



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	11/13/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	12/5/2019	<b>Final action:</b>		12/5/2019	
<b>Title:</b>	<p>HEARING to consider Prezone Application No. P18-03343; Annexation Application No. P18-03263; Planned Development Permit Application No. P18-03739; Vesting Tentative Tract Map No. 6224 (P18-03724); and related Environmental Assessment No. P18-03724 for approximately 69.15 acres of property located on the east side of North Temperance Avenue, between East Shields and East Clinton Avenues. (Council District 4) - Planning and Development Department.</p> <ol style="list-style-type: none"><li>ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P18-03724 dated August 16, 2019 for purposes of the proposed project.</li><li>BILL - (For introduction and adoption) - Approving Prezone Application No. P18-03443 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the Fresno County AE-20 (Exclusive Agriculture)(±69.15 acres) to the RS-3/ANX/EA/UGM (Residential Single Family, Low Density/Annexed Rural Residential Transitional/Expressway Area/Urban Growth Management)(±11.85 acres), RS-4/EA/UGM (Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management)(±23 acres) and RS-5/EA/UGM (Residential Single Family, Medium Density/Expressway Area/Urban Growth Management)(±34.3 acres) zone districts in accordance with the Fresno General Plan Land Use Map.</li><li>RESOLUTION - Approving Annexation Application No. P18-03263 to initiate annexation proceedings for the Shields-Temperance No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.</li><li>APPROVE - Planned Development Permit Application No. P18-03739 proposing to modify the RS-4/EA/UGM (Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management) and RS-5/EA/UGM (Residential Single Family, Medium Density/Expressway Area/Urban Growth Management) zone district development standards to allow for reduced front and rear yard setbacks, reduced lot sizes and increased lot coverage for the proposed single family residences; as well as a Density Transfer in accordance with Section 15-310-C of the Fresno Municipal Code.</li><li>APPROVE - Vesting Tentative Tract Map No. 6224 (P18-03724) proposing to subdivide a ±57.3 acre portion of the subject property for the purpose of creating a 349-lot 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 December 5, 2019.</li></ol>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<p>1. Exhibit A Vicinity Map, 2. Exhibit B Aerial Map, 3. Exhibit C Public Hearing Notice Map, 4. Exhibit D Planned Land Use Map, 5. Exhibit E Prezone Exhibit, 6. Exhibit F Director Initiated Overlay District Map, 7. Exhibit G Project Application, 8. Exhibit H Project Information Tables, 9. Exhibit I Vesting Tentative Tract Map No. 6224 and Planned Development Permit Site Plan dated December 10, 2018, 10. Exhibit J Conditions of Approval for T-6224 dated December 5, 2019 including Comments and Requirements from Responsible Agencies, 11. Exhibit K Fresno Municipal Code Findings, 12. Exhibit L Environmental Assessment No T-6224 dated August 16, 2019, 13. Exhibit M City Council Resolution for Annexation Application No P18-03263, 14. Exhibit N City Council Ordinance Bill for Pre-zone Application No P18-03443, 15. Exhibit O Conceptual Park Plan, 16. Exhibit P Presentation, 17. Additional Information - Signed petition_Redacted.pdf, 18. Additional Information - Two letters.pdf</p>				

Date	Ver.	Action By	Action	Result
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12/5/2019

1

City Council

adopted

Pass

## REPORT TO THE CITY COUNCIL

**December 5, 2019**

FROM: JENNIFER K. CLARK, Director  
Planning and Development Department

THROUGH: MIKE SANCHEZ, Assistant Director  
Development Services Division

THROUGH: WILL TACKETT, Supervising Planner  
Development Services Division

BY: JOSE VALENZUELA, Planner III  
Development Services Division

### SUBJECT

HEARING to consider Prezone Application No. P18-03343; Annexation Application No. P18-03263; Planned Development Permit Application No. P18-03739; Vesting Tentative Tract Map No. 6224 (P18-03724); and related Environmental Assessment No. P18-03724 for approximately 69.15 acres of property located on the east side of North Temperance Avenue, between East Shields and East Clinton Avenues. (Council District 4) - Planning and Development Department.

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P18-03724 dated August 16, 2019 for purposes of the proposed project.
2. BILL - (For introduction and adoption) - Approving Prezone Application No. P18-03443 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the Fresno County AE-20 (*Exclusive Agriculture*)(±69.15 acres) to the RS-3/ANX/EA/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Expressway Area/Urban Growth Management*)(±11.85 acres), RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*)(±23 acres) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*)(±34.3 acres) zone districts in accordance with the Fresno General Plan Land Use Map.
3. RESOLUTION - Approving Annexation Application No. P18-03263 to initiate annexation proceedings for the Shields-Temperance No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.
4. APPROVE - Planned Development Permit Application No. P18-03739 proposing to modify the RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*) zone district development standards to allow for reduced front and rear yard setbacks, reduced lot sizes and increased lot coverage for the proposed single family residences; as well as a Density Transfer in accordance with Section 15-310-C of the Fresno Municipal Code.
5. APPROVE - Vesting Tentative Tract Map No. 6224 (P18-03724) proposing to subdivide a ±57.3 acre portion of the subject property for the purpose of creating a 349-lot 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 December 5, 2019.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P18-03724 dated August 16, 2019 for purposes of the proposed project.
2. INTRODUCE AND ADOPT BILL approving Prezone Application No. P18-03443 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the Fresno County AE-20 (*Exclusive Agriculture*)(±69.15 acres) to the RS-3/ANX/EA/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Expressway Area/Urban Growth Management*)(±11.85 acres), RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*)(±23 acres) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*)(±34.3 acres) zone districts in accordance with the Fresno General Plan Land Use Map.
3. ADOPT RESOLUTION approving Annexation Application No. P18-03263 to initiate annexation proceedings for the Shields-Temperance No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.
4. APPROVE Planned Development Permit Application No. P18-03739 proposing to modify the RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*) zone district development standards to allow for reduced front and rear yard setbacks, reduced lot sizes and increased lot coverage for the proposed single family residences; as well as a Density Transfer in accordance with Section 15-310-C of the Fresno Municipal Code.
5. APPROVE Vesting Tentative Tract Map No. 6224 (P18-03724) proposing to subdivide a ±57.3 acre portion of the subject property for the purpose of creating a 349-lot 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 December 5, 2019.

## EXECUTIVE SUMMARY

Jeff Callaway, on behalf of Lennar Homes of California, Inc., has filed Prezone Application No. P18-03443, Annexation Application No. P18-03263, Planned Development Permit Application No. P18-03739, and Vesting Tentative Tract Map No. T-6224 pertaining to a total of ±69.15 acres of property located on the east side of North Temperance Avenue, between East Shields and East Clinton Avenue.

Prezone Application No. P18-03443 proposes to prezone the Official Zoning Map of the City of Fresno to rezone the subject property from the Fresno County AE-20 (*Exclusive Agriculture*)(±69.15 acres) to the RS-3/ANX/EA/UGM (*Residential Single Family, Low Density/Annexed Rural Residential*

*Transitional/Expressway Area/Urban Growth Management*)(±11.85 acres), RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*)(±23 acres) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*)(±34.3 acres) zone districts in accordance with the Fresno General Plan Land Use Map.

Annexation Application No. P18-03263 proposes to initiate annexation proceedings for the Shields-Temperance No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.

Planned Development Permit Application No. P18-03739 proposes to modify the RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*) zone district development standards to allow for reduced front and rear yard setbacks, reduced lot sizes and increased lot coverage for the proposed single family residences; as well as, a Density Transfer in accordance with Section 15-310-C of the Fresno Municipal Code.

Vesting Tentative Tract Map No. 6224 (P18-03724) proposes to subdivide a ±57.3 acre portion of the subject property for the purpose of creating a 349-lot single family residential public street planned development subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the City Council dated December 5, 2019.

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.

#### Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on September 4, 2019. After hearing testimony from city staff and the applicant. The Planning Commission voted to recommend approval of the proposed applications by a vote of 4-2. Public testimony was given and comments were received.

#### **BACKGROUND**

The subject property is located within the City of Fresno's General Plan Boundary and Sphere of Influence.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the west, north and east have been substantially developed or are in the process of being developed with single-family residences. To the west, single family residences have been developed with Tract Map No. 5343 or approved for development as part of Tract 5424. Likewise, to the north, single family residences have been previously developed with Tract No. 5447; and, to the east single family residences are currently being constructed with Tract No. 5592.

Properties to the south of the subject property fronting along the north side of the Clinton Avenue corridor and east of North Armstrong Avenue remain predominantly developed with rural single family

residential uses. The Virginia R. Boris Elementary School and another single family residential development (Tract 5341) have been developed on the south side of Clinton Avenue and east of Temperance Avenue. Properties located at the southwest corner of the intersection of Clinton and Temperance Avenues have also been developed with rural residences in the County of Fresno. Therefore, the portion of the subject property proposed for subdivision comprises the last remaining vacant infill parcels of land in southeast Fresno and north of Clinton Avenue which are located within the area identified as Growth Area 1 as depicted in Figure IM-2: Sequencing of Development of the City of Fresno General Plan.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class 1 Bicycle and Pedestrian trail has been dedicated and improved on the west side of North Temperance Avenue opposite the proposed project.

The subject property is located within an area identified for growth and the project site is already substantially surrounded by 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.

As a result of the proposed lot configuration and street pattern, in conjunction with the nearby trail feature, 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.

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

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

- No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project;
- The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development;
- The development project will pay for public facilities and infrastructure improvements in

proportion to the development's neighborhood and citywide impacts; and,

- The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.

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

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

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

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

The subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. The project site comprises a portion of an existing County peninsula which, as stated herein above, has been surrounded on three sides by land previously developed and/or approved for single family residential development in the City of Fresno. Furthermore, the remaining properties within the unincorporated peninsula have been previously developed with rural residences. Therefore, the portion of the subject property proposed for subdivision comprises the last remaining vacant infill parcels of land in southeast Fresno and north of Clinton Avenue which are located within the area identified as Growth Area 1 in Figure IM-2: Sequencing of Development of the City of Fresno General Plan.

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

Staff from the City of Fresno, County of Fresno, and the Fresno County Local Agency Formation Commission (LAFCO) met prior to application acceptance to discuss an appropriate strategy and boundary for purposes of the required annexation. Consideration was given to consistency with the Standards of Annexation included within the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno; the City General Plan; and, factors considered by LAFCO in reviewing annexation proposals (including but not limited to need for organized community services, cost and adequacy of governmental services and controls in the area, future needs for services and controls, probable effects on adjacent areas, social and economic interests,

and the integrity of agricultural lands. Staff from these entities all agree that the annexation boundary proposed most adequately and appropriately facilitates consistency with the General Plan and the Cortese-Knox-Hertzberg Local Government Reorganization Act, while minimizing the creation of County islands, peninsulas, corridors and otherwise avoiding distortion of logical boundaries.

Accordingly, the subject applications include a proposal to Pre-zone the subject property consistent with the Medium Low Density Residential and Medium Density Residential Fresno General Plan Land Use Designations for the subject property in order to facilitate new development of a single family residential subdivision on land proposed to be annexed to the City of Fresno per the Shields-Temperance Reorganization No. 2.

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 McLane Community Plan.

Fresno General Plan Objectives POSS-2 and POSS-3 are directed to ensure that adequate land in appropriate locations is designated and acquired for park and recreation uses in infill and growth areas in a manner which makes the most efficient use of land and provides for the entire Fresno Community

Supporting Policy POSS-2-c requires review of all subdivision maps in order to assure the provision of adequate active and passive open spaces and facilities as appropriate within residential subdivisions through Development Code requirements for mandatory dedication and improvement of land and/or development fees. Likewise, Policy POSS-2-e aims to ensure new residential developments provide adequate land for parks, open space, landscaping and trails through dedication of land or otherwise providing for Pocket Parks, planned trails, or other recreational space, maintained by an HOA, CFD, or other such entity.

Policies POSS-3-a through POSS-3-g provide park guidelines which include park centralization for accessibility, linkages for connectivity to adjacent schools and residential uses, major streets and trails, internal circulation, and security.

Tentative Tract Map No. 6224 proposes the dedication of Outlots A, B, C, D, E, F and G for landscape, park, pedestrian and open space purposes in compliance with these objectives and policies. These Outlots have been designed and incorporated within the subdivision design in a manner which provides for a centralized aggregate open space for active recreational use connected by linear open space features which will provide interconnectivity with the adjacent major streets, trails and adjacent neighborhoods and open spaces. In total, these Outlots provide approximately 2.39 acres of public open space.

Section 12-4.705 of the Municipal Code requires that subdivisions dedicate and improve a minimum of 0.6 acres of park land per 1,000 residents. Subdividers are also required to pay Park Development Impact Fees. The minimum park land dedication is not eligible for fee credits. On Tentative Tract Map No. 6224, that requirement equates to 0.65 acres. There was significant testimony at the Planning Commission hearing requesting that the size of the park be larger than the minimum requirement. The developers of this tract have changed their design since the Planning Commission hearing and are now proposing dedication of 1.92 acres of park property. Their proposal also includes a play structure, a basketball half-court, two picnic tables, six benches, four trash receptacles, and a shade structure. The developers will be provided with Park Fee credits for



the land and improvements that exceed the 0.65 acres that is the minimum requirement.

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

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

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

The project applicant has filed an annexation application with the City of Fresno (vs. initiating directly with LAFCO); and, staff from the City of Fresno, County of Fresno and LAFCO have met to discuss the proposed annexation associated with the proposed project as well as strategies for future annexation within Growth Area 1 pursuant to the applicable standards requirements and/or provisions of the Memorandum of Understanding (MOU) between the City and County of Fresno and Cortese-Knox-Hertzberg Local Government Reorganization Act.

Given these circumstances, the proposed project supports and is consistent with the goals, objective and policies of the Fresno General Plan as referenced herein above.

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 20-foot wide landscape easement along the East Shields Avenue street frontage. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscape easement along the East Shields Avenue frontage. Along North Temperance Avenue the development will be required to install landscaping and irrigation within a minimum 26-foot wide landscape easement for purposes of compliance with the Expressway Area Overlay zone district. A 6.5-foot wall is required at the rear of Outlot A along North Temperance Avenue. Outlots A, B, C, D, E, F and G will be used for landscape, open space/park and pedestrian purposes.

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 Outlots proposed to be created and dedicated with the subdivision map will be developed and dedicated for common open space purposes. The Outlots have been designed to include a pocket park ( $\pm 1.92$  acre) element and open space features with improvements which will provide additional connectivity to the surrounding streets and the adjacent Tract No. 5592.

Approximately 9.34 acres of the subject property has a dual planned land use designation of both Neighborhood Park and Medium Density Residential. Properties planned for parks, open space, and public facilities (such as school sites) carry dual land use designation, so that private and public development consistent with the alternative zoning and development standards may proceed in the event that the City does not have the funds to acquire, develop and maintain the park at the time of proposed development. The City has determined that there are currently no immediate plans or funding to acquire or develop a public park on this site. The project proposes Outlots that will be developed and dedicated for common open space purposes. The Outlots have been designed to include a pocket park element ( $\pm 1.92$  acre) and linear open spaces ( $\pm 0.47$  acres) with improvements which will provide additional connectivity to the surrounding streets and the adjacent Tract No. 5592.

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**

The smallest single-family residential lot within the proposed subdivision which will be zoned RS-4 (*Residential Single Family, Medium Low Density*) and RS-5 (*Residential Single Family, Medium Density*) will be 3,780 square feet with a maximum lot coverage of 65%. The minimum lot size standard for the RS-4 (*Residential Single Family, Medium Low Density*) zone district is 5,000 square feet with a maximum lot coverage of 60%. For the RS-5 (*Residential Single Family, Medium Density*) zone district the minimum lot size is 4,000 square feet with a maximum lot coverage of 50%. The proposed planned development permit proposes deviations for purposes of reduced lot sizes and

increased lot coverage.

### **Sidewalks, Streets and Access Points**

The Fresno General Plan designates East Shields Avenue as an arterial street and North Temperance Avenue as a super arterial street. The proposed project will be required to dedicate and construct improvements along the arterial street frontage and interior private streets with the proposed subdivision.

The subdivision design includes two entryway streets to the interior of the subdivision from North Temperance Avenue and one from East Shields Avenue. Interior local streets are proposed to be public and will connect to other streets and pedestrian ways to form a continuous network within the subdivision and adjacent development. These interior local streets have been designed in compliance with a 50-foot wide standard City cross-section which will provide sidewalks and vehicular parking on both sides of all streets.

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.

Proposed prezone and annexation applications have been filed to facilitate authorization to subdivide the subject property for purposes of creating a 349-lot single family residential development pursuant to Tentative Tract Map No. 6224.

A Traffic Impact Study was prepared for the proposed project by ND Engineering, PC., dated July 2019. The TIS evaluated the impacts of the project by analyzing 11 intersections in the vicinity of project during the AM and PM peak hours. The Traffic Impact Study revealed that development of the subject property will result in 3,322 new daily trips and is anticipated to have 262 AM peak hour vehicle trips and 349 PM peak hour vehicle trips.

Based on the analyses included in the TIS, the following study intersections are currently operating below the TIZ III Level of Service (LOS) standard of LOS D.

- Temperance Avenue at Dakota Avenue
- Temperance Avenue at Olive Avenue
- Temperance Avenue at Belmont Avenue
- Shields Avenue at Locan Avenue
- Armstrong Avenue at Clinton Avenue

Traffic signal warrants were prepared for all un-signalized study intersections. The peak hour warrants are currently met at all the un-signalized study intersection except the intersection of Temperance Avenue at McKinley Avenue.

With the addition of the project, the study intersections shown above are projected to operate below the adopted LOS D standard and/or impact operations at the intersections by five seconds or more. An impact is considered significant if the delay at an intersection currently operating below the LOS standard is increased by five or more seconds. In addition, the intersection of Armstrong at Olive Avenue is projected to operate below the LOS D standard with the addition of the proposed project.

With the addition of the project and approved/pending projects in the area, all of the study intersections except the intersection of Temperance at Shields Avenue are projected to continue to operate below the LOS D standard.

Build out of the roadway network and infrastructure improvements (traffic signals) were assumed to be constructed in the 2035 analysis. With these improvements, all of the study intersections are projected to operate below the LOS D standard except the following intersections:

- Temperance Avenue at Dakota Avenue
- Temperance Avenue at Clinton Avenue
- Armstrong Avenue at Clinton Avenue

The Public Works Department, Traffic Engineering Division has reviewed the proposed project, the traffic impact study 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 April 8, 2019. These requirements include installation of traffic signals with protected left-turn phasing at the following intersections:

- Temperance Avenue at Dakota Avenue
- Temperance Avenue at Olive Avenue
- Temperance Avenue at Belmont Avenue

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

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

The Citywide Regional Street Impact Fee Program and the New Growth Area Major Street Impact Fee Program are collectively referred to as the Fresno Major Street Impact Fee Program (FMSI Fee Program). The FMSI Fee Program was implemented to provide a funding mechanism for transportation facilities required to serve future development through 2025. The FMSI Fee Program is a successor fee program that replaced the previous transportation facility components of the City's Urban Growth Management (UGM) fee program.

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

The Street CIP details the roadway improvement projects needed to accommodate future development that will be funded through the FMSI Fee Program. For each street segment, the Street CIP includes: travel lanes; medians and median landscaping; parking lanes; bike lanes; curb and gutter; bus bays; irrigation pipes and canals; railroad crossings; and, soft costs (engineering, plan check, and inspection costs). In addition to the street improvements, the Street CIP also includes associated right of way acquisition, ancillary costs (mobilization traffic control, dust control, and storm water pollution prevention), bridge widening, and other miscellaneous improvements. Asphalt concrete dikes, utilities, sidewalks, street lights, sound walls, and frontage landscaping are specifically excluded from the Street CIP. The FMSI Fee Program also will not fund construction of improvements required to cure existing street deficiencies, as measured by level of service standards.

The proposed project will pay both FMSI Program fees, including: (1) The Citywide Regional Street Impact Fee (Citywide Fee) applicable to all new residential, retail, office, and industrial development in both the Infill and New Growth areas. (this fee funds larger regional transportation improvements that are designed to accommodate traffic volumes resulting from development on a citywide basis); and, (2) The New Growth Area Major Street Impact Fee (New Growth Fee) applicable to only development in the New Growth areas of the City (this fee funds major streets that are located in the New Growth Area and primarily serve and benefit new development in the New Growth Area).

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

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

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

In addition, the Traffic Engineering Division has issued requirements dated February 12, 2019. 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, frontage improvements required beyond the limit of the proposed development.

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 applicant will be required to construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in North Temperance Avenue and a 12-inch main in East Shields Avenue. Sewer facilities will be available to provide service to the site subject to the conditions listed in the memoranda dated January 29, 2019.

### 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 January 25, 2019.

### FMFCD

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the proposed development shall construct Storm Drainage and Flood Control Master Plan facilities located within the development. Certain Master Plan facilities 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 February 5, 2019.

The proposed project is not located within a flood prone area. All surface runoff will be directed towards North Temperance Avenue.

### 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.

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 Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

### FID

The Fresno Irrigation District has determined that FID's Gow No. 99 runs southwesterly traverses the subject property along the north side and crosses North Temperance Avenue approximately 20 feet west of the subject property. Records indicate FID has a 15-foot wide exclusive easement recorded on July 28, 2005 as Document No. 20050170695, Official Records of Fresno County. These as well as additional requirements are listed in the memorandum from FID's dated February 7, 2019.

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

The Council District 4 (CD4) Plan Implementation Committee recommended approval of this project at their February 25, 2019 meeting.

### **Public Input**

A neighborhood meeting was held at the Orazo Elementary School (3468 North Armstrong Avenue) on Tuesday, December 11, 2018 at 6:00 p.m. Two members of the public were in attendance. Protest forms were subsequently received by the Planning and Development Department from residents notified of the neighborhood meeting protesting the proposed annexation of properties located outside of the proposed subdivision boundary.

On October 08, 2019, following the Planning Commission hearing, the project applicant as well as City of Fresno and Fresno Local Agency Formation Commission (LAFCO) staff met again with owners of property located along the North Temperance and East Clinton Avenue frontage, for purposes of discussing and clarifying City and County of Fresno recommendations and requirements, as well as the LAFCO annexation process.

An additional neighborhood meeting is also scheduled at the Orazo Elementary School (3468 North Armstrong Avenue) on Thursday, November 21, 2019 at 6:00 p.m. This meeting has been scheduled for purposes of informing neighborhood residents of the subsequent efforts made by the applicant group in coordination with the Council District representative and City staff in order to attempt to address comments received at the Planning Commission hearing related to the proposed park prior to the City Council hearing on December 5, 2019.

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

On September 4, 2019, the Fresno City Planning Commission held a public hearing to consider the proposed project and the Mitigated Negative Declaration prepared for Environmental Assessment

No. P18-03724. Twelve members from the public spoke in opposition of the project. One point of opposition consisted of the existing dual designation of Neighborhood Park and Medium Density Residential (9.34 acres) on the southeast corner of North Temperance and East Shields Avenue. Residents argued the proposed tract map should incorporate a 9.34 acre park. In addition, residents south of the development provided testimony in opposition to the proposed annexation. Residents' concerns were related to requirements for connection to City of Fresno public sewer and water services following annexation and associated cost that would be incurred. Furthermore, residents south of the proposed tract opposed the wooden fence proposed between their property lines and the proposed tract homes. Residents stated that the rural uses may conflict with the single-family tract homes.

The Planning Commission conditioned the proposed project to construct a 6-foot block wall along the southern subdivision boundary of Vesting Tentative Tract Map No. 6224. In addition, the Planning Commission recommended the applicant meet with residents and Councilmember Caprioglio to increase the size of the proposed pocket park.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of Prezone Application No. P18-03443, Annexation Application No. P18-03263, Planned Development Permit Application No. P18-03739 and Vesting Tentative Tract Map No. 6224 to the Fresno City Council.

### **Notice of Hearing**

The Planning and Development Department mailed notices of this public 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 Planning and Development 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. P18-03724 was published on August 16, 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 Sections 15-3309, 15-5812 and 15-5905 et seq. of the Fresno Municipal Code can be made. These findings are attached as Exhibit K to this report.

## **GROUND 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.

Based upon staff's review of the proposed project, it has been determined that the proposed subdivision map, including its design and improvements is consistent with the goals, objectives and policies of the Fresno General Plan (as stated herein above); the site is physically suitable for the type and density of development; the design and improvements will not cause substantial environmental damages or serious public health problems (as represented within the attached Mitigated Negative Declaration prepared for the proposed project); and, that the design and type of improvements will not conflict with easements acquired by the public within the proposed subdivision.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the McLane Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code §§ 66400, *et seq.*) and concludes that the required findings contained within Section 15-3309, 15-5812 and 15-5905 *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that Tentative Tract Map No. 6224 is 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 Planning and Development Department.

Attachments:

Exhibit A	Vicinity Map
Exhibit B	Aerial Map
Exhibit C	Public Hearing Notice Map
Exhibit D	Planned Land Use Map
Exhibit E	Prezone Exhibit

Exhibit F	Director Initiated Overlay District Map
Exhibit G	Project Application
Exhibit H	Project Information Tables
Exhibit I	Vesting Tentative Tract Map No. 6224 and Planned Development Permit Site Plan dated December 10, 2018
Exhibit J	Conditions of Approval for T-6224 dated December 5, 2019 including Comments and Requirements from Responsible Agencies
Exhibit K	Fresno Municipal Code Findings
Exhibit L	Environmental Assessment No. T-6224 dated August 16, 2019
Exhibit M	City Council Resolution for Annexation Application No. P18-03263
Exhibit N	City Council Ordinance Bill for Pre-zone Application No . P18-03443
Exhibit O	Conceptual Park Plan
Exhibit P	Presentation