



Legislation Details (With Text)

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On agenda: 3/6/2019 **Final action:**
Title: CONTINUED FROM FEBRUARY 20, 2019, MEETING
Consideration of Plan Amendment Application No. P18-00579; Rezone Application No. P18-00579; Vesting Tentative Tract map No. 6195/BL/UGM; and, related Environmental Assessment No. P18-00579 for approximately 17.58 acres of property located on the west side of North Thiele Avenue and north of West Spruce Avenue (Council District 2) - Development and Resource Management Department.

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P18-00579 dated February 19, 2019 for purposes of the proposed project.
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. P18-00579 proposing to amend the Fresno General Plan and the Bullard Community Plan to change the planned land use designations for the subject property from Open Space, Regional Park (± 14.0 acres), Open Space, Multi-Use (± 1.30 acres), and Public Facility, PG&E Substation (± 2.28 acres), to Residential, Medium Density (± 17.58 acres).
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. P18-00579 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the PR/BL/UGM (Parks and Recreation/Bluff Protection/Urban Growth Management) (± 15.30 acres) and PI/BL/UGM (Public Institutional/Bluff Protection/Urban Growth Management) (± 2.28 acres) to the RS-5/BL/UGM (Residential Single Family, Medium Density/Bluff Protection/Urban Growth Management) (± 17.58 acres) zone district in accordance with Plan Amendment Application No. P18-00579.
4. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6195/UGM proposing to subdivide the ± 17.58 acre subject property for the purpose of creating an 89-lot conventional single-family residential development subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated March 6, 2019.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, Vicinity Map, 2. Exhibit B, Aerial Photograph of Site, 3. Exhibit C, Radius Map, 4. Exhibit D, Existing GP Land Use Map, 5. Exhibit E, Proposed GP Land Use Map, 6. Exhibit F, Proposed Prezone Map, 7. Exhibit G, Master Application, 8. Exhibit H, Project Information Tables, 9. Exhibit I, VTTM 6195 (7-18-18), 10. Exhibit J, COAs, 11. Exhibit K, Fresno Municipal Code Findings, 12. Exhibit L, Environmental Assessment, 13. Exhibit M, Public Input

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

March 6, 2019

FROM: MIKE SANCHEZ, Assistant Director
Development and Resource Management Department

THROUGH: BONIQUE EMERSON, AICP, Planning Manager
Development Services Division

WILL TACKETT, Supervising Planner
Development Services Division

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Development Services Division

SUBJECT

CONTINUED FROM FEBRUARY 20, 2019, MEETING

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EXECUTIVE SUMMARY

Precision Engineering, on behalf of BMCH California, LLC, has filed Plan Amendment Application No. P18-00579, Rezone Application No. P18-00579 and Vesting Tentative Tract Map No. T-6195/UGM pertaining to a total of ± 17.58 acres of property located on the west side of North Thiele Avenue and north of West Spruce Avenue.

Plan Amendment Application No. P18-00579 proposes to amend the Fresno General Plan to change the planned land use designations for the subject property from Open Space, Regional Park (± 14.0 acres), Open Space, Multi-Use (± 1.30 acres), and Public Facility, PG&E Substation (± 2.28 acres), to Residential, Medium Density (± 17.58 acres).

Rezone Application No. P18-00579 proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the PR/BL/UGM (*Parks and Recreation/Bluff Protection/Urban Growth Management*) (± 15.30 acres) and PI/BL/UGM (Public Institutional/Bluff Protection/Urban Growth Management) (± 2.28 acres) to the RS-5/BL/UGM (*Residential Single Family, Medium Density/Bluff Protection/Urban Growth Management*) (± 17.58 acres) zone district in accordance with Plan Amendment Application No. P18-00579.

Vesting Tentative Tract Map No. 6195/UGM proposes to subdivide the approximately 17.58 acre subject property for the purpose of creating an 89-lot conventional single-family residential development at a density of approximately 5.06 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

The subject property is located within the City of Fresno's General Plan Boundary and Sphere of Influence; and, is located adjacent to the San Joaquin River Bluff.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the east and southeast have been fully developed with single-family residences. Areas to the south and west remain predominantly vacant but also include an equestrian park and a PG&E substation. Land located to the south and southwest is planned for regional park purposes. In the area to the north lies the San Joaquin River. Land further to the west includes the Union Pacific Railroad, California High Speed Rail and State Route 99 alignments. Development further south near West Herndon Avenue and North Golden State Boulevard includes the Marketplace at El Paseo shopping center. Therefore, the project site is being rapidly encompassed with urban 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.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail is designated along the southside of the San Joaquin River bluff edge.

Outlot A is 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.

A Pacific Gas and Electric (PG&E) transmission line easement traverse a portion of the subject property in a northwest-southeast direction along the southwest boundary. This easement area which generally does not permit structural development and only limited improvements have been incorporated within Outlot B, which is proposed to be created and dedicated by the Tentative Map for a combination of ponding basin, common open space and potential emergency vehicle access purposes. In addition, Outlot C will be dedicated in fee to the City of Fresno for public open space, public parking, and trail-head purposes. The common areas are proposed to incorporate open spaces with pedestrian connectivity as well as a contiguous aggregate area which will afford additional opportunities for both passive and active recreation.

Interior block lengths will not exceed 600 feet in length. Lots proposed to back-onto the designated trail along the bluff edge and lots adjacent to proposed public/common areas will provide visibility and appropriate interfaces which will minimize potential for any such areas to become an attractive nuisance. The lot configuration and street design proposed with the Tentative Map design facilitates a continuous system of streets, pedestrian/bicycle paseos and trails with connections to proposed and planned open spaces, adjacent development and the surrounding street system in accordance with Fresno Municipal Code requirements.

As a result of the proposed lot configuration and street pattern, in conjunction with the open space and trail features, 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 residents 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 following Fresno General Plan goals:

- 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.
- 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.

- Provide a network of well-maintained parks, open spaces, athletic facilities, and walking and biking trails connecting the City's districts and neighborhoods to attract and retain a broad range of individuals, benefit the health of residents, and provide the level of public amenities required to encourage and support development of higher density urban living and transit use.

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.

Similarly, Policy 4.1.2 of the Bullard Community Plan encourages the provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.

Objective UF-12 of the Fresno General Plan directs 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 the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Supporting Policy LU-1-a of the Fresno General Plan also promotes new development within the existing City limits as of December 31, 2012. Policies LU-1-e and LU-1-g recommend that annexations to the City conform to the General Plan Land Use Designations and maintain the City's current Sphere of Influence (SOI) Boundaries without additional expansion.

The proposed General Plan Amendment is to change the land use designation of the subject property to Medium Density Residential to facilitate new development of a single family residential subdivision on land annexed to the City of Fresno in 1986.

Six types of open space land are defined by the Government Code for General Plan purposes; including, open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams, and areas which serve as links between

major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

Fresno General Plan Policy POSS-2-c supports dedication of open space easements where feasible and warranted to secure appropriate public use of sensitive areas with scenic or recreation values, and for buffering space for sensitive uses.

Fresno General Plan Policy POSS-7-I strives to provide public access to the parkway from public streets, roads, and rights-of-way immediately adjacent to parkway properties, facilities and trails such as those proposed in Figure POSS-2: San Joaquin River Parkway Path and Trail Access Points, Figure MT-2: Paths and Trails, as well as several public right-of-way alignments identified in Figure MT-1: Major Street Circulation Diagram, which would serve as public access points for vehicles, bicycles, equestrians and or pedestrians.

Vesting Tentative Tract Map No. 6195 proposes the dedication of Outlot "C" for public open space, access, parking and trail purposes. This additional access point will be designed in accordance with the same standards as the previously designated vista and trail access point to the east. Furthermore, proposed Outlot "A" of Vesting Tentative Tract Map No. 6195 is proposed to be dedicated for public open space and trail purposes in accordance with Figure MT-2 of the Fresno General Plan. This trail will be designed for public use as a Class I Bicycle/Pedestrian Path in accordance with City of Fresno Standards and will connect and extend the existing trail to the east that was dedicated and improved with Tract 5358.

Given that the proposed project has reserved areas to be dedicated for public open space and trail purposes along the natural bluff edge and has afforded additional access to these areas for public use, the proposed project will secure appropriate public use and public access in accordance with General Plan Policy POSS-2 and POSS-7-I.

The subject property is located within an area experiencing continued investment, growth and development. The subject property is bordered by the San Joaquin River Bluff to the north, single-family residences to the east and southeast, an equestrian park to the south and southwest and a PG&E substation to the west.

The equestrian park comprises approximately 110 acres and a portion is located adjacent to the subject property on PR (Parks and Recreation) zoned land. The equestrian park provides for instruction and training services to riders in the region. In addition, the equestrian park operates three -day events approximately five times a year. This use of property is classified as Large-Scale Entertainment and Recreation in Article 67 of Chapter 15 and is a use subject to the special standards related to Private Recreational Sports Facilities contained in Section 15-2749 of the Fresno Municipal Code.

Large-Scale Entertainment and Recreation Uses within the PR zone district are only permissible for golf course purposes pursuant to the provisions of the Fresno Municipal Code. However, it is acknowledge that this use also supports the goals and objectives of the Fresno General Plan to provide athletic facilities and recreational uses in infill and growth areas to attract and retain a broad range of individuals.

The equestrian park use has been in operation for over 50 years and was established on lands which were previously zoned for agricultural purposes prior to subsequent City of Fresno Parks and

Recreation zoning. Therefore, the existing use of the adjacent property for Large-Scale Entertainment and Recreation is considered a Legal Non-Conforming Use and may continue in perpetuity. Nonetheless, it is understood that the equestrian park operations may generate noise, distinct odors, dust, and/or attract flies from the keeping of horses which may be perceived to conflict with the proposed single-family residences in the future. As the legal non-conforming Large-Scale Entertainment and Recreation Use involving equestrian park operations that include stables and the keeping and riding of horses uses commonly associated with agricultural operations consistent with prior zoning, and in order to further protect and not adversely impact the continued or future use of the long-standing recreational operation, the proposed project will be required to record a modified "Right-to-Farm" covenant prior to Final Map recordation. The covenant will acknowledge and agree that: (1) The subject property is on or near property utilized for a private recreational sports facility with horse riding courses and stables for the keeping of horses; (2) Events will occur in association with such use that may generate odors, dust and noise; and, (3) The future residents of the subject property should be prepared to accept the inconveniences and discomfort associated with such activities and operations.

This project supports the above mentioned policies in that the density and intensity of the proposed development conform to the applicable land use designation of the Fresno General Plan and the Bullard Community Plan.

The project will not conflict with any conservation plans since it is not located within any conservation plan areas. No habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity. Therefore, there would be no impacts.

In conclusion, the proposed project is consistent with many or all of the goals and policies of the Fresno General Plan. The proposed project promotes reinvestment by proposing a quality development near expanding neighborhoods and the opportunity to continue development in the future, and protects property values by constructing a compatible infill development on a currently underdeveloped site.

Open Space, Landscaping & Walls

The development will be required to install landscaping and irrigation within a minimum 10-foot wide landscape easement along the North Thiele Avenue street frontage. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped easement. Interior end-blocks with street side yards facing front yards of homes across the street, will incorporate a minimum 5-foot landscape strip in accordance with Section 15-4105-G-2-b of the Fresno Municipal Code.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail is designated along the south side of the San Joaquin River bluff edge. Outlot A is 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. Trail design and interface with the adjacent proposed lots will occur in a manner consistent with that which has been developed with Tract 5358 to the east of the subject property.

A Pacific Gas and Electric (PG&E) transmission line easement traverses a portion of the subject property in a northwest-southeast direction along the southwest boundary. This easement area which generally does not permit structural development and only limited improvements have been

incorporated within Outlot B, which is proposed to be created and dedicated by the Tentative Map for ponding basin, common open space and potential emergency vehicle access purposes. In addition, Outlot C will be dedicated in fee to the City of Fresno for public open space and public parking purposes to serve as a trail-head. The common areas are proposed to incorporate open spaces with pedestrian connectivity for as well as aggregate open space which will afford additional opportunities for both passive and active recreation.

As referenced herein above, the three Outlots proposed to be created and dedicated with the subdivision map will be developed and dedicated for trail and common open space purposes. The Outlots have been designed to include a pocket park element and open space features with improvements which will provide additional connectivity to the surrounding streets and the future planned regional park area. 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.

Lot Area and Dimensions

All lots within the proposed subdivision meet the minimum 4,000 square foot lot area, and the minimum lot depth and lot width development standards for the RS-5 (*Residential Single Family, Medium Density*) zone district.

Sidewalks, Streets and Access Points

The Fresno General Plan designates North Thiele Avenue as a local street. The proposed project will be required to dedicate and construct improvements along the local street frontage and interior local streets with the proposed subdivisions.

Direct vehicular access will be relinquished along the North Thiele Avenue frontage of the proposed single family residential lots. The subdivision design includes two entryway streets to the interior of the subdivision from North Thiele Avenue. Interior local streets are proposed to be dedicated in accordance with the City Standard 50-foot right-of-way which will provide for parking and sidewalks on both sides of the street.

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.

A proposed plan amendment and related rezone applications have been filed to facilitate authorization to subdivide the subject property for purposes of creating an 89-lot conventional single family residential development pursuant to Vesting Tentative Tract Map No. 6195.

Therefore, a Trip Generation Comparison Study was prepared for the proposed project by Precision Civil Engineering, Inc., dated February 16, 2018. The Trip Generation Comparison revealed that development of the subject property will result in 12 fewer AM Peak Hour vehicle trips and 27 additional PM Peak Hour vehicle trips.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project, the trip generation comparison and potential traffic related impacts for the proposed applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements identified within the memoranda from the Traffic Engineering Manager dated July 03, 2018 and the Traffic Engineering Division dated June 14, 2018. These requirements generally include: (1) Dedication for public streets and right-of-way; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee and Fresno Major Street Impact (FMSI) Fee) and the Regional Transportation Mitigation Fee (RTMF).

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.

Public Services

Sewer

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located in North Thiele Avenue or the 10-inch sewer main located at the intersection of North Thiele and West Oak Avenue. Sewer facilities are available to provide service to the site subject to the conditions listed in the memoranda dated June 19, 2018.

Water

Water mains (including the installation of City fire hydrants) shall be extended with the proposed tract to provide service to each lot. Water facilities are available to provide service to the site subject to the conditions listed in the memoranda dated June 6, 2018.

FMFCD

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service will not be available and that temporary facilities be constructed until such permanent service is available. Furthermore, the subject property is located in an area that has historically provided a

passage for major storm water flows from the areas east of North Thiele Avenue across the proposed site to the west. Certain Master Plan facilities will be required to be constructed and will be eligible for fee credit against the drainage fee for the drainage area served by the facilities. These as well as additional requirements are listed in the memorandum from FMFCD dated June 20, 2018.

The proposed project is not located within a flood prone area. No surface runoff will be permitted to be directed toward the bluffs.

Fire

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; and, installation of fire sprinklers within future residential dwellings.

Due to the unique fire issues with the urban wild land interface with the river bluff, certain design features for the planned trail will be required to accommodate fire access by brush and patrol firefighting apparatus. Additionally, due to the narrow street frontage of the subject property and close proximity of the two proposed access streets, which could potentially become obstructed, the subdivider will be required to provide a covenant or other easement or agreement to provide for a future Emergency Vehicle Access (EVA) point to the PG&E property to the west and south and through proposed Outlot B for connection to the proposed development.

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.

Council District Plan Implementation Committee

The Council District 2 (CD2) Plan Implementation Committee recommended approval of this project at their September 9, 2018 meeting.

Public Input

Staff received comments from the Fresno County Horse Park which is located adjacent to the subject property. The letter dated June 21, 2018 opposes the proposed project due to concerns that the new residents will object to the agriculture nature of the park and will cause a scale back of their operations. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno as outlined in the Conditions of Approval dated March 6, 2019.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 1,000 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. P18-00579/P18-00579/T-6195 was published on February 19, 2019 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 K 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 Bullard 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 Tentative Tract Map No. 6195/UGM is appropriate for the project site.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph of Site
- Exhibit C - Public Hearing Notice Radius Map
- Exhibit D - Fresno General Plan Land Use & Zoning Map
- Exhibit E - Proposed Planned Land Use Map pursuant to Plan Amendment Application No. P18-00579
- Exhibit F - Proposed Pre-zone exhibit pursuant to Rezone Application No. P18-

00579

- Exhibit G - Master Application Form
- Exhibit H - Project Information Tables
- Exhibit I - Vesting Tentative Tract Map No. 6195 dated July 18, 2018
- Exhibit J - Conditions of Approval for T-6195/UGM dated March 6, 2019 including
Comments and Requirements from Responsible Agencies
- Exhibit K - Fresno Municipal Code Findings
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