



Legislation Details (With Text)

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On agenda: 6/18/2020 **Final action:** 6/18/2020
Title: HEARING to consider Annexation Application No. P19-06018, Plan Amendment/Prezone Application No. P19-06286; Planned Development Permit Application No. P20-00369; Vesting Tentative Tract Map No. 6241; and, related Environmental Assessment No. P19-06018/P19-06286/P20-00369/T-6241 for approximately 79.12 acres of property located near the southwest corner of East Clinton and North Armstrong Avenues (Council District 4) - Planning and Development Department.

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. P19-06018/P19-06286/P20-00369/T-6241 dated May 15, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).

2. ***RESOLUTION - Approving Annexation Application No. P19-06018 (for the Clinton-Armstrong No. 3 Reorganization) proposing detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's Veto).

3. RESOLUTION - Approving Plan Amendment Application No. P19-06286 proposing to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designations for a portion of the subject property from Residential Urban Neighborhood (±8.83 acres) to Medium Density Residential (±8.83 acres).

4. BILL - (For introduction and adoption) approving Pre-zone Application No. P19-06286 proposing to pre-zone the subject property from the Fresno County AE (Exclusive Residential) zone district to the RS-5/UGM/ANX (Residential Single Family/Urban Growth Management/Annexed Rural Residential Transitional Overlay) zone district (±59.32 acres) and RS-5/UGM (Residential Single Family/Urban Growth Management) zone district (±19.8).

5. APPROVE - Planned Development Application No. P20-00369 requesting authorization for modified lot size and setback standards.

6. APPROVE - Vesting Tentative Tract Map No. 6241, proposing to subdivide approximately 19.8 acres of the subject property into a 225-lot single-family residential development subject to compliance with the Conditions of Approval dated June 18, 2020, and contingent upon approval of Annexation No. P19-06018, Plan Amendment Application No. P19-06286, Pre-zone Application No. P19-06286 and the related environmental assessment.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A: Vicinity Map, 2. Exhibit B: Aerial Photograph, 3. Exhibit C: Public Hearing Notice Radius, 4. Exhibit D: Fresno General Plan Planned Land Use Map, 5. Exhibit E: Proposed Zoning, 6. Exhibit F: Proposed Plan Amendment, 7. Exhibit G: Proposed Annexation Boundary, 8. Exhibit H: FMC Findings, 9. Exhibit I: Vesting Tentative Tract Map dated December 30, 2019, 10. Exhibit J: Planned Development Site Plan A1 through A5 dated December 30, 2019, 11. Exhibit K: Planned Development Site Plan A1 through A5 dated May 11, 2020, 12. Exhibit L: Planned Development Elevations December 30, 2019, 13. Exhibit M: Planned Development Floor Plans December 30, 2019, 14. Exhibit N: Conditions of Approval for Tentative Tract Map No. 6241 dated May 20, 2020; including

memoranda from Responsible Agencies, 15. Exhibit O: Conditions of Approval for Planned Development Application No. P20-00369 dated May 20, 2020, 16. Exhibit P: Environmental Assessment dated May 15, 2020, 17. Exhibit Q: Planning Commission Resolution No. 13648 (Annexation Application No. P19-06018), 18. Exhibit R: Planning Commission Resolution No. 13649 (Plan Amendment Application No. P19-06286), 19. Exhibit S: Planning Commission Resolution No. 13650 (Pre-zone Application No. P19-06286), 20. Exhibit T: Planning Commission Resolution No. 13651 (Vesting Tentative Tract Map No. 6241), 21. Exhibit U: Planning Commission Resolution No. 13652 (Planned Development Permit No. P20-00369), 22. Exhibit V: City Council Resolution for Annexation Application No. P19-06018, 23. Exhibit W: City Council Resolution for Plan Amendment Application No. P19-06286, 24. Exhibit X: City Council Ordinance Bill for Pre-zone Application No. P19-06286, 25. Exhibit Y: Email correspondence sent to Staff dated May 19, 2020, 26. Exhibit Z: City Council Hearing PowerPoint Presentation

Date	Ver.	Action By	Action	Result
6/18/2020	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

June 18, 2020

FROM: JENNIFER K. CLARK, Director
Development and Resource Management Department

THROUGH: DAN ZACK, Assistant Director
Development Services Division

WILL TACKETT, Planning Manager
Development Services Division

BY: KELSEY GEORGE, Planner
Development Services Division

SUBJECT

HEARING to consider Annexation Application No. P19-06018, Plan Amendment/Prezone Application No. P19-06286; Planned Development Permit Application No. P20-00369; Vesting Tentative Tract Map No. 6241; and, related Environmental Assessment No. P19-06018/P19-06286/P20-00369/T-6241 for approximately 79.12 acres of property located near the southwest corner of East Clinton and North Armstrong Avenues (Council District 4) - Planning and Development Department.

- 1. ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment No. P19-06018/P19-06286/P20-00369/T-6241 dated May 15, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
- 2. ***RESOLUTION** - Approving Annexation Application No. P19-06018 (for the Clinton-Armstrong No. 3 Reorganization) proposing detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's Veto).
- 3. RESOLUTION** - Approving Plan Amendment Application No. P19-06286 proposing to amend

the Fresno General Plan and the McLane Community Plan to change the planned land use designations for a portion of the subject property from Residential Urban Neighborhood (± 8.83 acres) to Medium Density Residential (± 8.83 acres).

4. **BILL - (For introduction and adoption)** approving Pre-zone Application No. P19-06286 proposing to pre-zone the subject property from the Fresno County AE (*Exclusive Residential*) zone district to the RS-5/UGM/ANX (*Residential Single Family/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district (± 59.32 acres) and RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district (± 19.8).
5. **APPROVE** - Planned Development Application No. P20-00369 requesting authorization for modified lot size and setback standards.
6. **APPROVE** - Vesting Tentative Tract Map No. 6241, proposing to subdivide approximately 19.8 acres of the subject property into a 225-lot single-family residential development subject to compliance with the Conditions of Approval dated June 18, 2020, and contingent upon approval of Annexation No. P19-06018, Plan Amendment Application No. P19-06286, Pre-zone Application No. P19-06286 and the related environmental assessment.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. **ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment No. P19-06018/P19-06286/P20-00369/T-6241 dated May 15, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **ADOPT RESOLUTION** approving Annexation Application No. P19-06018 (for the Clinton-Armstrong No. 3 Reorganization) proposing detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
3. **ADOPT RESOLUTION** approving Plan Amendment Application No. P19-06286 proposing to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designations for a portion of the subject property from Residential Urban Neighborhood (± 8.83 acres) to Medium Density Residential (± 8.83 acres).
4. **INTRODUCE AND ADOPT BILL** approving Pre-zone Application No. P19-06286 proposing to pre-zone the subject property from the Fresno County AE (*Exclusive Residential*) zone district to the RS-5/UGM/ANX (*Residential Single Family/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district (± 59.32 acres) and RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district (± 19.8).
5. **APPROVE** Planned Development Application No. P20-00369 requesting authorization for modified lot size and setback standards.
6. **APPROVE** Vesting Tentative Tract Map No. 6241, proposing to subdivide approximately 19.8 acres of the subject property into a 225-lot single-family residential development subject to compliance with the Conditions of Approval dated June 18, 2020, and contingent upon approval of Annexation No. P19-06018, Plan Amendment Application No. P19-06286, Pre-zone

Application No. P19-06286 and the related environmental assessment.

EXECUTIVE SUMMARY

Lorren Smith of Harbour & Associates, on behalf of Wilson Premier Homes, Inc., has filed Plan Amendment/Rezone Application No. P19-06286, Annexation Application No. P19-06018, Planned Development Permit Application No. P20-00369, and Vesting Tentative Tract Map No. 6241 pertaining to a total ±79.12 acres of property located on the southwest corner of East Clinton and North Armstrong Avenues.

Plan Amendment Application No. P19-06286 proposes to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation for ±8.83 acres of subject property from Residential Urban Neighborhood to Medium Density Residential.

Prezone Application No. P19-06286 proposes to amend the Official Zoning Map of the City of Fresno to pre-zone ±59.742 acres of subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-5/UGM/ANX (*Residential Single Family, Low Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) and ±19.38 acres of subject property from Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-5/UGM (*Residential Single Family, Low Density / Urban Growth Management*).

Annexation Application No. P19-06018 has been filed requesting authorization to initiate annexation proceedings for the Clinton-Armstrong No. 3 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 (these actions are under the jurisdiction of the Fresno Local Area Formation Commission [LAFCO]).

Vesting Tentative Tract Map No. 6241 proposes to subdivide a ±19.8 acre portion of the subject property located on the east side of North Armstrong Avenue located on the southwest corner of East Clinton and North Armstrong Avenues for purposes of creating 225 single family residential lots.

Planned Development Permit Application No. P19-00369 has been filed for purposes of authorizing customized development standards for Vesting Tentative Tract Map No. 6241. Customized development standards may include, but not be limited to, modifications to minimum lot size and dimension requirements, reductions to building setback requirements, and increases in lot coverage allowances.

The subject property is located within the boundaries of the Fresno General Plan and McLane Community Plan.

Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on May 20, 2020. Prior to the Planning Commission Meeting, staff received an email from a member of the public in opposition to the project, citing traffic impacts. Staff forwarded the letter to applicable City Staff and Planning Commissioners to address the concerns at the meeting. One member of the public joined the meeting and spoke neither in support or opposition of the project, but rather out of

curiosity regarding the annexation process and fees. Staff has reached out and provided him with the requested information.

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 to 0.

BACKGROUND/PROJECT 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 site is identified as Growth Area 1 in Figure IM-2 of the General Plan.

The immediate vicinity of the subject property is primarily residential in nature. The subject property was previously utilized for agricultural uses but currently the land is fallow. The site is located within an area that has been substantially developed with single-family residences. Directly north and west of the site is recently developed single family residential within the City of Fresno jurisdiction. To the east of the subject property is also located within the City, and though undeveloped there is a current application with the Planning and Development Department to subdivide that parcel into single family lots.

The proposed Pre-zone Application has been filed to facilitate annexation of the ±79.12 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. P19-06018. The combination of these actions comprises the proposed Clinton-Armstrong No. 3 Reorganization and ultimately fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

An affirmative action by the Fresno City Council regarding Annexation Application No. P19-06018 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Clinton-Armstrong No. 3 Reorganization; and, approval of the related Concept Plan prepared for the annexation application. Annexation will be required to be completed prior to recordation of a Final Map for any phase of Vesting Tentative Tract Map No. 6241.

Vesting Tentative Tract Map No. 6241 proposes to subdivide a ±19.8 net acre portion of the subject property located on the south west corner of North Armstrong and East Clinton Avenues for purposes of creating 225 single family residential lots.

Adjacent Property

There are approximately four parcels, each which contain a single-family residence, which are included with the annexation and pre-zone applications. These properties are not on the ±19.8 net acre portion of the proposed subdivision, but are anticipated to be annexed into the City of Fresno with this application. 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 parcels these properties are located on be annexed in to the City in order to provide squared city/county boundaries.

P&D staff included the neighboring parcels with the annexation and pre-zone applications in order for said properties to be consistent with the abutting neighboring subdivision. The annexation and prezone area is proposed for Single Family Residential, Medium Density Land Uses. 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 ; and, staff from the City of Fresno, County of Fresno and LAFCO have met to discuss the proposed annexation associated with the proposed project as well as strategies for annexation east of Fowler Avenue 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.

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 \$32.44 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 \$97.32 per year in additional property tax.

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 South Armstrong Avenue from the existing 12-inch main located at the intersection of South Armstrong and East Clinton Avenues. 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.

The proposed subdivision will be served as indicated in the Department of Public Utilities, Water division memoranda dated May 14, 2020. The subdivision is required to install fire hydrants and water mains within private streets. Proposed private water mains shall be master metered. Installation of these services, as well as within the interior of proposed tract, lots will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

Pursuant to Fresno Municipal Code §6-402, the Department of Public Utilities will not require connection to the City of Fresno municipal water system if there is no water main directly in front of the property. Upon annexation, existing water wells can be retained for domestic and agricultural purposes. A new well or repair of the existing well would be allowed so long as there is no water main directly in front of the church property.

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.

Fire Department

The City of Fresno Fire Department reviewed the proposed project and has determined that adequate Fire service will be available subject to future requirements for development which 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 construction of permanent drainage service is a requirement of a different subdivision map and will be available to serve this proposed subdivision upon completion; the District recommends temporary facilities until permanent service is available. Grading and drainage patterns are to direct drainage toward the southerly portions of the subject property, master plan facilities are planned for the future.

Streets and Access Points

The Fresno General Plan designates East Clinton and North Armstrong Avenues as collector streets. Primary vehicular access to the private development will be to the west, along North Armstrong Avenue. There will be additional access to the south of the subdivision, along East Kerry Avenue, for emergency vehicle access and exit only. Additionally, there will be pedestrian access via pedestrian gate along the north and east of the subdivision.

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 southern and eastern 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. North Armstrong and East Kerry 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 are 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, 10th Edition. Based upon the calculations, the proposed project is projected to generate a maximum of 2,124 Average Daily Trips (ADT) with 167 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 223 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 11 study intersections and two roadway segments in the vicinity of the project during the AM and PM peak hours for the Existing Traffic Conditions; Existing plus Project Traffic Conditions; Near Term Plus Project Traffic Conditions; Cumulative Year 2035 No Project Traffic Conditions; and, Cumulative Year 2035 plus Project Traffic Conditions study scenarios:

Study Intersections:

1. Armstrong Avenue / Clinton Avenue (Near Term Plus Project)
2. Temperance Avenue / Clinton Avenue (Cumulative Year 2035 No Project)

5. Armstrong Avenue / McKinley Avenue (Cumulative Year 2035 No Project)
6. Fowler Avenue / Floradora Avenue (Cumulative Year 2035 No Project)
7. Armstrong Avenue / Floradora Avenue (Near Term Plus Project)
8. Armstrong Avenue / Olive Avenue (Near Term Plus Project)
9. Temperance Avenue / Olive Avenue (Existing)
10. Armstrong Avenue / Belmont Avenue (Existing)
11. Temperance Avenue / Belmont Avenue (Existing)

Based on the analyses included in the TIA and supplemental assessment, the following study intersections are currently operating and/or are projected to operate below the adopted Traffic Impact Zone (TIZ) III level of service (LOS) standard of LOS D beginning in the identified scenarios and all subsequent scenarios:

1. Armstrong Avenue / Clinton Avenue
2. Temperance Avenue / Clinton Avenue
3. Fowler Avenue / Kerry Avenue
4. Armstrong Avenue / Kerry Avenue
5. Armstrong Avenue / McKinley Avenue
6. Fowler Avenue / Floradora Avenue
7. Armstrong Avenue / Floradora Avenue
8. Armstrong Avenue / Olive Avenue
9. Temperance Avenue / Olive Avenue
10. Armstrong Avenue / Belmont Avenue
11. Temperance Avenue / Belmont Avenue

In addition to operational analyses, the TIA also reviewed collisions and prepared traffic signal warrants at all study locations. Traffic Signal Warrant 1 -Eight Hour Volumes and Traffic Signal Warrant 2 - Four Hour Vehicular Volumes as defined in the California Manual of Uniform Traffic Control Devices (MUTCD) was prepared for all unsignalized study intersections in the Existing scenario. Traffic Signal Warrant 3 - Peak Hour Vehicular Volumes was prepared for all unsignalized intersections in all scenarios. The following study intersections currently meet or are projected to meet Warrant 1, Warrant 2, and/or Warrant 3 in the identified scenario and all subsequent scenarios.

1. Armstrong Avenue at Clinton Avenue - Warrant 3 (Existing)
2. Fowler Avenue at Kerry Avenue - Warrant 3 (Cumulative Year 2035 Plus Project)
3. Armstrong Avenue at McKinley Avenue -Warrant 3 (Cumulative Year 2035 No Project)
4. Fowler Avenue at Floradora Avenue -Warrant 3 (Cumulative Year 2035 No Project)
5. Armstrong Avenue at Floradora Avenue - Warrant 3 (Cumulative Year 2035 No Project)
6. Armstrong Avenue at Olive Avenue -Warrant 2, Warrant 3 (Existing)
7. Temperance Avenue at Olive Avenue -Warrant 1, Warrant 2, Warrant 3 (Existing)
8. Armstrong Avenue at Belmont Avenue -Warrant 2, Warrant 3 (Existing)
9. Temperance Avenue at Belmont Avenue - Warrant 1, Warrant 2, Warrant 3 (Existing)

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)

This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee per the Master Fee Schedule at the time of building permit. 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. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible. 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.

Improvements at the following study intersections are included in the TSMI fee program:

1. Armstrong Avenue at Clinton Avenue
2. Temperance Avenue at Clinton Avenue
3. Armstrong Avenue at McKinley Avenue
4. Armstrong Avenue at Olive Avenue
5. Temperance Avenue at Olive Avenue
6. Armstrong Avenue at Belmont Avenue
7. Temperance Avenue at Belmont Avenue

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. 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. 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.

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 February 27, 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 March 2, 2020, for review of the traffic impact analysis for TIS 20-001. Mitigation measures, in addition to payment of required fees, include the installation of a traffic signal at the intersection of East Olive and North Armstrong Avenues prior to the 101 building permit.

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 MEIR and based upon compliance with the project specific mitigation measures referenced herein.

Landscaping/Walls/Open Space

The proposed subdivision is located adjacent to and abutting a collector street (North Armstrong Avenue) within the boundaries of the McLane Community Plan and the development will be required to install a 10-foot wide landscape easement along both major street frontages. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the North Armstrong and East Kerry.

As depicted on the **Exhibit I**, Outlot AB will be developed and dedicated for trail and private open space purposes along the northern boundary, 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”).

Lot Size and Setbacks

Planned Development Application No. P19-00846 has been filed for purposes of authorizing customized development standards for Vesting Tentative Tract Map No. 6241. 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. This project proposes 1,980 square feet minimum lots and a 55' lot depth minimum (70' is typical).

The applicant is also proposing 5' minimum front yard setback (13' minimum is typical), 5' minimum rear yard setback (10' minimum is typical), and 5' minimum garage setback (18' minimum is typical).

Planned Developments allow for the establishment of a procedure for development on large areas that allow for projects that desire greater flexibility than already provided for in the Fresno Municipal Code. A Planned Development shall only be approved if all of the findings in Section 15-5905 of the FMC can be made. These findings are attached as **Exhibit H**.

Council District Plan Implementation Committee

The project was on the agenda for the April 27, 2020 meeting of the District 4 Project Review Committee. The Committee recommended approval of the project.

Neighborhood Meeting

A Neighborhood Meeting was held on January 29, 2020. Two members of the community attended the meeting. The attendees inquired about the annexation and seemed to be in favor of it and asked about project vicinity. One of the individuals inquired about the likelihood of a road connecting his existing residence to the proposed subdivision.

Airport Land Use Commission

Pursuant to the provisions of the Fresno County Airport Land Use Compatibility Plan, the proposed project was scheduled for review by the Fresno County Airport Land Use Commission (ALUC) on April 6, 2020.

Following review of the project and testimony from the staff and the applicant, the ALUC approved a Finding of Consistency with the Fresno County Airport Land Use Consistency Plan (ALUCP) for purposes of the proposed project; contingent upon the project receiving a "Determination of No Hazard to Air Navigation" by the Federal Aviation Administration (FAA). A Determination of No Hazard to Air Navigation for the proposed project was subsequently received from the FAA on February 24, 2020.

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 Fresnoans to live in communities with convenient services, employment, education and recreation within walking distance.

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

The proposed 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 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.

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.

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 pertinent to the McLane Community Plan area, 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-6241/P19-06281 was published in the Fresno Bee on May 15, 2020 with no comments received to date.

Notice of Hearing

The Planning and Development Department mailed notices of this City Council hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 of the Fresno Municipal Code.

Additionally, the applicant posted public notices of this City Council hearing on the subject property, pursuant to the requirements within Section 15-5007.C of the Fresno Municipal Code.

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 Planning and Development Department.

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph
- Exhibit C: Public Hearing Notice Radius
- Exhibit D: Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Zoning
- Exhibit F: Proposed Plan Amendment
- Exhibit G: Proposed Annexation Boundary
- Exhibit H: FMC Findings
- Exhibit I: Vesting Tentative Tract Map dated December 30, 2019
- Exhibit J: Planned Development Site Plan A1 through A5 dated December 30, 2019
- Exhibit K: Planned Development Site Plan A1 through A5 dated May 11, 2020
- Exhibit L: Planned Development Elevations dated December 30, 2019
- Exhibit M: Planned Development Floor Plans dated December 30, 2019
- Exhibit N: Conditions of Approval for Tentative Tract Map No. 6241 dated May 20, 2020; including memoranda from Responsible Agencies
- Exhibit O: Conditions of Approval for Planned Development Application No. P20-00369 dated May 20, 2020
- Exhibit P: Environmental Assessment dated May 15, 2020
- Exhibit Q: Planning Commission Resolution No. 13648 (Annexation Application No. P19-06018)
- Exhibit R: Planning Commission Resolution No. 13649 (Plan Amendment Application No. P19-06286)
- Exhibit S: Planning Commission Resolution No. 13650 (Pre-zone Application No. P19-06286)
- Exhibit T: Planning Commission Resolution No. 13651 (Vesting Tentative Tract Map No. 6241)
- Exhibit U: Planning Commission Resolution No. 13652 (Planned Development Permit No. P20-00369)
- Exhibit V: City Council Resolution for Annexation Application No. P19-06018
- Exhibit W: City Council Resolution for Plan Amendment Application No. P19-06286
- Exhibit X: City Council Ordinance Bill for Pre-zone Application No. P19-06286
- Exhibit Y: Email correspondence sent to Staff dated May 19, 2020
- Exhibit Z: City Council Hearing PowerPoint Presentation

