



Legislation Details (With Text)

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**Title:** HEARING to consider Plan Amendment Application No. A-18-004; Rezone Application No. R-18-005; Annexation Application No. ANX-18-003; Vesting Tentative Tract Map No. 6214/UGM; and, related Environmental Assessment No. A-18-004/R-18-005/ANX-18-003/T-6214 for approximately 77.48 acres of property located on the east side of North Fowler Avenue between East Clinton Avenue and the East McKinley Avenue alignment (Council District 4)

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-18-004/R-18-005/ANX-18-003/T-6214 dated July 27, 2018 for purposes of the proposed project.
2. RESOLUTION - Approving Plan Amendment Application No. A-18-004 proposing to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designations for the subject property from Medium Density Residential (±52.87 acres), Public Facility/Elementary School (±13.52 acres), and Urban Neighborhood Residential (±11.09 acres) to Medium Density Residential (±57.36 acres), and Public Facility/Elementary School (±20.12 acres). The Plan Amendment will also involve relocating the existing planned Public Facility designation for a future Elementary School to the immediate northeast corner of the intersection of North Fowler Avenue and the East McKinley Avenue alignment.
3. BILL (For introduction and adoption) - Approving Rezone Application No. R-18-005 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (Exclusive 20-acre Agricultural District) to the City of Fresno RS-5/UGM/ANX (Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay) and PI/UGM (Public & Institutional / Urban Growth Management) zone districts in accordance with Plan Amendment Application No. A-18-004.
4. RESOLUTION - Approving Annexation Application No. ANX-18-003 to initiate annexation proceedings for the Clinton-Fowler No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.
5. APPROVE Vesting Tentative Tract Map No. 6214/UGM proposing to subdivide an approximately 43.22 net acre portion of the subject property for the purpose of creating a 210-lot conventional single-family residential development subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the City Council dated August 30, 2018.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Public Hearing Notice Radius Map, 4. Exhibit D - Project Information Tables, 5. Exhibit E - Fresno General Plan Planned Land Use Map, 6. Exhibit F - Proposed Planned Land Use Map, 7. Exhibit G - Proposed Pre-zone Exhibit, 8. Exhibit H - Annexation Boundary, 9. Exhibit I - Concept Plan Connectivity Map, 10. Exhibit J - Vesting Tentative Tract Map No. 6214, 11. Exhibit K - Conditions of Approval - Final, 12. Exhibit L - Fresno Municipal Code Findings, 13. Exhibit M - Environmental Assessment, 14. Exhibit N - A-18-004 - CC Resolution, 15. Exhibit O - R-18-005 - CC Ordinance Bill, 16. Exhibit P - ANX-18-003 - CC Resolution

Date	Ver.	Action By	Action	Result
8/30/2018	2	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**August 30, 2018**

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

**THROUGH:** MIKE SANCHEZ, Assistant Director  
Development Services Division

BONIQUE EMERSON, AICP, Planning Manager  
Development Services Division

**BY:** WILL TACKETT, Supervising Planner  
Development Services Division

**SUBJECT**

HEARING to consider Plan Amendment Application No. A-18-004; Rezone Application No. R-18-005; Annexation Application No. ANX-18-003; Vesting Tentative Tract Map No. 6214/UGM; and, related Environmental Assessment No. A-18-004/R-18-005/ANX-18-003/T-6214 for approximately 77.48 acres of property located on the east side of North Fowler Avenue between East Clinton Avenue and the East McKinley Avenue alignment (Council District 4)

1. **ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-18-004/R-18-005/ANX-18-003/T-6214 dated July 27, 2018 for purposes of the proposed project.
2. **RESOLUTION** - Approving Plan Amendment Application No. A-18-004 proposing to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designations for the subject property from Medium Density Residential ( $\pm 52.87$  acres), Public Facility/Elementary School ( $\pm 13.52$  acres), and Urban Neighborhood Residential ( $\pm 11.09$  acres) to Medium Density Residential ( $\pm 57.36$  acres), and Public Facility/Elementary School ( $\pm 20.12$  acres). The Plan Amendment will also involve relocating the existing planned Public Facility designation for a future Elementary School to the immediate northeast corner of the intersection of North Fowler Avenue and the East McKinley Avenue alignment.
3. **BILL (For introduction and adoption)** - Approving Rezone Application No. R-18-005 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) and PI/UGM (*Public & Institutional / Urban Growth Management*) zone districts in accordance with Plan Amendment Application No. A-18-004.
4. **RESOLUTION** - Approving Annexation Application No. ANX-18-003 to initiate annexation proceedings for the Clinton-Fowler No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.
5. **APPROVE** Vesting Tentative Tract Map No. 6214/UGM proposing to subdivide an approximately 43.22 net acre portion of the subject property for the purpose of creating a 210-lot

conventional single-family residential development subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the City Council dated August 30, 2018.

## RECOMMENDATIONS

Staff recommends that the City Council takes the following actions:

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-18-004/R-18-005/ANX-18-003/T-6214 dated July 27, 2018 for purposes of the proposed project.
2. ADOPT RESOLUTION - Approving Plan Amendment Application No. A-18-004 proposing to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designations for the subject property from Medium Density Residential ( $\pm 52.87$  acres), Public Facility/Elementary School ( $\pm 13.52$  acres), and Urban Neighborhood Residential ( $\pm 11.09$  acres) to Medium Density Residential ( $\pm 57.36$  acres), and Public Facility/Elementary School ( $\pm 20.12$  acres). The Plan Amendment will also involve relocating the existing planned Public Facility designation for a future Elementary School to the immediate northeast corner of the intersection of North Fowler Avenue and the East McKinley Avenue alignment.
3. INTRODUCE AND ADOPT BILL approving Rezone Application No. R-18-005 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) and PI/UGM (*Public & Institutional / Urban Growth Management*) zone districts in accordance with Plan Amendment Application No. A-18-004.
4. ADOPT RESOLUTION approving Annexation Application No. ANX-18-003 to initiate annexation proceedings for the Clinton-Fowler No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.
5. APPROVE Vesting Tentative Tract Map No. 6214/UGM proposing to subdivide an approximately 43.22 net acre portion of the subject property for the purpose of creating a 210-lot conventional single-family residential development subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the City Council dated August 30, 2018.

## EXECUTIVE SUMMARY

Land Design Consulting, on behalf of Woodside Homes, has filed Plan Amendment Application No. A-18-004, Rezone Application No. R-18-005, Annexation Application No. ANX-18-003 and Vesting Tentative Tract Map No. T-6214 pertaining to a total  $\pm 77.48$  acres of property located on the east side of North Fowler Avenue between East Clinton Avenue and the East McKinley Avenue alignment.

Plan Amendment Application No. A-18-004 proposes to amend the Fresno General Plan to change the planned land use designations for portions of the subject property as follows: (1) Increase planned Medium Density Residential (5.0-12 dwelling units/acre) from  $\pm 52.87$  acres to  $\pm 57.36$  (the

amendment of Medium Density Residential planned area being limited to an increase from  $\pm 41.37$  acres to  $\pm 45.86$  acres within the boundary of proposed Vesting Tentative Tract Map No. 6214); (2) Increase planned Public Facility (Elementary School) from  $\pm 13.52$  acres to  $\pm 20.12$  acres; and, (3) Remove  $\pm 11.09$  acres of Urban Neighborhood Residential (16-30 dwelling units/acre). The Plan Amendment will also involve relocating the existing planned Public Facility designation for a future Elementary School to the immediate northeast corner of the intersection of North Fowler and East McKinley Avenues.

Rezone Application No. R-18-005 proposes to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) and PI/UGM (*Public & Institutional / Urban Growth Management*) zone districts in accordance with Plan Amendment Application No. A-18-004.

Annexation Application No. ANX-18-003 has been filed requesting authorization to initiate annexation proceedings for the Clinton-Fowler No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District (these actions are under the jurisdiction of the Fresno Local Area Formation Commission [LAFCO]). Approval of the annexation application includes adoption of the proposed Concept Plan Connectivity Map attached as Exhibit I to this report in accordance with the requirements of Section 15-6102 of the Fresno Municipal Code.

Vesting Tentative Tract Map No. 6214/UGM proposes to subdivide an approximately 43.22 net acre portion of the subject property for the purpose of creating a 210-lot conventional single-family residential development at a density of approximately 5.0 dwelling units/acre.

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

## **BACKGROUND / PROJECT ANALYSIS**

The subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence; and, is located on the fringe of existing development.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the east, south and west remain predominantly agricultural with rural residential development. Properties to the northwest have been fully developed with a light industrial business park. Properties to the north and northeast have been developed and/or are continuing to be built-out with new single family residences.

Properties further to the east along the City of Fresno incorporated boundary have also been approved for, or are currently in the process of being developed with, single family residential uses in the vicinity of a recently developed Clovis Unified Elementary School at the southeast corner of the intersection of East Clinton and North Temperance Avenues. Therefore, the project site is being rapidly encompassed with urban development

Furthermore, on December 08, 2016, the Council of the City Fresno approved Ordinance No. 2016-56/Bill No. B-58 adopting Official Plan Lines (OPL) for East McKinley Avenue between North Sunnyside and North Temperance Avenues (recorded as Instrument No. 2017-0057990 on May 11, 2017 in Volume 8 of Precise Plans at Page 97-102 Fresno County Records). These OPLs set forth the designated ultimate widths and alignments for the East McKinley Avenue rights-of-way (including the segment within the frontage of the subject property) for purposes of future investment and development.

The proposed Plan Amendment and Pre-zone Applications have been filed to facilitate annexation of the ±78 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. ANX-18-003. The combination of these actions comprises the proposed Clinton-Fowler No. 2 Reorganization and ultimately fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

Staff from the City of Fresno, County of Fresno and LAFCO have met to discuss the proposed annexation associated with the proposed project as well as strategies for annexation east of Fowler Avenue pursuant to the applicable standards, requirements and/or provisions of the Memorandum of Understanding (MOU) between the City and County of Fresno and the Cortese-Knox-Hertzberg Local Government Reorganization Act. Staff from these agencies have agreed that the proposed annexation boundary depicted on the attached Exhibit H, is a logical expansion for purposes of orderly development within Growth Area 1 (as depicted in Figure IM-2: Sequencing of Development) of the Fresno General Plan.

Annexation Application No. ANX-18-003 also includes a proposed Concept Plan Connectivity Map pursuant to the requirements of Section 15-6102 of the Fresno Municipal Code (FMC). The purpose of the Concept Plan requirements of the FMC is to facilitate the orderly expansion of the City by shaping new growth areas into a series of complete neighborhoods which feature a connected mix of houses, apartments, stores, offices, open space, and public facilities. Concept plans are required to be prepared by the applicant when land with Medium Density Residential General Plan land use designation is proposed to be annexed. The Concept Plan Area shall consist of the entire contiguous area surrounding the project which is bounded by existing or planned Major Streets. This will typically be a quarter section, or about 160 acres, but the actual size may vary.

Pursuant to the provisions of the FMC, Concept Plans generally include two components: (1) A Land Use Map, which assigns new planned land uses to the Concept Plan Area according to the Complete Neighborhood policies of the Fresno General Plan as well as the Residential Capacity and Ratio and Location of Land Use Designations requirements of the FMC; and, (2) A Connectivity Map, which identifies a potential street path and trail system for the entire Concept Plan Area with connections between the proposed subdivision and adjacent subdivisions, potential future subdivisions, or non-single family uses.

However, the FMC also provides exceptions whereby, if the Director determines that the subject quarter section and/or adjacent quarter sections provide a sufficient amount of land with commercial and multifamily land use designations, the project shall not be required to submit a Land Use Map as part of the Concept Plan.

While the applicant who proposes the annexation and Concept Plan shall build the streets and trails

within their site as they are shown in the adopted Concept Plan, subsequent subdividers may build streets as shown in the Concept Plan or may propose an alternative layout which complies with FMC subdivision design standards and which incorporates the connections between subdivisions and non-residential uses put forth in the Concept Plan. Therefore, it is important to note that it is only these specific elements of the Concept Plan that the City Council will be requested to approve, conditionally approve, or deny; and, only these elements of the Concept Plan to which development on adjacent property will be required to substantially adhere.

An affirmative action by the Fresno City Council regarding Annexation Application No. ANX-18-003 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Clinton-Fowler No. 2 Reorganization; and, approval of the related Concept Plan prepared for the annexation application. Annexation will be required to be completed prior to recordation of a Final Map for any phase of Vesting Tentative Tract Map No. 6214.

The Vesting Tentative Map for Tract 6214/UGM proposes to subdivide an approximately 43.22 net acre portion of the subject property for purposes of creating a 210-lot conventional single family residential development.

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 easement interested 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 adjacent existing major streets (i.e. North Fowler and East Clinton Avenues). Dedications will also be required for the planned East McKinley Avenue major street alignment within the limits of the map boundary in accordance with the Official Plan Lines adopted and recorded pursuant Fresno City Council Ordinance No. 2016-56/Bill No. B-58.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail is designated along the East McKinley Avenue alignment; and, the adopted OPL for this segment of East McKinley Avenue contemplated this trail along the south side of the adopted plan lines. In addition, a 40-foot wide Fresno Irrigation District (FID) easement (for the Mill No. 36 Canal) exists along the south side of the proposed trail and street alignment. Outlots A & D, are proposed to be created by the Tentative Map and dedicated to the City of Fresno for bicycle, pedestrian and landscape purposes to accommodate the planned trail and the existing canal, respectively.

A 50-foot wide Pacific Gas and Electric (PG&E) transmission line easement and 40-foot wide FID easement (for the Gow No. 99 Canal) traverse portions of the subject property in a north-south direction along and straddling its eastern boundary. These easement areas which generally do not permit structural development and only limited improvements have been incorporated within Outlots B & C, which are proposed to be created and dedicated by the Tentative Map for common open space purposes. The common areas are proposed to incorporate linear open spaces with pedestrian connectivity for as well as a contiguous aggregate area which will afford additional opportunities for both passive and active recreation.

The proposed subdivision has been designed with quarter-mile Connector Streets as necessary to

comply with the Connectivity requirements of Section 15-4107 of the Fresno Municipal Code. Connector Street designs require coordinated street tree spacing to provide continuous shade for pedestrians and non-contiguous sidewalks to allow the street trees to be planted in a landscape strip between the curb and sidewalk.

The required north-south Connector Street has been designed adjacent to the linear open spaces incorporated within Outlots B & C. The lot configuration and street design proposed with the Tentative Map design minimizes the number of lots which back-onto the common open spaces thereby providing visibility, access, and appropriate interface to the open space while assuring that opportunities for connectivity from future development on adjacent lands are afforded.

Finally, the subdivision of the subject property in accordance with the proposed Tentative Map will result in one approximately 20.12 acre Remainder Parcel at the immediate northeast corner of the intersection of North Fowler Avenue and the East McKinley Avenue alignment. The area of the Remainder Parcel is proposed to be designated for Public Facility purposes by the associated Plan Amendment for purposes of a future Elementary School. The required east-west Connector Street will provide access from North Fowler Avenue at the quarter-mile point between East Clinton and East McKinley Avenues along the north side of the future school site.

As a result of the proposed lot configuration and street pattern, in conjunction with linear open space and trail features, a system of quarter-section connectivity will be facilitated and implemented for both pedestrians and vehicles by the proposed development in a manner which provides additional public amenity for future citizens, residents and students within the area.

This overall form of development proposed to be facilitated with the proposed project supports implementation of the concept of a Complete Neighborhood and the Goals, Objectives and Policies of the Fresno General Plan; as follows:

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

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

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- 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.
- Promote a city of healthy communities and improve quality of life in established neighborhoods.

- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.
- 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 of the Fresno General Plan supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. This policy acknowledges that future growth will occur at medium densities in suburban areas. This policy also envisions making use of underutilized land, reducing long-term farmland conversion, supporting transit and multiple transportation modes, and mixing and balancing compatible residential and retail uses in new growth areas to produce economic opportunities, jobs, housing options, recreation, and other choices.

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

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

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

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

- No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project;

- The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development;
- The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and,
- The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.

If initiated directly with LAFCO without application by the City, the City is likely to oppose the proposed annexation unless it is consistent with the General Plan and the sequence of development discussed in the Implementation Element.

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

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

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

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

Complete Neighborhoods are not and should not be all alike. In fact, each neighborhood should express the needs, character, and values of its residents through the specific arrangement of the many possible characteristics that make up each neighborhood.

The defining characteristics of a Complete Neighborhood are 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, all or most of the following characteristics can be combined to create an enhanced quality of life and retained and

increased property value:

- A range of housing choices;
- Neighborhood-serving retail;
- A range of employment opportunities;
- Public services such as health clinics;
- Entertainment and cultural assets;
- Parks and public schools within or near the neighborhood;
- Community services such as library, recreation center, senior center, and/or community garden;
- Public plaza/civic space; and,
- Access to public transit.

This list can be combined and arranged in each specific neighborhood in such a way as to create a true sense of place and community that improves quality of life and increases property values.

Although the proposed Plan Amendment will remove currently designated Urban Neighborhood Residential Density planned property from the area of the subject property, the proposed plan amendment demonstrates consistency with the policies contained under Objective UF-1 and Policy LU-5-c of the Fresno General Plan by increasing planned Medium Density Residential acreage to maximize efficient use of residential property. Given the rural residential parcelization of land and separate ownership interests within the boundary of the subject property and its vicinity, conglomeration of sizeable acreages of land is difficult. The conglomeration of adequately sized acreages of land is necessary to accommodate development in a manner which will produce economic opportunities, jobs, marketability and market-based housing stock and options, and other choices as needed to encourage economic investment at a scale which will fund the expanded public facility, infrastructure and service costs in new growth areas.

Furthermore, the ability to take advantage of underutilized land through parcel conglomeration, is most often necessary to provide for an urban form and design within new residential projects which will afford opportunities for individual neighborhood identity through well designed interconnectivity and open spaces; providing connectivity to the major street system and ultimately the multi-modal and public transit amenities and services within the area as well as supporting both passive and active recreational opportunities.

The proposed project is able to provide a configuration of lots and pattern of public streets and linear open spaces which will facilitate quarter section connectivity with the proposed and future developments. The block lengths, street cross-section design, future connections to undeveloped land, incorporated aggregate open space and trails, which have been incorporated within Vesting Tentative Tract Map No. 6214, meet all City of Fresno Municipal Code requirements and General Plan objectives. The proposed project will facilitate siting and pre-zoning for a future elementary school to be located immediately adjacent to the proposed single family residential subdivision. Furthermore, the proposed project's proximity to existing and future business park and light industrial development and plan designated lands affords prospective residents proximity to jobs and employment opportunities. The combination of all of these elements and amenities not only contribute to future neighborhood identity but also adhere to the strategies of the Complete Neighborhoods Concepts. Finally, linear open space features incorporated within the project not only support, afford and facilitate additional interconnectivity and recreational opportunities but also

maximize efficient use of land by locating and designing these features and amenities in conjunction with existing PG&E transmission line and Fresno Irrigation District easements which traverse the subject property and pose significant design hurdles.

The subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. Furthermore, the project site is located within an area which is located on the fringe of urban development and which meets the General Plan goals and strategies for sequencing of development and growth. The vicinity of the subject property is currently undergoing growth in development. Immediate properties to the east, south and west are located within the unincorporated area of Fresno County and remain predominantly agricultural with rural residential development. However, properties to the northwest are annexed to the City of Fresno and have been fully developed with a light industrial business park. Properties to the north and northeast have also been annexed and are either developed or continue to be built-out with new single family residences. Properties further to the east along the City of Fresno incorporated boundary have been approved for, or are currently in the process of being developed with, single family residential uses in the vicinity of a recently developed Clovis Unified Elementary School.

Therefore, the project site is being rapidly encompassed with urban development and the project site is a logical expansion for purposes of orderly development within Growth Area 1 as depicted on Figure IM-2: Sequencing of Development of the General Plan; and, will promote orderly land use development in pace with public facilities and services needed to serve development

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

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

Given its proximity to unincorporated lands within the County of Fresno, which remain eligible for future agricultural operations, a "Right-to-Farm" covenant will be required to be executed in accordance with the mitigation measures of the MEIR. The City of Fresno ANX (*Annexed Rural Residential Transitional Overlay*) zone district will be applied to properties which will be annexed to the City of Fresno as part of the proposed reorganization but which are located outside of the project's development boundary. Therefore, the project will not contribute to the premature conversion of agricultural lands and, will not constitute a detriment to the management of agricultural resources and/or facilities important to the metropolitan area in accordance with Objectives and Policies G-5 of the Fresno General Plan.

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

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.

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; (1) To be consistent with the goals, objectives and policies of the applicable Fresno General Plan and McLane Community Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

## **Public Services**

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 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 within the interior of the future proposed residential tract. The proposed project will also be required to provide payment of sewer connection charges.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which will include water main extensions within North Fowler and East McKinley Avenues across the subject property frontage as well as within the interior of the future proposed residential tract. Installation of these services with meters to proposed residential lots and payment of applicable Water Capacity Charges will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

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

review is made as required by the California Building Code.

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is located within a flood prone or hazard area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to other as a result of the potential for blockage and diversion of flood waters.

Portions of the subject property may be adequately served with permanent drainage service through existing Master Plan facilities or required Master Plan facilities to be developed in conjunction with the proposed project. However, in areas where permanent drainage service will not be available, the District recommends temporary ponding facilities until permanent service is available through future Master Plan Facilities.

Lot coverage will be required to be provided to the FMFCD prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the FMFCD includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City typical lot coverage calculation.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inch height) be used the same criteria shall apply whereby flow remains below the top of curb.

If surface water runoff or event flows exceed volumes for which the Master Plan drainage system is designed to accommodate and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed land use to avoid flooding, then the developer will be required to mitigate the impacts of the increased runoff from the proposed use to a rate that would be expected if developed in accordance with the Master Plan. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff accordingly.

The developer will be required to provide improvements which will convey surface drainage to Master Plan inlets and which will provide a path for major storm conveyance as well as construct facilities for temporary ponding purposes.

The proposed project will include the development and dedication of public open spaces in the form of pocket parks and trails, which will be located within the project and constructed with development. Demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are obtained or receive credits for construction as may be memorialized within a subdivision or development agreement. Maintenance will be afforded through annexation into a Community Facilities District (CFD).

## Mobility and Transportation

The Fresno General Plan designates North Fowler Avenue as an Arterial street; and, East Clinton and East McKinley Avenues as Collector streets. Future phased development of the proposed project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within respective phases in accordance with City of Fresno standards, specifications and requirements.

Interior local streets are proposed to utilize a City of Fresno Standard 50-foot wide cross-section which will allow for sidewalks on both sides of all streets as well as vehicular parking. Pedestrian and planting easements will be dedicated along the frontage of all proposed lots in conjunction with utility easements to provide clear paths of travel behind drive approaches for ADA compliance as well as areas behind sidewalks for planting of required street trees. The provision of safe and shaded paths of travel will encourage pedestrian mobility during seasons when Fresno experiences a hot climate.

The proposed project will also provide and facilitate additional pedestrian connectivity through the provisions of public, common open space in the form of a linear open space feature located along the eastern boundary of the subject property; and, development of a planned trail along the East McKinley Avenue alignment.

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, and/or when a development project is projected to generate 100 or more peak hour new vehicle trips, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets.

Plan Amendment Application No. A-18-004 has been filed for the subject property along with Rezone Application No. R-18-005 and Annexation Application No. ANX-18-003. The plan amendment and related pre-zone and annexation applications have been filed to facilitate authorization to subdivide a ±43.22 net acre portion of the subject property for purposes of creating a 210-lot conventional single family residential development pursuant to Vesting Tentative Tract Map No. 6214.

Therefore, a Traffic Impact Study was prepared for the proposed project by JLB Traffic Engineering, Inc., dated April 13, 2018, which evaluates projected trip generation based upon the trip rates and potential impacts associated with development occurring on the subject property in accordance with Plan Amendment Application No. A-18-004, Rezone Application No. R-18-005, and Vesting Tentative Tract Map No. 6214/UGM.

For purposes of the analyses of traffic impacts and/or the identification of any potential mitigation within the attached initial study for the related environmental assessment which may be determined applicable to the proposed project, it is important to note that aside from the changes to the Public Facility land use designation associated with the proposed plan amendment, the actual development of the Remainder parcel of the tentative map with a future elementary school is not a part of this proposed project and will require preparation of a separate TIS by the school district. Furthermore, the analyses included within the proposed project TIS did not include outlying parcels proposed to be

annexed on which no subdivision or development are currently proposed.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed 210-lot single family residential project within the  $\pm 45.86$  tentative map boundary and the development of an elementary school on the  $\pm 20.12$  acre Remainder portion of the tentative map would generate 3,400 Average Daily Trips (ADT), with 658 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 128 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.).

Of these project vehicle trips, the proposed 210-lot single family residential project within the  $\pm 45.86$  tentative map boundary would generate 1,982 Average Daily Trips (ADT), with 155 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 208 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.).

The subject property is currently designated by the Fresno General Plan for Medium Density Residential ( $\pm 41.37$  acres), Residential Multi-Family Urban Neighborhood ( $\pm 11.09$  acres) and Public Facility/Elementary School ( $\pm 13.52$  acres) land uses. If developed consistent with the existing planned land use designations, the same  $\pm 65.98$  acre portions of the subject property would generate 4,579 ADT, with 601 a.m. peak hour trips and 430 p.m. peak hour trips. Therefore, the proposed project would decrease total vehicle trip generation; resulting in 1,179 fewer ADT. The proposed project will result in an increase in projected a.m. peak hour trips; resulting in 57 additional vehicle trips during the a.m. peak hour period. The proposed project will result in a decrease in projected p.m. peak hour trips; resulting in 94 fewer vehicle trips during the p.m. peak hour period.

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 single location or link, which was intended to be representative of the entire segment. A link connects two intersections; a segment is a series of links. Traffic operations on the study roadway segments were measured using a qualitative measure called Level of Service (LOS). LOS is a general measure of traffic operating conditions whereby a letter grade, from "A" (the best) to "F" (the worst), is assigned. These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving, as well as speed, travel time, traffic interruptions, and freedom to maneuver.

The threshold established by the Fresno General Plan in TIZ III is Level of Service "D" representing a high-density, but stable flow. Users experience severe restriction in speed and freedom to maneuver, with poor levels of comfort and convenience.

The project Traffic Impact Study (TIS) was prepared to assess the impacts of the new development on existing and planned streets combined with future projects for cumulative considerations. This assessment evaluated the impacts of the project by analyzing the following 7 study intersections and 6 roadway segments in the vicinity of the project during the AM and PM peak hours for the four traffic analysis scenarios required by the City of Fresno as well as one additional scenario based on the phasing of the proposed project. 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 cumulative no Project Conditions; and, (5) Cumulative Year 2035 plus Project Conditions.

#### Study Intersections:

1. Clinton Avenue & Fowler Avenue
2. Clinton Avenue & Armstrong Avenue
3. Clinton Avenue & Temperance Avenue
4. Kerry Avenue & Fowler Avenue
5. McKinley Avenue & Fowler Avenue
6. Floradora Avenue & Fowler Avenue
7. Olive Avenue & Fowler Avenue

#### Study Roadway Segments:

1. Clinton Avenue from Fowler Avenue to Armstrong Avenue
2. Clinton Avenue from Armstrong Avenue to Temperance Avenue
3. Fowler Avenue from Clinton Avenue to McKinley Avenue
4. Fowler Avenue from McKinley Avenue to Floradora Avenue
5. Fowler Avenue from Floradora Avenue to Olive Avenue
6. Fowler Avenue from Olive Avenue to State Route 180

In summary, based on the analyses included in the TIS, the intersection of Olive and Fowler Avenues is currently operating at LOS F in both the AM and PM peak hours, which is below the TIZ III standard at LOS D. The intersection of Olive and Fowler Avenues is projected to continue to operate at LOS F in both the AM and PM peak hours with the addition of the project. The intersections of Clinton and Armstrong Avenues as well as Olive and Fowler Avenues are projected to satisfy the Traffic Signal Warrant 3 - Peak Hour during the AM peak hour and the AM and PM peak hours, respectively. These intersections are expected to continue to satisfy the warrant with the addition of the proposed project. The remaining study intersections and roadway segments are currently operating above the TIZ III LOS standard and will continue to operate above the standard with the addition of the proposed project.

The analysis included in the TIS shows and the related initial study prepared for the attached Environmental Assessment No. A-18-004/R-18-005/ANX-18-003/T-6214 identifies which locations, by scenario and time period, are projected to operate below the City of Fresno TIZ III LOS D standard and/or satisfy the Traffic Signal Warrant 3 - Peak Hour as well as the mitigation measures required to be implemented to reduce any project related impacts to levels less than significant.

Although some study intersections have been projected to operate below the TIZ III LOS D standard under various scenarios, it must be noted that the General Plan Update accepts lower LOS values (e.g. TIZ II - Fowler Avenue between Kings Canyon Road and Hamilton Avenue). 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 Update.

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 including but limited to the designation Fowler Avenue with an acceptable LOS F standard in order to certify Master Environmental Impact Report SCH No. 111015 for purposes of adoption of the Fresno General Plan. Section 15093 of the California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

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

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the standard city requirements for street improvements and subject to the project specific mitigation measures determined applicable by the City of Fresno Traffic Engineer. 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) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; (4) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee; and, (5) Construction of a full access at the intersection of Kerry Avenue at Fowler Avenue with stop control on Kerry Avenue. These requirements are outlined within the attached memorandum from the City Traffic Engineer dated July 18, 2018.

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 compliance with the attached Conditions of Approval for Vesting Tentative Tract Map No. 6214/UGM; and, implementation of the mitigation measures included within attached Mitigated Negative Declaration prepared for Environmental Assessment No. A-18-004/R-18-005/ANX-18-003/T-6214 and dated July 27, 2018.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of,

individual properties and, at the same time, afford the community an adequate and efficient circulation system; no substantial increase in transportation or traffic is expected to result.

### **Landscaping/Walls**

Given the proposed subdivision is located adjacent to and abutting major transportation corridors (North Fowler, East Clinton and East McKinley Avenues) with Double Frontage Lots abutting the major streets, the development will be required to install landscaping and irrigation within a minimum 10-foot wide landscape strip along the major street frontages. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the major streets. 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 and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB1881.

Furthermore, as referenced herein above, three Outlots will be developed and dedicated for trail and common open space purposes. The Outlots have been designed with a central pocket park element and linear open space features with improvements which will provide additional connectivity to the major streets. The proposed single family residential development has been designed with streets adjacent to the open space areas, minimizing the number of lots which back-onto the public open spaces. This form of development contributes to keeping eyes-on” common areas while simultaneously providing appropriate lighting and minimizing walls and other obstructions to open space which contribute to attractive nuisances.

The 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 and common areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of these “Services” either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno’s Community Facilities District.

### **Council District Plan Implementation Committee**

On July 09, 2018, the District 4 Plan Implementation Committee unanimously recommended approval of the proposed project subject to the incorporation and implementation of traffic mitigation measures for North Fowler Avenue with proposed development.

As referenced within the Mobility and Transportation section herein above and within the related Mitigated Negative Declaration prepared for Environmental Assessment No. A-18-004/R-18-005/ANX -18-003/T-6214 dated July 27, 2018, the proposed project has studied and evaluated potential transportation and traffic related impacts including those related to study segments and intersections along the North Fowler Avenue corridor within the vicinity of the proposed project. Based upon these analyses and assessments all traffic related impacts have been determined to be mitigated to a level

less than significant based upon adopted thresholds and standards for Levels of Service and with consideration to provisions for a balanced multi-modal transportation network.

### **City of Fresno Planning Commission**

On August 15, 2018, the Fresno City Planning Commission held a public hearing to consider the proposed project and the Mitigated Negative Declaration prepared for Environmental Assessment No. A-18-004/R-18-005/ANX-18-003/T-6214.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action as evidenced in Planning Commission Resolution Nos. 13542 through 13545 to recommend approval of Plan Amendment Application No. A-18-004, Rezone Application No. R-18-005, Annexation Application No. ANX-18-003, and Vesting Tentative Tract Map No. 6214/UGM to the Fresno City Council.

### **Notice of Public Hearing**

The Development and Resource Management Department mailed notices of this public hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 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 Community Plan area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Development and Resource Management 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. A-18-004/R-18-005/ANX-18-003/T-6214 was published on July 27, 2018 with no comments or appeals received to date.

### **FRESNO MUNICIPAL CODE FINDINGS**

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

### **GROUNDINGS FOR DENIAL OF TENTATIVE MAP**

The Subdivision Map Act (California Government Code §§ 66400, *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.

## 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. A-18-004, Rezone Application No. R-18-005, Annexation Application No. ANX-18-003, and Vesting Tentative Tract Map No. 6214/UGM are appropriate for the project site.

### Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Public Hearing Notice Radius Map
- Exhibit D - Project Information Tables
- Exhibit E - Fresno General Plan Planned Land Use Map
- Exhibit F - Proposed Planned Land Use Map pursuant to Plan Amendment Application No. A-18-004
- Exhibit G - Proposed Pre-zone exhibit pursuant to Rezone Application No. R-18-005
- Exhibit H - Proposed Annexation boundary exhibit pursuant to Annexation Application No. ANX-18-003
- Exhibit I - Concept Plan Connectivity Map for Annexation Application No. ANX-18-003
- Exhibit J - Vesting Tentative Tract Map No. 6214/UGM
- Exhibit K - Conditions of approval for Vesting Tentative Tract Map No. 6214/UGM dated August 30, 2018; including memoranda from responsible or commenting agencies.
- Exhibit L - Fresno Municipal Code Findings
- Exhibit M - Environmental Assessment No. A-18-004/R-18-005/ANX-18-003/T-6214, Mitigated Negative Declaration, tiered from the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015, dated July 27, 2018.
- Exhibit N - City Council Resolution for Plan Amendment Application No. A-18-004.
- Exhibit O - City Council Ordinance Bill for Rezone Application No. R-18-005.
- Exhibit P - City Council Resolution for Annexation Application No. ANX-18-

003.