



## Legislation Details (With Text)

**File #:** ID 20-001062 **Version:** 1 **Name:**  
**Type:** Action Item **Status:** Agenda Ready  
**File created:** 8/13/2020 **In control:** City Council  
**On agenda:** 8/27/2020 **Final action:**

**Title:** (CONTINUE TO SEPTEMBER 17, 2020 AT 10:15 A.M.)  
 CONTINUED HEARING to consider Annexation Application No. P19-02239, Plan Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract Map No. 6234/UGM, and related Environmental Assessment No. T-6234/P19-02237/P19-02239, for property located on the west side of North Hayes Avenue between West Ashlan and West Shields Avenues (Council District 1)  
 1. ADOPT the finding of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6234/P19-02237/P19-02239 dated March 13, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).  
 2. \*\*\*RESOLUTION - Approving Annexation Application No. P19-02239 proposing to initiate proceedings for the Dakota-Hayes No. 4 Reorganization to annex the ±235 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District. (Subject to Mayor's Veto.)  
 3. RESOLUTION - Approving Plan Amendment Application No. P19-02237 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from the Low Density Residential (±1.06 acres), Medium-High Density Residential (±9.76 acres), Urban Neighborhood (±17.26 acres) and Open Space/Neighborhood Park (±5.25 acres) planned land use designations to the Medium Density Residential (±35.88 acres) land use designation.  
 4. BILL (For introduction and adoption) - Approving Pre-zone Application No. P19-02237 proposing to pre-zone the subject property from the Fresno County RR (Rural Residential) to the City of Fresno RS-3/UGM/ANX (Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay), RS-5/UGM (Residential Single Family, Urban Growth Management), RS-5/UGM/ANX (Residential Single Family, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay), RM-2/UGM/ANX (Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay) and OS/UGM/ANX (Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General Plan Amendment.  
 5. APPROVE Vesting Tentative Tract Map No. 6234/UGM, proposing to subdivide approximately 88.1 acres of the subject property into a 486-lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Annexation No. P19-02239, Plan Amendment/Rezone Application No. P19-02237 and the related environmental assessment.  
 6. APPROVE Indemnification Agreement with Edward D. Fannuchi for indemnity related to claims arising from SB 330.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Additional Information - Email from Precision Engineering.pdf

Date	Ver.	Action By	Action	Result
8/27/2020	1	City Council	continued	

## REPORT TO THE CITY COUNCIL

**AUGUST 27, 2020**

**FROM:** DAN ZACK, Assistant Director  
Development Services Division

**THROUGH:** ISRAEL TREJO, Supervising Planner  
Development Services Division

**BY:** CHRIS LANG, Planner  
Development Services Division

**SUBJECT**

**(CONTINUE TO SEPTEMBER 17, 2020 AT 10:15 A.M.)**

CONTINUED HEARING to consider Annexation Application No. P19-02239, Plan Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract Map No. 6234/UGM, and related Environmental Assessment No. T-6234/P19-02237/P19-02239, for property located on the west side of North Hayes Avenue between West Ashlan and West Shields Avenues (Council District 1)

1. ADOPT the finding of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6234/P19-02237/P19-02239 dated March 13, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. \*\*\*RESOLUTION - Approving Annexation Application No. P19-02239 proposing to initiate proceedings for the Dakota-Hayes No. 4 Reorganization to annex the ±235 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District. (Subject to Mayor's Veto.)
3. RESOLUTION - Approving Plan Amendment Application No. P19-02237 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from the Low Density Residential (±1.06 acres), Medium-High Density Residential (±9.76 acres), Urban Neighborhood (±17.26 acres) and Open Space/Neighborhood Park (±5.25 acres) planned land use designations to the Medium Density Residential (±35.88 acres) land use designation.
4. BILL (For introduction and adoption) - Approving Pre-zone Application No. P19-02237 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) to the City of Fresno RS-3/UGM/ANX (*Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RS-5/UGM (*Residential Single Family, Urban Growth Management*), RS-5/UGM/ANX (*Residential Single Family, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RM-2/UGM/ANX (*Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and OS/UGM/ANX (*Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General Plan Amendment.
5. APPROVE Vesting Tentative Tract Map No. 6234/UGM, proposing to subdivide approximately 88.1 acres of the subject property into a 486-lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval

of Annexation No. P19-02239, Plan Amendment/Rezone Application No. P19-02237 and the related environmental assessment.

6. APPROVE Indemnification Agreement with Edward D. Fannuchi for indemnity related to claims arising from SB 330.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the finding of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6234/P19-02237/P19-02239 dated March 13, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. ADOPT RESOLUTION approving Annexation Application No. P19-02239 proposing to initiate proceedings for the Dakota-Hayes No. 4 Reorganization to annex the ±235 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District.
3. ADOPT RESOLUTION approving Plan Amendment Application No. P19-02237 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from the Low Density Residential (±1.06 acres), Medium-High Density Residential (±9.76 acres), Urban Neighborhood (±17.26 acres) and Open Space/Neighborhood Park (±5.25 acres) planned land use designations to the Medium Density Residential (±35.88 acres) land use designation.
4. INTRODUCE AND ADOPT BILL approving Pre-zone Application No. P19-02237 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) to the City of Fresno RS-3/UGM/ANX (*Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RS-5/UGM (*Residential Single Family, Urban Growth Management*), RS-5/UGM/ANX (*Residential Single Family, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RM-2/UGM/ANX (*Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and OS/UGM/ANX (*Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General Plan Amendment.
5. APPROVE Vesting Tentative Tract Map No. 6234/UGM, proposing to subdivide approximately 88.1 acres of the subject property into a 486-lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Annexation No. P19-02239, Plan Amendment/Rezone Application No. P19-02237 and the related environmental assessment.
6. APPROVE Indemnification Agreement with Edward D. Fannuchi for indemnity related to claims arising from SB 330.

## EXECUTIVE SUMMARY

Precision Civil Engineering, Inc., on behalf of Edward Fanucchi, has filed Plan Amendment/Rezone

Application No. P19-02237 and Annexation Application No. P19-02239 pertaining to a total  $\pm 180$  acres of property; as well as, Vesting Tentative Tract Map No. 6234/UGM pertaining to  $\pm 88.1$  acres of property in the County of Fresno and within the City of Fresno Sphere of Influence. These properties are located on the north and south sides of West Dakota Avenue and its planned alignment between North Bryan and North Polk Avenues.

The General Plan Amendment proposes to change the existing Low Density Residential ( $\pm 1.06$  acres), Medium Density Residential ( $\pm 54.77$  acres), Medium-High Density Residential ( $\pm 9.76$  acres) and Urban Neighborhood Residential ( $\pm 17.26$  acres) planned land use designations, as well as the existing Open Space/Neighborhood Park ( $\pm 5.25$  acres) planned land use designation to the Medium Density Residential ( $\pm 88.1$  acres) planned land use designation for those respective portions of property located within the proposed boundary of Vesting Tentative Tract Map No. 6234/UGM. This Plan Amendment will also require an amendment to Figure LU-2: Dual Designation of the Fresno General Plan to remove the Dual Designation of Urban Neighborhood Residential, which is currently assigned to the designated Open Space (Neighborhood Park) planned land use portion of the subject property.

The Rezone Application proposes to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County RR (*Rural Residential District*) to the City of Fresno RS-3/UGM (*Residential Single Family, Low Density/Urban Growth Management*), RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*), RM-2/UGM (*Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management*) and OS (*Open Space/Urban Growth Management*) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General Plan Amendment. In addition, the ANX (*Annexed Rural Residential Transitional Overlay*) zone district will be applied to all properties to be annexed which are not included within the limits of the proposed tentative map boundary.

The Annexation Application has been filed requesting authorization to initiate annexation proceedings for the Dakota-Hayes No. 4 Reorganization, proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and North Central Fire Protection District (these actions are under the jurisdiction of the Fresno Local Area Formation Commission [LAFCO]). Together, these applications have been filed to facilitate subdivision and development of an  $\pm 88.1$  net acre portion of the subject property pursuant to Vesting Tentative Tract Map No. 6234/UGM.

Vesting Tentative Tract Map No. 6234/UGM proposes to subdivide the  $\pm 88.1$  net acre portion of the subject property located on the north and south sides of the West Dakota Avenue alignment between North Bryan and North Hayes Avenues for purposes of creating 486 single-family residential lots at a density of 5.5 dwelling units per acre.

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

## **BACKGROUND / ANALYSIS**

The subject property is located within the unincorporated area of the County of Fresno and lies within the City of Fresno's General Plan Boundary and Sphere of Influence; more specifically, within Growth

Area 1 (as depicted in Figure IM-2: Sequencing of Development of the General Plan). The Fresno General Plan identifies that new development will focus on infill and properties within Growth Area 1 based on planned infrastructure expansion, public service capacity, and fiscal considerations.

The immediate vicinity of the subject property is primarily rural residential and agricultural in nature. Property directly to the east is located within the boundaries of the City of Fresno, and is developed with single-family residential homes. Properties to the west, south and directly north all remain in the County of Fresno, and are developed with rural residential and agricultural uses. Properties further to the north, beyond West Ashlan Avenue, are primarily located within the City of Fresno boundaries.

However, the marginally broader area surrounding the immediate vicinity of the subject property is undergoing rapid growth through current development and renewed investment interest. Properties located to the north of West Ashlan Avenue have either been recently developed with single-family residences or are at different stages of the approval process of finalizing new subdivisions to provide additional single-family residences. There is also renewed interest in developing portions of the former Westlake planned development approximately one-half mile to the west of the subject property to provide single-family residential lots as well. Therefore, the project site is located within a City of Fresno Sphere of Influence area which is planned for present growth and which is being rapidly encompassed with urban development.

The proposed pre-zone application has been filed to facilitate annexation of the ±235 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and the Fresno County Fire Protection District in accordance with Annexation Application No. P19-02239. The combination of these actions comprises the proposed Dakota-Hayes No. 4 Reorganization and ultimately fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

### Adjacent Property

There is an approximate 58.6 acre portion of land to the northeast of the Dakota and Hayes intersection which is comprised of 13 parcels containing single-family residences and agricultural uses that are included with the annexation, plan amendment and pre-zone applications. Three parcels on the west side of North Hayes Avenue, directly to the south of the proposed subdivision and 11 parcels along North Bryan Avenue directly to the west of the proposed subdivision have also been included in the above mentioned applications. These parcels comprise ±87.9 acres of land and are also developed with single rural residences and agricultural uses. Staff from the Planning and Development (P&D) Department met with representatives from the Local Agency Formation Commission (LAFCO) and County Public Works and Planning Department (County), both LAFCO and the County recommended that the additional ±146.5 acres be annexed in to the City in order to provide squared city/county boundaries. By including these properties, the proposed annexation is consistent with the Fresno General Plan, the Fresno County MOU and the Cortese-Knox-Hertzberg Local Government Reorganization Act.

As such, in order for the adjacent parcels to be consistent with the Fresno General Plan, said properties were included with the plan amendment and pre-zone applications. It is noted that pursuant to FMC 15-5803.B & C, a pre-zone and plan amendment may be initiated by the Director of P&D.

An affirmative action by the Fresno City Council regarding Annexation Application No. P19-02239 will

authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Dakota-Hayes No. 4 Reorganization. Annexation will be required to be completed prior to recordation of a Final Map for any phase of Vesting Tentative Tract Map No. 6234/UGM.

The applicant proposes to modify the Fresno General Plan and West Area Community Plan by amending the planned land use designations within the map boundary from Low Density Residential ( $\pm 1.06$  acres), Medium-High Density Residential ( $\pm 9.76$  acres) and Urban Neighborhood Residential ( $\pm 17.26$  acres) planned land use designations, as well as the existing Open Space/Neighborhood Park ( $\pm 5.25$  acres) planned land use designation to the Medium Density Residential ( $\pm 33.3$  acres). The overall acreage of Medium Density Residential planned land use will be approximately 88.1 acres. Approximately 5.25 acres of property are proposed to be dedicated for bicycle, pedestrian and landscape purposes, which will effectively result in no net loss of open space.

Pre-zone Application No. P19-02237 proposes to reclassify the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district zoning for the property located within the proposed boundaries of the Vesting Tentative Tract Map.

The additional land to be annexed will be pre-zoned to the RS-3/UGM/ANX (*Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RS-5/UGM/ANX (*Single Family Residential, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RM-2/UGM/ANX (*Multi-Family Residential, Urban Neighborhood/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), and OS/UGM/ANX (*Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay*). These zone districts are consistent with the existing land uses not being amended by the associated Plan Amendment application. The Annexed Rural Residential Transitional Overlay District allows rural residential use of properties upon annexation to the city continuing until such time as the properties are further developed consistent with the Base District. Properties located within this overlay would be permitted to continue uses previously established with the County prior to annexation, and as outlined in Section 15-1606 of the FMC.

Vesting Tentative Tract Map No. 6234/UGM proposes to subdivide  $\pm 88.1$  acres of the subject property into a 486-lot single-family residential development. The proposed density of the subdivision is approximately 5.5 dwelling units per acre, which is consistent with the RS-5 zone district and the medium density planned land use (5-12 dwelling units per acre). Several outlots totaling approximately 5.25 acres are proposed for bicycle, pedestrian and landscape purposes which follow the existing PG&E transmission lines, and will be consistent with open space dedicated for a trail in subdivisions previously approved further north along the transmission lines.

### Lot Size

The minimum lot size in the RS-5 zone district, which does not require compliance with the enhanced streetscape provision of the FMC, is 4,000 square feet. The applicant however is proposing several lots which fall below this threshold, but are larger than 3,200 square feet. Fresno Municipal Code Section 15-4105-A-1 allows up to 25 percent of the total lots to be up to 20 percent smaller in width, depth and/or area than that normally required of the applicable zone district. Therefore, lots which are smaller than 4,000 square feet (i.e. lots 102, 222, 225), but greater than 3,200 square feet, comply with the provisions of FMC §15-4105-A-1, to permit a reduction in minimum lot area. Three of the proposed lots will utilize this provision.

## **Public Services**

### **Public Utilities**

The Department of Public Utilities (DPU) has identified that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the migration measures of the related Master Environmental Impact Report; and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works Standards, specifications and policies.

For sanitary sewer service these infrastructure improvements and facilities include typical requirements for construction and extension of sanitary sewer mains and branches. The requirements include the construction of a sewer main in North Hayes Avenue from the intersection of North Hayes and West Dakota Avenues to the north property line of the project site. The proposed project will also be required to provide payment of sewer connection charges and install branches within the interior of the residential tract to each lot created.

For water service, required infrastructure improvements and facilities include installation of 16-inch transmission water mains (as well as City fire hydrants) in North Bryan Avenue from West Dakota to West Dayton Avenues, in West Dakota Avenue from North Bryan to North Hayes Avenues, and in North Hayes Avenue from West Dakota Avenue north across the project frontage. Installation of these services, as well as within the interior of proposed tract, will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

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

### **Fire Department**

The City of Fresno Fire Department reviewed the proposed project, which is located within the boundaries of Fire Station 16, and has determined that adequate Fire service will be available subject to future requirements for development. These requirements will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water; installation of fire sprinklers within future commercial buildings; and the provision of two means of emergency access during all phases of construction. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

### **Fresno Metropolitan Flood Control District**

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area. The Fresno Metropolitan Flood Control District has indicated

that master plan facilities are to be constructed by the developer; the District recommends temporary facilities until permanent service is available. Grading and drainage patterns are to direct drainage on property to the north of Dakota to the existing drainage basin to the west, while drainage to the south of Dakota shall be directed toward the southerly portions of the subject property, and the future master plan pipeline.

### Common Annexation Questions

It is common for owners of property being annexed to have many questions. One question that often arises is regarding property taxes. Property owners can expect to pay an additional (approximately) \$33 per year in property taxes for each \$100,000 of assessed property value. For example, if a property is assessed at \$300,000, the property owner can expect to see an increase of approximately \$99 per year in additional property tax.

Any existing septic tanks may be allowed to continue in use until said property develops or until a sewer main is constructed and available to serve the property (i.e., within 100 feet). Whether a property is located within the City or the County, from the time that City sewer services are available, there will be a three year time period to connect. The project is conditioned to construct a 12" sewer main from the intersection of North Hayes and West Dakota Avenues along North Hayes Avenue to the north property line of the project.

Upon annexation, existing water wells can be retained for domestic and agricultural purposes as long as the well does not require further drilling or well casing replacement, or well replacement. A new well or repair of the existing well would be allowed in the instance there is no water main directly in front of subject properties. The project is condition to construct 16" water mains from the southern border of the property at Dayton Avenue north to the northern border of the property along Hayes. Properties can continue to use wells for irrigation purposes. After obtaining a permit from the City or County a well may be redrilled or replaced if the lot is two acres or more. Otherwise, due to contamination, the City seeks to limit the drilling of new private wells (these private watering wells are generally shallow and are more susceptible to contamination, than the deep, high production wells the City of Fresno operates). Existing Fresno Irrigation District (FID) will continue to be made available to all downstream users unless those users specifically give up rights to FID water.

Regarding City of Fresno solid waste pick-up (trash service), property owners are allowed to continue service with their existing contractor/private hauler for the required legal transition period (usually five years following annexation) in accordance with State law. Following the five year transition period, property owners are required to sign-up for City of Fresno solid waste service. For the average residential household, the annual cost of City solid waste/trash pick-up is typically less than a private hauler. Annual curbside pick-up (Operation Clean Up) for most large household discards and yard waste is provided for City properties, which reduces the number of expensive trips that may be required to take such items to landfills. Residential street sweeping is also offered to City properties once per month for local streets and once per week for major streets. Other City maintenance services include litter control, street tree trimming and median island maintenance, graffiti removal, and active code enforcement.

City Police and Fire personnel are also typically able to respond faster than County Sheriff in case of an emergency; and generally, City residents have a better fire insurance rating than County residents which may lower fire insurance premiums if annexed to the City (property owners would need to contact their homeowner's insurance company for possible fire insurance savings).



City residents may also be eligible for a wide variety of programs to assist with home purchase or rehabilitation based upon certain income restrictions.

Generally, businesses that are legal in the County are legal in the City. The City has home occupation business license provisions which allow people to have businesses at home so long as they do not generate excessive traffic or noise and they do not require equipment not commonly found at a residence.

Finally, the City has proposed to apply the ANX (Annexed Rural Residential Transitional Overlay) zone district to all properties which are not included within the subdivision map boundary but which are included within the proposed annexation area. The ANX overlay allows rural residential use of properties as well as any use existing at the time a property is annexed (so long as the use had been lawfully allowed by the County at the time preceding annexation) to continue upon annexation to the City until such time as the properties are redeveloped consistent with the base district.

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

The proposed subdivision is located adjacent to and abutting collector streets (North Hayes Avenue and the West Dakota alignment) within the boundaries of the West Area Community Plan and the development will be required to install landscaping and irrigation within a minimum 15-foot wide landscape strip along all collector streets, including North Hayes, West Dakota, and North Bryan Avenues. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the major streets.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail is designated along the West Dakota Avenue alignment. Dedications are required for public street purposes in accordance with public works standards and Official Plan Line No. 146, and an outlot shall also be created for the trail along the north side of the future West Dakota Avenue. Additionally, Outlots "A," "B," "C" & "D" of Vesting Tentative Tract Map No. 6234/UGM have been proposed to be dedicated along the existing PG&E easement of the tentative map for bicycle, pedestrian and landscape purposes to accommodate the planned Class I Bicycle/Pedestrian Trail.

As referenced herein above Outlots will be developed and dedicated for trail and public open space purposes, which will afford additional opportunities for both passive and active recreation. The proposed development has been designed with streets adjacent to the open space areas, minimizing the number of lots which back-onto the public open spaces. This form of development contributes to keeping "eyes-on" common areas while simultaneously providing appropriate lighting and minimizing walls and other obstructions to open space which contribute to attractive nuisances.

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

The long term maintenance and operating costs, including repair and replacement, of certain

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

## **Streets and Access Points**

The Fresno General Plan designates West Dakota and North Hayes Avenues as collector streets. The project will take access from multiple points along West Dakota and North Hayes Avenues, with additional access from North Bryan Avenue via West Dayton Avenue. Stubs for future connections are also proposed to adjacent properties to the west and south of the subject property. The developer of this project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within the subdivision. Direct vehicular access will be relinquished along all major street frontages of single-family residential lots. The subdivision design includes boundary streets along its western boundaries in order to afford access and facilitate connectivity for future development on adjacent undeveloped property.

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

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

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the SOI as of December 31, 2012. In accordance with Policy MT-2-i of the Fresno General Plan, when a project includes a General Plan amendment that changes the General Plan Land Use Designation, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets. Therefore, a Traffic Impact Study was prepared to assess the impacts of the new development on existing and planned streets.

The analysis of traffic operations within the MEIR was conducted based on roadway segments representative of the City’s overall transportation network. Traffic volumes on the selected roadway segment analysis is based on traffic counts taken at single location or link, which was intended to be representative of the entire segment. A link connects two intersections; a segment is a series of links. Traffic operations on the study roadway segments were measured using a qualitative measure called Level of Service (LOS). LOS is a general measure of traffic operating conditions whereby a letter grade, from “A” (the best) to “F” (the worst), is assigned. These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving, as well as speed, travel time, traffic interruptions, and freedom to maneuver.

The threshold established by the Fresno General Plan in TIZ III is Level of Service “D” representing a

high-density, but stable flow. Users experience severe restriction in speed and freedom to maneuver, with poor levels of comfort and convenience.

Vehicle trips projected to be generated by the proposed project were calculated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition. Based upon the calculations, the proposed project is projected to generate 4,502 Average Daily Trips (ADT) with 353 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 472 vehicle trips occurring during the evening (4 to 6 p.m.) peak hour travel period. The project is anticipated to generate traffic volumes exceeding 100 peak hour trips, and a Traffic Impact Analysis (TIA) was prepared to assess the impacts of the new development on existing and planned streets. This assessment evaluated the impacts of the project by analyzing the following 18 study intersections and two roadway segments in the vicinity of the project during the AM and PM peak hours for the Existing Conditions; Existing plus Project Conditions; Near Term Plus Project Conditions; and, Cumulative Year 2035 plus Project Conditions study scenarios:

#### Study Intersections:

1. Bryan Avenue / Shaw Avenue
2. Hayes Avenue / Shaw Avenue
3. Bryan Avenue / Gettysburg Avenue
4. Hayes Avenue / Gettysburg Avenue
5. Bryan Avenue / Ashlan Avenue
6. Hayes Avenue / Ashlan Avenue
7. Polk Avenue / Ashlan Avenue
8. Bryan Avenue / Dakota Avenue
9. Hayes Avenue / Dakota Avenue
10. Polk Avenue / Dakota Avenue
11. Bryan Avenue / Shields Avenue
12. Hayes Avenue / Shields Avenue
13. Polk Avenue / Shields Avenue
14. Hayes Avenue / Clinton Avenue
15. Polk Avenue / Clinton Avenue
16. Hayes Avenue / McKinley Avenue
17. Hayes Avenue / Olive Avenue
18. Hayes Avenue / Belmont Avenue

#### Study Segments

1. Hayes Avenue between Ashlan Avenue and Dakota Avenue
2. Hayes Avenue between Dakota Avenue and Shields Avenue

Based on the analyses included in the TIA and supplemental assessment, the intersection of Bryan Avenue at Ashlan Avenue is currently operating below the adopted TIZ III level of service (LOS) standard of LOS D in the AM peak hour. The remaining study intersections are currently operating at or above the LOS D standard during both the AM and PM peak hours. These findings comprise the Existing Conditions Scenario.

With the addition of the project (Existing plus Project Conditions Scenario), the intersections of Bryan Avenue at Ashlan Avenue and Polk Avenue at Dakota Avenue are project to operate below the LOS

D standard in the AM peak hour. The remaining study intersections are project to operate at or above the LOS D standard with the addition of the project.

The analyses included in the TIA showed the following intersections are projected to operate below the LOS D standard in the Near Term Without Project Scenario:

- Bryan Avenue at Shaw Avenue
- Hayes Avenue at Shaw Avenue
- Bryan Avenue at Ashlan Avenue
- Hayes Avenue at Ashlan Avenue
- Polk Avenue at Ashlan Avenue
- Polk Avenue at Dakota Avenue
- Polk Avenue at Shaw Avenue

The TIA also analyzed the operational impacts with the addition of previously approved and pending projects along with the proposed project (Near Term plus Project Conditions Scenario). This is one future assumed scenario which is utilized to consider indirect or secondary effects or impacts which are caused cumulatively by the project and other future projects at a point later in time or farther removed in the distance, but which are still reasonably foreseeable. With the addition of the project to the Near Term Without Project scenario volumes, in addition to the intersections show above, the TIA showed the intersections of Hayes Avenue at Dakota Avenue and Hayes Avenue at Shields Avenue are projected to operate below the LOS D standard.

The analysis in the TIA showed all the study intersections, with the exception of Hayes Avenue at Olive Avenue, are projected to operate below the TIZ III LOS D standard in the Cumulative Year 2035 Plus Project scenario. Improvements at surface street intersections are included within the City of Fresno impact fee programs.

In addition to the operational analyses, the TIA also reviewed collisions over a five-year period, from 2013 to 2017, and prepared traffic signal warrants at the study locations. All study intersections have experienced a relatively low average number of collisions per year with the exception of several intersections, including Hayes and Shields Avenues which experienced a total of 15 collisions during this five-year period.

Conditions of approval and the project specific mitigation measures for the proposed project require the installation of a traffic signal with protected left-turn phasing at the intersection following intersections (at ultimate locations, including right-of-way acquisition as necessary):

- Hayes and Dakota Avenues prior to the occupancy of 300 homes
- Polk and Dakota Avenues prior to the occupancy of 200 homes
- Hayes and Shields Avenues prior to the occupancy of 100 homes
- Polk and Shields Avenues prior to the occupancy of 400 homes

The project shall also pay its fair share for cumulative impacts at the intersection of the State Route 99 northbound off-ramp at Ashlan Avenue.

The project TIA notes that with the proposed Plan Amendment and Pre-zone, the change in land uses and acreage reduces the potential number of estimated dwelling units by 339 dwelling units.

This in turn reduces the total Average Daily Trips by 2,244, as well as a reduction of 119 A.M. Peak Hour and 133 P.M. Peak Hour trips.

The project TIA notes that between the Existing Traffic Conditions and the Near Term plus Project Traffic Conditions scenarios, the Project accounts for 7.3 percent of the daily trips, 5.3 percent of the AM peak hour trips and 6.1 percent of the PM peak hour trips of growth in traffic, while the rest can be attributable to the near term projects. The TIA provides that the majority of the mitigation measures presented under this scenario may not be necessary immediately upon completion of the proposed Project.

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

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

The 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 Capital Improvement Program (Street CIP) that outlines the planned facilities and costs for FMSI Fee Program funded transportation improvements through General Plan build out.

The Street CIP details the roadway improvement projects needed to accommodate future development that will be funded through the FMSI Fee Program. For each street segment, the Street CIP includes: travel lanes; medians and median landscaping; parking lanes; bike lanes; curb and gutter; bus bays; irrigation pipes and canals; railroad crossings; and, soft costs (engineering, plan check, and inspection costs). In addition to the street improvements, the Street CIP also includes associated right of way acquisition, ancillary costs (mobilization traffic control, dust control, and storm water pollution prevention), bridge widening, and other miscellaneous improvements. Asphalt concrete dikes, utilities, sidewalks, street lights, sound walls, and frontage landscaping are specifically excluded from the Street CIP. The FMSI Fee Program also will not fund construction of improvements required to cure existing street deficiencies, as measured by level of service standards.

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

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

The 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. Current Measure “C” projects include but are not limited to the Veteran’s Boulevard project for northwest Fresno which will include a new interchange on State Route 99 and a two and one-half mile arterial from Herndon Avenue to Grantland Avenue. The new interchange will be located on State Route (SR) 99 between the Herndon Avenue and Shaw Avenue interchanges; and, is expected to improve access to SR99, provide congestion relief to northwest Fresno, and connect northwest Fresno to the communities west of State Route 99. 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 Citywide Regional Street Impact Fee Program and the New Growth Area Major Street Impact Fee Program are collectively referred to as the Fresno Major Street Impact Fee Program (FMSI Fee Program). The FMSI Fee Program was implemented to provide a funding mechanism for transportation facilities required to serve future development through 2025. The FMSI Fee Program is a successor fee program that replaced the previous transportation facility components of the City’s Urban Growth Management (UGM) fee program.

As noted within the Mitigated Negative Declaration prepared for the proposed project, the environmental assessment was tiered from the City of Fresno General Plan Master Environmental Impact Report (MEIR). Section 5.13 of the MEIR related to Transportation and Traffic describes potential impacts to the transportation system associated with adoption of the City of Fresno General Plan Update. The study area for cumulative transportation and traffic impacts included the Planning Area and the immediate surrounding County of Fresno, City of Clovis, and surrounding Counties areas because cumulative development in the areas immediately surrounding the Planning Area

could combine with development under the proposed project and result in cumulative transportation and traffic impacts. Project specific impacts identified due to increases in peak hour traffic volumes were based on build out of the City of Fresno General Plan Update along with existing development in the remainder of Fresno County. Along with build out of planned population and employment, the analysis assumed the transportation system displayed in Appendix H-7 and H-8. The findings of the MEIR concluded that build out of the City of Fresno General Plan Update would add vehicle trips to roadways that would result in operations below the adopted level of service thresholds in the City, unincorporated Fresno County, City of Clovis, and to Caltrans facilities constituting a significant impact.

Build out of the City of Fresno General Plan would add vehicle trips to roadways that would result in operations below the City of Fresno General Plan LOS D under existing conditions. Based on the LOS identified in Exhibits 5.14-5 and 5.14-6 (See Appendix H-8 and H-9, respectively, for detail), the roadway segments of Shaw Avenue from the State Route 99 Northbound Ramps to Cornelia Ave was projected to operate at LOS E during the AM Peak hour and LOS F during the PM Peak hour; and, the segment of Shaw from Cornelia to Jennifer Avenues was projected to operate at LOS F during the PM Peak hour.

Although some study intersections have been projected to operate below the TIZ III LOS D standard under various scenarios, it must be noted that the General Plan Update allows LOS E and LOS F on the roadway segments identified in Exhibits 5.14-5 and 5.14-6 with the implementation of the General Plan Update in TIZ III. This reflects a change in policy for the City of Fresno to acknowledge that transportation planning based solely on roadway LOS, which considers only driver comfort and convenience, is not desirable since it fails to acknowledge other users of the circulation system and other community values.

In evaluating the roadway system, a lower LOS may be desired when balanced against other community values related to resource protection, social equity, economic development, and consideration of pedestrians, bicyclists, and transit users. The Fresno General Plan utilizes and encourages strategic initiatives in compliance with the California Complete Streets Act, which provides priority and emphasis on a multi-modal transportation system; more transportation options result in fewer traffic jams and the overall capacity of the transportation network increases. Therefore, providing more transportation options will allow the City to meet its future travel demands without solely relying on motorized vehicles. In addition, roadway LOS is directly linked to roadway infrastructure costs. A higher LOS results in greater expenditure of infrastructure for wider roadways that do not necessarily serve all users of the circulation system and may compete with other policies of the General Plan Update.

The City of Fresno General Plan will accommodate planned population and employment growth without expanding its current SOI, accommodating 180,000 more people than the previous General Plan in the same area. The intent is to accommodate anticipated growth through compact, walkable, infill, new complete neighborhoods, and mixed-use development through intensification of the downtown planning area, high capacity transit corridors, intensive urban activity centers, and multi-modal districts. This focus will locate population and employment closer to services. As discussed under Impact TRANS-1 in the MEIR, increased development density and intensity is correlated with reduced vehicle trips. Mixing complementary uses in a neighborhood setting increase internal trip “capture,” and different urban design approaches increase transportation connectivity and provide high-quality bicycle, pedestrian, and transit facilities by increasing the relative attractiveness of non-automobile modes of travel to promote travel mode shifts. The City of Fresno General Plan Update

also provides a complete streets approach, which considers all modes of transportation, in the planning, design and implementation facilities to support planned population and employment growth. Even with this focus on more compact development and complete street concepts, vehicle travel as measured in terms of Vehicle Miles Traveled (VMT) is forecasted to increase.

This General Plan shifts emphasis from a city dominated by suburban growth to one that also shares increased urban development in the form of infill and rehabilitation, along with new Activity Centers with mixed-uses and neighborhoods in growth areas. The basis of this Plan's concepts are formed by balancing more efficient infill, Downtown, and neighborhood revitalization; transit-oriented development along major streets; mixed-uses in new Activity Centers in growth areas; and the building of Complete Neighborhoods.

Major urban form components include Activity Centers with mixed-uses, intensification, and infill development. Some of these Activity Centers are generally located on land along the first phase of the BRT system. The first phase is composed of BRT corridors along Blackstone Avenue between Downtown and the major shopping centers from Herndon Avenue to Nees Avenue, and along Ventura Avenue-Kings Canyon Road from Downtown to Clovis Avenue. Concurrently there will be enhanced bus service along Shaw Avenue.

As demand necessitates, later phases of BRT may include the Shaw Avenue corridor, which will support the opportunity for focused intensity at the West Shaw Activity Center proposed at Veterans Boulevard and Shaw Avenue west of State Route 99, extending south along Grantland Avenue to the Grantland Transit Village between Ashlan and Shields Avenues.

Employment centers in existing developed areas and in growth areas, composed of high concentrations of office, business parks and districts, and industrial clusters, are also important components of urban form. These areas have traditionally been served by freeways, freight rail, and major streets, and now will be additionally served by proposed BRT corridors with more intense land uses generating many new business and employment opportunities. These General Plan objectives and policies are intended to reduce regional trips and citywide congestion. The General Plan and MEIR acknowledge that even if local congestion increases due to an increase in population from infill, this will eventually improve air quality by reducing per capita vehicle emissions and VMT through shorter commutes and increase in transit and non-motorized modes of travel. This will also reduce the need for regional travel demand transportation improvements.

Therefore, with implementation of the General Plan, impacts to roadways within TIZ III were concluded to be less than significant by the MEIR based upon a cumulative year 2035 study scenario.

While implementation of the policies included in the City of Fresno General Plan are recognized in the MEIR as adequate to ensure funding for new development's impacts to transportation facilities that would contribute to planned expansion of the transportation system, it must be acknowledged that improvements to the freeway system are for roadways under Caltrans' jurisdiction. Therefore, the City of Fresno does not have control over their timing or implementation, and the respective impacts identified within the MEIR were identified as remaining significant and unavoidable.

In 2014, through passage of Council Resolution No. 2014-225, the City of Fresno adopted Findings of Fact related to Significant and Unavoidable Effects as well as Statements of Overriding Considerations including but limited to the those streets with an acceptable LOS E or F standard in



order to certify Master Environmental Impact Report SCH No. 2012111015 for purposes of adoption of the Fresno General Plan. Section 15093 of the California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

In keeping with the strategic initiatives and with consideration to balancing the roadway system against other community values, the adopted Statements of Overriding Considerations for the MEIR addressed Findings of Significant Unavoidable Impacts within the categories/areas of Transportation and Traffic; citing specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers as project goals, each and all of which were deemed and considered by the Fresno City Council to be benefits, which outweighed the unavoidable adverse environmental effects attributed to development occurring within the City of Fresno Sphere of Influence (SOI), consistent with the land uses, densities, and intensities set forth in the Fresno General Plan.

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 March 18, 2020. These requirements generally include: (1) The provision of a minimum two points of vehicular access to major streets for any phase of the development; (2) Major and local street dedications; (3) Dedications of bicycle, pedestrian and landscape easements for trail purposes; (4) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (5) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee).

The project has also been conditioned to comply with mitigation measure requirements of the Traffic Engineer Manager outlined in the memoranda dated May 11, 2020, for review of the traffic impact analysis for TIS 19-023. Mitigation measures, in addition to payment of required fees, include the installation of a traffic signals with protected left-turn phasing at the following intersections: Bryan and Ashlan Avenues prior to the occupancy of 200 homes; Hayes and Ashlan Avenues prior to the occupancy of 100 homes; Hayes and Dakota Avenues prior to the occupancy of 300 homes; Polk and Dakota Avenues prior to the occupancy of 200 homes; Hayes and Shields Avenues prior to the occupancy of 100 homes; and, Polk and Shields Avenues prior to the occupancy of 400 homes.

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

## **Neighborhood Meeting**

A Neighborhood meeting was held by the applicant at St. Mary's Church on October 25, 2018, pursuant to §15-5006 of the FMC. Several neighbors were present and expressed concern regarding the availability of water. The project was reviewed by the Department of Public Utilities Water Division, and it was determined that adequate water supply is available for the project site subject to payment of applicable water capacity fees.

## **Council District Plan Implementation Committee**

The project was on the agenda for the January 23, 2020 meeting of the District 1 Project Review Committee. The Committee recommended approval of the project with recommendations. These recommendations included the removal of lots 74-79 as identified in **Exhibit A**. Additionally, the committee recommended that if the lots were not removed, that an eight foot high block wall be constructed for privacy and noise attenuation.

Staff has not included the removal of lots 74-79 in the conditions of approval, as the lots comply with all development standards of the FMC. Further, the density of the subject property is on the lower end of the spectrum of allowable density, and removing potential units would conflict with the objectives and goals of the Fresno General Plan. Staff has instead conditioned that a six foot block wall be constructed along the rear and side property lines abutting the proposed outlot as an effort to address the Committee's recommendation.

## **City of Fresno Planning Commission**

The City of Fresno Planning Commission held a public hearing to consider the proposed project on May 20, 2020. Two members from the public spoke in opposition of the project. One point of opposition consisted of the proposed annexation boundaries, as several property owners did not wish to have their property included within the boundaries of the annexation and pre-zone. In addition, members of the public also expressed concern about traffic to the north of the project site which would use Shaw Avenue to cross over Highway 99, stating that the required traffic signals ultimately would not mitigate existing issues regarding traffic further north. Furthermore, a business owner on the southwest corner of West Ashlan and North Bryan Avenues expressed concern that increased traffic in the area and public improvements will negatively affect his existing banquet business.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of the subject applications to the Fresno City Council. After hearing testimony from city staff, the applicant and other concerned parties, the Planning Commission voted to recommend approval of the proposed applications by a vote of 7-0 with the following recommendations.

- Remove conditions regarding the construction of a traffic signal at the intersection of West Shields and North Hayes prior to occupancy of 100 dwellings.
- Remove conditions regarding the construction of a traffic signal at the intersection of West Shields and North Polk Avenues prior to occupancy of 400 dwellings.

## **Revised Department of Public Works Conditions**

The Department of Public Works provided revised conditions dated June 3, 2020, and removed the requirement of the construction of traffic signals at the intersections of West Ashlan and North Bryan Avenues and West Ashlan and North Hayes Avenues. This modification to the conditions was in response to the Planning Commission recommendation of the removal of the two traffic signals at the intersections of West Shields and North Hayes Avenues and West Shields and North Polk Avenues. The construction of signals at West Shields and North Hayes Avenues and West Shields and North

Polk Avenues are still required per the revised conditions of approval.

The project was also conditioned to provide a safe route to school from the southern project boundary, West Dayton Avenue, to West Ashlan Avenue along North Bryan Avenue. This condition has been modified to allow the phased construction of a modified safe route to school, from Dakota to Ashlan Avenues along Bryan Avenue prior to occupancy of any dwelling south of Dakota, and east side of Bryan Avenue from the southern project boundary, Dayton Avenue, to Dakota Avenue prior to occupancy of any dwelling unit south of Garland Avenue, west of Carnegie Avenue/the north-south roadway connecting Dakota Avenue at Dayton Avenue.

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

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

### **LAND USE PLANS AND POLICIES**

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

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.
- Encourage the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy

to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

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.

Likewise, Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities; and, Implementing Policy LU-5-c promotes medium density residential use to maximize efficient use of residential property through a wide range of densities.

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

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

- No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project;
- The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development;
- The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and,
- The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.

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

The Strategic Sequencing of Development policies included within the Implementation Element of the Fresno General Plan state that the City will focus on infill development as well as new development within Growth Area 1 (as depicted in Figure IM-2: Sequencing of Development of the General Plan ) based on planned infrastructure expansion, public service capacity, and fiscal considerations.

The General Plan notes that while roughly one-half of the City's development will be within infill areas

through 2035, the other one-half or so of the City's development will be in growth areas, which include unincorporated land planned for urban use. However, there will be no incentives or public financial assistance programs for new development that would not otherwise qualify for aid in these areas, and development projects in the growth areas will be obligated to pay their fair share and proportional payment of fees and all development mitigation costs. Public and private development that in these growth areas will proceed under the supportive sequencing detailed in the Implementation Element of the General Plan.

Policy UF-1-f directs utilization of the Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan. The intent of the Complete Neighborhoods concept is to enable Fresnans to live in communities with convenient services, employment, education and recreation within walking distance.

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

The proposed Planned Development project demonstrates consistency with the policies contained under Objectives UF-1, LU-1, and LU-5 of the Fresno General Plan.

As stated herein above, the subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. The project site is located within an area which is being rapidly encompassed with urban development and the project site is a logical expansion for purposes of orderly development within Growth Area 1 as depicted on Figure IM-2: Sequencing of Development of the General Plan; and, will promote orderly land use development in pace with public facilities and services needed to serve development

In accordance with Policy LU-1-e pertaining to Annexation Requirements and as described herein above, the proposed project conforms to the General Plan land use and implementation policies and open space and park system.

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

Given its proximity to unincorporated lands within the County of Fresno, which remain eligible for

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

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

Given these circumstances, the proposed project supports and is consistent with the goals, objective and policies of the Fresno General Plan as referenced herein above.

### **West Area Community Plan**

The goals of the West Area Community Plan include developing the West Area as a planned community with a complete range of services and facilities for the needs of the community residents, in adherence to a set of specific standards for residential, commercial, industrial, and public infrastructure development, with special emphasis on minimization of land use conflict between agriculture and urban uses.

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

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

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

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

The proposed development of the subject property will contribute to the completion of missing roadway (such as the construction of Dakota Avenue west of Hayes, and widening of North Hayes within the limits of the application), and infrastructure improvements within the area in a manner which is consistent with the land use designations and circulation element of the Fresno General Plan. The proposed project will also provide for connectivity through both vehicular and pedestrian integration with adjacent land for future development.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found (to be consistent with the findings stated in **Exhibit H**.

## **ENVIRONMENTAL FINDING**

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

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

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

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

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Mitigated Negative Declaration for this project. A public notice of the attached Mitigated Negative Declaration for Environmental Assessment Application No. T-6234/P19-02237/P19-02239 was published on March 13, 2020; there have been no comments received to date. The Environmental Assessment No. T-6234/P19-02237/P19-02239 dated March 13, 2020 is attached as **Exhibit L**.

## FRESNO MUNICIPAL CODE FINDINGS

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

## GROUNDINGS FOR DENIAL OF TENTATIVE MAP

The Subdivision Map Act (California Government Code §§ 66410, *et seq.*) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made.

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff has reviewed the proposed 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 West Area Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. P19-02237, Pre-zone



Application No. P19-02237, Annexation Application No. P19-02239 and Vesting Tentative Tract Map No. 6234/UGM are 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 applications 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 the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

### Attachments:

- Exhibit A: Vesting Tentative Tract Map No. 6234/UGM dated May 20, 2020
- Exhibit B: Operational Statement
- Exhibit C: 2020 Aerial Photograph of Site
- Exhibit D: Existing Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Planned Land Use Map
- Exhibit F: Proposed Pre-zone Exhibit
- Exhibit G: Proposed Annexation Boundary
- Exhibit H: Fresno Municipal Code Findings
- Exhibit I: Noticing Vicinity Map (1000 feet)
- Exhibit J: Conditions of Approval for Vesting Tentative Tract Map No. 6234/UGM dated May 20, 2020
- Exhibit K: Comments and Requirements from Responsible Agencies
- Exhibit L: Environmental Assessment No. T-6234/P19-02237/P19-02239, Mitigated Negative Declaration, dated March 13, 2020
- Exhibit M: Planning Commission Resolution No. 13644 (Annexation Application No. P19-02239)
- Exhibit N: Planning Commission Resolution No. 13645 (Plan Amendment Application No. P19-02237)
- Exhibit O: Planning Commission Resolution No. 13646 (Pre-zone Application No. P19-02237)
- Exhibit P: Planning Commission Resolution No. 13647 (Vesting Tentative Tract Map No. 6234/UGM)
- Exhibit Q: City Council Resolution for Annexation Application No. P19-02239
- Exhibit R: City Council Resolution for Plan Amendment Application No. P19-02237
- Exhibit S: City Council Ordinance Bill for Pre-zone Application No. P19-02237
- Exhibit T: Indemnification Agreement between City of Fresno and Edward D. Fannuchi

