



## Legislation Details (With Text)

**File #:** ID 20-0034    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Agenda Ready  
**File created:** 12/27/2019    **In control:** Planning Commission  
**On agenda:** 1/8/2020    **Final action:** 1/8/2020  
**Title:** Consideration of Vesting Tentative Tract Map No. 6258, Planned Development Application No. P19-04243 and related Environmental Assessment No. T-6258/P19-04243, for property located on the west side of North Hayes Avenue between West Ashlan and West Gettysburg Avenues (Council District 1).

1. APPROVE the adoption of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6258/P19-04243 dated November 22, 2019.

2. APPROVE Planned Development Application No. P19-04243 which requests authorization to apply the RS-5/UGM (Single Family Residential, Medium Density/Urban Growth Management) zone district standards to a portion of the property which is split zoned as the CC (Commercial - Community) zone district subject to adoption of the Fresno Municipal Code Findings and compliance with the Conditions of Approval, included within the Staff Report to the Planning Commission dated January 8, 2020.

3. APPROVE Vesting Tentative Tract Map No. T-6258/UGM for a phased 318-lot single family residential subdivision subject to adoption of the Fresno Municipal Code Findings and compliance with the Conditions of Approval, included within the Staff Report to the Planning Commission dated January 8, 2020.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6258.pdf, 2. Exhibit B - Operational Statement, 3. Exhibit C - Aerial Photograph, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Planned Land Use, 6. Exhibit F - FMC Findings, 7. Exhibit G - Noticing Map, 8. Exhibit H - Conditions of Approval for Vesting Tentative Tract Map No. 6258.pdf, 9. Exhibit I - Review Comments for T-6258.pdf, 10. Exhibit J - Environmental Assessment No. T-6258.pdf

Date	Ver.	Action By	Action	Result
1/8/2020	1	Planning Commission	approved	Pass

## REPORT TO THE PLANNING COMMISSION

**January 8, 2020**

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

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

**BY:** CHRIS LANG, Planner  
Development Services Division

## **SUBJECT**

Consideration of Vesting Tentative Tract Map No. 6258, Planned Development Application No. P19-04243 and related Environmental Assessment No. T-6258/P19-04243, for property located on the west side of North Hayes Avenue between West Ashlan and West Gettysburg Avenues (Council District 1).

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3. **APPROVE** Vesting Tentative Tract Map No. T-6258/UGM for a phased 318-lot single family residential subdivision subject to adoption of the Fresno Municipal Code Findings and compliance with the Conditions of Approval, included within the Staff Report to the Planning Commission dated January 8, 2020.

## **EXECUTIVE SUMMARY**

Urpi Arriola of Precision Civil Engineering, on behalf of Ashlan & Hayes Investments LLC, has filed Vesting Tentative Tract Map No. 6258/UGM and Planned Development Application No. P19-04243 pertaining to approximately 49.29 gross acres of property located on the west side of North Hayes Avenue between West Ashlan and West Gettysburg Avenues. Vesting Tentative Tract Map No. 6258 is a proposal to subdivide an approximately 48.63 net acre portion of the property into a 318 lot single-family residential subdivision in four phases. Planned Development Application No. P19-04243 requests authorization to apply the RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*) zone district standards to a portion of the property which is split zoned as the CC (*Commercial - Community*) zone district, pursuant to §15-2020-F of the Fresno Municipal Code (FMC).

The subject property is located within the Fresno General Plan and the West Area Community Plan, and both plans designate the subject site for Medium Density Residential (5 to 12 dwelling units per acre) planned land uses. Lot sizes are being proposed in a manner which requires compliance with Section 15-904-B of the FMC, respective to the provision of an Enhanced Streetscape. However, the proposed lots sizes and the provision of an enhanced streetscape do not otherwise alter the overall density of the proposed development. Therefore, the subject application is consistent with the planned land use and zoning for the project site, and will implement goals, objectives, and policies of the Fresno General Plan and the West Area Community Plan.

## BACKGROUND / ANALYSIS

Vesting Tentative Tract Map No. 6258/UGM proposes to subdivide approximately 48.63 net acres of property for purposes of facilitating a 318-lot conventional single family residential development in four phases. The proposed project will require dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno. The proposed subdivision has also been designed with consideration to the alignment and integration of quarter-mile Connector Streets as necessary to comply with the Connectivity requirements of Section 15-4107 of the FMC.

The existing RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zoning for the subject property and the proposed residential density of approximately 6.5 dwelling units per acre is consistent with the Medium Density Residential (5.0-12 dwelling units per acre) planned land use designation for the subject property.

The subject property is currently vacant and the northern portion of the property was annexed to the City of Fresno in 2006 as part of Annexation No. 1298, while the southern portion of the property was annexed in 2012 as part of Annexation No. 1333.

The subject property was previously approved for subdivision and development in 2008 as part of Tentative Tract Map No. 5891/UGM, a 738-lot subdivision of approximately 122.93 acres of land comprising the majority of the quarter corner section located between North Bryan and North Hayes Avenues and West Ashlan and West Gettysburg Avenues. While the previously approved subdivision design has been abandoned and these lands have been sold into new ownership, the newly proposed subdivision design incorporates aggregate open space, pedestrian paths/paseos, trail facilities, and boundary streets, which will facilitate both vehicular and pedestrian connectivity for future development on adjacent lands and afford availability of open space amenities in order to facilitate a well-integrated and Complete Neighborhood for the area.

The proposed subdivision design will utilize elements of an “Enhanced Streetscape” for a portion of the subject property, which will allow application of the alternative development standards for single family residential development, as provided and defined within the City of Fresno Development Code.

The site is located within an area which is planned for urban residential uses and which has been substantially developed to the east with single family residences extending to Highway 99. Properties located directly to the north have been approved for subdivision and development with Vesting Tentative Tract Map No. 6215. Properties north of the West Gettysburg Avenue alignment have also been annexed to the City but remain primarily vacant, excepting an existing ponding basin. A subdivision directly to the west of the subject property is currently being developed with single family residential homes. Properties to the south of the subject property remain primarily vacant with the exception of several rural residences on the north side of West Ashlan Avenue.

Vehicular access points will be provided to West Gettysburg and North Olinda Avenue, with additional stubs to provide future connectivity with proposed or potential surrounding subdivisions. Two PG&E towers are existing and are to remain, within a transmission line easement which runs through the subject property.

Outlots “G” and “H” are to be dedicated to the City of Fresno for Class 1 Bicycle and Pedestrian trail and PG&E Transmission Line purposes, Outlots “B”, “C”, “D” and “E” will be dedicated for pedestrian

and landscape purposes (paseos), and Outlot “I” will be dedicated for future right of way and open space. All other Outlots are to be dedicated for landscape purposes, and shall qualify for annexation into the Community Facilities District.

## **Planned Development**

The southerly 38.65 acre parcel (APN: 512-070-50) is split zoned, with approximately 4.96 acres of property zoned CC (*Community Commercial*) with the remainder of the parcel zoned RS-5 (*Medium Density Residential, Single Family*). The applicant is proposing to subdivide the portion of CC zoned property to comply with the standards of the RS-5 zone district to facilitate the construction of single family residences. This portion of commercially zoned property comprises approximately 12 percent of the entire parcel area. Section 15-2020 of the FMC, Lots with Multiple Zone Districts (Split Zoning), provides that if more than 75 percent of a lot is located in one zoning district, the regulations of the primary zone district may be applied to the remaining portion of the property with approval of a Planned Development Permit.

In order to approve a planned development, findings must be made to ensure the proposed development is consistent with all applicable plans, physically suitable for the site, will not have substantial adverse effects on surroundings, and is superior to development which would otherwise occur, along with other findings identified in the attached Exhibit F. Staff has determined that by applying the RS-5 zone district standards to the entire parcel, the development will be superior in achieving improved community design through increased connectivity to public trails and schools, and will provide a more cohesive residential development.

## **Public Services**

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

For sanitary sewer service these infrastructure improvements and facilities include typical requirements for construction and extension of sanitary sewer mains and branches. The proposed project will also be required to provide payment of sewer connection charges.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within North Hayes Avenue as well as the interior of the proposed tract. Installation of these services with meters to proposed residential 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 Fresno Metropolitan Flood Control District has indicated that permanent drainage service shall be constructed by the developer; the District recommends temporary facilities until permanent service is available. Grading and drainage patterns are to direct drainage toward the future master plan facilities.

The subject property is located within the boundaries of the Fire Station 18 Service Area (which covers the northwest part of the City). This area has experienced rapid commercial and residential growth in recent years, thus, increasing demand for fire protection services for that area.

The City of Fresno Fire Department operates its facilities under the guidance set by the National Fire Protection Association in NFPA 1710, the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operation to the Public by Career Fire Departments. NFPA 1710 sets standards for turnout time, travel time, and total response time for fire and emergency medical incidents, as well as other standards for operation and fire service. The Fire Department has established the objectives set forth in NFPA 1710 as department objectives to ensure the public health, safety, and welfare.

This project is currently within the service area for Fire Station 18. The Fire Department has reviewed this project to determine if it can be adequately served by Fire Personnel and Facilities consistent with NFPA 1710 Objectives. Based upon the current level of calls for service, the anticipated annual increase of calls for service of 11.28%, and the location of the temporary Fire Station 18 at a site that is not centrally located within the service area, the Fire Chief has determined that this project cannot be adequately served by existing Fire Facilities and Personnel, consistent with NFPA 1710 Objectives. Specifically, a 4 minute response time to fire calls in the Fire Station 18 service area is met only 39.96% of the time. In addition, truck response time in the service area does not meet the 8 minute standard. Instead, truck response time averages 11 minutes and 6 seconds. Finally, 20.7% of service incidents within the Fire Station 18 Service Area are responded to by Personnel from Fire Station 16, thus increasing the burden on facilities and personnel to the adjacent area.

While the demand and provision of fire protection services are not considered an environmental impact for purposes of CEQA, the increased demand for such services generated by the proposed project as well as the cumulative demands for such services generated by other developments within the service area result in the need for new governmental/fire protection facilities (i.e. a permanent Fire Station 18), in order to maintain acceptable service ratios, response times or other performance objectives; the construction of which could cause significant environmental impacts.

Permanent Fire Station 18 is proposed to be constructed on City owned property located at 6605 West Shaw Avenue. Development plans for the new Fire Station have been previously reviewed and approved by the Planning and Development Department pursuant to Development Permit Application P18-02936. A CEQA review and analysis was performed for purposes of the development of the Fire Station to determine potential environmental impacts associated with the new governmental/fire protection facility; resulting in findings of Categorical Exemption pursuant to Section 15303/Class 3, 15304/Class 4, 15305/Class 5 and 15332/Class 32 of the CEQA Guidelines. A Notice of Exemption was filed with the Fresno County Clerk on December 21, 2018.

Additional Fire service requirements for development of the proposed project will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water; installation of fire sprinklers within future commercial buildings; and the provision of two means of emergency access during all phases of construction. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

## Landscaping/Walls/Open Space

The proposed subdivision is located adjacent to and abutting collector streets (North Hayes and West Ashlan Avenues) within the boundaries of the West Area Community Plan and the development will be required to install landscaping and irrigation within a minimum 15-foot wide landscape strip along North Hayes Avenue and minimum 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.

Furthermore, as referenced herein above, a trail will ultimately be developed along Outlots “G” and “H”. Outlots “B”, “C”, “D” and “E” will be dedicated for pedestrian and landscape purposes (paseos), and Outlot “I” will be dedicated for future right of way and open space. All other Outlots are to be dedicated for landscape purposes, and shall qualify for annexation into the Community Facilities District.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309, Irrigation Specifications and AB1881.

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 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 No. 11 (“CFD No. 11”).

## Streets and Access Points

The Fresno General Plan designates West Ashlan Avenue as an arterial street and North Hayes Avenue as a collector street. The project will take access from one point along West Ashlan Avenue, one point on North Hayes Avenue, and will connect internally to previously approved Tracts 6215 and 6217, which will provide additional connectivity to West Gettysburg and North Bryan Avenues. Stubs for future connections are also proposed to adjacent properties to the west and south of the subject property. The developer of this project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within the subdivision. Direct vehicular access will be relinquished along all major street frontages of single family residential lots. The subdivision design includes boundary streets along its western boundaries in order to afford access and facilitate connectivity for future development on adjacent undeveloped property.

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 SOI as of December 31, 2012.

The analysis of traffic operations within the MEIR was conducted based on roadway segments representative of the City’s overall transportation network. Traffic volumes on the selected roadway segment analysis is based on traffic counts taken at single location or link, which was intended to be representative of the entire segment. A link connects two intersections; a segment is a series of

links. Traffic operations on the study roadway segments were measured using a qualitative measure called Level of Service (LOS). LOS is a general measure of traffic operating conditions whereby a letter grade, from “A” (the best) to “F” (the worst), is assigned. These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving, as well as speed, travel time, traffic interruptions, and freedom to maneuver.

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

Vehicle trips projected to be generated by the proposed project were calculated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. Based upon the calculations, the proposed project is projected to generate 2,171 Average Daily Trips (ADT) with 237 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 317 vehicle trips occurring during the evening (4 to 6 p.m.) peak hour travel period. The project is anticipated to generate traffic volumes exceeding 100 peak hour trips, and a Traffic Impact Analysis (TIA) was prepared to assess the impacts of the new development on existing and planned streets. This assessment evaluated the impacts of the project by analyzing the following 14 study intersections in the vicinity of the project during the AM and PM peak hours for the Existing Conditions; Existing plus Project Conditions; Near Term Plus Project Conditions; and, Cumulative Year 2035 plus Project Conditions study scenarios:

#### Study Intersections:

1. Herndon Avenue / State Route 99 Northbound Off-Ramp
2. Grantland Avenue / State Route 99 Southbound On-Ramp
3. Bryan Avenue / Shaw Avenue
4. Hayes Avenue / Shaw Avenue
5. State Route 99 Southbound Ramps / Shaw Avenue
6. State Route 99 Northbound Ramps / Shaw Avenue
7. Bryan Avenue / Gettysburg Avenue
8. Hayes Avenue / Gettysburg Avenue
9. Polk Avenue / Gettysburg Avenue
10. Bryan Avenue / Ashlan Avenue
11. Hayes Avenue / Ashlan Avenue
12. Polk Avenue / Ashlan Avenue
13. State Route 99 Southbound Off-Ramp / Ashlan Avenue
14. State Route 99 Northbound Off-Ramp / Ashlan Avenue

Based on the analyses included in the TIA and supplemental assessment, all of the intersections are currently operating above the TIZ III LOS standard of LOS D and all of the study roadway segments are currently operating above the TIZ III LOS D Standard. These findings comprise the Existing Conditions Scenario.

With the addition of the project (Existing plus Project Conditions Scenario), all intersections and roadway segments are projected to continue to operate above the TIZ III LOS D standard with the addition of the project. Therefore, the proposed project will not result in any significant direct or primary effects or impacts.

The TIA also analyzed the operational impacts with the addition of previously approved and pending

projects along with the proposed project (Near Term plus Project Conditions Scenario). This is one future assumed scenario which is utilized to consider indirect or secondary effects or impacts which are caused cumulatively by the project and other future projects at a point later in time or farther removed in the distance, but which are still reasonably foreseeable. The study intersections below are projected to operate below the TIZ III LOS D standard in the Near Term With Project scenario:

- Bryan Avenue at Shaw Avenue
- Hayes Avenue at Shaw Avenue
- State Route (SR) 99 southbound ramps at Shaw Avenue
- SR 99 northbound ramps at Shaw Avenue
- Bryan Avenue at Gettysburg Avenue
- Hayes Avenue at Gettysburg Avenue
- Polk Avenue at Gettysburg Avenue
- Bryan Avenue at Ashlan Avenue
- Hayes Avenue at Ashlan Avenue
- Polk Avenue at Ashlan Avenue
- SR 99 northbound ramps at Ashlan Avenue

The analysis in the TIA showed all the study intersections are projected to operate below the TIZ III LOS D standard in the Cumulative Year 2035 Plus Project scenario except the intersections of Herndon Avenue at SR 99 northbound off-ramp, Grantland Avenue at SR 99 southbound on-ramp, and SR 99 southbound off ramps at Ashlan Avenue. Improvements at surface street intersections are included within the City of Fresno impact fee programs.

Conditions of approval and the project specific mitigation measures for the proposed project require the installation of a traffic signal with protected left-turn phasing at the intersection of Hayes and Ashlan Avenues (at ultimate location, including right-of-way acquisition as necessary) prior to build-out of Phase 1 as shown in the TIA. The installation of a traffic signal with protected left-turn phasing at the intersections of Hayes and Gettysburg Avenues as well as Bryan and Gettysburg Avenues prior to build-out of Phase 2 are also required.

The project TIA notes that between the Existing Traffic Conditions and the Near Term plus Project Traffic Conditions scenarios, the Project accounts for 5.6 percent of the daily trips, 5.3 percent of the AM peak hour trips and 6.1 percent of the PM peak hour trips of growth in traffic, while the rest can be attributable to the near term projects. Therefore, the TIA provides that the majority of the mitigation measures presented under this scenario may not be necessary immediately upon completion of the proposed Project.

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 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 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. Current Measure "C" projects include but are not limited to the Veteran's Boulevard project for northwest Fresno which will include a new interchange on State Route 99 and a two and one-half mile arterial from Herndon Avenue to

Grantland Avenue. The new interchange will be located on State Route (SR) 99 between the Herndon Avenue and Shaw Avenue interchanges; and, is expected to improve access to SR99, provide congestion relief to northwest Fresno, and connect northwest Fresno to the communities west of State Route 99. 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.

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.

As noted within the Mitigated Negative Declaration prepared for the proposed project, the environmental assessment was tiered from the City of Fresno General Plan Master Environmental Impact Report (MEIR). Section 5.13 of the MEIR related to Transportation and Traffic describes potential impacts to the transportation system associated with adoption of the City of Fresno General Plan Update. The study area for cumulative transportation and traffic impacts included the Planning Area and the immediate surrounding County of Fresno, City of Clovis, and surrounding Counties areas because cumulative development in the areas immediately surrounding the Planning Area could combine with development under the proposed project and result in cumulative transportation and traffic impacts. Project specific impacts identified due to increases in peak hour traffic volumes were based on build out of the City of Fresno General Plan Update along with existing development in the remainder of Fresno County. Along with build out of planned population and employment, the analysis assumed the transportation system displayed in Appendix H-7 and H-8. The findings of the MEIR concluded that build out of the City of Fresno General Plan Update would add vehicle trips to roadways that would result in operations below the adopted level of service thresholds in the City, unincorporated Fresno County, City of Clovis, and to Caltrans facilities constituting a significant impact.

Build out of the City of Fresno General Plan Update would add vehicle trips to roadways that would result in operations below the City of Fresno General Plan LOS D under existing conditions. Based on the LOS identified in Exhibits 5.14-5 and 5.14-6 (See Appendix H-8 and H-9, respectively, for detail), the roadway segments of Shaw Avenue from the State Route 99 Northbound Ramps to Cornelia Ave was projected to operate at LOS E during the AM Peak hour and LOS F during the PM Peak hour; and, the segment of Shaw from Cornelia to Jennifer Avenues was projected to operate at LOS F during the PM Peak hour.

Although some study intersections have been projected to operate below the TIZ III LOS D standard under various scenarios, it must be noted that the General Plan Update allows LOS E and LOS F on

the roadway segments identified in Exhibits 5.14-5 and 5.14-6 with the implementation of the General Plan Update in TIZ III. 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. 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. In addition, roadway LOS is directly linked to roadway infrastructure costs. A higher LOS results in greater expenditure of infrastructure for wider roadways that do not necessarily serve all users of the circulation system and may compete with other policies of the General Plan Update.

The City of Fresno General Plan will accommodate planned population and employment growth without expanding its current SOI, accommodating 180,000 more people than the previous General Plan in the same area. The intent is to accommodate anticipated growth through compact, walkable, infill, new complete neighborhoods, and mixed-use development through intensification of the downtown planning area, high capacity transit corridors, intensive urban activity centers, and multi-modal districts. This focus will locate population and employment closer to services. As discussed under Impact TRANS-1 in the MEIR, increased development density and intensity is correlated with reduced vehicle trips. Mixing complementary uses in a neighborhood setting increase internal trip “capture,” and different urban design approaches increase transportation connectivity and provide high-quality bicycle, pedestrian, and transit facilities by increasing the relative attractiveness of non-automobile modes of travel to promote travel mode shifts. The City of Fresno General Plan Update also provides a complete streets approach, which considers all modes of transportation, in the planning, design and implementation facilities to support planned population and employment growth. Even with this focus on more compact development and complete street concepts, vehicle travel as measured in terms of Vehicle Miles Traveled (VMT) is forecasted to increase.

This General Plan shifts emphasis from a city dominated by suburban growth to one that also shares increased urban development in the form of infill and rehabilitation, along with new Activity Centers with mixed-uses and neighborhoods in growth areas. The basis of this Plan’s concepts are formed by balancing more efficient infill, Downtown, and neighborhood revitalization; transit-oriented development along major streets; mixed-uses in new Activity Centers in growth areas; and the building of Complete Neighborhoods.

Major urban form components include Activity Centers with mixed-uses, intensification, and infill development. Some of these Activity Centers are generally located on land along the first phase of the BRT system. The first phase is composed of BRT corridors along Blackstone Avenue between Downtown and the major shopping centers from Herndon Avenue to Nees Avenue, and along Ventura Avenue-Kings Canyon Road from Downtown to Clovis Avenue. Concurrently there will be enhanced bus service along Shaw Avenue.

As demand necessitates, later phases of BRT may include the Shaw Avenue corridor, which will

support the opportunity for focused intensity at the West Shaw Activity Center proposed at Veterans Boulevard and Shaw Avenue west of State Route 99, extending south along Grantland Avenue to the Grantland Transit Village between Ashlan and Shields Avenues.

Employment centers in existing developed areas and in growth areas, composed of high concentrations of office, business parks and districts, and industrial clusters, are also important components of urban form. These areas have traditionally been served by freeways, freight rail, and major streets, and now will be additionally served by proposed BRT corridors with more intense land uses generating many new business and employment opportunities. These General Plan objectives and policies are intended to reduce regional trips and citywide congestion. The General Plan and MEIR acknowledge that even if local congestion increases due to an increase in population from infill, this will eventually improve air quality by reducing per capita vehicle emissions and VMT through shorter commutes and increase in transit and non-motorized modes of travel. This will also reduce the need for regional travel demand transportation improvements.

Therefore, with implementation of the General Plan, impacts to roadways within TIZ III were concluded to be less than significant by the MEIR based upon a cumulative year 2035 study scenario.

While implementation of the policies included in the City of Fresno General Plan are recognized in the MEIR as adequate to ensure funding for new development's impacts to transportation facilities that would contribute to planned expansion of the transportation system, it must be acknowledged that improvements to the freeway system are for roadways under Caltrans' jurisdiction. Therefore, the City of Fresno does not have control over their timing or implementation, and the respective impacts identified within the MEIR were identified as remaining significant and unavoidable.

In 2014, through passage of Council Resolution No. 2014-225, the City of Fresno adopted Findings of Fact related to Significant and Unavoidable Effects as well as Statements of Overriding Considerations including but limited to the those streets with an acceptable LOS E or F standard in order to certify Master Environmental Impact Report SCH No. 2012111015 for purposes of adoption of the Fresno General Plan. Section 15093 of the California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

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

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements outlined within the memoranda from the Traffic Engineering Division dated October 18, 2019. These requirements generally include: (1) The provision of a minimum two

points of vehicular access to major streets for any phase of the development; (2) Major and local street dedications; (3) Dedications of bicycle, pedestrian and landscape easements for trail purposes; (4) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (5) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee).

The project has also been conditioned to comply with mitigation measure requirements of the Traffic Engineer Manager outlined in the memoranda dated October 18, 2019, for review of the traffic impact analysis for TIS 19-022. Mitigation measures, in addition to payment of required fees, include the installation of a traffic signals at the intersections of Hayes and Gettysburg Avenues and at the intersection of Bryan and Gettysburg Avenues, both prior to the build-out of Phase 2.

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.

## **Housing Element**

The proposed project is located on ten sites listed in the 2013-2023 RHNA Housing Sites Inventory. The Housing Sites Inventory establishes the total minimum capacity of these sites to be 188 units with an affordability categorization of Above Moderate. The proposed project includes 318 units of market rate housing (Above Moderate) with 280 units on sites in the Housing Sites Inventory.

## **Council District Plan Implementation Committee**

The project was on the agenda for the October 1, 2019 meeting of the District 1 Project Review Committee. The Committee did not take action because it did not have a quorum.

## **Notice of Planning Commission Hearing**

The Planning and Development Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (see attached Noticing Vicinity Map - Exhibit G).

## **Public Response**

At the time of publication, one phone call has been received by a neighboring property owner, raising concerns regarding traffic, water supply, and impacts on ability to use their property for agriculture uses.

## **LAND USE PLANS AND POLICIES**

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

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational

venues that appeal to a broad range of people throughout the city.

- Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- Encourage the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.

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

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

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

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

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

The subject property (approximately 49.29 acres) qualifies as infill development under the definition provided in the Fresno General Plan as the subject property was annexed with Annexations No. 1298 on April 13, 2006 and No. 1333 on November 19, 2012. Evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the area

to serve existing development within the vicinity as well as future development on the subject property. Water mains and sewer mains have been developed in the subject quarter section to provide service for the proposed development. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

The goals of the West Area Community Plan include developing the West Area as a planned community with a complete range of services and facilities for the needs of the community residents, in adherence to a set of specific standards for residential, commercial, industrial, and public infrastructure development, with special emphasis on minimization of land use conflict between agriculture and urban uses.

Objective W-1 of the West Area Community Plan supports this goal by promoting compatibility between areas planned for, or committed to, active farming operations and areas planned for urban development.

Objective W-3 of the West Area Community Plan encourages providing streetscapes which create a positive image of the West Area and contribute to the West Area Community's quality of life.

Objective W-4 of the West Area Community Plan also encourages the establishment and maintenance of safe, attractive, and stable residential neighborhoods; to preserve the long-term integrity of the community.

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

The proposed development of the subject property will contribute to the completion of missing roadway and infrastructure improvements within the area in a manner which is consistent with the land use designations and circulation element of the Fresno General Plan. The proposed project will also provide for connectivity through both vehicular and pedestrian integration with adjacent land for future development.

The project is located to the east of the Central Unified School District Harvest Elementary and Glacier Point Middle Schools and is approximately half a mile west of Teague Elementary School.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable Fresno General Plan and West Area Community Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands as set forth with the findings stated in Exhibit F.

## **ENVIRONMENTAL FINDING**

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 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. T-6258/P19-04342 was published on November 22, 2019; there have been no comments received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within FMC Section 15-3309 (Vesting Tentative Tract Map Findings) and FMC Section 15-5905 (Planned Development Findings) of the Fresno Municipal Code can be made. These findings are attached as Exhibit F.

## **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 / RECOMMENDATION**

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 Vesting Tentative Tract Map No. 6258/UGM and Planned Development Application No. P19-04342 are appropriate for the project site. Planning Commission action of the proposed Vesting Tentative Tract Map and Planned Development, unless appealed to the Council, are final.

### **Attachments:**

Exhibit A:	Vesting Tentative Tract Map No. 6258/UGM dated January 8, 2020
Exhibit B:	Operational Statement
Exhibit C:	2019 Aerial Photograph of Site
Exhibit D:	Vicinity Map

Exhibit E:	Fresno General Plan Planned Land Use Map
Exhibit F:	Fresno Municipal Code Findings
Exhibit G:	Noticing Vicinity Map (1000 feet)
Exhibit H:	Conditions of Approval for Vesting Tentative Tract Map No. 6258/UGM dated January 8, 2020
Exhibit I:	Comments and Requirements from Responsible Agencies
Exhibit J:	Environmental Assessment No. T-6258/P19-04342, Mitigated Negative Declaration, dated November 22, 2019