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**Title:** HEARING to Consider Plan Amendment Application No. P18-01089; Pre-zone Application No. P18-01089; Vesting Tentative Tract Map No. 6237/UGM; and, related Environmental Assessment No. T-6237/P18-01089 for ±26.92 acres of property located on the southeast corner of North Grantland Avenue and the West Dakota Avenue alignment (Council District 2).

1. ADOPT Environmental Assessment No. P18-01089/T-6237, dated May 15, 2020, a Mitigated Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P18-01089 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 Residential Medium Density (±18.07 acres) and Residential High Density (±8.85 acres) to Residential Medium Low Density (±26.92 acres).
3. BILL - (For introduction and adoption) - Approving Pre-zone Application No. P18-01089 proposing to pre-zone the subject property from the Fresno County RR (Rural Residential) zone district to the RS-4/UGM (Residential Single-Family, Medium Low Density/Urban Growth Management) zone district.
4. APPROVE - Vesting Tentative Tract Map No. 6237/UGM, proposing to subdivide ±26.92 acres into a 116-lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Plan Amendment Application No. P18-01089, Pre-zone Application No. P18-01089 and the related environmental assessment.
5. APPROVE Indemnification Agreement between the City of Fresno and GVM Investments, LLC for indemnity related to claims arising from SB 330.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6237/UGM dated February 10, 2020, 2. Exhibit B - Operational Statement, 3. Exhibit C - Aerial Map, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Fresno General Plan Land Use & Zoning Map, 6. Exhibit F - Proposed Planned Land Use Map, 7. Exhibit G - Proposed Pre-zone Exhibit, 8. Exhibit H - Fresno Municipal Code Findings, 9. Exhibit I - Public Hearing Notice Radius Map, 10. Exhibit J - Neighborhood Meeting Minutes, 11. Exhibit K - Conditions of Approval for Vesting Tentative Tract Map No. 6237/UGM dated May 20, 2020, 12. Exhibit L - Comments and Requirements from Responsible Agencies, 13. Exhibit M - Environmental Assessment No. P18-01089/T-6237, Mitigated Negative Declaration, dated May 15, 2020, 14. Exhibit N - Planning Commission Resolution No. 13653 (Plan Amendment Application No. P18-01089), 15. Exhibit O - Planning Commission Resolution No. 13654 (Pre-zone Application No. P18-01089), 16. Exhibit P - Planning Commission Resolution No. 13655 (Vesting Tentative Tract Map No. 6237/UGM), 17. Exhibit Q - City Council Resolution for Plan Amendment Application No. P18-01089, 18. Exhibit R - City Council Ordinance Bill for Pre-zone Application No. P18-01089, 19. Exhibit S - Indemnification Agreement between City of Fresno and GVM Investments, LLC, 20. Exhibit T - City Council Hearing PowerPoint Presentation, 21. Exhibit U - PowerPoint Presentation

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 8/27/2020 | 1    | City Council | adopted | Pass   |

**REPORT TO THE CITY COUNCIL**

August 27, 2020

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

**THROUGH:** DAN , Assistant Director  
Development Services Division

WILL TACKETT, Planning Manager  
Development Services Division

**BY:** ROB HOLT, Planner III  
Development Services Division

**SUBJECT**

HEARING to Consider Plan Amendment Application No. P18-01089; Pre-zone Application No. P18-01089; Vesting Tentative Tract Map No. 6237/UGM; and, related Environmental Assessment No. T-6237/P18-01089 for ±26.92 acres of property located on the southeast corner of North Grantland Avenue and the West Dakota Avenue alignment (Council District 2).

1. **ADOPT** Environmental Assessment No. P18-01089/T-6237, dated May 15, 2020, a Mitigated Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **RESOLUTION** - Approving Plan Amendment Application No. P18-01089 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 Residential Medium Density (±18.07 acres) and Residential High Density (±8.85 acres) to Residential Medium Low Density (±26.92 acres).
3. **BILL - (For introduction and adoption)** - Approving Pre-zone Application No. P18-01089 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-4/UGM (*Residential Single-Family, Medium Low Density/Urban Growth Management*) zone district.
4. **APPROVE** - Vesting Tentative Tract Map No. 6237/UGM, proposing to subdivide ±26.92 acres into a 116-lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Plan Amendment Application No. P18-01089, Pre-zone Application No. P18-01089 and the related environmental assessment.
5. **APPROVE** Indemnification Agreement between the City of Fresno and GVM Investments, LLC for indemnity related to claims arising from SB 330.

**RECOMMENDATIONS**

1. **ADOPT** Environmental Assessment No. P18-01089/T-6237, dated May 15, 2020, a Mitigated Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **ADOPT RESOLUTION** approving Plan Amendment Application No. P18-01089 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 Residential Medium Density (±18.07 acres)

and Residential High Density (±8.85 acres) to Residential Medium Low Density (±26.92 acres).

3. **INTRODUCE AND ADOPT BILL** approving Pre-zone Application No. P18-01089 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-4/UGM (*Residential Single-Family, Medium Low Density/Urban Growth Management*) zone district.
4. **APPROVE** Vesting Tentative Tract Map No. 6237/UGM, proposing to subdivide ±26.92 acres into a 116-lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Plan Amendment Application No. P18-01089, Pre-zone Application No. P18-01089 and the related environmental assessment.
5. **APPROVE** - Indemnification Agreement between the City of Fresno and Jeffrey Roberts of Assemi Group for indemnity related to claims arising from SB 330.

## EXECUTIVE SUMMARY

Jeffrey Roberts of Assemi Group, Inc., on behalf of Granville Homes, has filed Plan Amendment Application No. P18-01089, Pre-zone Application No. P18-01089 and Vesting Tentative Tract Map No. 6237/UGM pertaining to ±26.92 acres of property located on the southeast corner of North Grantland Avenue and the West Dakota Avenue alignment.

Plan Amendment Application No. P18-01089 proposes to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Residential - Medium Density (±18.07 acres) and Residential - High Density (±8.85 acres) to Residential - Medium Low Density (±26.92 acres).

Pre-zone Application No. P18-01089 proposes to reclassify the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-4/UGM (*Residential Single-Family, Medium Low Density/Urban Growth Management*) zone district.

Vesting Tentative Tract Map No. 6237/UGM proposes to subdivide ±26.92 acres into a 116-lot single-family residential development and which is contingent upon City Council approval of Plan Amendment Application No. P18-01089, Pre-zone Application No. P18-01089 and the related environmental assessment.

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

### Fresno City Planning Commission Action

On May 20, 2020, the Planning Commission considered the item as presented by staff, followed by a presentation by the applicant. No letters and/or e-mails were received in opposition or support of the project. After a complete hearing, the Planning Commission voted and recommended the City Council approve the plan amendment, pre-zone, vesting tentative tract map applications and related environmental assessment, 7 votes to 0. The Planning Commission Resolutions (**Exhibit N**, **Exhibit O**, and **Exhibit P**) are attached for more information.

## BACKGROUND/PROJECT ANALYSIS

The subject property has been primarily utilized for agricultural uses. The site is located within an area that has been significantly developed with rural residences and agricultural land. The majority of the properties directly west of the subject property are located within the city of Fresno. Property located east, south and north of the subject property are located within the unincorporated area of the County of Fresno.

Plan Amendment Application No. P18-01089 proposes to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Residential - Medium Density ( $\pm 18.07$  acres) and Residential - High Density ( $\pm 8.85$  acres) to Residential - Medium Low Density ( $\pm 26.92$  acres). Pre-zone Application No. P18-01089 proposes to reclassify the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-4/UGM (*Residential Single-Family, Medium Low Density/Urban Growth Management*) zone district. Vesting Tentative Tract Map No. 6237/UGM proposes to subdivide  $\pm 26.92$  acres into a 116-lot single-family residential development and which is contingent upon City Council approval of Plan Amendment Application No. P18-01089, Pre-zone Application No. P18-01089 and the related environmental assessment.

Vesting Tentative Tract Map No. 6237/UGM proposes to subdivide  $\pm 26.92$  into a 116-lot single-family residential development. An approximate 10,230 square foot open space area is proposed at the north-central area of the site. Additionally, a pedestrian paseo is proposed at the northwest corner of the subject property which would connect to the intersection of Grantland and Dakota Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of Grantland Avenue that is proposed to be relocated to the west side with the future amendment to the West Area Community Plan and a 30-foot landscape easement along the east side. It is noted that the adopted Official Plan Line (OPL) is designed to accommodate a trail along the north side of West Dakota Avenue

### Land Owner Petition Annexation

The annexation process is being processed through LAFCO by the land owner of the subject property. This does not require annexation of the subject property to be processed by the City, unless the City determines annexation should be processed by the City on a case-by-case basis. Under the land owner petition annexation, all fees and processes are completed by the applicant and LAFCO.

### Neighboring Property

There is a  $\pm 1.02$  acre parcel which contains a single-family residence that is included within the plan amendment and pre-zone applications. This property is located near the southwest corner of the vesting tentative tract map. The applicant met with representatives from the Local Agency Formation Commission (LAFCO) and LAFCO recommended that the  $\pm 1.02$  acre parcel be annexed into the City in order to provide squared City/County boundaries. Although the applicant has reached out to the neighboring property owner, no response has been received.

Planning and Development Department staff included the neighboring  $\pm 1.02$  acre parcel with the plan amendment and pre-zone applications in order for said property to be consistent with the abutting subject properties with an RS-4 (*Single-Family Residential, Medium Low Density*) zone district and

Residential - Medium Low Density planned land use designation. As such, in order for the ±1.02 acre parcel to be consistent with the abutting subject property, said parcel was included with the plan amendment and pre-zone applications. It is noted that pursuant to FMC 15-5803.B and 15-5803.C, a pre-zone and plan amendment application may be initiated by the Director of the Planning and Development Department.

### California Housing Shortage

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

### **Land Use Plans and Policies**

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

- Increase opportunity, economic development, business, and job creation.
- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

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

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

Policy UF-1-e promotes and protects unique neighborhoods and mixed use areas throughout Fresno that respect and support various ethnic, cultural and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and

lifestyle attractive to Fresnoans.

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.

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.

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.

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.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance.

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

An approximate 10,230 square foot open space area is proposed at the north-central area of the subject property. Additionally, a pedestrian paseo is proposed at the northwest corner of the property which would connect to the intersection of Grantland and Dakota Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of North Grantland Avenue. This bike trail is proposed to be relocated to the west side of North Grantland Avenue as a component of the amendment to the West Area Community Plan with a 30-foot landscape easement along the east side.

Currently, the nearest public transit option to serve the subject property is Bus Route 12, which is located at the intersection of Ashlan and Cornelia (approximately 2.5 miles away).

The plan amendment proposes to change the planned land use designations for the subject property from Residential - Medium Density ( $\pm 18.07$  acres) and Residential - High Density ( $\pm 8.85$  acres) to Residential - Medium Low Density ( $\pm 26.92$  acres). Although high and medium density are being amended, there is still much opportunity for higher density development as over 27 acres of property located south of West Ashlan Avenue between North Hayes Avenue and North Bryan Avenue is planned for Urban Neighborhood Development in the future amendment to the West Area Community Plan, which affords opportunities for higher residential densities where medium density development was originally planned. Also, the subject properties are anticipated as medium low density development in the amendment to the West Area Community Plan, consistent with the proposed plan amendment.

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.

## Revenue Neutrality

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

## **Public Services**

### Fire Department

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

Based on the conditions received from the Fire Department dated February 27, 2020, all proposed developments within the Fire Station 18 service area are being conditioned with the requirement that no occupancy of any buildings will be allowed until permanent Fire Station 18 starts construction.

Fire Station 18 is currently under construction on City-owned property located at 6605 West Shaw Avenue, which is 2 miles northeast of the subject property. Temporary Fire Station 18, located at 5938 North La Ventana Avenue, currently services the subject property.

### Public Utilities

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the mitigation measures of the related 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 a 21 inch oversize sewer main located in the West Dakota Avenue alignment and a 60 inch sewer trunk located in North Grantland Avenue, as well as typical requirements including the construction and extension of sanitary sewer mains and branches within the interior of future proposed tract. The proposed project will also be required to provide payment of sewer connection charges.

For water service, required infrastructure improvements and facilities include: a 16 inch water main in North Grantland Avenue, from West Ashlan Avenue south across the project frontage, a 16 inch water main in the West Dakota Avenue alignment from North Grantland Avenue east to North Hayes Avenue, and a 16 inch water main in North Hayes Avenue from the West Dakota Avenue alignment north to West Ashlan Avenue. Installation of these services, as well as within the interior of the proposed tract, lots will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area. The developer will be required to provide improvements which will convey surface drainage to a temporary storage facility (until permanent facilities are available) and will, therefore, not create flooding.

### **Mobility and Transportation**

The Fresno General Plan designates North Grantland Avenue as a super arterial street and West Dakota Avenue as a collector street. The proposed project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within future subdivisions. Direct vehicular access will be relinquished along all major street frontages of single family residential lots. The subdivision design includes major street entryways to the interior of the subdivision from North Grantland and West Dakota Avenues. Interior local streets are proposed to be dedicated in accordance with the City Standard 50-foot right-of-way which will provide for parking and sidewalks on both sides of all streets. Few local streets will not be fully constructed until future adjacent development occurs.

An approximate 10,230 square foot open space area is proposed at the north-central area of the site. Additionally, a pedestrian paseo is proposed at the northwest corner of the property which would connect to the intersection of Grantland and Dakota Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of North Grantland Avenue that is proposed to be relocated to the west side pursuant to an amendment to the West Area Community Plan. In its place, a 30' landscape easement is proposed. It is noted that the adopted Official Plan Line (OPL) is designed to accommodate a trail along the north side of West Dakota Avenue

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the Sphere of Influence (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 (JLB Traffic Engineering, Inc. dated April 11, 2018) 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 overall transportation network. Traffic volumes on the selected roadway segment analysis are based on traffic counts taken at a single location. 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.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed project would generate 1,699 Average Daily Trips (ADT), with 133 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 178 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). This is considerably less than if the subject site was developed consistent with the existing planned land use designations which would be expected to generate 2,304 ADT, with 163 a.m. peak hour trips and 209 p.m. peak hour trips. As such, the proposed project is expected to result in a decrease of 605 ADT over the life of the project.

The TIS evaluated the impacts of the project by analyzing the following 7 study intersections in the vicinity of the project during the AM and PM peak hours for the five traffic analysis scenarios required by the City of Fresno. These scenarios include: (1) Existing Conditions; (2) Existing plus Project Conditions; (3) Near Term (Existing plus Approved/Pending Projects plus Proposed Project) Conditions; (4) Year 2035 No Project Conditions - Current land use and, (5) Cumulative Year 2035 plus Project Conditions.

#### Study Intersections:

1. North Grantland Avenue & West Ashlan Avenue
2. North Bryan Avenue & West Ashlan Avenue
3. North Grantland Avenue & West Dakota Avenue
4. North Bryan Avenue & West Dakota Avenue
5. North Grantland Avenue & Project Driveway
6. North Grantland Avenue & West Shields Avenue
7. North Grantland Avenue & West Clinton Avenue

Based on the analyses included in the TIS, the study roadway segments are currently operating above the TIZ III level of services (LOS) standard of LOS D and are projected to continue to operate above the TIS III LOS. The intersection of Bryan Avenue at Ashlan Avenue is currently operating at LOS E during the AM peak hour and is projected to continue to do so with the addition of the project. The intersection of Ashlan Avenue at Bryan Avenue is projected satisfy the Traffic Signal Warrant 3 - Peak Hour during the AM peak hour with the addition of the project.

The analyses included in the TIS show the following locations, by scenario and time period, are projected to operate below either the City of Fresno TIZ III LOS D standard or the Caltrans LOS C/D standard:

#### Near Term plus Project

- Bryan Avenue at Ashlan Avenue - LOS F, AM peak hour
- Bryan Avenue at Ashlan Avenue - Peak Hour Warrant - AM peak hour

The intersection of Bryan Avenue at Ashlan Avenue is projected to be impacted during the AM peak hour with a Level of Service F. This intersection will need to be signalized to meet an acceptable LOS for the near term conditions. The proposed project is required to install a traffic signal at the intersection of Bryan and Ashlan Avenues prior to issuance of the building permit for the 101 dwelling

unit. Additionally, the proposed project shall install an all-way stop control at the intersection of Bryan Avenue at Gettysburg Avenue. The intersection shall include school crosswalks and signage.

In order to mitigate the impacts at the aforementioned intersections, the developer is required to pay applicable impact fees including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee as noted within the memoranda from the Traffic Engineering Division dated February 20, 2020 and March 4, 2020.

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 accepts lower LOS values. 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. 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.

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.

Furthermore, 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 in order to certify Master Environmental Impact Report SCH No. 2012111015 for purposes of adoption of the Fresno General Plan.

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 proposed project and potential traffic related impacts for the proposed applications 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 stipulated within the memoranda from the Traffic Engineering Division dated February 20, 2020 and March 4, 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) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems) and, (3)

Payment of applicable impact fees, including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, the Fresno Major Street Impact (FMSI) Fee and the Regional Transportation Mitigation Fee (RTMF).

Additionally, the proposed project shall install a traffic signal with protected left-turn phasing at the intersection of Bryan and Ashlan Avenues prior to issuance of the building permit for the 101<sup>st</sup> dwelling units. The proposed project shall also install an all-way stop control at the intersection of North Bryan Avenue at West Gettysburg Avenue, including school crosswalks and signage.

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 (**Exhibit M**).

### Veterans Boulevard

The Veterans Boulevard project planned for northwest Fresno will include a new interchange on State Route 99 (SR99) and a 2.5 mile super arterial roadway from Herndon Avenue to Grantland Avenue and will include a Class I bicycle and pedestrian path/trail. The new interchange will be located on SR 99 between the Herndon Avenue and Shaw Avenue interchanges. This project will: (1) Improve access to SR99; (2) Provide congestion relief to northwest Fresno; and, (3) Connect northwest Fresno to the communities west of SR 99. The review of the development plans for the construction of Veterans Boulevard is complete. Construction of Veterans Boulevard will begin as soon as funding is available.

The Fresno County Voters passed an extension to the Measure “C” program in November 2006, continuing a one-half cent sales tax for transportation purposes. Much of the Measure “C” Program is done by Fresno Council of Governments (COG) staff, while the agency responsible for overseeing the implementation of Measure “C” is the Fresno County Transportation Authority (FCTA). The Veterans Boulevard project is a current Measure “C” Project.

### Regional Transportation Mitigation Fee (RTMF)

The Regional Transportation Mitigation Fee (RTMF) is an important part of the Measure “C” Extension approved by Fresno County Voters in 2006. The RTMF is intended to assure 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 high traffic volumes brought on by new developments.

The proposed project may be required to pay the applicable RTMF Fee of \$1,637 per dwelling unit to the Joint Powers Agency and demonstrate proof of payment to the City of Fresno prior to issuance of certificates of occupancy for any dwelling units developed within the limits of the proposed project.

### **Landscaping/Walls**

Given the proposed subdivision is located along major streets, including North Grantland and West

Dakota Avenues, and within the boundaries of the West Area Community Plan, the development will be required to install landscaping and irrigation within a minimum 30-foot wide landscape strip along North Grantland Avenue and a 20-foot wide landscape strip along West Dakota Avenue. An Acoustical Analysis Study was completed and requires installation of an 8-foot block wall or combination of block wall and landscape berm to a total of 8-feet high along the rear property lines of North Grantland Avenue, and rear property lines of West Dakota Avenue and the southern boundary of the proposed subdivision at least 420 feet from the centerline of North Grantland Avenue. The Acoustical Analysis Study also requires installation of a 6-foot wooden courtesy fence with ½-inch thick wood slats on both sides and staggered with no direct view through the fence continuing from the aforementioned block wall to at least 570 feet from the centerline of North Grantland Avenue only along the southern subdivision boundary. Major street entryways into the subdivision will incorporate enhanced 10-foot wide landscaped easements along the street side yards of adjacent lots. Interior end-blocks will incorporate a minimum 5-foot landscape strip in accordance with Section 15-4105-G-2-b of the Fresno Municipal Code.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees.

Additionally, as referenced herein above, an approximate 10,230 square foot open space area is proposed at the north-central area of the site. Additionally, a pedestrian paseo is proposed at the northwest corner of the property which would connect to the intersection of Grantland and Dakota Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of Grantland Avenue that is proposed to be relocated to the west side pursuant to approval of an amendment to the West Area Community Plan.

The amount of open space provided within the tract map is 10,230 sq. ft. which meets the requirement of Fresno Municipal Code 12-4.705 which requires a minimum of 9,520 sq. ft.

### Lot Size

The proposed lots meet the minimum 5,000 to the maximum 9,000 square foot lot area requirement, and the minimum lot depth (85 feet) and lot width (50 feet) requirements of the property development standards for the RS-4 (Residential Single Family, Medium Low Density) zone district.

It should be noted that there are three lots that have more than the maximum required amount of lot area (9,000 sq. ft.) of the RS-4 zone district. However, note No. 2 with Table 15-903-1 of the Fresno Municipal Code allows maximum lot sizes to be exceeded when overall density does not fall below the approved general plan density. The subject tract map proposes 116 lots on ±26.92 acres, a density of 4.30 d.u./ac., which is within the proposed medium low planned land use designation (3.5-6 d.u./ac).

The average lot size for the subdivision is approximately 6,926 square feet, and the average lot width for all lot types (general, corner, curved) comply with their respective minimum standards. The proposed subdivision meets the minimum lot size and dimension requirements subject to Section 15-4105.A.1 of the FMC.

## **Neighborhood Meeting**

A neighborhood meeting was held to discuss the proposed single-family residential subdivision on December 12, 2017 at Glacier Point Middle School. A total of 24 residents attended the meeting. The residents had concerns regarding illegal trash dumping in the area and possible annexation outside of the subject property boundaries (**Exhibit J**).

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

The Council District 1 Project Review Committee reviewed the proposed project at their regular meeting on March 3, 2020 and voted unanimously to recommend approval of the project, 3 votes to 0. The Committee did not have any comments regarding the proposed project.

### **Notice of City Council 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 FMC (**Exhibit I**).

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.

### **ENVIRONMENTAL FINDINGS**

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

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the West Area 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.

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. P18-01089/T-6237 (**Exhibit M**) was published in the Fresno Bee on May 15, 2020, with no comments received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within Section 15-3309 and 15-5812 et seq. of the Fresno Municipal Code. 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; compliance with the provisions of the FMC; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment and exhibits. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code 66400, *et seq.*) and staff concludes that the required findings contained within Section 15-3309, 15-5812 and 15-5905 *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed projects are appropriate for the project site.

## 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: Vesting Tentative Tract Map No. 6237/UGM dated February 10, 2020
- Exhibit B: Operational Statement
- Exhibit C: Aerial Map
- Exhibit D: Vicinity Map
- Exhibit E: Fresno General Plan Land Use & Zoning Map
- Exhibit F: Proposed Planned Land Use Map
- Exhibit G: Proposed Pre-zone Exhibit
- Exhibit H: Fresno Municipal Code Findings
- Exhibit I: Public Hearing Notice Radius Map
- Exhibit J: Neighborhood Meeting Minutes
- Exhibit K: Conditions of Approval for Vesting Tentative Tract Map No. 6237/UGM dated May 20, 2020
- Exhibit L: Comments and Requirements from Responsible Agencies
- Exhibit M: Environmental Assessment No. P18-01089/T-6237, Mitigated Negative Declaration, dated May 15, 2020
- Exhibit N: Planning Commission Resolution No. 13653 (Plan Amendment

- Application No. P18-01089)
- Exhibit O: Planning Commission Resolution No. 13654 (Pre-zone Application No. P18-01089)
- Exhibit P: Planning Commission Resolution No. 13655 (Vesting Tentative Tract Map No. 6237/UGM)
- Exhibit Q: City Council Resolution for Plan Amendment Application No. P18-01089
- Exhibit R: City Council Ordinance Bill for Pre-zone Application No. P18-01089
- Exhibit S: Indemnification Agreement between City of Fresno and Jeffrey Roberts of Assemi Group
- Exhibit T: City Council Hearing PowerPoint Presentation
- Exhibit U: PowerPoint Presentation