



Legislation Details (With Text)

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**On agenda:** 9/21/2022    **Final action:**  
**Title:** CONTINUED FROM SEPTEMBER 7, 2022  
 Consideration of Vesting Tentative Tract Map No. 6345; and related Environmental Assessment No. T-6345/P22-00411/P22-00442 for approximately 36.75 acres of property located on the southeast corner of the East California Avenue alignment and South Willow Avenue (Council District 5).

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. T-6345/P22-00411/P22-00442 dated August 12, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. RECOMMEND APPROVAL (to the City Council) of Annexation Application No. P22-00411 (for the California-Willow No. 4 Reorganization) proposing detachment from the Kings River Conservation District and Fresno County Fire Protection District and annexation to the City of Fresno.
3. RECOMMEND APPROVAL (to the City Council) of Pre-zone Application No. P22-00442 proposing to pre-zone: approximately 38.37 acres of the subject property from the Fresno County AL20 (Limited Agriculture) zone district to the City of Fresno RS-5 (Single-Family Residential, Medium Density) zone district; approximately 37.90 acres of the subject property from the Fresno County AL20 (Limited Agriculture) zone district to the RS-5/ANX (Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay) zone district; and, approximately 41.70 acres of the subject property from the Fresno County AL20 (Limited Agriculture) zone district to the City of Fresno RM-2/ANX (Multi-Family Residential, Urban Neighborhood/Annexed Rural Residential Transitional Overlay) zone district.
4. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6345, proposing to subdivide approximately 36.75 acres of the subject property into a 199-lot conventional single-family residential development subject to compliance with the Conditions of Approval dated September 21, 2022, and contingent upon approval of Annexation No. P22-00411 and Pre-zone Application No. P22-00442 and the related environmental assessment.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6345 [05/16/2022], 2. Exhibit B - Operational Statement [04/11/2022], 3. Exhibit C - Aerial Map, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Fresno General Plan Land Use & Zoning Map, 6. Exhibit F - Proposed Pre-zone Exhibit, 7. Exhibit G - Proposed Annexation Boundary Exhibit, 8. Exhibit H - Fresno Municipal Code Findings, 9. Exhibit I - Public Hearing Notice Radius Map, 10. Exhibit J - Neighborhood Meeting Minutes, 11. Exhibit K - Conditions of Approval for Vesting Tentative Tract Map [09/21/2022], 12. Exhibit L - Comments & Requirements from Responsible Agencies, 13. Exhibit M - Environmental Assessment T-6345/P22-00411/P22-00442 [08/12/2022], 14. Exhibit N - Opposition Letter [09/07/2022]

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

**September 21, 2022**

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

**THROUGH:** ISRAEL TREJO, Interim Planning Manager  
Planning & Development Department

**BY:** ROB HOLT, Planner  
Planning & Development Department

**SUBJECT**

CONTINUED FROM SEPTEMBER 7, 2022

Consideration of Vesting Tentative Tract Map No. 6345; and related Environmental Assessment No. T-6345/P22-00411/P22-00442 for approximately 36.75 acres of property located on the southeast corner of the East California Avenue alignment and South Willow Avenue (Council District 5).

1. **RECOMMEND APPROVAL** (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. T-6345/P22-00411/P22-0442 dated August 12, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. **RECOMMEND APPROVAL** (to the City Council) of Annexation Application No. P22-00411 (for the California-Willow No. 4 Reorganization) proposing detachment from the Kings River Conservation District and Fresno County Fire Protection District and annexation to the City of Fresno.
3. **RECOMMEND APPROVAL** (to the City Council) of Pre-zone Application No. P22-00442 proposing to pre-zone: approximately 38.37 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RS-5 (*Single-Family Residential, Medium Density*) zone district; approximately 37.90 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone district; and, approximately 41.70 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RM-2/ANX (*Multi-Family Residential, Urban Neighborhood/Annexed Rural Residential Transitional Overlay*) zone district.
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ITEM CONTINUED FROM SEPTEMBER 7, 2022

On September 7, 2022, the Planning Commission considered the item as presented by staff, followed by a presentation by the applicant. One member of the public spoke in opposition of the project who was a property owner north of the subject map property and within the proposed annexation boundary. The Planning Commission continued the item to the September 21, 2022, Planning Commission meeting to allow staff to reach out to Fresno LAFCO and the County of Fresno and discuss removing the affected properties in the annexation boundary north of the subject map property as well as issues with the water well. Planning staff will discuss the results of meetings with LAFCO/Fresno County during the Planning Commission meeting on September 21, 2022.

Staff received a letter from the adjacent property owner after the Planning Commission meeting concluded on September 7, 2022 (**Exhibit N**) regarding their two properties north of the subject map property. The concerns identified in the letter include unforeseen costs for community services, such as the Fresno County Fire Transition Fee, use of their well and water rights, or other services that may result in capital improvement expenses. The concerns raised within the letter are discussed immediately below.

Regarding the Fresno County Fire Transition Fee, the applicant, subdivider, or developer is subject to and responsible for payment of any/all required fees for the entirety of the annexation pursuant to the policies of LAFCO and the City of Fresno; including any cost incurred to the City of Fresno by the detachment of all the annexation's property from the Fresno County Fire Protection District.

Pursuant to Fresno Municipal Code §6-402, the Department of Public Utilities may issue a permit for the drilling of a supply well to replace an existing well or to deepen an existing well supplying water for industrial food or beverage processing, or for irrigation of cemeteries, when in the determination of the Public Utilities Director, the existing well which heretofore has served such purposes has become impaired and unusable, providing such well shall be permanently capped and closed. This allows the property owner to keep and maintain their private water irrigation well within the City without the use of a meter. Only new wells require the installation of a City water meter.

Pursuant to Fresno Municipal Code §6-303, the Department of Public Utilities allows for any existing septic tank(s) on the properties may be allowed to continue in use for a three-year period, which then would require the property owner to connect to the City's sewer infrastructure.

Regarding City of Fresno garbage pick-up, property owners in accordance with State Law are allowed to continue service with their existing contractor/private hauler for a period of five years following annexation. Following the five-year transition period, property owners are required to sign-up for City of Fresno solid waste service.

**EXECUTIVE SUMMARY**

D.R. Horton has filed Vesting Tentative Tract Map No. 6345 pertaining to approximately 36.75 acres of property located on the southeast corner of the East California Avenue alignment and South Willow Avenue.

Annexation Application No. P22-00411 proposes to initiate annexation proceedings for the California-Willow No. 4 Reorganization proposing incorporation of the subject property within the City of Fresno, and detachment from the Kings River Conservation District and Fresno County Fire Protection

District.

Pre-zone Application No. P22-00442 proposes to pre-zone: approximately 38.37 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RS-5 (*Single-Family Residential, Medium Density*) zone district; approximately 37.90 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone district; and, approximately 41.70 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RM-2/ANX (*Multi-Family Residential, Urban Neighborhood/Annexed Rural Residential Transitional Overlay*) zone district.

Vesting Tentative Tract Map No. 6345 proposes to subdivide the property into a 199-lot single-family residential subdivision with public streets at a density of 5.42 dwelling units per acre (du/ac).

The subject property is located within the boundaries of the Fresno General Plan and Roosevelt Community Plan, and both plans designate the subject property (tentative map property) for the Medium Density Residential (5 to 12 du/ac), and the remaining properties within the annexation boundary for the Medium Density Residential (5 to 12 du/ac) and Urban Neighborhood (16 to 30 du/ac). Based upon the submitted subdivision design, and conditions of approval, the proposed subdivision can be found consistent with the Medium Density Residential planned land use for the subject property designated by both the Fresno General Plan and Roosevelt Community Plan.

## **BACKGROUND / ANALYSIS**

The subject property is located in the County of Fresno, but within the City of Fresno's Sphere of Influence (SOI). The SOI is a boundary for land that is expected to be annexed by the City as development is proposed, but until then remains under the jurisdiction of the County of Fresno. The proposed zone district will take in effect once the annexation is approved by the Local Agency Formation Commission (LAFCO) of Fresno.

The subject property is a vacant site located on the east side of South Willow Avenue, adjacent south of the railroad (California Avenue alignment) between East Church and East Butler Avenues. The general vicinity surrounding the subject property are primarily single-family residential neighborhoods, with a mix of multi-family and rural residential uses, and a public middle school. Adjacent east of the subject property is a recently approved single-family subdivision approved by the Planning Commission encompassing 200 single-family residential lots.

### *Surrounding Properties*

The annexation proposal (approximately 123.74 acres in gross area) includes an additional three properties adjacent to the subject property proposed for development. The adjacent properties are rural residential properties.

Staff from the Planning and Development Department met with representatives from the Fresno County Local Agency Formation Commission (LAFCO) and County Public Works and Planning Department (County). Both LAFCO and the County recommended the entirety of the subject property be annexed into the City's limits to fill-in the county island. By including these properties, the proposed annexation is consistent with the Fresno General Plan.

It is also noted that Vesting Tentative Map will ensure revenue neutrality in accordance with a standalone tax sharing agreement. This shall be accomplished through annexation of the Vesting Tentative Map into a Community Facilities District No. 18 to offset Police and Fire costs associated with the annexation.

### ANX Overlay District

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 Conditions of Approval dated September 21, 2022. Additionally, the City of Fresno ANX (*Annexed Rural Residential Transitional Overlay*) zone district will be applied to properties which will be annexed to the City of Fresno as part of the proposed reorganization, but which are located outside of the project’s development boundary. Pursuant to FMC Section 15-1606, the ANX zone district allows rural residential use of properties upon annexation to the city so long as the use had been lawfully allowed by the County at the time immediately preceding the annexation, subject to provisions of Article 4 (Non-Conforming Uses, Structures, Site Features, and Lots). 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.

### California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing and needs to quadruple the current rate of housing production over the next 7 years for prices and rents to decline. Approval of the vesting tentative tract map would help contribute to fulfilling the housing needs of the region.

### **Landscaping/Walls/Open Space**

Given the proposed subdivision is located along a major street (South Willow Avenue) and within the boundaries of the Roosevelt Community Plan, the development will be required to install landscaping and irrigation within a minimum 15-foot-wide landscape strip along South Willow Avenue and a trail east-west alignment adjacent to the railroad located along the northern boundary line of the subject property.

Due to its close proximity to the railroad, an acoustical study was completed for the proposed subdivision. The results of the acoustical study require a minimum 8-foot sound wall along the northern boundary of the subdivision (between the trail and the railroad), and a minimum six-foot high concrete/masonry wall along the rear of the landscaped areas along South Willow Avenue. Major street entryways into the subdivision will incorporate enhanced 10-foot wide landscaped Outlots along the street side yards of adjacent lots.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code. 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.

Additionally, an approximate two-acre neighborhood park is proposed at the northwest corner of the proposed subdivision adjacent to the proposed trail. Additionally, a Class I trail is proposed traveling east-west along the northern subdivision boundary, connecting to the neighborhood park.

The amount of open space provided within the tract map is 1.89 acres, which meets the minimum requirement of FMC Section 12-4.705. For 199 lots, the minimum requirement is 0.38 acres of open space.

## **Public Services**

### Public Utilities

The Department of Public Utilities (DPU) has determined 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 Program 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, these infrastructure improvements and facilities include the construction of a 10-inch sanitary sewer main located in South Willow Avenue from the existing 12-inch main located south of the proposed project to the north property line of said project, as well as typical requirements including the construction and extension of sanitary sewer mains and branches within the interior of future proposed tract. The proposed project will also be required to provide payment of sewer connection charges.

For water service, required infrastructure improvements and facilities include construction of a water supply well site and installation of water mains within the interior of the proposed tract, providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

### 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. Master Plan Facilities are required to be constructed including 24-inch and 42-inch storm drain pipelines connecting to the ponding basin south of the subject property, and a 36-inch storm drain pipeline connecting to the aforementioned 42-inch pipeline north through South Timmy Avenue to the northern subdivision boundary. There are also Non-Master Plan Facilities to be constructed within the subdivision, including 18-inch and 24-inch storm drain pipelines at the southern end of the proposed subdivision.

### Fire Department

The Fire Department offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search, and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District and the City of Clovis

Fire Departments.

Based on the conditions received from the Fire Department dated April 28, 2022, the subject property will be served by both Fire Stations 8 and 15 (approximately 3.0 miles away from each station).

## **Streets and Access Points**

### Vehicle Miles Traveled (VMT)

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that “[a] lead agency has discretion to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, pursuant to Senate Bill 743 effective July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor's Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

The City of Fresno VMT Thresholds adopted a screening standard and criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis.

The City of Fresno VMT Thresholds Section 3.0 regarding Project Screening discusses a variety of projects that may be screened out of a VMT analysis including specific development and transportation projects. For development projects, conditions may exist that would presume that a development project has a less than significant impact. These may be size, location, proximity to transit, or trip making potential. For transportation projects, the primary attribute to consider with transportation projects is the potential to increase vehicle travel, sometimes referred to as “induced

travel.”

One of the eligible screening criteria is if a project is located within an area with low VMT, as designated in the screening map for residential uses (Figure 6) in the City of Fresno’s CEQA Guidelines for Vehicle Miles Traveled Thresholds Technical Advisory. These low VMT areas were calculated using Fresno County as the region. The Fresno County average VMT per capita is 16.10.

Additionally, using the Fresno Council of Governments (COG) VMT Calculator (Version 3.7), the proposed project in this area has an average VMT per capita of 12.32, which is 13 percent or more lower than the County’s 16.10 average VMT per capita.

The proposed project is eligible to screen out because it is located in a low VMT zone, as designated by the Fresno COG screening map and Figure 6 of the City of Fresno CEQA Guidelines for VMT Thresholds.

### Traffic Impact Study

The Fresno General Plan designates South Willow Avenue as a collector street. The proposed project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within the proposed subdivision. Direct vehicular access will be relinquished along all major street frontages of single-family residential lots. The subdivision design includes two major street entryways to the interior of the subdivision from South Willow Avenue. Interior local streets are proposed to be dedicated in accordance with the City Standard 50-foot right-of-way which will provide for parking and sidewalks on both sides of all streets.

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 Sphere of Influence as of December 31, 2012. In accordance with Policy MT-2-I of the Fresno General Plan, when a project is projected to generate 100 or more peak hour new vehicle trips, a Traffic Impact Study is required in order to assess the impacts of new development projects on existing and planned streets. Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed project would generate 1,976 Average Daily Trips (ADT), with 148 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 199 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). Therefore, a Traffic Impact Study was prepared to assess the impacts of the new development on existing and planned streets.

A Traffic Impact Study (TIS) was prepared to assess the impacts of new development on existing and planned streets. The TIS evaluated the impacts of the project by analyzing the following five study intersections and two roadway segments in the vicinity of the project during the AM and PM peak hours for the traffic analysis scenarios required by the City of Fresno. These scenarios include: (1) Existing Conditions; (2) Existing plus Project Conditions; (3) Near Term (Existing plus Approved/Pending Projects plus Proposed Project) Conditions; and (4) Cumulative Year 2040 plus Project Conditions.

#### Study Intersections:

1. Butler and Willow Avenues
2. Church and Willow Avenues
3. Jensen and Willow Avenues
4. North Project Driveway and Willow Avenue

## 5. South Project Driveway and Willow Avenue

### Roadway Segments:

1. Willow Avenue between
  - a. Church and Butler Avenues
  - b. Church and Jensen Avenues

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

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

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

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

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

The Regional Transportation Mitigation Fee (RTMF) is an important part of the Measure "C" Extension approved by Fresno County voters in 2006 (continuing a one-half cent sales tax for transportation purposes). The RTMF is intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target level of service in the face of higher traffic volumes brought on by new developments. The RTMF is governed by a Joint Powers Agency which is the same as the Fresno Council of Governments (COG) Board. Fresno COG's primary functions are transportation planning and programming. As a state-designated

Regional Transportation Planning Agency (RTPA) and federally designated Metropolitan Planning Organization (MPO) for Fresno County, Fresno COG must comply with both designation requirements. Fresno COG prepares a Regional Transportation Plan (RTP) that looks 25 years into the future and sets policies for a wide variety of transportation options and projects. It guides how and where people and goods will travel by identifying both existing and needed transportation facilities. Fresno COG prepares the region's Federal Transportation Improvement Program, a four-year program of financially constrained transportation projects consisting of highway, transit, bicycle, and pedestrian projects that are selected through an approved project selection process.

The 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 August 1, 2022 (**Exhibit L**). 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).

Additionally, the proposed project shall install a HAWK pedestrian beacon per the City of Fresno standards at the existing pedestrian crosswalk on East Church Avenue just west of Helm Avenue prior to the occupancy of any building permits. The HAWK equipment shall be installed in the ultimate location and may require the acquisition of right-of-way.

The proposed project shall also install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of East Church and South Willow Avenues prior to the issuance of building permits for the project. The traffic signal equipment shall be installed in the ultimate location and may require the acquisition of right-of-way.

Therefore, 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 Fresno General Plan Program Environmental Impact Report SCH No. 2019050005 ("PEIR") and based upon compliance with the project specific mitigation measures referenced herein (**Exhibit M**).

## Land Use Plans and Policies

The project is consistent with the following 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.
- Develop 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.

- 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.

These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

Objective UF-14 promotes development that facilitates multi-modal connectivity.

Policy UF-14-b promotes the design of local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development, and the ability to create access for pedestrians and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.

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.

Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.

Objective D-4 supports that the City preserve and strengthen Fresno's overall image through design review and create a safe, walkable, and attractive urban environment for the current and future generations of residents.

Policy D-4-e promotes innovative lot designs and patterns to enhance community livability in residential neighborhoods through new zoning provisions, with flexible development standards.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities.

An approximate two-acre neighborhood park is proposed at the northwest corner of the proposed subdivision. Additionally, a Class I trail is proposed traveling east-west along the northern subdivision boundary, connecting to the neighborhood park.

Approximately one mile away to the north is an established commercial use corridor along East Kings Canyon Road providing employment opportunities for all new residents of the neighborhood.

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.

### **Neighborhood Meeting**

A Neighborhood Meeting via Zoom was held on December 22, 2021, and consistent with the noticing requirements of Sec. 15-5006 of the FMC. One member of the community attended the meeting, which was the property owner adjacent to the west (and owner land within the annexation boundary). Neither of the property owners to the north (within annexation boundary) attended the meeting. No questions were asked from the attendees of the meeting.

### **Council District Project Review Committee**

The Council District 5 Project Review Committee reviewed the proposed project at their regular meeting on May 9, 2022, and voted to recommend approval of the project, 4 votes to 0.

### **Notice of Planning Commission Hearing**

The Planning and Development Department mailed notices of this Planning Commission hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 of the FMC (**Exhibit I**).

## **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. 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 pertinent to the Roosevelt Community Plan area, including the Fresno General Plan Program Environmental Impact Report SCH No. 2019050005 ("PEIR"). 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.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the PEIR 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.

It has been further determined that all applicable mitigation measures of the Project Specific Mitigation Monitoring Checklist 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. 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 PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR 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-6345/P22-00411/P22-00442 (**Exhibit M**) was published in the Fresno Bee on August 12, 2022, with no comments received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

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

### ***Grounds 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 annexation, pre-zone, and vesting 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

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 Roosevelt Community 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. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code 66400, *et seq.*) and staff concludes that the required findings contained within Sections 15-3309, 15-5812, and 15-6104, *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed projects are appropriate for the project site. Action by the Planning Commission will be a recommendation to the City Council.

## ATTACHMENTS:

- Exhibit A - Vesting Tentative Tract Map No. 6345 [05/16/2022]
- Exhibit B - Operational Statement [04/11/2022]
- Exhibit C - Aerial Map
- Exhibit D - Vicinity Map
- Exhibit E - Fresno General Plan Land Use & Zoning Map
- Exhibit F - Proposed Pre-zone Exhibit
- Exhibit G - Proposed Annexation Boundary Exhibit

Exhibit H - Fresno Municipal Code Findings

Exhibit I - Public Hearing Notice Radius Map

Exhibit J - Neighborhood Meeting Minutes

Exhibit K - Conditions of Approval for Vesting Tentative Tract Map [09/21/2022]

Exhibit L - Comments & Requirements from Responsible Agencies

Exhibit M - Environmental Assessment T-6345/P22-00411/P22-00442 [08/12/2022]

Exhibit N - Opposition Letter [09/07/2022]