



Legislation Details (With Text)

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On agenda:	7/3/2024	Final action:			
Title:	<p>Consideration of Plan Amendment and Rezone Application No. P22-00388, Vesting Tentative Tract Map No. 6360, Planned Development Application No. P22-00387, and Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2022080152 for a proposed 326-lot single-family residential development on the northeast corner of North Armstrong Avenue and the East McKinley Avenue Alignment (Council District 7).</p> <ol style="list-style-type: none">RECOMMEND CERTIFICATION (to the City Council) of Final EIR SCH No. 2022080152 for a proposed 326-lot single-family residential development; and,<ol style="list-style-type: none">RECOMMEND ADOPTION (to the City Council) of Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,RECOMMEND ADOPTION (to the City Council) of the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; andRECOMMEND APPROVAL (to the City Council) of a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; andRECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. P22-00388 proposing to amend the Fresno General Plan and McLane Community Plan from the Low Density Residential (±28.6 acres) planned land use designation to the Medium Density Residential (±28.6 acres) planned land use designation.RECOMMEND APPROVAL (to the City Council) of Rezone Application No. P22-00388 proposing to amend the Official Zone Map to reclassify the ±28.6-acre property from the RS-3 (Single Family Residential, Low Density) zone district to the RS-5 (Single Family Residential, Medium Density) zone district.RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6360 which requests authorization to subdivide an approximately 28.6-acre property for purposes of creating a 326-lot single family residential subdivision on the northeast corner of North Armstrong Avenue and the East McKinley Avenue Alignment subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated July 3, 2024.RECOMMEND APPROVAL (to the City Council) of Planned Development Permit Application No. P22-00387 which requests authorization to establish a gated community with private streets and modified property development standards subject to compliance with the Conditions of Approval dated July 3, 2024.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					

Attachments: 1. Exhibit A - Vesting Tentative Tract Map 6360 [11-21-2022], 2. Exhibit A-1 - Planned Development Site Plans [03-29-2023], 3. Exhibit B - Operational Statement, 4. Exhibit C - 2024 Aerial Photograph of Site, 5. Exhibit D - Vicinity Map, 6. Exhibit E - Existing Fresno General Plan Planned Land Use Map, 7. Exhibit F - Proposed Planned Land Use, 8. Exhibit G - Proposed Rezone Exhibit, 9. Exhibit H - Fresno Municipal Code Findings, 10. Exhibit I - Noticing Vicinity Map (1000 feet), 11. Exhibit J - Conditions of Approval for Vesting Tentative Tract Map 6360 [07-03-2024], 12. Exhibit K - T-6360 Comments & Requirements from Responsible Agencies, 13. Exhibit L - Conditions of Approval for Planned Development Permit P22-00387, 14. Exhibit M-1 - Draft Environmental Impact Report, 15. Exhibit M-2 - Draft Environmental Impact Report –Appendices, 16. Exhibit M-3 - Final Environmental Impact Report/Response to Comments, 17. Exhibit M-4 - Mitigation Monitoring & Reporting Program, 18. Exhibit M-5 - Findings of Fact & Statement of Overriding Considerations

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

July 3, 2024

FROM: JENNIFER CLARK, Director
Planning & Development Department

THROUGH: ISRAEL TREJO, Planning Manager
Planning & Development Department

BY: CHRIS LANG, Supervising Planner
Planning & Development Department

SUBJECT

Consideration of Plan Amendment and Rezone Application No. P22-00388, Vesting Tentative Tract Map No. 6360, Planned Development Application No. P22-00387, and Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2022080152 for a proposed 326-lot single-family residential development on the northeast corner of North Armstrong Avenue and the East McKinley Avenue Alignment (Council District 7).

- 1. RECOMMEND CERTIFICATION** (to the City Council) of Final EIR SCH No. 2022080152 for a proposed 326-lot single-family residential development; and,
 - a. RECOMMEND ADOPTION (to the City Council) of Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,
 - b. RECOMMEND ADOPTION (to the City Council) of the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
 - c. RECOMMEND APPROVAL (to the City Council) of a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA

Guidelines Section 15092; and

2. **RECOMMEND APPROVAL** (to the City Council) of Plan Amendment Application No. P22-00388 proposing to amend the Fresno General Plan and McLane Community Plan from the Low Density Residential (± 28.6 acres) planned land use designation to the Medium Density Residential (± 28.6 acres) planned land use designation.
3. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. P22-00388 proposing to amend the Official Zone Map to reclassify the ± 28.6 -acre property from the RS-3 (*Single Family Residential, Low Density*) zone district to the RS-5 (*Single Family Residential, Medium Density*) zone district.
4. **RECOMMEND APPROVAL** (to the City Council) of Vesting Tentative Tract Map No. 6360 which requests authorization to subdivide an approximately 28.6-acre property for purposes of creating a 326-lot single family residential subdivision on the northeast corner of North Armstrong Avenue and the East McKinley Avenue Alignment subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated July 3, 2024.
5. **RECOMMEND APPROVAL** (to the City Council) of Planned Development Permit Application No. P22-00387 which requests authorization to establish a gated community with private streets and modified property development standards subject to compliance with the Conditions of Approval dated July 3, 2024.

EXECUTIVE SUMMARY

Kyle Allington of Harbour and Associates, on behalf of Wilson Homes, has filed Plan Amendment and Rezone Application No. P22-00388, Vesting Tentative Tract Map No. 6360 and Planned Development Permit Application No. P22-00387 pertaining to ± 28.6 net acres of property located on the northeast corner of North Armstrong Avenue and the East McKinley Avenue Alignment.

Plan Amendment No. P22-00388 proposes to amend the Fresno General Plan and McLane Community Plan to change the planned land use designation for the ± 28.6 -acre property from Low Density Residential (1.0-3.5 dwelling units per acre) to Medium Density Residential (5.0-12 dwelling units per acre), as shown in **Exhibit F**.

Rezone Application No. P22-00388 proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-3 (*Single Family Residential, Low Density*) zone district to the RS-5 (*Single Family Residential, Medium Density*) zone district in accordance with the proposed plan amendment, as shown in **Exhibit G**.

Vesting Tentative Tract Map No. 6360 proposes to subdivide the ± 28.6 net acre property for purposes of creating a 326-lot single-family residential subdivision. The proposed density of the subdivision is 11.4 dwelling units per acre (du/ac) and is consistent with the medium density residential density standards.

Planned Development Permit Application No. P22-00387 proposes to establish a gated community

with private streets, reduced lot sizes, reduced front and rear yard setbacks, the construction of a community recreation building and pool, and an $\pm 11,700$ square foot park.

The proposed project would also construct a two-lane, 64-foot-wide extension of McKinley Avenue and result in the expansion of the North Armstrong Avenue right-of-way along the project frontage. In addition, development of the project site would include infrastructure improvements for stormwater, water, and wastewater services along the project frontage with North Armstrong Avenue and the future extension of East McKinley Avenue.

BACKGROUND

Surrounding Property Information

The subject property located on the northeast corner of the East McKinley Avenue alignment and North Armstrong Avenue and is currently being utilized for agricultural purposes. The property was annexed into the City of Fresno in 2020 as part of the McKinley-Armstrong No. 2 Reorganization and is bordered by the City of Fresno to the north, south and west, and the County of Fresno to the east. The surrounding area is generally characterized by a mix of agricultural uses mixed with recently approved single-family residential subdivisions. The property is bounded by rural residential uses to the east, the Mill Ditch Canal, and Tract Map No. 6201 to the south, two rural residences and Tract Map No. 6285 to the north, and agricultural uses, which are planned for Medium Density Residential, to the west. The subject property is located within the Boris Elementary attendance area, which is approximately 0.9 miles away from the project site.

Project Description

The applicant is proposing to amend the Fresno General Plan planned land use and Official Zoning Map. Currently, the approximately 28.6 net acre property is planned for Low Density Residential (1-3.5 du/ac) and zoned RS-3 (*Single Family Residential, Low Density*). Plan Amendment Application No. P22-00388 proposes to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation for the subject property to Medium Density Residential (5-12 du/ac). Rezone Application No. P22-00388 proposes to reclassify the subject property to the RS-5 (*Residential Single-Family, Medium Density*) zone district, which is consistent with the Medium Density Residential planned land use.

Vesting Tentative Tract Map No. 6360 has been filed requesting authorization to subdivide the approximately 28.6 net acre subject property for purposes of creating a 326-lot private single family residential development at a density of approximately 11.4 dwelling units per acre, with lots ranging in sizes between 1,979 and 8,474 square feet. Thirty-five outlot spaces for private landscaping, private pool, private road, private park, private parking, public pedestrian, and public utility uses would also be included in the proposed project.

Planned Development Permit Application No. P22-00387 proposes a gated community with private streets and modified development standards, which include the reduction of the front yard setbacks to five feet, rear yard setbacks to four feet, and the removal of the minimum garage setback of four feet from the primary façade.

- It is noted that, due to the proximity of the proposed subdivision to existing residential

subdivisions to the north and east of the subject property, a 10-foot rear yard setback to living space shall be provided along the north and east property lines for all proposed lots (lots 132-168). A 10-foot side yard setback shall be provided along the east property line of lot 169; if developed with a single-story residence, the side yard setback shall be five feet.

Reduced lot sizes are also proposed, with an average lot size of 2,359 square feet; the proposed density of 11.4 du/ac complies with the Fresno General Plan and FMC density requirements of the proposed Medium Density Residential (12 du/ac maximum).

California Housing Shortage

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

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 mitigation measures of the related 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. An existing 10 inch main located in North Armstrong Avenue will be extended to the southerly property line of the proposed project to serve the proposed subdivision. The proposed project will also be required to provide payment of sewer connection charges and install branches within the interior of the residential tract to each lot created.

For water service, required infrastructure improvements and facilities include installation of 16-inch transmission water mains (as well as City fire hydrants) along the East McKinley Avenue alignment from North Armstrong Avenue east across the proposed property frontage. Two independent sources of water are required to serve the tract and may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities. Installation of these services, as well as within the interior of proposed tract, will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

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

Fire Department

The 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 December 18, 2022, the subject property will be served by Fire Station 10, which is located at 5545 East Aircorp Way (approximately 2.3 miles away).

Fresno Metropolitan Flood Control District

According to the Fresno Metropolitan Flood Control District ("FMFCD"), the subject site is located within a 100-year flood prone area as designated on the latest Flood Insurance Rate Maps, necessitating appropriate floodplain management action. The subject property also contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

The FMFCD has indicated that permanent drainage service will not be available, and the District recommends the construction of temporary facilities until permanent service is available. Grading and drainage patterns are to direct drainage on property to the west and south, toward future facilities to be constructed along North Armstrong Avenue and East McKinley Avenue.

Landscaping/Walls/Open Space

The proposed subdivision is located along North Armstrong Avenue and the East McKinley Avenue alignment, which are classified as collector streets and will be required to install landscaping and irrigation within a minimum 10-foot-wide landscape strip abutting all property lines with frontage along North Fowler and East McKinley Avenues. A six-foot tall block wall will be constructed along major street frontages behind the required landscape strip.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code (FMC) Section 15-4108. 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 site is within the existing Community Facilities District No. 11 and shall provide their fair share of funding for maintenance of public improvements within the area.

Trail

The proposed subdivision is located adjacent to and abutting two collector streets (East McKinley and North Armstrong Avenues). A proposed bicycle/pedestrian trail is to be constructed along the

south side of East McKinley Avenue located within a minimum of 26' wide outlots pursuant to Figure MT-2 (Paths and Trails) of the Fresno General Plan.

Open Space

Additionally, an approximate 11,777 sq. ft. open space area is proposed at the southern area of the proposed subdivision, and a 15,207 sq. ft. outlot to be utilized for a community building is adjacent to the open space area.

The amount of open space provided within the tract map is 26,984 sq. ft., which meets the minimum requirement of FMC Section 12-4.705. For 326 lots, the minimum requirement is 26,753 sq. ft. of open space.

Streets and Access Points

The Fresno General Plan designates North Armstrong and the East McKinley Avenue Alignment as Collector streets. The project will provide two entrances and take access from both North Armstrong and East McKinley Avenues. Dedication of right-of-way and construction of a two-lane collector street for the McKinley Avenue alignment will be required, which will include construction of a bridge which crosses over the Mill Ditch Canal. 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 developer will construct private interior streets which have been modified from the City of Fresno Public Works standards and will provide sidewalks on at least one side of every street. Landscaping and parking are also proposed within outlots throughout the subdivision.

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., East McKinley Avenue Alignment and North Armstrong Avenue).

Vehicle Miles Traveled (VMT)

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

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

CEQA Guidelines Section 15064.3(b)(4) states that "[a] lead agency has discretion to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's

vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

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

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

The City of Fresno VMT Thresholds Section 3.1 regarding Development Projects states that if a project constitutes a General Plan Amendment or a Rezone, none of the screening criteria may apply, and that the City must evaluate such projects on a case-by-case basis. In this case, the Project includes both a General Plan Amendment and a Rezone. Accordingly, a quantitative VMT analysis is required.

The thresholds of significance were developed using the County of Fresno as the applicable region, and the required reduction of VMT (as adopted in the Fresno VMT Thresholds) corresponds to Fresno County’s contribution to the statewide GHG emission reduction target. In order to reach the statewide GHG reduction target of 15%, Fresno County must reduce its GHG emissions by 13%. The method of reducing GHG by 13% is to reduce VMT by 13% as well.

The City’s adopted thresholds for development projects correspond to the regional thresholds set by the Fresno Council of Governments (COG). For residential projects, the adopted threshold of significance is a 13% reduction, which means that projects that do not result in at least a 13% reduction from the existing regional VMT per capita would have a significant environmental impact. Projects that reduce VMT by 13% or more are considered to have a less than significant impact.

Quantitative assessments of the VMT generated by residential projects having 500 or fewer dwelling units, including the proposed Project, are determined using the COG VMT Calculator Tool (see sections 4.3.1 and 4.3.2 on page 26 of the Fresno CEQA Guidelines for Vehicle Miles Traveled dated June 25, 2020).

The Fresno COG VMT Calculator Tool indicated the Transportation Analysis Zone in which this Project is located would generate 16.1 VMT per capita. As the City’s established VMT threshold is 14.01 VMT per capita, the Project’s impact to vehicle miles traveled is greater than the 13% minimum threshold, resulting in a potentially significant impact and is further analyzed with the Draft EIR (**Exhibit M-1**).

Traffic Impact Study

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.

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 restrictions 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, 11th Edition. Based upon the calculations, the proposed project is projected to generate 3,074 Average Daily Trips (ADT) with 229 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 306 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 13 study intersections and 13 roadway segments in the vicinity of the project during the AM and PM peak hours for the Existing Conditions; Existing plus Project Conditions; Near Term Plus Project Conditions; and, Cumulative Year 2046 plus Project Conditions study scenarios:

Study Intersections:

1. Fowler Avenue/McKinley Avenue
2. Fowler Avenue/Floradora Avenue
3. Fowler Avenue/Olive Avenue
4. Fowler Avenue/State Route 180 (SR 180) Westbound Ramps
5. Fowler Avenue/SR 180 Eastbound Ramps
6. Fowler Avenue/Belmont Avenue
7. Armstrong Avenue/McKinley Avenue
8. Armstrong Avenue/Floradora Avenue
9. Armstrong Avenue/Olive Avenue
10. Temperance Avenue/McKinley Avenue
11. Temperance Avenue/Floradora Avenue
12. Armstrong Avenue/Project Driveway 1
13. Project Driveway 2/McKinley Avenue

Study Segments

1. Fowler Avenue, between McKinley Avenue and Floradora Avenue
2. Fowler Avenue, between Floradora Avenue and Olive Avenue
3. Fowler Avenue, between Olive Avenue and SR 180 Westbound Ramps
4. Fowler Avenue, between SR 180 Eastbound Ramps and Belmont Avenue
5. Armstrong Avenue, between Project Driveway 1 and McKinley Avenue
6. Armstrong Avenue, between McKinley Avenue and Floradora Avenue
7. Armstrong Avenue, between Floradora Avenue and Olive Avenue
8. Temperance Avenue, between McKinley Avenue and Floradora Avenue
9. McKinley Avenue, between Fowler Avenue and Armstrong Avenue
10. McKinley Avenue, between Armstrong Avenue and Project Driveway 2
11. McKinley Avenue, between Project Driveway 2 and Temperance Avenue
12. Floradora Avenue, between Fowler Avenue and Armstrong Avenue
13. Olive Avenue, between Fowler Avenue and Armstrong Avenue

Based on the analyses included in the TIA and supplemental assessment, the intersections of Fowler Avenue at Olive Avenue, Fowler Avenue and SR-180 Eastbound Ramps, and Temperance Avenue at McKinley Avenue are currently operating below the adopted TIZ III level of service (LOS) standard of LOS D in the AM and PM peak hours. The remaining study intersections are currently operating at or above the LOS D standard during both the AM and PM peak hours. These findings comprise the Existing Conditions Scenario.

With the addition of the project (Existing plus Project Conditions Scenario), the previously mentioned intersections are projected to continue to operate below the LOS D standard. The remaining study intersections are projected to operate at or above the LOS D standard with the addition of the project. All study segments are projected to operate at or above the LOS D standard, with the exception of Fowler Avenue between Olive Avenue and SR-180 Westbound Ramps, which operate below the LOS D standard in both the Existing Conditions and Existing plus Project Scenarios.

The TIA also analyzed the operational impacts with the addition of previously approved and pending projects along with the proposed project (Near Term plus Project Conditions Scenario). This is one future assumed scenario which is utilized to consider indirect or secondary effects or impacts which are caused cumulatively by the project and other future projects at a point later in time or farther removed in the distance, but which are still reasonably foreseeable. The analyses included in the TIA showed the following intersections are projected to operate below the LOS D standard in the Near Term plus Project Scenario:

- Fowler Avenue/McKinley Avenue
- Fowler Avenue/Floradora Avenue
- Fowler Avenue/Olive Avenue
- Armstrong Avenue/McKinley Avenue
- Armstrong Avenue/Floradora Avenue
- Armstrong Avenue/Olive Avenue
- Temperance Avenue/McKinley Avenue
- Temperance Avenue/Floradora Avenue

The analysis in the TIA showed a majority of the study intersections are projected to operate below the TIZ III LOS D standard in the Cumulative Year 2046 Plus Project scenario without mitigation, however with improvements (signalization), are anticipated to operate above the TIZ III LOS D

standard. Improvements at surface street intersections are included within the City of Fresno impact fee programs.

Conditions of approval resulting from the TIS for the proposed project require the installation of a traffic signal with protected left-turn phasing at North Armstrong Avenue at East McKinley Avenue prior to the issuance of 200 building permits. The proposed project shall also widen Armstrong Avenue from the Mill Ditch Bridge to Weldon Avenue prior to occupancy of any dwelling units and shall also construct McKinley Avenue from Armstrong Avenue to Laverne Avenue prior to the issuance of 100 building permits.

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

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

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

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

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

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

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

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements outlined within the memoranda from the Traffic Engineering Division dated April 18, 2024 (**Exhibit K**). 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 requirements of the Traffic Engineer outlined in the memoranda dated June 19, 2023 (**Exhibit K**), for review of the traffic impact analysis for TIS 23-008. Mitigation measures, in addition to payment of required fees, include the installation of a traffic signal with protected left turn phasing per City of Fresno standards at the intersection of East McKinley and North Armstrong Avenues prior to the issuance of 200 building permits for the project. The traffic signal equipment shall be installed in the ultimate location and may require the acquisition of right-of-way. The intersection shall be constructed to the following configuration:

- Eastbound - one left turn lane, one through lane, and one right turn lane.
- Westbound - one left turn lane, one through lane, and one right turn lane.
- Northbound - one left turn lane, one through lane, and one right turn lane.
- Southbound - one left turn lane, one through lane, and one right turn lane.
- Bike lanes and conflict markings shall be provided in all directions.

The Public Works Department/Traffic Engineering Division has determined that, based upon the proposed traffic yield from and the expected traffic generation of the proposed project for the subject property, the proposed project will not adversely impact the existing and projected circulation system based upon implementation of the mitigation measures included within the Fresno General Plan Program Environmental Impact Report SCH No. 2019050005 ("PEIR") and based upon compliance with the project specific mitigation measures referenced within Draft EIR SCH No. 2022080152.

ENVIRONMENTAL IMPACT REPORT

Key Components of Requested Action

Environmental Impact Report: An “EIR” or “Environmental Impact Report” is a detailed statement prepared under the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term “EIR” may mean either a draft or a final EIR depending on the context. The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and propose changes to the Draft EIR if needed. These documents are provided in Exhibits M-1, M-2, M-3, and M-4.

Response to Comments (RTC): This document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project. Three comment letters were received, and the letters and responses are contained in the RTC, which is provided in **Exhibit M-3**.

Mitigation Monitoring and Reporting Program (MMRP): This document contains a table with the required mitigation measures, the responsible party, or parties for implementing the measure, and the timing of implementation. The MMRP is contained in **Exhibit M-4**.

Findings of Fact and Statement of Overriding Considerations: When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact. The Findings of Fact and the Statement of Overriding Considerations are attached as **Exhibit M-5**.

Certification of the EIR: The Planning Commission will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and will make a recommendation to City Council regarding certifying the EIR and adopting the necessary Findings of Fact and Statement of Overriding Considerations. The Planning Commission will make a separate resolution regarding its recommendation on the consideration of the proposed project.

EIR Process/Public Input and Noticing

The City, as the lead agency under CEQA, determined that an EIR was required for the proposed project. The firm LSA Associates, Inc. was contracted with by the City of Fresno to prepare the EIR. The EIR was assigned State Clearinghouse No. 2022080152.

The preparation of the EIR followed the process prescribed by CEQA as described below:

Notice of Preparation (NOP) and Scoping Meeting: Upon the City’s determination that an EIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on August 8, 2022, and the 30-day comment period on the NOP closed on September 7, 2022. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from public agencies and were incorporated into the Draft EIR (DEIR). A Scoping Meeting was also scheduled within the NOP and was held on August 17, 2022. One member of the public attended the scoping meeting. Outreach was as follows:

- NOP and Scoping Meeting notice were circulated to relevant agencies and other interested parties
- NOP was mailed to the Office of Planning and Research State Clearinghouse
- NOP and Scoping Meeting notice were published in the Fresno Bee
- NOP was posted by the Fresno County Clerk for 30 days
- NOP was posted by the Fresno City Clerk for 30 days, including the public counter, website, and City Hall electronic bulletin boards.

Draft Environmental Impact Report: Upon completion of the Draft EIR, the City issued a Notice of Availability (NOA) announcing the release of the document for a 45-day public comment period beginning February 23, 2024. The Draft EIR was available for viewing via the following methods:

- Via web link on the City of Fresno webpage
- Copies of the Draft EIR were made available for check-out at Fresno City Hall within the Planning Department
- Copies of the Draft EIR were provided to the Fresno County Clerk and County Public Library
- Via email by contacting the assigned staff person

Three comment letters were received. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

Final EIR/Response to Comments: The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and possibly propose changes to the Draft EIR, if needed. After the close of the public review period for the Draft EIR described above, the City prepared formal responses to the written comments received. CEQA Guidelines, Section 15088(b), requires the City's responses to comments to be provided to commenting public agencies 10 days prior to final certification of the FEIR. As noted above, three comment letters were received, and the letters are contained in the Response to Comments, which are provided in **Exhibit M-3**.

Summary of Environmental Impacts

Project Objective

The objectives of the City of Fresno for the project are to address the City's current and projected housing needs by providing a range of single-family residences; provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand; provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections; and, to develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements.

Impacts Analyzed

An Initial Study was prepared for this EIR and evaluated the environmental topics required by CEQA. These topics include Agriculture Resources, Air Quality, Biological and Cultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Transportation/Traffic, and Utilities and Services Systems. The Initial Study identified potentially significant environmental issue topics which were further analyzed in detail in the Draft EIR which included Air Quality, Greenhouse Gas Emissions, and Transportation.

Under CEQA, environmental impacts can be classified as either less than significant, less than significant with mitigation, or significant and unavoidable. The environmental areas above were found to have impacts in the Draft EIR as noted below:

Less Than Significant

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

Less Than Significant with Mitigation

- Air Quality
- Cultural Resources
- Geology and Soils
- Noise
- Tribal Cultural Resources

Significant and Unavoidable

- Greenhouse Gas Emissions
- Transportation

The conclusion of Significant and Unavoidable does not exempt the topic areas from mitigation; to the contrary, mitigation is required in order to lessen the impact as much as possible. However, the analysis included in the Draft EIR indicates that, even with maximum mitigation, some potential environmental impacts under the above topic areas would still be significant and unavoidable.

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations." The following sections provide a

description of each of the project's significant and unavoidable impacts and the justification for adopting a statement of overriding considerations.

According to Section 15355 of the CEQA Guidelines, the term cumulative impacts “refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable.

Summary of Significant Impacts

Transportation

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

The VMT Guidelines document includes thresholds of significance for development projects, transportation projects, and land use plans. The project consists of residential land use. The VMT Guidelines established VMT per capita as the appropriate metric to evaluate residential land use projects while defining Fresno County as the “region” for determining VMT thresholds. The project would have a significant VMT impact if the baseline project VMT per capita is greater than 87 percent of the baseline Fresno County VMT per capita. Based on the VMT Guidelines, baseline Fresno County VMT per capita is 16.1 and the corresponding threshold is 14.0 (which is 87 percent of 16.1). Therefore, the project would have a significant VMT impact if the project VMT per capita is greater than 14.0.

As recommended in the City of Fresno CEQA Guidelines for Vehicle Miles Traveled Thresholds, the VMT analysis should be conducted using the Fresno COG Activity Based Model (ABM), which is a tour-based model. The model database was updated with the project land uses to calculate project VMT. The project VMT per capita was determined to be 15.3, 9.1 percent higher than the City's VMT per capita threshold. Therefore, based on the VMT Guidelines, the project would have a significant VMT impact.

When a lead agency identifies a significant CEQA impact, the agency must identify feasible mitigation measures in order to avoid or substantially reduce that impact. These measures can be incorporated as a part of plans, policies, regulations, or project designs. Project design features that encourage mode shift from automobiles to transit or non-motorized modes can therefore help reduce project VMT.

Project design features to achieve VMT reduction were evaluated using City's Urban Form VMT Calculator and California Air Pollution Control Officers Association's (CAPCOA) “*Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity - Designed for Local Governments, Communities, and Project Developers*.” These features are proposed to be implemented by the applicant and include providing pedestrian improvements/sidewalks both internal to the project site and along the project frontage; providing a 25-foot-wide easement for bicycle and pedestrian infrastructure; and providing electric vehicle

parking and charging infrastructure. These design features, as well as others, are identified in Section 4.3 of the DEIR (**Exhibit M-1**).

These design features aim to promote overall mobility with the goal of reducing VMT and greenhouse gas emissions. The project would implement Mitigation Measure TRA-2, which would require implementation of project design features discussed above and may possibly reduce the project's VMT by approximately up to 1.69 percent. This however will not reduce the impact to a less than significant level, and therefore will have a significant and unavoidable transportation impact under CEQA.

Greenhouse Gas Emissions

The City of Fresno's Greenhouse Gas (GHG) Reduction Plan was adopted in December 2014 to reduce local community GHG emissions to 1990 levels by 2020, consistent with the State objectives set forth in AB 32. The City of Fresno updated its 2014 GHG Reduction Plan in 2021 to conform with existing applicable State climate change policies and regulations to reduce local community GHG emissions to 40 percent below 1990 levels by 2030, consistent with the State objectives set by SB 32. The GHG Reduction Plan Update includes a Consistency Checklist to help the City provide a streamlined review process for new development projects that are subject to discretionary review pursuant to CEQA.

Pursuant to the GHG Consistency Checklist (included in Appendix E of the DEIR, **Exhibit M-2**), a project is determined to be consistent if it has a less than significant VMT impact, either through satisfying screening criteria or mitigating VMT impacts, pursuant to the City's adopted VMT thresholds. As mentioned with Transportation impacts, the project would have a significant and unavoidable impact related to VMT, as the proposed project would result in 15.3 VMT per capita, 9.1 percent higher than the City's 14.0 VMT per capita threshold. Therefore, the project does not meet the VMT requirement of the GHG Consistency Checklist.

If a project is consistent with an adopted qualified Greenhouse Gas Reduction Strategy that meets the standards, it can be presumed that the project would not have significant GHG emission impacts. The project would be consistent with other GHG Reduction Plan Update strategies as outlined in the DEIR; however, since the proposed project would conflict with VMT requirements of the GHG Reduction Plan Update, the impact related to GHG emissions would be significant and unavoidable.

Project Alternatives

Pursuant to CEQA, the EIR considered a reasonable range of potentially feasible alternatives to the Project that could attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluated the comparative merits of those alternatives.

The specific alternatives analyzed were the following:

1. No Project (the site would not be developed, and existing land uses would remain)
2. Reduced (50%) Project (same footprint with reduced number of lots)
3. Increased Phase Project Density (reduced footprint with same number of lots)

Based on the project alternative analysis contained in the DEIR, the No Project (the site would not be developed, and existing land uses would remain) would result in fewer impacts, however, would not

meet the objectives of the proposed project. The Reduced Project would have less than significant impacts in most resource topics that would be comparable to the proposed project, however per capita VMT would remain unchanged and would still result in significant and unavoidable impacts; and would partially meet project objectives. The Increased Phase Project Density would have similar impacts, but due to the reduced footprint, would limit the ability to provide a mixture of housing types, and would partially meet project objectives.

Tribal Consultation

The City is required to notify various tribes of the opportunity to conduct consultation when preparing an environmental assessment for which a Notice of Preparation is filed. Notification letters were sent to local tribes by certified mail on December 22, 2022. The Planning and Development Department received no letters in response.

Council District Project Review Committee

The project is located within Council District 7 and a Project Review Committee has not been established.

Airport Land Use Commission (ALUC)

All plan amendment and rezone applications which are located within an Airport Influence Area shall be reviewed by the ALUC for consistency with the adopted Airport Land Use Compatibility Plan. The ALUC reviewed the proposed project on June 17, 2024, and made a finding that the project is consistent with the Airport Land Use Compatibility Plan.

Neighborhood Meeting and Public Response

A neighborhood meeting was held on October 12, 2022, by the project applicant, and notices of the meeting were mailed to property owners within 1,000 feet of the project site. Pursuant to a report from the developer, two members of the public attended the meeting. The project was presented by a representative for the developer, and discussed applications, lot count, home products & sizes, street widths, sidewalks, pocket parks and parking. The only question from the public was in regard to the proposed FMFCD storm drain pipeline which is to be stubbed to an adjacent property owner's lot which would allow for the elimination of a temporary ponding basin located in their backyard.

Notice of Planning Commission Hearing

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

LAND USE PLANS AND POLICIES

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

- Provide for a diversity of districts, neighborhoods, housing types (including affordable

housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.

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

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

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

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

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 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.

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

For planning purposes and implementation of Capital Improvement Projects, Policy MT-1-n recommends to maintain a peak-hour vehicle LOS standard of D or better for all roadway areas outside of identified Activity Center and Bus Rapid Transit Corridor districts, unless the City Traffic Engineer determines that maintaining this LOS would be infeasible and/or conflict with the achievement of other General Plan policies.

Similarly, Policy MT-1-o recommends accepting vehicle LOS E or F conditions outside of identified multi-modal districts only if provisions commensurate with the level of impact and approved by the City Traffic Engineer are made to sufficiently improve the overall transportation system and/or promote non-vehicular transportation as part of a development project or City-initiated project.

The project site is located within City of Fresno 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 defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most of 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 11,777 sq. ft. open space area is proposed in the southern area of the proposed subdivision. This open space area is adjacent to a proposed 15,207 sq. ft. outlot which will be utilized by providing a community building, swimming pool and associated facilities.

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

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

ENVIRONMENTAL FINDING

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an EIR must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

- a. Changes or alterations have been required in, or incorporated into, such projects which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed in the Findings of Fact and Statement of Overriding Considerations document provided in **Exhibit M-5**.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings for Plan Amendment, Rezone, Vesting Tentative Tract Map, and Planned Development Permit contained within Sections 15-3309, 15-5812 and 15-5905 of the Fresno Municipal Code can be made. These findings are attached as **Exhibit H**.

Grounds For Denial of Tentative Map

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

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

Staff has reviewed the proposed vesting tentative tract map and has determined that none of the findings above apply to the project and, therefore, has recommended approval of Vesting Tentative Tract Map No. 6360 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 McLane 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. P22-00388, Rezone Application No. P22-00388, Vesting Tentative Tract Map No. 6360 and Planned Development Permit No. P22-00387 are appropriate for the project site.

ATTACHMENTS:

Exhibit A:	Vesting Tentative Tract Map 6360 [11-21-2022]
Exhibit A-1:	Planned Development Site Plans [03-29-2023]
Exhibit B:	Operational Statement
Exhibit C:	2024 Aerial Photograph of Site

Exhibit D:	Vicinity Map
Exhibit E:	Existing Fresno General Plan Planned Land Use Map
Exhibit F:	Proposed Planned Land Use
Exhibit G:	Proposed Rezone Exhibit
Exhibit H:	Fresno Municipal Code Findings
Exhibit I:	Noticing Vicinity Map (1000 feet)
Exhibit J:	Conditions of Approval for Vesting Tentative Tract Map 6360 [07-03-2024]
Exhibit K:	T-6360 Comments & Requirements from Responsible Agencies
Exhibit L:	Conditions of Approval for Planned Development Permit P22-00387
Exhibit M-1:	Draft Environmental Impact Report
Exhibit M-2:	Draft Environmental Impact Report -Appendices
Exhibit M-3:	Final Environmental Impact Report/Response to Comments
Exhibit M-4:	Mitigation Monitoring & Reporting Program
Exhibit M-5:	Findings of Fact & Statement of Overriding Considerations