



Legislation Details (With Text)

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**File created:** 6/16/2022    **In control:** City Council  
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**Title:** Hearing to consider a proposed Development Agreement by and between the City of Fresno and Parc West Development, Inc. relating to the development of the Parc West Project (Council District 1):  
1. ADOPT - Addendum to the previously certified Final Environmental Impact Report (EIR) SCH No. 2020039061, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.  
2. BILL - (For introduction) - Approving the Development Agreement by and between the City of Fresno and Parc West Development, Inc. for purposes of the Parc West Project, pertaining to ±160 acres of property located on the west side of North Grantland Avenue between West Ashlan Avenue and the West Gettysburg Avenue alignment.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Aerial Map, 2. Exhibit B - Vicinity Map, 3. Exhibit C - Public Hearing Notice & Radius Map, 4. Exhibit D - Fresno General Plan Land Use & Zoning Maps, 5. Exhibit E - City Council Resolution No. 2021-027 Certifying Final Environmental Impact Report SCH No. 2020039061, 6. Exhibit F - City Council Resolution No. 2021-028 for Plan Amendment Application No. P19-00417, 7. Exhibit G - City Council Ordinance No. 2021-003 for Rezone Application No. P19-00417, 8. Exhibit H - Addendum to Final Environmental Impact Report (EIR) SCH No. 2020039061, 9. Exhibit I - Fresno Municipal Code Findings, 10. Exhibit J - City Council Ordinance Bill including Development Agreement by and between the City of Fresno and Parc West Development, Inc.

Date	Ver.	Action By	Action	Result
6/23/2022	1	City Council	ADOPTED AS AMENDED	Pass

**REPORT TO THE CITY COUNCIL**

**FROM:** JENNIFER CLARK, Director  
Planning and Development Department

**BY:** WILL TACKETT, Planning Manager, Development Services Division  
Planning and Development Department

**SUBJECT**

Hearing to consider a proposed Development Agreement by and between the City of Fresno and Parc West Development, Inc. relating to the development of the Parc West Project (Council District 1):

1. ADOPT - Addendum to the previously certified Final Environmental Impact Report (EIR) SCH No. 2020039061, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. BILL - (For introduction) - Approving the Development Agreement by and between the City of Fresno and Parc West Development, Inc. for purposes of the Parc West Project, pertaining to

±160 acres of property located on the west side of North Grantland Avenue between West Ashlan Avenue and the West Gettysburg Avenue alignment.

## RECOMMENDATIONS

1. ADOPT the Addendum to the previously certified Final Environmental Impact Report (EIR) SCH No. 2020039061, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. INTRODUCE BILL to Approve the Development Agreement by and between the City of Fresno and Parc West Development, Inc. for purposes of the Parc West Project, pertaining to ±160 acres of property located on the west side of North Grantland Avenue between West Ashlan Avenue and the West Gettysburg Avenue alignment.

## EXECUTIVE SUMMARY

On January 28, 2021, the Fresno City Council held a public hearing to consider, and through adoption of Resolution No. 2021-27 took action to certify, Final Environmental Impact Report (EIR) SCH No. 2020039061 for purposes of facilitating the Parc West Project; a development proposed to include up to 844 single-family residential units, a two-acre neighborhood park, and interconnected trail system on ±160 acres of property located on the west side of North Grantland Avenue between West Ashlan Avenue and the West Gettysburg Avenue alignment.

Pursuant to the provisions of Section 65865 et seq. of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property. The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project to assure the maximum efficient utilization of resources at the least economic cost to the public.

The purpose of the subject proposed development agreement by and between the City of Fresno and Parc West Development, Inc., (attached hereto as **Exhibit J**) is to Negotiate and stipulate terms respective to build-out of the Parc West Project; including but not limited to: (1) Vested Rights for future development through the duration term of the Agreement, including required exactions and subjectivity to development and impact mitigation fees; (2) The timing within which key elements of the project and its required exactions need to be performed, constructed, completed, and/or accepted; (3) Allocation of fee credits and/or rights to reimbursements for eligible improvements, including establishment of respective fee accounts; (4) The sale, transfer or assignment of all or a portion of the project and rights, duties or obligations of the agreement; (5) Acknowledgement of Future Discretionary Approvals, including conditions, terms, restrictions and requirements for subsequent discretionary actions; and, (6) The duration term of the agreement.

### Fresno City Planning Commission Action

The proposed Development Agreement was considered by the Fresno City Planning Commission on May 04, 2022. No letters and/or e-mails were received in opposition or support of the project. However, the applicant did express contention to some of terms recommended by City staff for the Agreement. The Planning Commission recommended approval of the staff recommendation for the project, 4 votes to 0 through passage of Planning Commission Resolution No. 13740. City staff and

the applicant communicated further after the Planning Commission meeting and City Staff's recommendation has been modified according to this report.

## BACKGROUND / ANALYSIS

Pursuant to the provisions of Section 65864 et seq. of the Government Code, the California Legislature finds and declares that:

- a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.
- c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

On January 28, 2021, the Fresno City Council approved: (1) Final EIR SCH No. 2020039061 for an overall proposed 844-lot single-family residential development (through Resolution No. 2021-027); (2) Plan Amendment/Rezone Application No. P19-00417, to amend the Fresno General Plan transportation element to identify the proposed collector street and modified trail network in accordance with City Council Resolution No. 2021-028; (3) Rezoning to replace the previously adopted Conditions of Zoning for the ±160 acre property with new Conditions of Zoning specific to the proposed Parc West Project in accordance with Ordinance No. 2021-003. These resolution and ordinances are attached hereto as (**Exhibits E, F, and G**), respectively. In addition, the Fresno City Council approved Vesting Tentative Tract Maps (VTMs) 6212 (84 Single Family Residential [SFR] lots on ±14.41 acres) and 6276 (83 SFR lots on ±14.17 acres), which are the first phases of the Parc West Project, for the portion of the subject property with frontage along the west side of North Grantland Avenue.

Subsequently, the City of Fresno Planning Commission approved VTM 6350 (73 SFR lots on ±14.57 acres) on December 01, 2021; and VTMs 6378 (75 SFR lots on ±15.25 acres) and 6387 (149 SFR lots on ±27.63 acres) on March 02, 2022.

The Developer has filed an application for this Development Agreement in order to: (1) Vest the land use and zoning policies established in the Existing City Requirements as of the Adoption Date of the Agreement for the duration of the Term of the Agreement with respect to the Parc West Project Area; and, (2) Memorialize certain other agreements made between the City and Developer with respect to the Parc West Project. The City and Developer acknowledge the development and construction of the Parc West Project is a large-scale undertaking involving major investments by the Developer, with development occurring over a period of years. Certainty that the Parc West Project can be developed and used in accordance with the Existing City Requirements as of the Adoption Date of this Agreement, will benefit the City and Developer and will provide the Parties certainty with respect

to implementation of the policies set forth in the Fresno General Plan (as amended by the Plan Amendment), and the Existing City Requirements.

Based upon Staff's recommended terms to the Agreement, City staff have determined this Agreement furthers the public health, safety, and general welfare, and the provisions of this Agreement are consistent with the goals and policies of the Fresno General Plan. For the reasons recited herein, the City and Developer have determined the Parc West Project is a development for which this Agreement is appropriate. The proposed Agreement will eliminate uncertainty regarding the Parc West Project and certain subsequent development approvals, thereby encouraging planning for, investment in and commitment to use and develop the Parc West Project Area. Continued use and development of the Parc West Project Area is anticipated to, in turn, provide the following substantial benefits and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement Laws were enacted: (1) Provide for the development of unused land; (2) Provide increased tax revenues for the City; (3) Provide for jobs and economic development in the City; (4) Provide park, trail and infrastructure improvements; and, (5) Meet the goals of the Fresno General Plan to create "Complete Neighborhoods" that will reduce vehicle trips and serve all segments of the City. It is based upon these benefits to the City that the City is agreeable to proceeding with the approval of this Agreement.

City staff and Parc West Development, Inc. have negotiated the proposed Development Agreement to facilitate and provide certainty for the Parc West Project through the following terms, provisions, and agreements.

## DEVELOPMENT AGREEMENT

The following include the general provisions of the proposed Development Agreement:

- **Term.** The term of the proposed Agreement shall commence on the Effective Date and shall continue for a period of 10 years following the Effective Date; with extensions afforded only for any events of Force Majeure, as described in the Agreement. There is no obligation to develop.
  
- **Duration of/and Vested Rights.** All vesting tentative maps submitted within the Parc West project area prior to the expiration of the Development Agreement will remain vested and remain valid and effective throughout the 10-year term of the Agreement or pursuant to the provisions of the Subdivision Map Act, whichever term is greater.

For VTMs 6212 and 6276, Parc West Development, Inc. will pay vested fees, as provided in Exhibit D-1 to the Development Agreement. For VTMs 6350, 6378, and 6387, Parc West Development, Inc., will pay vested fees, as provided in Exhibit D-2 to the Development Agreement. For the remainder of the Parc West project lands, any Future Discretionary Approvals and/or any Subsequent Maps will be vested and will pay the fees current at the time vesting rights are established pursuant to the Subdivision Map Act (i.e., fees in effect when the tentative map applications are deemed complete). Required Development Fees for all maps will be adjusted on July 1<sup>st</sup> of each year based on the 20-City Construction Cost Index as reported in Engineering News Record for the 12-month period ending in May of the year of the adjustment.

Provisions of the Development Agreement stipulate if the City adopts new nexus studies to support impact fees to fund public facilities of the type that are presently funded by the Required Development Fees, and if the principal change of the impact fee methodology for such fees is to adopt a square footage standard described in amendments to Government Code Section 66016.5(a)(5)(A) adopted pursuant to Chapter 347 Statutes of 2021 (AB 602), then the impact fees revised pursuant to such square footage methodology shall apply to the developments.

Additionally, provisions of the Development Agreement recommended by staff stipulate if the City adopts a Vehicle Miles Traveled Impact Fee relevant to addressing impacts described in CEQA Guidelines Section 15064.3 then the Vehicle Miles Traveled Impact Fee shall apply to the developments after the expiration of the respective vesting period.

- **Exactions.** All of the exactions that Developer shall be required to perform or caused to be performed in connection with the development, construction, use, and occupancy of the Parc West Project, during the term of the Agreement, and the timing requirements for the performance of such map exactions are as set forth in the respective conditions of approval for such Maps, or as set forth in the Conditions of Zoning applicable (per Ordinance No. 2021-003), except as may be modified by the Agreement.

For purposes of the Agreement, "Exaction" means any exactions or mitigation measures, other than the payment of City Development Fees and City Application Fees imposed by the City or any City Agency, as a condition of, or in connection with, the Parc West Approvals or Subsequent Maps. "Exactions" includes, without limitation: (a) a requirement for the dedication of any portion of the Parc West Project Area to the City or any City Agency; (b) an obligation for the construction of any on-site or off-site improvements, including any Off-Site Improvements; (c) an obligation to provide services; or (d) the requirement to dedicate any easements, rights or privileges with respect to the Parc West Project or any portion thereof to the City or any City Agency.

- **Density Transfer.** The minimum and maximum density standards applicable to the lands subject to the Agreement may be applied based on the overall density developed within the Parc West Project Area.
- **Trails/Paseos.** The Parc West Project will be responsible for the improvement, completion, and dedication of trails, alignments and widths (35-40 feet) in accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, as amended by Plan Amendment Application No. P19-00417 and approved by the City Council (Resolution No. 2021-028) for purposes of the Parc West Project; and, the provisions of the Agreement.

Trails/Paseos, other than the trail adjacent to Grantland Avenue, shall be applied against any Open Space Standards applicable to the Parc West Project.

Major Street Trail Improvement Securities may be submitted by the Developer to the City to secure construction of improvements based upon a City approved Engineer's Estimate of the cost of completing the relevant phase of Major Street Trail Amenities. If such securities are submitted, then the Developer shall be provided credit against payment of New Growth Area Major Street Impact Fees in an amount equal to the Engineer's estimate of the differential cost of completing sidewalks, and perimeter landscaping that would otherwise be required by the City's standard design specifications, versus the improvements developed as part of the Master Street trail Amenities (the Major Street Trails Fee). When a relevant phase of completed Major Street Trail Amenities has been accepted by City, the Developer shall be provided, and the Major Street Trails Fee Credits shall include a right to receive payment of reimbursements from the Relevant Reimbursement Accounts. The Developer shall be entitled to be paid the total of all New Growth Area Major Street Impact Fees previously paid with respect to development within the Parc West Project (and not otherwise credited against fee payment obligations or previously reimbursed to Developer pursuant to this Agreement); or (ii) the Completion Adjusted Major Street Trails Fee Credits.

- **Neighborhood Park Development, Dedication.** Parc West Development, Inc. will build a minimum 2-acre park within the project. The project has planned trails throughout, and the park will provide a hub and meeting area for trail users and neighborhood residents. The proposed park will include two covered tot-lot play areas, a dog park, sports facilities, including a five-a-side soccer field, half basketball court, and pickleball courts, benches, and a turf and landscaped area. Revenue from the Community Facilities District (CFD) will be used to maintain the park. The neighborhood park will be required to be developed and operational no later than 12 months following the issuance of the last certificate of occupancy for the first 240 residential units to be completed within the Parc West Project Area. No credits or reimbursements will be provided until the Neighborhood Park is completed and both the park and its improvements are dedicated to the City.

In consideration of the requirement to develop the neighborhood park amenities, payment of Quimby Act in-lieu fees or Park Facility Impact Fees shall be subject to the application of the Park Fee Credits described in Section 5.6 of the Development Agreement. The dollar amounts eligible to the Developer for purposes of Park Fee Credits (i.e., Quimby Fee and Park Facility Impact Fee) will be capped, not to exceed certain dollar amounts, as provided in the Agreement.

- **Application of Fee Credits.**

All fee credits related to the rights of reimbursement detailed in Sections 5.5 through

5.10 of the Agreement (the Parc West Fee Credits), which include: (1) Well Site Dedication Reimbursement; (2) Park Fee Reimbursements and Credits; (3) Trails adjacent to Major Streets; (4) Major Street Fee credits; (5) Regional Transportation Mitigation Fees (RTMF) to secure construction of the Veterans Boulevard Corridor Project; and/or (6) Traffic Signal Mitigation Impact (TSMI) fee credits, may be applied to relevant impact fee obligations associated with future development of the Parc West Project Area, provided, however, that any Transferee (as defined below) of any rights under this Agreement shall only be entitled to the benefit of applicable Fee Credits for Parc West Project Area developed by such Transferee if the Assumption Agreement described in Section 11.2(b) makes a specific assignment of an allocation of Parc West Fee Credits to such Transferee.

As the application of Fee Credits pertain to Grantland Avenue and the Parc West Collector Loop Street, the Agreement provides that the City covenants that it shall timely pursue including Grantland Avenue and the Collector Loop Street into the City's network of Major Streets.

➤ **Separate Parc West Project Area Reimbursement Fee Accounts.**

To facilitate the reimbursement payments and fee credit accountings required under Section 5.5 through Section 5.10, the City shall establish separate accounting funds that reflect the amount of Quimby Parkland Dedication Fees, Park Facility Impact Fees, New Growth Area Major Street Impact Fees, Regional Street Impact Fees, and Traffic Signal Impact Mitigation Fees (collectively, the "Parc West Reimbursement Account"), paid by development within the Parc West Project Area, so that prompt payments of required reimbursements and application of the relevant fee credits can be administered (the "Parc West Project Area Impact Fee Accounts").

➤ **Community Facilities District for Funding Services**

Notwithstanding the conditions of approval for Maps 6212, 6276, 6350, 6378, or 6387, the maintenance obligations of public improvements developed within either Tract, and for any Subsequent Map, may be satisfied, at the election of Developer, by the establishment of a stand-alone Community Facilities District, whose improvements will be maintained pursuant to service agreements arranged by the Developer, and which shall be guaranteed by service maintenance agreements.

For purposes of Public Safety Services, Developer shall either have the subject property included in the initial formation of a Public Safety Services CFD, or have the subject property annexed to an already-formed Public Safety Services CFD, should one be in existence, prior to approval and recording of any final map. The maximum special tax for the Public Safety Services CFD shall be the same rate per dwelling unit as may be adopted by the City Council for other new developments in the new growth area west of State Route 99.

Subject to these terms and those terms included within the Agreement representing City staff's recommendation, City staff believes the Development Agreement will substantially improve the neighborhood and result in a mutually beneficial opportunity for the citizens, future homeowners, and the developer.

## **LAND USE PLANS AND POLICIES**

The purpose of the subject proposed Development Agreement by and between the City of Fresno and Parc West Development, Inc. is to negotiate and stipulate terms respective to: (1) Applicability of certain fee credits and/or reimbursements related to the Parc West project; (2) the timing within which key elements of the project need to be constructed; (3) the rights, duties, or obligations of the agreement; and, (4) the duration of the agreement.

The subject property is located within the boundaries of the Fresno General Plan and the West Area Community Plan. The Fresno General Plan designates the lands subject to the proposed development agreement for Residential, Medium Density (5.0-12 dwelling units per acre), Community Commercial, and Open Space land uses. Final EIR SCH No. 2020039061 was approved on January 28, 2021, for purposes of authorizing up to 844 lots within the lands subject to the proposed Development Agreement (approximately 139 net acres for purposes of calculating residential density) at a density of approximately 6.07 dwelling units per acre; consistent with the Residential, Medium Density land use designation of the Fresno General Plan. Open space areas include a 2-acre neighborhood park, and approximately 1.96 acres of interior trails. Figure MT-2: Paths and Trails of the Fresno General Plan identifies Class I Bicycle/Pedestrian paths for the designated Open Space areas. The proposed Development Agreement provides and secures for the improvement and dedication of designated Open Space areas within and adjacent to the subdivision boundary with a park and trails, consistent with the Fresno General Plan land use and regional trail designations for the subject property.

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

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- 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.
- Promote a city of healthy communities and improve quality of life in established

neighborhoods.

- Improve Fresno’s visual image and enhance its form and function through urban design strategies and effective maintenance.
- 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.

### Objectives

Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.

Objective LU-1 promotes the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

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.

### Policies

Policy UF-1-d 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.

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

Policy LU-5-g supports development adjacent to established neighborhoods that is compatible in scale and character with the surrounding area.

Policy LU-5-h supports housing that offers residents a variety of amenities including public and

private open space, landscaping, with direct access to public transit and community gathering spaces.

The proposed project will provide for connectivity through both vehicular and pedestrian integration with adjacent lands for future development. Furthermore, the project is in close proximity to existing and future school sites.

The Parc West project provides single family residential housing (during the time of a State-declared housing crisis) and the provision of improved and dedicated open space areas with regional trails and improvements on property that qualifies as infill lands and which provide connectivity for surrounding neighborhoods, employment destinations, retail opportunities, and schools contributing to the Complete Neighborhoods concept within the Fancher Creek Planned Development Project area.

The proposed Development Agreement supports the above-mentioned goals, objectives and policies of the current Fresno General Plan; specifically, strategies aimed toward the provision of Complete Neighborhoods through the provision of certainty and commitment to use and develop the Parc West Project in a manner consistent with the Goals, Objectives and Policies of the Fresno General Plan.

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; (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.

## **PROCESS**

Pursuant to Fresno Municipal Code Sections 15-6001 et seq., the City Council shall hold a duly noticed public hearing prior to adoption of any Development Agreement and shall either approve, approve with modifications, or deny the Development Agreement. Notice of the public hearing shall be given in accordance with the requirements of Section 15-5007, Public Notice. The City Council public hearing may, but need not, be held concurrently with the public hearing(s) on the project.

To approve the development agreement, the City Council must hold a hearing, make certain required findings in accordance with Fresno Municipal Code Section 6006, and adopt the agreement as an ordinance (requiring two readings).

### **Notice of City Council Hearing**

The Planning and Development Department published a notice of intent to consider adoption of the proposed amendment to the Development Agreement as provided in Government Code (Sections 65090 and 65091) and mailed notices of this City Council hearing to all surrounding property owners within 1,000 feet of the subject property, pursuant to Sections 15-6005 and 15-5007 of the Fresno Municipal Code (FMC) (**Exhibit C**).

**Fresno Municipal Code Findings.** Fresno Municipal Code Section 15-6006 provides:

The City Council shall not approve a proposed Development Agreement unless it finds the following:

1. That its provisions are consistent with the General Plan and any applicable operative plan. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with proposed General Plan or applicable operative plan provisions to be adopted concurrently with the approval of the proposed Development Agreement; and
2. The proposed Development Agreement will provide substantial public benefit.

Based upon staff's analysis of the facts, the above findings are set forth in **(Exhibit I)** hereto and incorporated herein.

Based upon Staff's recommendations for the terms of the Development Agreement, the provisions of the Development Agreement are consistent with the Fresno General Plan. Further, the Development Agreement is consistent with the purpose of the Development Code to promote growth in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. Approval of the Development Agreement will: (1) provide certainty to encourage investment in the comprehensive development and planning of the Parc West Project; (2) secure orderly development and progressive fiscal benefits for public services, improvements and facilities planning for the Parc West project and neighboring areas; and (3) fulfill and implement adopted City plans, goals, policies and objectives.

Additionally, the Development Agreement will provide substantial public benefit by (1) providing infrastructure improvements, and (2) meeting the goals of the Fresno General Plan to create "Complete Neighborhoods" that will reduce vehicle trips and serve all segments of the City and will provide jobs and economic development.

## **ENVIRONMENTAL FINDINGS**

The City of Fresno has determined that an addendum to Final Environmental Impact Report (EIR) SCH No. 2020039061 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and new information added is only for the purposes of providing minor technical changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

The addendum was prepared pursuant to CEQA Guidelines Section 15164 and is attached hereto as **(Exhibit H)**.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan; compliance with the provisions of the FMC; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment and exhibits. Staff concludes that based upon Staff's recommended terms for the Development Agreement, the required findings contained within

Section 15-6006 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed project is appropriate for the project site.

### LOCAL PREFERENCE

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

### FISCAL IMPACT

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

#### Attachments:

- Exhibit A: Aerial Map B:
- Exhibit Vicinity Map C:
- Exhibit Public Hearing Notice & Radius Map D:
- Exhibit Fresno General Plan Land Use & Zoning Maps
- Exhibit E: City Council Resolution No. 2021-027 Certifying Final Environmental Impact Report SCH No. 2020039061 F:
- Exhibit City Council Resolution No. 2021-028 for Plan Amendment Application No. P19-00417
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