



## Legislation Details (With Text)

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**On agenda:** 5/25/2017      **Final action:** 5/25/2017

**Title:** HEARING to consider Plan Amendment Application No. A-16-014; Rezone Application No. R-16-013; Vesting Tentative Tract map No. 6165/UGM; associated Environmental Assessment No. A-16-014/R-16-013/T-6165; and, a Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust (Council District 5)

a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-16-014/R-16-013/T-6165 dated October 21, 2016 for purposes of the proposed project.

b. RESOLUTION - Approving Plan Amendment Application No. A-16-014 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designations for the subject property from Medium-Low Density Residential (±22 acres), Medium Density Residential (±35 acres), Urban Neighborhood Residential (±15 acres), and Open Space/Neighborhood Park with a dual designation of Urban Neighborhood Residential (±6 acres) to Medium Density Residential (±63 acres), Residential Multi-Family Urban Neighborhood (±5 acres), Community Commercial (±7 acres), and Open Space/Neighborhood Park with a dual designation of Medium Density Residential (±3 acres).

c. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-013 proposing to amend the Official Zone Map to reclassify the ±78 acres from RS-4 (Residential Single Family, Medium-Low Density) (±22 acres), RS-5 (Residential Single Family, Medium Density) (±35 acres), and RM-2 (Residential Multi Family Urban Neighborhood) (±21 acres) to RS-5 (Residential Single Family, Medium Density) (±63 acres), RM-2 (Residential Multi Family Urban Neighborhood) (±5 acres), CC (Commercial-Community) (±7 acres), and PR (Parks and Recreation) (±3 acres).

d. APPROVE Vesting Tentative Tract Map No. 6165/UGM proposing to subdivide an approximately 39.58 acre portion of the subject property for the purpose of creating a 208-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 May 25, 2017.

e. BILL - (For introduction) - Approving the Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust dated July 26, 1994 for the future development of the approximately 78 acre subject property.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - A-16-014, R-16-013, T-6165 - Vicinity Map.pdf, 2. Exhibit B - 2015 Aerial.pdf, 3. Exhibit C - Public Hearing Notice Radius Map.pdf, 4. Exhibit D - Fresno General Plan Planned Land Use Map.pdf, 5. Exhibit E - A-16-014 - Proposed.pdf, 6. Exhibit F - R-16-013 - Proposed.pdf, 7. Exhibit G - Project Information Tables.pdf, 8. Exhibit H - Vesting Tentative Tract Map No. 6165.pdf, 9. Exhibit I - Conditions of Approval for T-6165.pdf, 10. Exhibit J - FMC Findings.pdf, 11. Exhibit K - Environmental Assessment No. A-16-014, R-16-013, T-6165 & Addendum.pdf, 12. Exhibit L - A-16-014 - PC Reso 13445.pdf, 13. Exhibit M - R-16-013 - PC Reso 13446.pdf, 14. Exhibit N - T-6165 - PC Reso 13447.pdf, 15. Exhibit O - A-16-014 - CC Reso.pdf, 16. Exhibit P - R-16-013 - CC Ord Bill.pdf, 17. Exhibit Q - The Oaks DA - CC Ord Bill.pdf, 18. Exhibit R - The Oaks DA.pdf, 19. 5-25-17 - Supplement - Reso for Application No. A-16-014.pdf

Date	Ver.	Action By	Action	Result
5/25/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**May 25, 2017**

**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-16-014; Rezone Application No. R-16-013; Vesting Tentative Tract map No. 6165/UGM; associated Environmental Assessment No. A-16-014/R-16-013/T-6165; and, a Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust (Council District 5)

- a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-16-014/R-16-013/T-6165 dated October 21, 2016 for purposes of the proposed project.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-014 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designations for the subject property from Medium-Low Density Residential ( $\pm 22$  acres), Medium Density Residential ( $\pm 35$  acres), Urban Neighborhood Residential ( $\pm 15$  acres), and Open Space/Neighborhood Park with a dual designation of Urban Neighborhood Residential ( $\pm 6$  acres) to Medium Density Residential ( $\pm 63$  acres), Residential Multi-Family Urban Neighborhood ( $\pm 5$  acres), Community Commercial ( $\pm 7$  acres), and Open Space/Neighborhood Park with a dual designation of Medium Density Residential ( $\pm 3$  acres).
- c. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-013 proposing to amend the Official Zone Map to reclassify the  $\pm 78$  acres from RS-4 (*Residential Single Family, Medium-Low Density*) ( $\pm 22$  acres), RS-5 (*Residential Single Family, Medium Density*) ( $\pm 35$  acres), and RM-2 (*Residential Multi Family Urban Neighborhood*) ( $\pm 21$  acres) to RS-5 (*Residential Single Family, Medium Density*) ( $\pm 63$  acres), RM-2 (*Residential Multi Family Urban Neighborhood*) ( $\pm 5$  acres), CC (*Commercial-Community*) ( $\pm 7$  acres), and PR (*Parks and Recreation*) ( $\pm 3$  acres).
- d. APPROVE Vesting Tentative Tract Map No. 6165/UGM proposing to subdivide an approximately 39.58 acre portion of the subject property for the purpose of creating a 208-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 May 25, 2017.
- e. BILL - (For introduction) - Approving the Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust dated July 26, 1994 for the future development of the approximately 78 acre subject property.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

- a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-16-014/R-16-013/T-6165 dated October 21, 2016 for purposes of the proposed project.
- b. ADOPT RESOLUTION approving Plan Amendment Application No. A-16-014 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designations for the subject property from Medium-Low Density Residential ( $\pm 22$  acres), Medium Density Residential ( $\pm 35$  acres), Urban Neighborhood Residential ( $\pm 15$  acres), and Open Space/Neighborhood Park with a dual designation of Urban Neighborhood Residential ( $\pm 6$  acres) to Medium Density Residential ( $\pm 63$  acres), Residential Multi-Family Urban Neighborhood ( $\pm 5$  acres), Community Commercial ( $\pm 7$  acres), and Open Space/Neighborhood Park with a dual designation of Medium Density Residential ( $\pm 3$  acres).
- c. ADOPT BILL approving Rezone Application No. R-16-013 proposing to amend the Official Zone Map to reclassify the  $\pm 78$  acres from RS-4 (*Residential Single Family, Medium-Low Density*) ( $\pm 22$  acres), RS-5 (*Residential Single Family, Medium Density*) ( $\pm 35$  acres), and RM-2 (*Residential Multi Family Urban Neighborhood*) ( $\pm 21$  acres) to RS-5 (*Residential Single Family, Medium Density*) ( $\pm 63$  acres), RM-2 (*Residential Multi Family Urban Neighborhood*) ( $\pm 5$  acres), CC (*Commercial-Community*) ( $\pm 7$  acres), and PR (*Parks and Recreation*) ( $\pm 3$  acres).
- d. APPROVE Vesting Tentative Tract Map No. 6165/UGM proposing to subdivide an approximately 39.58 acre portion of the subject property for the purpose of creating a 208-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 May 25, 2017.
- e. INTRODUCE BILL approving the Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust dated July 26, 1994 for the future development of the approximately 78 acre subject property.

## EXECUTIVE SUMMARY

Brian Yengoyan of Citadel Development Group, Inc., on behalf of High and Mighty Farms, Inc., has filed Plan Amendment Application No. A-16-014 and Rezone Application No. R-16-013 pertaining to  $\pm 78$  acres of property located on the north side of East Church Avenue between South Sunnyside and South Fowler Avenues.

Plan Amendment Application No. A-16-014 proposes to amend the Fresno General Plan and Roosevelt Community Plan to change the planned land use designations for the subject property from Medium-Low Density Residential ( $\pm 22$  acres), Medium Density Residential ( $\pm 35$  acres), Urban Neighborhood Residential ( $\pm 15$  acres), and Open Space/Neighborhood Park with a dual designation of Urban Neighborhood Residential ( $\pm 6$  acres) to Medium Density Residential ( $\pm 63$  acres), Residential Multi-Family Urban Neighborhood ( $\pm 5$  acres), Community Commercial ( $\pm 7$  acres), and Open Space/Neighborhood Park with a dual designation of Medium Density Residential ( $\pm 3$  acres).

Rezone Application No. R-16-013 proposes to amend the Official Zone Map to reclassify the ±78 acres from RS-4 (*Residential Single Family, Medium-Low Density*) (±22 acres), RS-5 (*Residential Single Family, Medium Density*) (±35 acres), and RM-2 (*Residential Multi Family Urban Neighborhood*) (±21 acres) to RS-5 (*Residential Single Family, Medium Density*) (±63 acres), RM-2 (*Residential Multi Family Urban Neighborhood*) (±5 acres), CC (*Commercial-Community*) (±7 acres), and PR (*Parks and Recreation*) (±3 acres) in accordance with Plan Amendment Application No. A-16-014.

These applications have been filed in order to facilitate the future development of a Complete Neighborhood in accordance with the Goals, Objectives and Policies of the Fresno General Plan.

Vesting Tentative Tract Map No. 6165/UGM has been filed requesting authorization to subdivide the northerly approximately 39.58 acre portion of the subject property for purposes of creating a 208-lot conventional single family residential development at a density of approximately 5.26 dwelling units per acre; with one Outlot proposed to be dedicated for purposes of a public neighborhood park. Approval of the Vesting Tentative Tract Map is contingent upon City Council approval of Plan Amendment Application No. A-16-014 and Rezone Application No. R-16-013.

Under the provisions of Section 65865 et seq. of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property. The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project in order to assure the maximum efficient utilization of resources at the least economic cost to the public.

The purpose of the subject proposed development agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust dated July 26, 1994 (collectively, the Developer) is to Negotiate and stipulate terms respective to: (1) Vested Rights; (2) The timing within which key elements of the project need to be constructed; (3) The sale, transfer or assignment of all or a portion of the project and rights, duties or obligations of the agreement; (4) Allocation of fee credits and reimbursements (i.e. developer financing); (5) The subjectivity of the project to exactions such as adopted impact mitigation fee assessments; (6) Permitted Uses on the subject property as well as acknowledgement of potential or permitted alternatives to the approved project, including conditions, terms, restrictions and requirements for subsequent discretionary actions; and, (7) The duration of the agreement.

## BACKGROUND

On December 21, 2016, the Planning Commission first considered Plan Amendment Application No. A-16-014, Rezone Application No. R-6-013 and related Environmental Assessment (EA) No. A-16-014/R-16-013/T-6165 dated October 21, 2016.

As originally submitted, Plan Amendment Application No. A-16-014 included, but was not limited to, a proposal to change the Urban Neighborhood Residential land use designation for the subject property from the existing ±15 acres to ±18 acres; and, to reallocated the Urban Neighborhood designation on the subject property to two separate locations in order to facilitate a better form of development and provide for greater diversity in housing types. As originally submitted, Rezone

Application No. R-16-013 included, but was not limited to, a proposal to amend the Official Zone Map from  $\pm 21$  acres of existing RM-2 (*Residential Multi Family Urban Neighborhood*) zoning on the subject property to  $\pm 18$  acres in accordance with Plan Amendment Application No. A-16-014.

Following the staff presentation of the proposed project and after receiving public comments expressing concerns over the potential for development of multi-family residential uses on the subject property as well as the introduction of a commercial element, the Planning Commission voted to continue the matter to the meeting scheduled for February 01, 2017; and, directed the applicant to hold a neighborhood meeting prior to the continued hearing date and further consideration by the Planning Commission.

A neighborhood meeting was scheduled, noticed and held at the Sunnyside Regional Library (5566 East Kings Canyon Road) at 6:30 p.m. on January 19, 2017. Noticing of the meeting was provided in accordance with Section 15-5006 of the Fresno Municipal Code. Although the Fresno Municipal Code requires a 500-foot mailing radius for neighborhood meetings, notices were sent to the same 1,000-foot radius utilized for purposes of notification of the previously scheduled Planning Commission hearing.

Facilities at the Sunnyside library had potential to accommodate approximately 75 individuals based upon building occupancy. However, over 100 individuals attended the neighborhood meeting and facilities proved insufficient to accommodate all attendees. Therefore, the applicant group announced to all individuals attending that a second neighborhood meeting would be scheduled for a different venue which could accommodate a greater number of individuals at a later date and informed the attendees that new notices would be provided for the second meeting. A sign-in sheet was provided to all attendees and those attendees who were not included within the 1,000 foot radius were included within the mailing list for future notices.

Given the inability to hold a formal neighborhood meeting as requested by the Planning Commission, a second neighborhood meeting was scheduled, noticed and held at Sequoia Elementary School (1820 South Armstrong Avenue) at 6:30 p.m. on February 02, 2017; and, the scheduled hearing on February 01, 2017 was continued to February 15, 2017. Noticing was provided to the same 1,000 foot radius and included all individuals who signed in at the January 19, 2017 neighborhood meeting. Sequoia Elementary was selected based upon the recommendations of the individuals attending the neighborhood meeting as it can accommodate the larger number of individuals and is located within close proximity to the project and surrounding neighborhoods.

Again, the neighborhood meeting was well attended with over 100 individuals in attendance. The principal concern expressed by the residents of the neighborhood was future development of an approximately 13 acre portion of the subject property with apartment units at a density consistent with the Urban Neighborhood (16-30 Dwelling Units/acre) planned land use designation of the Fresno General Plan and RM-2 (*Residential Multi Family Urban Neighborhood*) zone district classification of the Fresno Municipal Code. Attendees were advised to attend the meeting scheduled for February 15, 2017 in order to provide further testimony for consideration by the Planning Commission.

While the project, as originally proposed, would have ultimately resulted in an approximately 3-acre reduction of RM-2 (*Residential Multi Family Urban Neighborhood*) zoned land on the subject property, the applicant group (hearing the concerns of the neighborhood residents) agreed to restrict uses for an additional approximately 5 acre portion of the remaining Urban Neighborhood designated land to an Assisted Living facility through the terms of the proposed development agreement. With

these additional concessions restricting future uses through the proposed development agreement, the proposed project would reduce the existing acreage on the subject property which could be devoted strictly to apartment units by approximately 8 acres; a substantial reduction considering that the existing Urban Neighborhood Land Use Designation and respective RM-2 (*Residential Multi Family Urban Neighborhood*) zoning would permit up to 240 multi-family units to be developed within a same 8-acre area.

Furthermore, consideration was given to the fact that the subject property, including the existing Urban Neighborhood Land Use Designation, is specifically identified as inventory within the Fresno General Plan 2015-2023 Housing Element, which was, at the time, in the process of review for purposes of certification by the State Department of Housing and Community Development (HCD).

With these considerations taken into account (vis-à-vis the obligations of the City of Fresno to meet its Regional Housing Needs Allocation [RHNA] in accordance with the requirements of the State of California Government Code), along with the merits of the proposed project (including, but not limited to, the proposed implementation of the concept of a Complete Neighborhood in a manner consistent with the Goals, Objectives and Policies of the Fresno General Plan as well as the Citywide Development Code), staff maintained its support for the proposed project.

After a full and complete hearing, the Planning Commission at its regularly scheduled meeting on February 15, 2017, resolved to refer the matter back to staff with the request that staff further explore and analyze the needs, allocation and inventory of the Housing Element such that an informed recommendation could be made to the Fresno City Council with respect to the existing/proposed Urban Neighborhood land use designation and RM-2 zoning for the subject property. This analysis is provided in further detail herein below.

On April 19, 2017, the proposed project was again considered by the Planning Commission. After a full and complete hearing and following staff's presentation of the Housing Element analysis previously requested, the Planning Commission recommended the City Council approve the proposed project subject to staff's recommendations; but contingent upon, the removal of approximately 13 acres of Urban Neighborhood Residential designated/RM-2 (*Residential Multi Family*) zoned land in favor of Medium Density Residential/RS-5 (*Residential Single Family*) zoning for a portion of the subject property.

## **Fresno General Plan 2015-2023 Housing Element**

The California Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive general plans. The Housing Element, a mandatory general plan element, identifies ways in which the housing needs of existing and future residents can be met.

Government Code Section 65583(a) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment. The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period. An analysis of the relationship between zoning and public facilities and services to those sites is also required.



In accordance with this mandate, California General Plan law requires each city and county to have land zoned to accommodate its fair share of the regional housing need. The State Department of Housing and Community Development (HCD) allocates a numeric regional housing goal to the Fresno Council of Governments (FCOG). FCOG is then mandated to distribute the numerical goal amount the 15 cities in the region and the County. This share for the FCOG region is known as the Regional Housing Needs Allocation (RHNA). The major goal of the RHNA is to ensure a fair distribution of new housing construction among cities in the region and the County so that every community may plan for a mix of housing types for all economic segments.

The housing allocation targets are not building requirements; rather, they are planning goals for each community to accommodate through appropriate planning policies and land use regulations. Allocation targets are intended to ensure that adequate sites and zoning are made available to address anticipated housing demand during the Housing Element Planning period. State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share of the region's projected growth and that there are no identified constraints on the land inventory that would prevent development or reuse during the Housing Element period.

The City of Fresno Housing Element covers the planning period of December 31, 2015 to December 31, 2023 and identifies strategies and programs, in accordance with the State mandates, to: 1) encourage the development of a variety of housing opportunities; 2) provide housing opportunities for persons of lower and moderate incomes; 3) address the quality of the existing housing stock in Fresno; 4) minimize governmental constraints; and 5) promote equal housing opportunities for all residents.

The City adopted its current 2015-2023 Housing Element on April 28, 2016. However, the California Department of Housing and Community Development (HCD) is required to certify the City's Housing Element.

The City of Fresno HCD administers the HOME Program and a portion of the CDBG Program funds to provide a multitude of housing programs including a new development/major rehabilitation of multi-family housing program, an owner-occupied housing rehabilitation program and a targeted area rehabilitation program. A down payment assistance program is also offered utilizing the State's CalHome Program.

HCD provided guidance on the adopted Housing Element in a letter dated August 11, 2016, and updated on November 1, 2016 (see Attachment C). Since that time, the City has worked diligently to follow the guidance provided. In order to satisfy the comments received from HCD, the City of Fresno has prepared Plan Amendment A-17-001; an amendment to the 2015-2023 Housing Element, which is incorporated into Chapter 11 of the Fresno General Plan.

On April 7, 2017, HCD provided a certification letter to City of Fresno regarding the results of its review of the revised draft housing element update (pursuant to Plan Amendment No. A-17-001); reporting, "The revised draft element meets the statutory requirements described in the Department's November 1, 2016. The revised housing element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department in accordance with GC Section 65585 (g)."

Therefore, public hearings were scheduled before the City of Fresno Planning Commission on April

10, 2017 and the Fresno City Council on April 13, 2017 for purposes of consideration and adoption of the housing element amendment; and, submittal to HCD in accordance with the State Government Code.

With respect to the proposed project and the recommendation of the Planning Commission at the April 19, 2017 hearing, Government Code Section 65863 stipulates that a jurisdiction must ensure that its housing element inventory can accommodate its share of the RHNA throughout the planning period. If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the RHNA, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity. This provision applies both to a reduction of total density on an identified site through down zoning, and the approval of a project that includes fewer units than were projected for that site in the Housing Element sites inventory.

The current RHNA delivered by HCD for the FCOG region is divided into four income categories: very -low, low, moderate, and above moderate.

The capacity of sites that allow development densities of at least 30 units/acre are credited toward the lower income RHNA based on State law. The California Government Code states that if a local government has adopted density standards consistent with the population based criteria set by State law (at least 30 units/acre for the City of Fresno), State HCD is obligated to accept sites with those density standards (30 units/acre or higher) as appropriate for accommodating the jurisdiction's share of regional housing need for lower income households. Per Government Code Section 65583.2(c)(3) (B), the City's RM-2 Multi-Family Urban Neighborhood, RM-3 Multi-Family High Density, three downtown districts (DTC Downtown Core, DTG Downtown General, and DTN Downtown Neighborhood) and two mixed-use designations (CMX Corridor/Center Mixed Use and RMX Regional Mixed Use) are consistent with the default density standard (30 units/acre) for metropolitan jurisdictions such as Fresno and therefore, these parcels are considered appropriate to accommodate housing for lower income households consistent with Government Code Section 65583.2(c)(3)(B).

The housing element certified by HCD and adopted by the City Council on April 13, 2017 addresses the adequacy of sites to meet the 2013-2023 RHNA in Table 3-8 (Comparison of Sites Inventory and RHNA). This data demonstrates a surplus within the lower income RHNA (as would be applicable to the RM-2 Multi-Family Urban Neighborhood land use and zoning designation, which is the matter of concern) of 6,814 units.

While a restriction of use has been proposed by the applicant to be implemented through the Development Agreement , which would permit only an assisted living facility on the approximately 5 acre portion of the subject property (located at the immediate northeast corner of the intersection of East Church and South Sunnyside Avenues) proposed to be designated and remain zoned for RM-2 Multi-Family Urban Neighborhood, it is important to note that the respective Urban Neighborhood planned land use designation and assisted living type of housing would still be considered as contributing inventory to the lower income RHNA.

Furthermore, although the RM-2 Multi-Family Urban Neighborhood density of 16-30 dwelling units/acre is consistent with the default density standard (30 units/acre) attributed to the lower income RHNA pursuant to State law, it is also important to note that Realistic Capacity was utilized for



purposes of determining the potential unit yield from properties designated under the Urban Neighborhood density classification and RM-2 zoning. Minimum allowed densities are used to calculate realistic capacity for most of the sites included in the land inventory consistent with California Government Code 65583.2(c)(1). Exceptions to this rule would apply only to the very-low-density nature of the RS-1 and RS-2 residential single-family districts (allowing up to 1.2 and 2.2 units/acre, respectively) where maximum densities have been used to calculate capacity for those districts.

The subject property currently includes approximately 15 acres of Urban Neighborhood Residential designated land. Pursuant to the recommendation of the Planning Commission, Plan Amendment Application No. A-16-014 proposes to decrease the Urban Neighborhood Residential designated land on the subject property to approximately 5 acres for a future assisted living facility.

With consideration to these factors outlined herein above, capacity for the lower income RHNA which may be accommodated on the subject property would be calculated as follows:

- $\pm 15$  acres of *existing* Urban Neighborhood (16-30 units/acre) designated land at 16 dwelling units per acre would yield approximately 240 lower income RHNA units.
- $\pm 5$  acres of *proposed* Urban Neighborhood (16-30 units/acre) designated land for an Assisted Living Facility at 16 dwelling units per acre would yield approximately 80 lower income RHNA units.

Therefore, the lower income RHNA yield for the subject property would be reduced by approximately 160 units if the approximately 13 acre portion of the subject property originally proposed for RM-2 Multi-Family Urban Neighborhood by Plan Amendment Application No. A-16-014 is removed from the proposed project in accordance with the Planning Commission recommendation. This reduction is insignificant relative to the 6,814 unit surplus identified in the certified/adopted revised Housing Element. Therefore, downzoning of the respective 13 acre portion of the subject property proposed for RM-2 Multi-Family Urban Neighborhood is feasible.

Staff maintains support for the project with the recommendations of the Planning Commission. With the changes to the project recommended by the Planning Commission, the proposed project: (1) Maintains consistency with the Fresno General Plan and Citywide Development Code. (2) Retains, the ability to implement the strategies of the Fresno General Plan related to the concept of a Complete Neighborhood 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; (3) Retains the amenity of the proposed project afforded through provision and development of usable common open space in the form of a public neighborhood park in a manner which presents minimum impact to the Fresno General Fund; and, (4) Retains the ability to affirmatively further fair housing by fostering access to opportunity with integrated and balanced living patterns.

## PROJECT ANALYSIS

The subject property remains vacant and was annexed to the City of Fresno in 1982 as part of Annexation No. 1062. Therefore, the subject property qualifies as an Infill Area; defined by the Fresno General Plan as being within the City on December 31, 2012.

The site is located within an area that has been predominantly developed with single family residences and which is planned for urban residential uses. Properties to the north, west and south of the subject property have all been subdivided and developed with single family residential tracts; the earliest beginning in 1998 and the latest occurring as recent as 2007. The majority of the properties directly to the east of the subject property and across South Fowler Avenue remain in the unincorporated area of the County of Fresno and have been developed with rural residences. Approximately seven acres of land located at the immediate northeast corner of the intersection of East Church and South Fowler Avenue remain vacant but were previously annexed into the City and have been zoned for RM-2 (Multi-Family, Urban Neighborhood). Properties further to the east are also located within the incorporated boundary of the City of Fresno and are currently being developed as single family residential tracts. Approximately 120 acres of land located at the southeast corner of the intersection of South Fowler and East Church Avenues have also been purchased and will be developed as a Sanger Unified School District Middle- and High School campus and are expected to develop over the life of the proposed project. .

The subject property is currently designated by the Fresno General Plan for Medium-Low Density Residential ( $\pm 22$  acres), Medium Density Residential ( $\pm 35$  acres), Residential Multi-Family Urban Neighborhood ( $\pm 15$  acres) and Open Space/Neighborhood Park with a dual designation of Urban Neighborhood Residential ( $\pm 6$  acres) land uses and has been zoned accordingly.

Plan Amendment Application No. A-16-014 proposes to amend the Fresno General Plan and Roosevelt Community Plan to change the planned land use designations for the subject property to Medium Density Residential ( $\pm 63$  acres), Residential Multi-Family Urban Neighborhood ( $\pm 5$  acres), Community Commercial ( $\pm 7$  acres), and Open Space/Neighborhood Park ( $\pm 3$  acres) with a dual designation of Medium Density Residential.

Rezone Application No. R-16-013 proposes to amend the Official Zone Map to reclassify the  $\pm 78$  acres from RS-4 (*Residential Single Family, Medium-Low Density*) ( $\pm 22$  acres), RS-5 (*Residential Single Family, Medium Density*) ( $\pm 35$  acres), and RM-2 (*Residential Multi Family Urban Neighborhood*) ( $\pm 21$  acres) to RS-5 (*Residential Single Family, Medium Density*) ( $\pm 63$  acres), RM-2 (*Residential Multi Family Urban Neighborhood*) ( $\pm 5$  acres), CC (*Commercial-Community*) ( $\pm 7$  acres), and PR (*Parks and Recreation*) ( $\pm 3$  acres) in accordance with Plan Amendment Application No. A-16-014.

Development of the proposed project will occur in multiple phases. The first phase of development is proposed to incorporate subdivision of the northerly  $\pm 40$  acre portion of the subject property for purposes of creating a conventional 208-lot single family residential development and public neighborhood park in accordance with Vesting Tentative Tract Map No. 6165/UGM. Subsequent phases will be dictated by market conditions. However, it is the intent of the applicant group to develop the southerly approximately 38 acres with a diversity of housing opportunities, which include an assisted living facility, potential age-restricted housing, potential private single family residential planned developments, and a neighborhood serving commercial shopping center.

The overall form of development proposed to be facilitated with the subject plan amendment and rezone applications focuses on implementation of the concept of a Complete Neighborhood in accordance with the Goals, Objectives and Policies of the Fresno General Plan.

## 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-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.

Objective UF-12 and Policy LU-1-a of the Fresno General Plan promote new development within

existing City limits and direct the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including non-corridor infill areas, and vacant land.

The Fresno General Plan provides that Fresno needs to promote well-designed infill and rehabilitation throughout the City, not just along corridors. This includes single-family lots, small multi-family lots and small subdivisions. There will also be revitalization and rehabilitation over the years of small retail centers, employment center and some multi-family properties. The infill development and redevelopments will focus on creating Complete Neighborhoods in existing areas. Some tools that can be used to accomplish this include: connectivity, financial incentives for investing in established neighborhoods, design compatibility, providing missing uses such as recreation, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.

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

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.

The proposed project exemplifies these concepts and components associated with Complete

Neighborhoods. The subject property is already planned and zoned for single family and multi-family residential uses with a neighborhood park component. However, the form that would be facilitated by the current land use plan does not readily lend to a balance of the respective land use designations in a manner which emphasizes the key components of open space and neighborhood serving retail, employment opportunities or public services. Furthermore, the current land use designations for the subject property are situated in such a manner that would require density blending and approval through the Planned Development process in order to facilitate an orderly and desirable development. The arrangement of land uses proposed by Plan Amendment Application No. A-16-014 allows development to occur in an orderly and desirable manner by facilitating integrated and balanced living patterns and an overall form of development which will create a unique sense of place.

The proposed plan amendment demonstrates consistency with Policy LU-5-c of the Fresno General Plan by removing currently planned Medium-Low Density Residential acreage in favor of Medium Density Residential land uses to maximize efficient use of residential property. The plan amendment proposes to relocate an approximately 5 acre portion of the existing planned Urban Neighborhood acreage to the immediate northeast corner of the intersection of East Church and South Sunnyside Avenues for purposes of a future assisted living facility. The proposed neighborhood serving commercial area ( $\pm 7$  acres) at the immediate northwest corner of the intersection of East Church and South Fowler Avenues has been planned with appropriate measures to assure quality development with ease of access to the adjacent residential neighborhoods.

The proposed addition of the approximately 7 acre commercial component affords opportunities for neighborhood serving retail, potential office space which may include public and community services as well as employment opportunities within close proximity and walking distance to a diversity of housing.

Finally, the relocation of the planned open space/neighborhood park to a central location on the subject property not only affords equal proximity, access and enjoyment to adjacent land uses but also affords greater opportunities to provide visibility over shared open space such that any potential for creation of an attractive nuisance is minimized. Furthermore, the centrally located park will act as the centerpiece for the surrounding development which will provide a sense of place that will contribute to the creation of an enhanced quality of life and the retention and improvement of property values. The proposed park will incorporate linear open space and access to South Sunnyside and South Fowler Avenue in an east-west direction. The park will also incorporate linear open space and access to East Church Avenue. The linear open space areas are proposed to include the uniform planting of Valley Oak trees which will mature to provide a natural “tunnel” from the resultant large tree canopy; hence, “The Oaks” project branding. The aggregate area of the open space will include both passive and active recreation areas and opportunities.

It is important to note that all new parks, open space, and public facilities (such as school sites) identified within the Fresno General Plan carry dual land use designations, so that if that facility is not needed, private and public development consistent with zoning and development standards may be approved. These dual land use designations are shown in Figure LU-2: Dual Designation of the Fresno General Plan. Although the proposed plan amendment reduces the currently planned open space area from approximately 6 acres to approximately 3 acres in area, construction of public parks identified on the Fresno General Plan are funded and maintained through the City of Fresno General Fund; and given current bond debts, no funding is available in the foreseeable future. The currently planned neighborhood park carries a dual designation of Medium Density Residential. Given the

importance of providing additional open space within the southeast area of the City, the proposed project provides a unique opportunity to develop much needed open space facilities at a location and in a form which benefits surrounding development and meets the needs of both existing and future residents. Without funding, the currently planned open space would revert to the Urban Neighborhood Residential land use and zoning for development and the opportunity for provision and utilization of the planned open space may be lost. The terms included within the proposed Development Agreement would fund construction and completion of the park with the initial phase of development and provide for the long-term maintenance of all associated amenities and facilities through a Community Facilities District which will be shared by the components of the proposed project. This approach not only provides for an attractive open space area which will benefit the surrounding community and property values but also does so in a manner which will provide for long term care and maintenance with minimal impact/obligation from the City of Fresno General Fund.

The approximately 5 acre portion of proposed Urban Neighborhood land at the northeast corner of South Sunnyside and East Church Avenues will be developed with an assisted living facility (as will be required pursuant to the terms of the proposed development agreement). When combined with opportunities for diversity in adjacent single family residential development, the proposed project provides potential opportunities for a residential mix and a range of housing opportunities to meet all demographic populations within the community. The provision of centrally located open space and neighborhood serving commercial opportunities within the same project manifests the applicant group's comprehensive strategy, which attempts to anticipate and plan 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. Furthermore, the proposed project also represents a rare circumstance in which, near total self-sufficiency and completeness may be achieved. As referenced within the Fresno General Plan, this is unlikely to be accomplished in each neighborhood.

It should also be acknowledged that, as referenced herein above, approximately 120 acres of land located at the southeast corner of the intersection of South Fowler and East Church Avenues (cater-cornered from the subject property) have also been purchased and will be developed as a Sanger Unified School District Middle- and High School campus and are expected to develop over the life of the proposed project. Additionally, a Sanger Unified School District elementary (Sequoia Elementary) is located on South Armstrong Avenue, south of East Church Avenue. The presence of elementary, middle, and high school facilities within walking distance and close proximity to the subject property rounds-out the proposed project as a Complete Neighborhood providing residents with most all they need on a daily basis nearby.

This project supports the above mentioned goals, objectives and policies of the Fresno General Plan and Roosevelt Community Plan; specifically, strategies aimed toward the provision of Complete Neighborhoods.

The subject property qualifies as infill development pursuant to the definition provided in the Fresno General Plan and the proposed development of the subject property will contribute to the completion of missing roadway 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 provide for connectivity through both vehicular and pedestrian integration with adjacent lands for future development. Furthermore, the project is located in close proximity to existing and future school sites.

Furthermore, evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the area to serve existing development within the vicinity as well as future development on the subject property. Water mains have been developed in South Sunnyside and East Church Avenues across the entire frontage of the existing 78 acre site. Water mains have also been developed in South Fowler Avenue, with the exception of the frontage of the existing 78 acre site. Vesting Tentative Tract Map No. 6165 will provide for construction of a water main in South Fowler Avenue with the required street improvements. This water main construction will complete the looped connection of existing water facilities for the subject quarter section. Sewer mains exist in South Sunnyside, East Church and South Fowler Avenues to serve the proposed development. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

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 Roosevelt 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 mitigation measures of the related Master Environmental Impact Report; and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

For sanitary sewer service these infrastructure improvements and facilities include typical requirements for construction and extension of sanitary sewer mains and branches within the interior of future proposed tracts/development projects. 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 the South Fowler Avenue across the subject property frontage as well as within the interior of future proposed tracts/development projects. Installation of these services with meters to proposed residential and commercial lots 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 not located within a flood prone or hazard area. However, the District's existing Master Plan drainage system is designed to serve lower density residential uses based upon the preceding 2025 Fresno General Plan and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed land use. The developer will therefore be required to mitigate the impacts of the increased runoff from the proposed use to a rate that would be expected if developed to medium density residential. 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 from a ten-year storm produced by the proposed land use, to a two-year discharge which would be produced by the property if developed with medium density residential. Implementation of the mitigation measures may be deferred to until time of development.

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 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. When development permits are issued, the subject site will be required to pay drainage fees pursuant to the Drainage Fee Ordinance.

## **Mobility and Transportation**

The Fresno General Plan designates East Church and South Fowler Avenues as collector streets; and, South Fowler Avenue as an Arterial street. The proposed project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within future subdivisions.

Direct vehicular access will be relinquished along all major street frontages of single family residential lots. The subdivision design includes major street entryways to the interior of the subdivision from South Sunnyside and South Fowler Avenues. Interior local streets are proposed to be dedicated in accordance with the City Standard 50-foot right-of-way and a modified 54-foot right-of-way cross section, which will provide for parking and sidewalks on both sides of all streets.

The proposed project will also provide and facilitate additional pedestrian connectivity through the provisions of public, common open space in the form of a neighborhood park centrally located on the subject property with contiguous linear open space areas and connection points from the central park to all adjacent land uses and major street frontages.

Interior local streets within the tract are aligned adjacent to the common open space area and

incorporate the linear open space areas as part of the streetscape; affording visibility and lighting as well as facilitating further connectivity while creating a true sense of place.

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.

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 is based on traffic counts taken at a 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.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, and with consideration to the Planning Commission's recommended changes, the proposed project on the approximately 78 acre subject property would generate 11,698 Average Daily Trips (ADT), with 786 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 1,033 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.).

If developed consistent with the existing planned land use designations, the same approximately 78 acre subject property would generate 8,248 ADT, with 644 a.m. peak hour trips and 831 p.m. peak hour trips. Therefore, the proposed project would result in an increase of 3,450 ADT, 142 a.m. peak hour trips and 202 p.m. peak hour trips over the life of the project.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed development of 208 single family homes on the subject property in accordance with Vesting Tentative Tract Map No. 6165/UGM would generate 1,980 Average Daily Trips (ADT), with 156 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.).

In accordance with Fresno General Plan Policy MT-2-I, a Traffic Impact Study (TIS) was prepared to assess the impacts of the new development on existing and planned streets combined with future projects (including development of the approximately 120 acre future Sanger Unified School District middle- and high-school to be located at the southeast corner of the intersection of East Church and South Fowler Avenues) for cumulative considerations. This assessment evaluated the impacts of the project by analyzing the following 15 study intersections 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 proposed phasing for development of the proposed project on the northerly approximately 39.58 acre portion of the existing approximately 78 acre site as well as future phases of development on the balance of the southerly portion of the existing site. 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 2025 cumulative plus Phase 1 & 2 Project Conditions for development of the entirety of the existing 78 acre site and, (5) Cumulative Year 2035 plus Project Conditions.

Study Intersections:

1. East Church Avenue & South Sunnyside Avenue
2. East Church Avenue & South Fowler Avenue
3. East Jensen Avenue & South Fowler Avenue
4. East Jensen Avenue & South Sunnyside Avenue
5. East Jensen Avenue & South Clovis Avenue
6. East Church Avenue & South Clovis Avenue
7. East California Avenue & South Clovis Avenue
8. East Butler Avenue & South Clovis Avenue
9. East Butler Avenue & South Fowler Avenue
10. East Hamilton Avenue & South Fowler Avenue
11. East California Avenue & South Fowler Avenue
12. East California Avenue & South Sunnyside Avenue
13. South Sunnyside Avenue & Site Access #1
14. South Fowler Avenue & Site Access #2
15. East Church Avenue & Site Access #3

In summary, based on the analyses included in the TIS, the study intersections are currently operating at or above the TIZ III LOS D Standard. With the addition of Phase 1 of the project, the study intersections are projected to continue to operate at or above the TIZ II LOS D standard. Phase 1 of the proposed project was evaluated with consideration to Medium Density Residential development on  $\pm 50$  acres of the subject property, Residential Multi-Family Urban Neighborhood development (Assisted Living Facility) on  $\pm 5$  acres of the subject property and development of a Neighborhood Park on  $\pm 3$  acres of the subject property. The components of Phase 1 will encompass the approximate northerly one-half of the subject property as well as the approximate westerly one-half of the southerly portion of the subject property.

Following the Planning Commission hearing on April 19, 2017, Yamabe & Horn Engineering submitted an addendum to the TIS, which was initially prepared for the proposed project. Within this addendum, Phase 2 of the proposed project was re-evaluated with consideration to the Planning Commission's recommended change from Residential Multi-Family Urban Neighborhood to Medium Density Single Family Residential development on  $\pm 13$  acres of the subject property. The Phase 2 evaluation also included development of neighborhood serving Community Commercial development on  $\pm 7$  acres of the subject property. The components of Phase 2 will encompass the easterly one-half of the southerly portion of the subject property.

With respect to the Planning Commission's recommended change from Urban Neighborhood Residential to Medium Density Residential on  $\pm 13$  acres of the subject property, the maximum density of the Medium Density Residential planned land use designation is 12 dwelling units per acre. Therefore, Medium Density Residential development on the respective portion of the subject property was evaluated based upon a projected yield of approximately 143 single family dwelling units. This change from the previously evaluated 192 apartments to 143 single family units would slightly increase the peak hour trip rates for the total project by 19 AM trips and 31 PM trips.

These additional trips were distributed approximately 50/50 to the two closest major intersections. To the west is Church Avenue and Sunnyside Avenue and to the east is Church Avenue and Fowler Avenue. The additional trips were added to the 2025 Phase 1 & 2 Scenario (Mitigated) Synchro model to determine any additional impact for these trips. Based on the Synchro model, there was no appreciable increase in delay (less than 1 second) and there was no change to the level of service. Therefore, mitigation measures previously identified in the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-014/R-16-013/T-6165 dated October 21, 2016 will remain the same and an addendum which includes a modified project description to the Mitigated Negative Declaration has been prepared. Analysis and evaluation of the project's trip generation revealed the following.

With the addition of Phase 2 of the project, the approved/pending projects and cumulative growth to the year 2020, the intersections of Fowler and Church Avenues and Fowler and Butler Avenues are projected to operate below the TIZ III LOS D standard in the 2025 analyses, which included both Phases 1 & 2 of the project, approved/pending project and cumulative growth to the year 2025.

The intersection of Fowler Avenue & Church Avenue (Node 2) is projected to be impacted during the AM peak hour with a Level of Service E. This is mainly from additional growth in the area and the Sanger Unified School District project at the south east corner of Fowler Avenue and Church Avenue. The addition of an eastbound receiving lane and opening the #2 eastbound plus the addition of a second westbound approach lane, shared through/right will allow the intersection to operate at an acceptable Level of Service D (AM) & C (PM) as an all-way stop. The improvements for this are needed with the build out of the Sanger Unified School District at the south east corner of Fowler & Church. The TIS recommends that the Sanger Unified School District provide the additional capacity with the build out of their campus.

The intersection of Fowler Avenue & Butler Avenue (Node 9) is projected to be impacted during the AM & PM peak hour with a Level of Service E & F. This is mainly from additional growth in the area, the additional trips from Phase 2 and the Sanger Unified School District project as the southeast corner of Fowler Avenue and Church Avenue.

Fowler Avenue is listed in the 2035 General Plan as being an acceptable Level of Service F, TIZ-II (generally representing areas of the City which are currently built up and where development is encouraged), from Kings Canyon to Hamilton. The intersection was modeled in Synchro with the additional lanes added to improve the LOS to D and is included in the report. However, due to the existing build out and the acceptance of a lower Level of Service per the City's 2035 General Plan, no mitigation is recommended or proposed.

In addition to the intersections identified in the 2025 analyses, the intersection of Clovis and Jensen Avenues and Fowler and California Avenues are projected to operate below the TIZ III LOS D standard in the 2035 analyses. Clovis Avenue and Jensen Avenue was modeled with exclusive right turn lanes for all approaches and the Level of Service improved to LOS D. It is recommended that the City include these improvements in their TSMI fee program. The project will pay into the TSMI fee program to mitigate this impact. A traffic signal is recommended to mitigate the 2035 cumulative conditions. A traffic signal warrant analysis is recommended just prior to commercial development occurring on the southerly portion of the existing 78 acre site (at a scale and intensity permitted by the land use and zoning designations proposed by Plan Amendment Application No. A-16-014 and Rezone Application No. R-16-013). The Proposed Project will also pay the City of Fresno Major Street Impact fees and TSMI fees to mitigate impacts.

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 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, sidewalks and safe routes to schools, permanent pavement, underground street lighting systems, etc.); (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) Traffic signal construction or modification at the intersections of Fowler Avenue with

Church and Jensen Avenues prior to occupancies for any portion of proposed Phase 2 development as defined in the project TIS (these improvements are not a requirement of Vesting Tentative Tract Map No. 6165/UGM).

Based upon the findings contained within the project TIS and the Fresno General Plan MEIR, with implementation of the Fresno General Plan goals, objectives and policies, including the project specific mitigation measures identified in the associated environmental assessment (Mitigated Negative Declaration for EA No. A-16-014/R-16-013/T-6165 dated October 21, 2016, impacts to roadways within TIZ II & III would be less than significant.

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

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 (South Sunnyside and South Fowler Avenues) located south of Belmont Avenue and East of Chestnut Avenue, and within the boundaries of the Roosevelt Community Plan, the development will be required to install landscaping and irrigation within a minimum 15-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, one Outlot will be developed as a public park and dedicated for common open space purposes. The Outlot has been designed with a central park element and a linear Oak lined trail which will provide connectivity to South Sunnyside and South Fowler Avenues. Future development along the East Church Avenue frontage will be required to develop a southerly connection to the Central Park from Church Avenue. The proposed single family residential development has been designed with streets adjacent to the open space areas, allowing single family homes to front-onto the adjacent street and face the open space for its entire length. This form of development provides “eyes-on” common areas while simultaneously providing

appropriate lighting and minimizing walls and other obstructions to open space which contribute to attractive nuisances. The public park will be improved with the first phased of development.

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 November 07, 2016, the District 5 Plan Advisory Committee unanimously recommended approval of the proposed project. The Committee recommended that assigned staff research whether a traffic signal at the intersection of East Church and South Sunnyside Avenues is warranted with any phase of the project; and, to have the proposed north-south pedestrian walkway connecting the proposed centrally located park to East Church Avenue be included as a condition of approval for the project.

Based upon the analyses contained within the project Traffic Impact Study, as referenced herein above, staff and the City of Fresno Traffic Engineer have determined that signalization at the intersection of Church and Sunnyside Avenues is not warranted with the proposed project. However, it is likely that future school development within the area may meet those warrants and signalization of the intersection. Furthermore, staff agrees and with the Committee’s recommendations for pedestrian connectivity and the proposed pedestrian connection from the park to Church Avenue will be required as a condition of approval for future development of the subject property.

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

The Development and Resource Management Department mailed notices of this Planning Commission 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 Roosevelt 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.



Following the Planning Commission hearing on April 19, 2017, Yamabe & Horn Engineering submitted an addendum to the project Traffic Impact Study (TIS), which was initially prepared for the proposed project. Within this addendum, the proposed project was re-evaluated with consideration to the Planning Commission's recommended change from Residential Multi-Family Urban Neighborhood to Medium Density Single Family Residential development on ±13 acres of the subject property. Additional vehicle trips from the recommended change in land use were added to the Synchro model to determine any additional impact for these trips. Based on the Synchro model, there was no appreciable increase in delay (less than 1 second) to the nearest major street intersections and there was no change to the level of service. Therefore, the mitigation measures previously identified in the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-014/R-16-013/T-6165 dated October 21, 2016 will remain the same and an addendum project description to the Mitigated Negative Declaration has been prepared.

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 finding of conformity 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-16-014/R-16-013/T-6165 was published on October 21, 2016 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 and 15-5812 et seq. of the Fresno Municipal Code can be made. These findings are attached as Exhibit J.

## **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 Roosevelt 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 Vesting Tentative Tract Map No. 6165/UGM is appropriate for the project site.

### Attachments:

Exhibit A - Vicinity Map

Exhibit B - 2015 Aerial Photograph

Exhibit C - Public Hearing Notice Radius Map

Exhibit D - Fresno General Plan Planned Land Use Map

Exhibit E - Proposed Planned Land Use Map pursuant to Plan Amendment Application No. A-16-014

Exhibit F - Proposed Rezone exhibit pursuant to Rezone Application No. R-16-013

Exhibit G - Project Information Tables

Exhibit H - Vesting Tentative Tract Map No. 6165/UGM

- Exhibit I - Conditions of approval for Vesting Tentative Tract Map No. 6165/UGM dated May 25, 2017; including memoranda from responsible or commenting agencies.
- Exhibit J - Fresno Municipal Code Findings
- Exhibit K - Environmental Assessment No. A-16-014/R-16-013/T-6165, Mitigated Negative Declaration, tiered from the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015, dated October 21, 2016; and, addendum project description.
- Exhibit L - Planning Commission Resolution No. 13445 for Plan Amendment Application No. A-16-014; and, the related Environmental Assessment.
- Exhibit M - Planning Commission Resolution No. 13446 for Rezone Application No. R-16-013
- Exhibit N - Planning Commission Resolution No. 13447 for Vesting Tentative Tract Map No. 6165/UGM
- Exhibit O - City Council Resolution for Plan Amendment Application No. A-16-014
- Exhibit P - City Council Ordinance Bill for Rezone Application No. R-16-013
- Exhibit Q - City Council Ordinance Bill for Development Agreement by and between the City of  
Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust
- Exhibit R- Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust