development and will be funded with City of Fresno development impact fees. The City also intends to solicit grant funding to augment the street impact fees where appropriate.

### **Attachments:**

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph
- Exhibit C: Public Hearing Notice Mailing List Vicinity Map
- Exhibit D: Fresno General Plan Land Use and Circulation Map

Exhibit E: Official Plan Line for North Temperance Avenue from State Route 180 to East Clinton Avenue

Exhibit F: Environmental Assessment No. EA-17-018, Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015 dated September 29, 2017

Exhibit G: Planning Commission Resolution No. 13521 for the Official Plan Line for North Temperance Avenue from State Route 180 to East Clinton Avenue; and, the related Environmental Assessment

Exhibit H: City Council Ordinance Bill for the Official Plan Line for North Temperance Avenue from State Route 180 to East Clinton Avenue; and the related Environmental Assessment

North Temperance OPL - City Council Presentation