



## Legislation Details (With Text)

<b>File #:</b>	ID19-1340	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Continued in Council	
<b>File created:</b>	3/8/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	3/14/2019	<b>Final action:</b>			
<b>Title:</b>	<p>CONTINUED HEARING to Consider Annexation Application No. ANX-18-002, Plan Amendment Application No. A-18-001; Pre-zone Application No. R-18-002; Vesting Tentative Tract Map No. 6198/UGM; and, related Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 for approximately 26.92 acres of property located on the northwest corner of West Shaw and North Grantland Avenues (Council District 2)</p> <p>a. ADOPT the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 dated May 11, 2018 and Addendum dated December 19, 2018.</p> <p>b. ***RESOLUTION - Approving Annexation Application No. ANX-18-002 (for the Shaw-Grantland No. 4 Reorganization) proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's veto)</p> <p>c. RESOLUTION - Approving Plan Amendment Application No. A-18-001 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial (±12.66 acres) and Urban Neighborhood (±14.26 acres) to Medium Density Residential (±26.92 acres).</p> <p>d. BILL approving Pre-zone Application No. R-18-002 proposing to pre-zone the subject property from the Fresno County RR (Rural Residential) zone district to the RS-5/UGM (Residential Single Family/Urban Growth Management) zone district.</p> <p>e. APPROVE Vesting Tentative Tract Map No. 6198/UGM subject to compliance with the Conditions of Approval dated December 19, 2018.</p>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<p>1. Exhibit A Vesting Tentative Tract Map No. 6198UGM dated March 12, 2018, 2. Exhibit B Operational Statement, 3. Exhibit C 2018 Aerial Photograph of Site, 4. Exhibit D Existing Fresno General Plan Planned Land Use Map, 5. Exhibit E Proposed Planned Land Use Map, 6. Exhibit F Proposed Pre-zone exhibit, 7. Exhibit G Proposed Annexation boundary exhibit, 8. Exhibit H Fire Station 18 Service Area, 9. Exhibit I Fresno Municipal Code Findings, 10. Exhibit J Noticing Vicinity Map (1000 feet), 11. Exhibit K Conditions of Approval for Vesting Tent Tract Map No. 6198UGM, 12. Exhibit L EA No. ANX-18-002,A-18-001,R-18-002T-6198, and addendum, 13. Exhibit M Project Application, 14. Exhibit N PC Reso No. 13562, 15. Exhibit O PC Reso No. 13563, 16. Exhibit P PC Res No. 13564, 17. Exhibit Q PC Reso No. 13565, 18. Exhibit R City Council Resolution for Annexation Application No. ANX-18-002, 19. Exhibit S City Council Resolution for Plan Amendment Application No. A-18-001, 20. Exhibit T City Council Ordinance Bill for Pre-zone Application No. R-18-002, 21. Supplement - Tray Memo.pdf, 22. Supplement - REVISED Tray Memo.pdf</p>				

Date	Ver.	Action By	Action	Result
3/14/2019	1	City Council	continued	

## REPORT TO THE CITY COUNCIL

**March 14, 2019**

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

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

BONIQUE EMERSON, Planning Manager  
Development Services Division

**BY:** ISRAEL TREJO, Planner  
Development Services Division

**SUBJECT**

CONTINUED HEARING to Consider Annexation Application No. ANX-18-002, Plan Amendment Application No. A-18-001; Pre-zone Application No. R-18-002; Vesting Tentative Tract Map No. 6198/UGM; and, related Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 for approximately 26.92 acres of property located on the northwest corner of West Shaw and North Grantland Avenues (Council District 2)

- a. ADOPT the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 dated May 11, 2018 and Addendum dated December 19, 2018.
- b. \*\*\*RESOLUTION - Approving Annexation Application No. ANX-18-002 (for the Shaw-Grantland No. 4 Reorganization) proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's veto)
- c. RESOLUTION - Approving Plan Amendment Application No. A-18-001 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial (±12.66 acres) and Urban Neighborhood (±14.26 acres) to Medium Density Residential (±26.92 acres).
- d. BILL approving Pre-zone Application No. R-18-002 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district.
- e. APPROVE Vesting Tentative Tract Map No. 6198/UGM subject to compliance with the Conditions of Approval dated December 19, 2018.

**RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. ADOPT the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 dated May 11, 2018 and Addendum dated December 19, 2018.
2. ADOPT RESOLUTION approving Annexation Application No. ANX-18-002 (for the Shaw-Grantland No. 4 Reorganization) proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

3. ADOPT RESOLUTION approving Plan Amendment Application No. A-18-001 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial ( $\pm 12.66$  acres) and Urban Neighborhood ( $\pm 14.26$  acres) to Medium Density Residential ( $\pm 26.92$  acres).
4. ADOPT BILL approving Pre-zone Application No. R-18-002 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district.
5. APPROVE Vesting Tentative Tract Map No. 6198/UGM subject to compliance with the Conditions of Approval dated December 19, 2018.

## EXECUTIVE SUMMARY

Yamabe and Horn Engineering, on behalf of Lennar Homes, has filed Annexation Application No. ANX-18-002, Plan Amendment Application No. A-18-001, Pre-zone Application No. R-18-002 and Vesting Tentative Tract Map No. 6198/UGM, pertaining to  $\pm 26.92$  acres of property located on the northwest corner of West Shaw and North Grantland Avenues and are described below.

Annexation Application No. ANX-18-002 (for the Shaw-Grantland No. 4 Reorganization) is a request for annexation to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District.

Plan Amendment Application No. A-18-001 proposes to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial ( $\pm 12.66$  acres) and Urban Neighborhood ( $\pm 14.26$  acres) to Medium Density Residential ( $\pm 26.92$  acres).

Pre-zone Application No. R-18-002 proposes to reclassify the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district.

Vesting Tentative Tract Map No. 6198/UGM proposes to subdivide approximately 26.05 acres of the subject property into a 163-lot single-family residential development and which is contingent upon City Council approval of Annexation No. ANX-18-002, Plan Amendment Application No. A-18-001, Pre-zone Application No. R-18-002 and the related environmental assessment.

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

### Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on December 19, 2018. After hearing testimony from city staff, the applicant and other concerned parties, the Planning Commission voted to recommend approval of the proposed applications by a vote of 7 to 0.

## BACKGROUND

Up until approximately 20 years ago, the subject property was utilized for agricultural uses; since then, the land has been fallow. The site is located within an area that has been significantly developed with both rural and single-family residences. To the east of the site, headed towards State Route 99, much of the property is fallow land, although there is a small amount of property that is being farmed. The majority of the properties directly east and north of the subject property are located within the city of Fresno. Property located west of the site and south across Shaw Avenue are located within the unincorporated area of the County of Fresno.

Annexation Application No. ANX-18-002 is a request for annexation to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District. Plan Amendment Application No. A-18-001 proposes to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial ( $\pm 12.66$  acres) and Urban Neighborhood ( $\pm 14.26$  acres) to Medium Density Residential ( $\pm 26.92$  acres). Pre-zone Application No. R-18-002 proposes to reclassify the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district. Vesting Tentative Tract Map No. 6198/UGM proposes to subdivide approximately 26.05 acres of the subject property into a 163-lot single-family residential development and which is contingent upon City Council approval of Annexation No. ANX-18-002, Plan Amendment Application No. A-18-001, Pre-zone Application No. R-18-002 and the related environmental assessment.

Vesting Tentative Tract Map No. 6198/UGM proposes to subdivide approximately 26.05 acres of the subject property into a 163-lot single-family residential development. An approximate 9,200 square foot open space area is proposed at the northwest area of the site which also contains a 20' pedestrian paseo connecting to the existing subdivision to the north. Additionally, a pedestrian paseo and open space area is proposed at the southeast corner of the property which would connect to the intersection of Grantland and Shaw Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of Grantland Avenue.

### Neighboring Property

There is an approximate 0.87 acre parcel, which contains a single-family residence, and which is included with the annexation, plan amendment and pre-zone applications. This property is owned by God's Family Church Inc. and is located near the southwest corner of the tentative tract map. Staff from the Development and Resource Management Department met with representatives from the Local Agency Formation Commission (LAFCO) and County Public Works and Planning Department (County), both LAFCO and the County recommended that the 0.87 be annexed in to the City in order to provide squared and logical city/county boundaries.

DARM staff included the neighboring 0.87 acre parcel with the plan amendment and pre-zone applications in order for said property to be consistent with the abutting neighboring properties. The neighboring property to the west is planned for medium density residential planned land uses and the subject application proposes the same for abutting property located to the north and east. As such, in order for the 0.87 acre parcel to be consistent with the abutting properties (existing and proposed), said parcel was included with the plan amendment and pre-zone applications. Pursuant to FMC 15-5803.B & C, a pre-zone and plan amendment may be initiated by the Director of DARM.

### Meeting with Neighboring Property Representative

As noted previously, the Fresno City Planning Commission recommended approval of the subject applications by a vote of 7 to 0. At said hearing, a representative of the 0.87 acre parcel, owned by God's Family Church Inc., requested to not be included with the subject applications. After discussion, the Planning Commission recommended that City staff and the applicant meet with representatives of the church to discuss the applications and to answer questions the church may have. On January 29, 2019, City staff met with the project applicant as well as Alex Maldonado, senior pastor, from God's Family Church. Mr. Maldonado explained that the church is still not in support of being included with the proposed applications. At said meeting, a representative for Lennar Homes stated that Lennar would volunteer to construct water and sewer stubs to the church property line for the church to connect to in the future, should the church decide to connect.

### Common Annexation Questions

It is common for owners of property being annexed to have many questions. One question that often arises is regarding property taxes. Property owners can expect to pay an additional \$32.44 per year in property taxes for each \$100,000 of assessed property value. For example, if a property is assessed at \$300,000, the property owner can expect to see an increase of \$97.32 per year in additional property tax.

Another common question is whether an existing water well may continue in use after annexation. In this case, the church property would be allowed to retain an existing well and can continue indefinitely since there is no water main directly in front of the church property.

Lastly, regarding the sewer connection, an existing septic tank on the church property may be allowed to continue indefinitely, since there is no sewer main directly in front of the church property.

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

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

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

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

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

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

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

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

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

An approximate 9,200 square foot open space area is proposed at the northwest area of the site which also contains a 20' pedestrian paseo connecting to the existing subdivision to the north. Additionally, a pedestrian paseo and open space area is proposed at the southeast corner of the property which would connect to the intersection of Grantland and Shaw Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of Grantland Avenue. Additionally, there is a property planned for a Community Park, up to 40 acres in size, along the east side of Veterans Boulevard between Shaw Avenue and Barstow Avenue.

Currently, the nearest public transit option to serve the subject property is Bus Route 9 which is located at the intersection of Shaw and Polk (approximately 1.5 miles away), however, as demand dictates, later phases of BRT may include the Shaw Avenue Corridor. The Shaw Avenue Corridor will be served by enhanced bus service and is envisioned as the primary transit corridor connecting Fresno and Clovis.

The plan amendment proposes to change the planned land use designations for the subject property from Community Commercial ( $\pm 12.66$  acres) and Urban Neighborhood ( $\pm 14.26$  acres) to Medium Density Residential ( $\pm 26.92$  acres). Although  $\pm 12.66$  acres of Community Commercial property are

proposed to be amended, there is still much opportunity for commercial development as over 80 acres of property located at the northeast corner of Shaw and Grantland Avenues are planned for Regional Mixed Use Development which affords opportunities for residential uses, neighborhood serving retail, potential office space which may include public and community services as well as employment opportunities within close proximity to housing. Additionally, on the north side of Shaw Avenue, between Grantland Avenue and State Route 99, the vast majority of land is planned for Regional Mixed Use and Corridor/Center Mixed Use Development.

It is noted that approximately 20 acres of property at the southeast corner of Shaw and Grantland Avenues is planned for High Density Residential Uses (30-45 d.u./acre). On the south side of Shaw Avenue, between Grantland Avenue and State Route 99, the vast majority of land allows for multi-family residential uses.

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.

## **Public Services**

### **Fire Department**

The Fire Department offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District and the City of Clovis Fire Departments. The Fire Department has provided conditions for the project dated December 17, 2018, (see Exhibit H for the boundary of the Fire Station 18 Service Area).

Temporary Fire Station 18, located at 5938 North La Ventana, currently services the subject area. Permanent Fire Station 18 is proposed to be constructed on City owned property located at 6605 West Shaw Avenue which is less than ½ mile east of the project site. Development plans for the new Fire Station have recently been approved by DARM and underwent its own CEQA review to determine potential environmental impacts.

### **Public Utilities**

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the mitigation measures of the related Master Environmental Impact Report; and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

For sanitary sewer service these infrastructure improvements and facilities include the construction of a 12 inch sanitary sewer main in West Shaw Avenue as well as typical requirements including the construction and extension of sanitary sewer mains and branches within the interior of future proposed tract. The proposed project will also be required to provide payment of sewer connection charges.

For water service, required infrastructure improvements and facilities include: a 16 inch water main in

West Shaw Avenue, from North Bryan Avenue west across the project frontage, and a 16 inch water main in North Grantland Avenue, across the property frontage. Installation of these services, as well as within the interior of proposed tract, lots will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

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

## **Mobility and Transportation**

The Fresno General Plan designates West Shaw and North Grantland Avenues as arterial streets. 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 West Shaw and North Grantland Avenues. Interior local streets are proposed to be dedicated in accordance with the City Standard 50-foot right-of-way which will provide for parking and sidewalks on both sides of all streets.

An approximate 9,200 square foot open space area is proposed at the northwest area of the site which also contains a 20' pedestrian paseo connecting to the existing subdivision to the north. Additionally, a pedestrian paseo and open space area is proposed at the southeast corner of the property which would connect to the intersection of Grantland and Shaw Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of Grantland Avenue.

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the Sphere of Influence (SOI) as of December 31, 2012. In accordance with Policy MT-2-i of the Fresno General Plan, when a project includes a General Plan amendment that changes the General Plan Land Use Designation, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets. Therefore, a Traffic Impact Study was prepared (Yamabe & Horn Engineering, Inc. dated May 2018) to assess the impacts of the new development on existing and planned streets.

The analysis of traffic operations within the MEIR was conducted based on roadway segments representative of the City overall transportation network. Traffic volumes on the selected roadway segment analysis are based on traffic counts taken at single location. Traffic operations on the study roadway segments were measured using a qualitative measure called Level of Service (LOS). LOS is a general measure of traffic operating conditions whereby a letter grade, from "A" (the best) to "F" (the worst), is assigned. These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving, as well as speed, travel time, traffic interruptions, and freedom to maneuver.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed project would generate 1,561 Average Daily Trips (ADT), with 123 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 164 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). This is considerably less than if the subject site was developed consistent with the existing planned land use designations which would be expected to



generate 4,193 ADT, with 253 a.m. peak hour trips and 384 p.m. peak hour trips. As such, the proposed project is expected to result in a decrease of 2,632 ADT over the life of the project.

The TIS evaluated the impacts of the project by analyzing the following 11 study intersections in the vicinity of the project during the AM and PM peak hours for the five traffic analysis scenarios required by the City of Fresno. These scenarios include: (1) Existing Conditions; (2) Existing plus Project Conditions; (3) Near Term (Existing plus Approved/Pending Projects plus Proposed Project) Conditions; (4) Year 2035 No Project Conditions - Current land use and, (5) Cumulative Year 2035 plus Project Conditions.

#### Study Intersections:

1. West Shaw Avenue & North Garfield Avenue
2. West Shaw Avenue & North Grantland Avenue
3. West Shaw Avenue & North Bryan Avenue
4. West Shaw Avenue & North Hayes Avenue
5. West Shaw Avenue & North Polk Avenue
6. West Barstow Avenue & North Grantland Avenue
7. West Ashlan Avenue & North Grantland Avenue
8. West Bullard Avenue & North Grantland Avenue
9. North Grantland Avenue & Site Access
10. West Shaw Avenue & Site Access
11. West Shaw Avenue & Veterans Blvd.

In summary, based on the analyses included in the TIS, the intersection of Shaw and Polk Avenues is currently operating below the TIZ III LOS D Standard. All other study intersections are currently operating above the City of Fresno TIZ III LOS D standard.

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

#### Near Term Plus Project

- Hayes Avenue at Shaw Avenue - AM and PM peak hours
- Polk Avenue at Shaw Avenue - AM peak hour

The intersection of Hayes Avenue at Shaw Avenue is projected to be impacted during the AM and PM peak hours with a Level of Service F and E, respectively. This intersection will need to be signalized to meet an acceptable LOS for the near term conditions. Also, the addition of a dedicated 150 feet westbound left turn lane and a 100 foot right turn lane would be needed. These improvements would allow this intersection to operate at an acceptable Level of Service C.

Additionally, the intersection of Polk Avenue at Shaw Avenue is projected to be impacted during the AM peak hours with a Level of Service F. The addition of a second 160 foot southbound left turn will reduce the delay at the intersection to a LOS D. The westbound left turn lane will require restriping to extend the storage length to 400 feet. Traffic and roadway geometrics will need to be redesigned

and improved to accommodate the alignment of the new southbound left turn lane and prevent significant northbound and southbound through lane skew. It is noted that as part of past preliminary planning studies conducted by Caltrans, the Polk and Shaw Avenue intersection may be substantially modified as part of a potential future State Route 99 at Shaw Avenue interchange project. There is no active Caltrans project to improve the State Route 99 Shaw Avenue interchange at this time. The mitigation measures noted above will involve major improvements for only minor reductions in delay, which may only be changed in potential future interchange improvements. Therefore, it is recommended in the TIS, that the project pay the City of Fresno TSMI fee, which includes future traffic signal upgrades at this intersection and which may be included in potential future State Route 99 at Shaw Avenue interchange improvements.

In order to mitigate the impacts at the Hayes/Shaw Avenue intersection and the Polk/Shaw intersection, the developer is required to pay applicable impact fees including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee as noted within the memoranda from the Traffic Engineering Division dated April 5 and May 11, 2018.

Although some study intersections have been projected to operate below the TIZ III LOS D standard under various scenarios, it must be noted that the General Plan accepts lower LOS values. This reflects a change in policy for the City of Fresno to acknowledge that transportation planning based solely on roadway LOS, which considers only driver comfort and convenience, is not desirable since it fails to acknowledge other users of the circulation system and other community values. In evaluating the roadway system, a lower LOS may be desired when balanced against other community values related to resource protection, social equity, economic development, and consideration of pedestrians, bicyclists, and transit users. In addition, roadway LOS is directly linked to roadway infrastructure costs. A higher LOS results in greater expenditure of infrastructure for wider roadways that do not necessarily serve all users of the circulation system and may compete with other policies of the General Plan.

The Fresno General Plan utilizes and encourages strategic initiatives in compliance with the California Complete Streets Act, which provides priority and emphasis on a multi-modal transportation system; more transportation options result in fewer traffic jams and the overall capacity of the transportation network increases. Therefore, providing more transportation options will allow the City to meet its future travel demands without solely relying on motorized vehicles.

Furthermore, in 2014, through passage of Council Resolution No. 2014-225, the City of Fresno adopted Findings of Fact related to Significant and Unavoidable Effects as well as Statements of Overriding Considerations in order to certify Master Environmental Impact Report SCH No. 2012111015 for purposes of adoption of the Fresno General Plan.

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

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division dated April 5 and May 11, 2018. These requirements generally include: (1) The provision of a minimum two points of vehicular access to major streets for any phase of the development; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (3) Payment of applicable impact fees, including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, the Fresno Major Street Impact (FMSI) Fee and the Regional Transportation Mitigation Fee (RTMF).

Additionally, the proposed project shall install a traffic signal at the intersection of Bryan and Shaw Avenues within two years of finalization of the subdivision agreement (this traffic signal condition has also been placed on T-5493 located on the east side of Bryan Avenue, south of Shaw Avenue). The proposed project shall make modifications to the traffic signal at the intersection of Grantland and Shaw Avenues to locate existing traffic signal equipment to the ultimate locations. The proposed project shall lengthen the southbound left-turn pocket at the intersection of Grantland and Shaw Avenues from the existing 150 feet to a length of 250 feet.

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.

### *Bus Rapid Transit (BRT)*

As demand dictates, later phases of BRT may include the Shaw Avenue Corridor. The Shaw Avenue Corridor will be served by enhanced bus service and is envisioned as the primary transit corridor connecting Fresno and Clovis. This enhanced service in Fresno will extend along Shaw Avenue as far east as the intersection of State Route 168 and the California State University, Fresno, campus and as far west as the West Development Area located west of State Route 99. Shaw Avenue has been an important corridor in Fresno for decades, with much of the area's retail and employment uses located there. As opportunities arise, it is envisioned that the Shaw Avenue Corridor will be developed as mixed-use infill with a variety of building types and sizes. Particular attention will be paid to urban design to make sure that the scale and form of new buildings are always coordinated with existing development. This includes improving connectivity with new development along the Shaw Avenue Corridor with the surrounding and adjoining neighborhoods.

### *West Shaw Avenue Corridor & Transit Village*

The Shaw Avenue Corridor from State Route 99 to the Grantland Avenue intersection is envisioned to be developed as a mixed-use corridor supported by enhanced transit service. There is a property planned for a Community Park, up to 40 acres in size, along the east side of Veterans Boulevard between Shaw Avenue and Barstow Avenue, which will anchor the West Shaw Transit Village. A Class 1 bike trail has been designated for development along the Herndon Canal along the northern boundary of the park. A regional mixed-use center is designated between Veterans Boulevard and Grantland Avenue. A trail has also been designated by the Fresno General Plan along the east side of the adjacent segment of Grantland Avenue. Land uses to be developed within the regional mixed-

use center will be mixed both vertically and horizontally, and represent the transit-oriented cores of Complete Neighborhoods connected with surrounding residential areas.

### Veterans Boulevard

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

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

### Regional Transportation Mitigation Fee (RTMF)

The Regional Transportation Mitigation Fee (RTMF) is an important part of the Measure “C” Extension approved by Fresno County Voters in 2006. The RTMF is intended to assure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target level of service in the face of high traffic volumes brought on by new developments.

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

### Summary

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.

While Shaw Avenue is of particular concern in the project area since mitigation such as increasing capacity by widening Shaw Avenue or expanding the interchange at Shaw and SR99 would require great expense, mitigating factors such as proximity to a potential Bus Rapid Transit System (BRT) route as well as the planned extensions of an active transportation network consisting of bike paths and trails into the project area provide a balanced emphasis which provides more transportation options serving all users of the circulation system; thereby increasing the overall capacity of the transportation network without solely relying on personal motorized vehicles.

Furthermore, while the proposed project proposes an amendment to change the planned land use designation of the subject property from urban neighborhood and commercial to residential, the Fresno General Plan supports the mission of business development in northwest Fresno by allowing for mixed-use development along the Shaw Avenue corridor terminating at Grantland Avenue. Providing access to amenities and job opportunities within three miles of residential land uses tends to reduce Vehicle Miles Traveled (VMT), while also, in turn, reducing Greenhouse Gas emissions and improving air quality.

The proposed project has incorporated pedestrian elements leading from the interior of the subdivision to exterior sidewalks to make non-vehicular travel easy and convenient for accessibility to facilities providing for alternative modes of transportation.

With implementation of the complete streets concepts through development of the planned active transportation network and BRT system with future development; and, with the imposition of the specific conditions and mitigation measures identified within the project conditions of approval and associated environmental findings, it may be 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.

### **Landscaping/Walls**

Given the proposed subdivision is located along arterial streets, including, West Shaw and North Grantland Avenues, and within the boundaries of the West Area Community Plan, the development will be required to install landscaping and irrigation within a minimum 20-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. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees.

Additionally, as referenced herein above, an approximate 9,200 square foot open space area is proposed at the northwest area of the site which also contains a 20' pedestrian paseo connecting to the existing subdivision to the north. Additionally, a pedestrian paseo and open space area is proposed at the southeast corner of the property which would connect to the intersection of Grantland and Shaw Avenues; it is noted that there is a planned Class 1 Bicycle/Pedestrian path along the east side of Grantland Avenue.

The amount of open space provided within the tract map is 14,146 sq. ft. which meets the requirement of Fresno Municipal Code 12-4.705 which requires a minimum of 13,376 sq. ft.

### **Lot Size**

The majority of the proposed lots meet the minimum 4,000 sq. ft. in lot area in the RS-5 (Residential Single Family) zone district and most are closer to 5,000 sq. ft. Fresno Municipal Code 15-4105.A.a

allows up to 25 percent of the total lots to be up to 20 percent smaller in area and/or width than the normally required minimum lot area and width of the applicable base zoning district. The applicant is proposing to have lots 115-122, 125-132, 135-142, 145-152 and 155-162 to be between 3,750 sq. ft and 3,877 sq. ft. which is acceptable.

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

On March 19, 2018, the Council District 2 Plan Implementation Committee unanimously recommended approval of the proposed project.

### **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.

Additionally, the applicant posted public notices of this City Council hearing on the subject property, pursuant to the requirements within Section 15-5007.C of the Fresno Municipal Code.

### **ENVIRONMENTAL FINDINGS**

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

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the West Area Community Plan area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; 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. ANX-18-002/A-18-001/R-18-002/T-6198 was published in the Fresno Bee on May 11, 2018, with no comments received to date.

Staff has also prepared an addendum dated December 19, 2018, to Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198. This addendum to the Environmental Assessment merely clarifies, amplifies, or makes insignificant modifications to said environmental assessment as allowed pursuant to Section 15073.5 of CEQA guidelines.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within Section 15-3309 and 15-5812 et seq. of the Fresno Municipal Code. These findings are attached as Exhibit I.

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

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

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate

easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff has reviewed the proposed vesting tentative tract map and has determined that none of the findings above apply to the project and, therefore, has recommended approval subject to the conditions of approval.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the West Area Community Plan; 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 the proposed projects are appropriate for the project site.

## **LOCAL PREFERENCE**

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

### Attachments:

- Exhibit A: Vesting Tentative Tract Map No. 6198/UGM dated March 12, 2018
- Exhibit B: Operational Statement
- Exhibit C: 2018 Aerial Photograph of Site
- Exhibit D: Existing Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Planned Land Use Map
- Exhibit F: Proposed Pre-zone exhibit
- Exhibit G: Proposed Annexation boundary exhibit
- Exhibit H: Fire Station 18 Service Area
- Exhibit I: Fresno Municipal Code Findings
- Exhibit J: Noticing Vicinity Map (1000 feet)
- Exhibit K: Conditions of Approval for Vesting Tentative Tract Map No. 6198/UGM
- Exhibit L: Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198, and addendum
- Exhibit M: Project Application
- Exhibit N: Planning Commission Resolution No. 13562
- Exhibit O: Planning Commission Resolution No. 13563



Exhibit P: Planning Commission Resolution No. 13564  
Exhibit Q: Planning Commission Resolution No. 13565  
Exhibit R: City Council Resolution for Annexation Application No. ANX-18-002  
Exhibit S: City Council Resolution for Plan Amendment Application No. A-18-001  
Exhibit T: City Council Ordinance Bill for Pre-zone Application No. R-18-002