



Legislation Details (With Text)

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File created:	1/3/2020	In control:		City Council	
On agenda:	1/16/2020	Final action:		1/16/2020	
Title:	<p>HEARING to consider Rezone Application No. P19-00801; Annexation Application No. P19-00843; Planned Development Permit Application No. P19-00846; Vesting Tentative Tract Map Nos. 6201/UGM & 6235/UGM; and, related Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 pertaining to ±125 acres of property located on the east side of North Armstrong Avenue between East Clinton and East Olive Avenues (Council District 4).</p> <ol style="list-style-type: none">ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019 for purposes of the proposed project.BILL - (For introduction and adoption) - Approving Rezone Application No. P19-00801 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (Exclusive 20-acre Agricultural District) to the City of Fresno RS-3/UGM/ANX (Residential Single Family, Low Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay) & RS-5/UGM/ANX (Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay) zone districts in accordance with the Fresno General Plan Land Use Map.RESOLUTION - Approving Annexation Application No. P19-00843 to initiate annexation proceedings for the McKinley-Armstrong 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 with the Fresno County Local Agency Formation Commission (LAFCO).APPROVE - Planned Development Permit Application No. P19-00846 proposing the creation of a public street planned development to establish custom development standards and authorize a density transfer within the subdivision boundaries of Vesting Tentative Tract Map Nos. 6201/UGM and 6235/UGM in accordance with Section 15-310-C of the Fresno Municipal Code; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.APPROVE - Vesting Tentative Tract Map No. 6201/UGM proposing to subdivide an approximately 39.51 net acre portion of the subject property for the purpose of creating a 257-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.APPROVE - Vesting Tentative Tract Map No. 6235/UGM proposing to subdivide an approximately 18.90 net acre portion of the subject property for the purpose of creating a 122-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	<ol style="list-style-type: none">Exhibit A - Vicinity Map,Exhibit B - Aerial Photograph,Exhibit C - Public Hearing Notice Radius Map,Exhibit D - Project Information Tables,Exhibit E - Fresno General Plan Planned Land Use Map,Exhibit F - Proposed Pre-zone Exhibit,Exhibit G - Proposed Annexation Boundary Exhibit,Exhibit H - Concept Plan Connectivity Map,Exhibit I - Maps for Vesting Tentative Tract Nos. 6201 & 6235,Exhibit J - Planned Development Permit Plans,Exhibit K - Conditions of Approval for Vesting Tentative Tract Map No. 6201 & 6235,Exhibit L - Fresno				

Municipal Code Findings, 13. Exhibit M - Environmental Assessment dated December 23, 2019, 14. Exhibit N - Public Petitions & Letters, 15. Exhibit O - Proposed Project Revisions for Neighbors, 16. Exhibit P - City Council Resolution for Annexation Application No. P19-00843, 17. Exhibit Q - City Council Ordinance Bill for Pre-zone Application No. P19-00801, 18. Exhibit R - Presentation, 19. Additional Information - Modified Resolution.pdf

Date	Ver.	Action By	Action	Result
1/16/2020	1	City Council	adopted as amended	Pass

REPORT TO THE CITY COUNCIL

January 16, 2020

FROM: JENNIFER CLARK, Director
Development Services Division

THROUGH: MIKE SANCHEZ, Assistant Director
Development Services Division

BY: WILL TACKETT, Supervising Planner
Development Services Division

SUBJECT

HEARING to consider Rezone Application No. P19-00801; Annexation Application No. P19-00843; Planned Development Permit Application No. P19-00846; Vesting Tentative Tract Map Nos. 6201/UGM & 6235/UGM; and, related Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 pertaining to ±125 acres of property located on the east side of North Armstrong Avenue between East Clinton and East Olive Avenues (Council District 4).

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019 for purposes of the proposed project.
2. BILL - (For introduction and adoption) - Approving Rezone Application No. P19-00801 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-3/UGM/ANX (*Residential Single Family, Low Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) & RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan Land Use Map.
3. RESOLUTION - Approving Annexation Application No. P19-00843 to initiate annexation proceedings for the McKinley-Armstrong 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 with the Fresno County Local Agency Formation Commission (LAFCO).
4. APPROVE - Planned Development Permit Application No. P19-00846 proposing the creation of a public street planned development to establish custom development standards and authorize a density transfer within the subdivision boundaries of Vesting Tentative Tract Map Nos. 6201/UGM and 6235/UGM in accordance with Section 15-310-C of the Fresno Municipal Code; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions

of Approval, included within the Staff Report to the City Council dated January 16, 2020.

5. APPROVE - Vesting Tentative Tract Map No. 6201/UGM proposing to subdivide an approximately 39.51 net acre portion of the subject property for the purpose of creating a 257-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.
6. APPROVE - Vesting Tentative Tract Map No. 6235/UGM proposing to subdivide an approximately 18.90 net acre portion of the subject property for the purpose of creating a 122-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019 for purposes of the proposed project.
2. INTRODUCE AND ADOPT BILL approving Rezone Application No. P19-00801 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-3/UGM/ANX (*Residential Single Family, Low Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) & RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan Land Use Map.
3. ADOPT RESOLUTION approving Annexation Application No. P19-00843 to initiate annexation proceedings for the McKinley-Armstrong 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 with the Fresno County Local Agency Formation Commission (LAFCO).
4. APPROVE Planned Development Permit Application No. P19-00846 proposing the creation of a public street planned development to establish custom development standards and authorize a density transfer within the subdivision boundaries of Vesting Tentative Tract Map Nos. 6201/UGM and 6235/UGM in accordance with Section 15-310-C of the Fresno Municipal Code; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.
5. APPROVE Vesting Tentative Tract Map No. 6201/UGM proposing to subdivide an approximately 39.51 net acre portion of the subject property for the purpose of creating a 257-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.

6. APPROVE Vesting Tentative Tract Map No. 6235/UGM proposing to subdivide an approximately 18.90 net acre portion of the subject property for the purpose of creating a 122-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.

EXECUTIVE SUMMARY

Harbour & Associates, on behalf of Tri-Wilson L.P., has filed Rezone Application No. P19-00801, Annexation Application No. P19-00843, Planned Development Permit Application No. P19-00846, and Vesting Tentative Tract Map Nos. 6201/UGM and 6235/UGM pertaining to a total ± 125 acres of property located on the east side of North Armstrong Avenue between East Clinton and East Olive Avenues.

Rezone Application No. P19-00801 proposes to amend the Official Zoning Map of the City of Fresno to pre-zone the ± 125 acre subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-3/UGM/ANX (*Residential Single Family, Low Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) & RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan.

Annexation Application No. P19-00843 has been filed requesting authorization to initiate annexation proceedings for the McKinley-Armstrong No. 2 Reorganization, which proposes incorporation of the ± 125 acre subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District. These actions are under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

Rezone Application No. P19-00801 and Annexation Application No. P19-00843 have been filed to facilitate subdivision and development of a ± 58.41 net acre portion of the subject property pursuant to Vesting Tentative Tract Map Nos. 6201/UGM & 6235/UGM and Planned Development Permit Application No. P19-00846.

Vesting Tentative Tract Map Nos. 6201/UGM proposes to subdivide a ± 39.51 net acre portion of the subject property located on the east side of North Armstrong Avenue between the East McKinley Avenue alignment and East Floradora Avenue for purposes of creating 257 single family residential lots.

Vesting Tentative Tract Map Nos. 6235/UGM proposes to subdivide a ± 18.90 net acre portion of the subject property located on the east side of North Armstrong Avenue between East Floradora and East Olive Avenues for purposes of creating 122 single family residential lots.

Planned Development Permit Application No. P19-00846 has been filed for purposes of authorizing the establishment of custom development standards which include modifications to minimum lot size and dimension requirements, reductions to building setback requirements, and increases in lot coverage allowances within the subdivision boundaries of Vesting Tentative Tract Map Nos. 6201 and 6235. The planned development also proposes a density transfer between lands within the boundaries of the two tentative maps in accordance with Section 15-310-C of the Fresno Municipal Code; resulting in an overall density of approximately 6.50 dwelling units per acre.

The project will require dedications and/or acquisitions for public street rights-of-way and utility easements as well as the construction of public facilities and infrastructure within and outside the limits of the subdivision boundaries in accordance with the standards, specifications and policies of the City of Fresno and the mitigation measures identified within the associated Mitigated Negative Declaration prepared for Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 in order to facilitate future proposed development.

Fresno City Planning Commission Action

The subject applications are scheduled to be considered by the Fresno City Planning Commission at its meeting on January 08, 2020.

BACKGROUND

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; more specifically, within Growth Area 1 (as depicted in Figure IM-2: Sequencing of Development of the General Plan).

The immediate vicinity of the subject property is primarily rural residential in nature. Immediate properties to the north and northwest, across the East McKinley Avenue alignment, continue to be utilized for agricultural purposes. Properties immediately to the west, across North Armstrong Avenue, are rural residential properties and fallow agricultural land; but, also include the City of Fresno's Southeast Surface Water Treatment Facility (between East Floradora and East Olive Avenues). The Temperance-Kutner Elementary School has been developed to the immediate south, across East Olive Avenue. Properties to the northeast, east and southeast, between the subject property and North Temperance Avenue, are almost exclusively rural residential in nature with some intermittent and ancillary agricultural use.

However, the marginally broader area surrounding the immediate vicinity of the subject property is undergoing rapid growth through current development and renewed investment interest. The area located east of North Fowler Avenue to North Armstrong Avenue and between East Shields and East Clinton Avenues has been substantially developed with new single family residences and is experiencing further commercial and business park development interest. Properties located east of North Fowler Avenue and between East Clinton and the East McKinley Avenue alignment have been recently annexed to the City of Fresno for purposes of new single family residential development; and, include sites for a new Clovis Unified Elementary School and a future City of Fresno Fire Station. Likewise, properties located along the north and south sides of the East Clinton Avenue corridor from North Armstrong to North Locan Avenue and thence north to East Shields Avenue are also either in the process of being developed, have been approved for future development, or are currently proposed for development with new single family residences. The southeast corner of East Clinton and North Temperance Avenues has been recently developed with a new Clovis Unified Elementary School (Virginia R. Boris Elementary) and new residential development has been approved along the east side of North Temperance down to the East McKinley Avenue alignment.

Furthermore, on December 08, 2016, the Council of the City Fresno approved Ordinance No. 2016-56/Bill No. B-58 adopting Official Plan Lines (OPL) for East McKinley Avenue between North Sunnyside and North Temperance Avenues (recorded as Instrument No. 2017-0057990 on May 11,

2017 in Volume 8 of Precise Plans at Page 97-102 Fresno County Records). These OPLs set forth the designated ultimate widths and alignments for the East McKinley Avenue rights-of-way (including the segment within the frontage of the subject property) for purposes of future investment and development.

Therefore, the project site is located within a City of Fresno Sphere of Influence area which is planned for present growth and which is being rapidly encompassed with urban development.

The proposed Pre-zone Application has been filed to facilitate annexation of the ±125 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. P19-00843. The combination of these actions comprises the proposed McKinley-Armstrong No. 2 Reorganization and ultimately fall under the jurisdiction of the Fresno LAFCO.

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 annexation east of Fowler Avenue pursuant to the applicable standards, requirements and/or provisions of the Memorandum of Understanding (MOU) between the City and County of Fresno and the Cortese-Knox-Hertzberg Local Government Reorganization Act. Staff from these agencies have agreed that the proposed annexation boundary depicted on the attached Exhibit G, is a logical expansion for purposes of orderly development within Growth Area 1 (as depicted in Figure IM-2: Sequencing of Development) of the Fresno General Plan.

Annexation Application No. P19-00843 also includes a proposed Concept Plan Connectivity Map pursuant to the requirements of Section 15-6102 of the Fresno Municipal Code (FMC). The purpose of the Concept Plan requirements of the FMC is to facilitate the orderly expansion of the City by shaping new growth areas into a series of complete neighborhoods which feature a connected mix of houses, apartments, stores, offices, open space, and public facilities. Concept plans are required to be prepared by the applicant when land with Medium Density Residential General Plan land use designation is proposed to be annexed. The Concept Plan Area shall consist of the entire contiguous area surrounding the project which is bounded by existing or planned Major Streets. This will typically be a quarter section, or about 160 acres, but the actual size may vary.

Pursuant to the provisions of the FMC, Concept Plans generally include two components: (1) A Land Use Map, which assigns new planned land uses to the Concept Plan Area according to the Complete Neighborhood policies of the Fresno General Plan as well as the Residential Capacity and Ratio and Location of Land Use Designations requirements of the FMC; and, (2) A Connectivity Map, which identifies a potential street path and trail system for the entire Concept Plan Area with connections between the proposed subdivision and adjacent subdivisions, potential future subdivisions, or non-single family uses.

However, the FMC also provides exceptions whereby, if the Director determines that the subject quarter section and/or adjacent quarter sections provide a sufficient amount of land with commercial and multifamily land use designations, the project shall not be required to submit a Land Use Map as part of the Concept Plan.

While the applicant who proposes the annexation and Concept Plan shall build the streets and trails within their site as they are shown in the adopted Concept Plan, subsequent subdividers may build

streets as shown in the Concept Plan or may propose an alternative layout which complies with FMC subdivision design standards and which incorporates the connections between subdivisions and non-residential uses put forth in the Concept Plan. Therefore, it is important to note that it is only these specific elements of the Concept Plan that the City Council will be requested to approve, conditionally approve, or deny; and, only these elements of the Concept Plan to which development on adjacent property will be required to substantially adhere.

An affirmative action by the Fresno City Council regarding Annexation Application No. P19-00843 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed McKinley-Armstrong No. 2 Reorganization; and, approval of the related Concept Plan prepared for the annexation application. Annexation will be required to be completed prior to recordation of a Final Map for any phase of Vesting Tentative Tract Map Nos. 6201 and 6235.

Vesting Tentative Tract Map Nos. 6201/UGM proposes to subdivide a ± 39.51 net acre portion of the subject property located on the east side of North Armstrong Avenue between the East McKinley Avenue alignment and East Floradora Avenue for purposes of creating 257 single family residential lots. Vesting Tentative Tract Map Nos. 6235/UGM proposes to subdivide a ± 18.90 net acre portion of the subject property located on the east side of North Armstrong Avenue between East Floradora and East Olive Avenues for purposes of creating 122 single family residential lots.

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 responsible agencies in order to facilitate the future proposed development of the subject property.

Dedications and acquisitions for ultimate public street rights-of-way will be required for designated half-mile major streets adjacent to and within the limits of the proposed tracts (i.e. East McKinley, North Armstrong, and East Olive Avenues).

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 Fresno Municipal Code.

A north-south quarter mile Connector Street has been incorporated within the limits of Vesting Tentative Tract Map No. 6201, and designed based upon a City Standard 60-foot wide right-of-way cross-section. The alignment at the quarter-mile connection point to East McKinley Avenue provides greatest visibility for vehicular traffic along the curvature of the future East McKinley Avenue alignment pursuant to the adopted OPL. The lot configuration and street design proposed with the Tentative Map design minimizes the number of lots which back-onto the connector street thereby providing visibility, ease of access; and opportunities for future traffic control or calming, if needed. The existing East Floradora Avenue alignment will serve as the required east-west Connector Street connecting North Armstrong and North Temperance Avenues. Dedications will be required for East Floradora Avenue, based upon a 72-foot wide street right-of-way cross-section.

Connector Street designs require coordinated street tree spacing to provide continuous shade for pedestrians and non-contiguous sidewalks to allow the street trees to be planted in a landscape strip between the curb and sidewalk. Both of the Connector Street cross-sections proposed will provide park strips and non-contiguous sidewalks to allow for the planting of street trees and a well shaded

and protected path of travel for pedestrians.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail is designated along the East McKinley Avenue alignment; and, the adopted OPL for this segment of East McKinley Avenue contemplated this trail along the south side of the adopted plan lines. Accordingly, Outlots “F,” “G” & “H” of Vesting Tentative Tract Map No. 6201 have been proposed to be dedicated along the East McKinley Avenue frontage of the tentative map for bicycle, pedestrian and landscape purposes to accommodate the planned trail. Additionally, the future proposed north-south Connector Street from East McKinley Avenue is proposed to be located adjacent, and in proximity to, the aggregate open spaces incorporated within Outlots “A” & “B” of the Vesting Tentative Tract Map No. 6201; providing easy access and connectivity from the planned trail.

Given the proposed subdivision is located adjacent to and abutting major transportation corridors (North Armstrong and East McKinley Avenues) with Double Frontage Lots abutting the major streets, the development will be required to install landscaping and irrigation within a minimum 10-foot wide landscape strip along the major street frontages (excepting where adjacent to planned trail). A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the major streets. Major street entryways into the subdivision will incorporate enhanced 10-foot wide landscaped easements along the street side yards of adjacent lots. Interior end-blocks will incorporate park strips between the curb and sidewalk in accordance with Section 15-4105-G-2-b of the FMC.

The developer is required to provide street trees on all public street frontages per FMC and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB1881.

As referenced herein above, Outlots will be developed and dedicated for trail and public open space purposes, which will afford additional opportunities for both passive and active recreation. The proposed development has been designed with streets adjacent to the open space areas, minimizing the number of lots which back-onto the public open spaces. This form of development contributes to keeping “eyes-on” common areas while simultaneously providing appropriate lighting and minimizing walls and other obstructions to open space which contribute to attractive nuisances.

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements (“Services”) associated with all new Single-Family Developments (e.g., landscaped and common areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of these “Services” either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno’s Community Facilities District.

As a result of the proposed lot configuration and street pattern, in conjunction with open space and trail features, a system of quarter-section 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 citizens, residents, and students within the area.

This overall form of development proposed to be facilitated with the proposed project supports

implementation of 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 Fresno General Plan goals and objectives related to land use and the urban form:

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city;
- Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities;
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth;
- Promote orderly land use development in pace with public facilities and services needed to serve development;
- Promote a city of healthy communities and improve quality of life in established neighborhoods;
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance; and
- 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-a of the Fresno General Plan supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. This policy acknowledges that future growth will occur at medium densities in suburban areas. This policy also envisions making use of underutilized land, reducing long-term farmland conversion, supporting transit and multiple transportation modes, and mixing and balancing compatible residential and retail uses in new growth areas to produce economic opportunities, jobs, housing options, recreation, and other choices.

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. Approval of new residential and commercial development projects that require annexation to the City may be provided only after the City Council finds 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 an MOU with the County of Fresno to prohibit development inconsistent with the General Plan on unincorporated land within the City's SOL.

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 in these growth areas will proceed under the supportive sequencing detailed in the Implementation Element of the General Plan.

Policy UF-1-f directs utilization of the Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan. The intent of the Complete Neighborhoods concept is to enable Fresnoans to live in communities with convenient services, employment, education and recreation within walking distance.

Complete Neighborhoods are not and should not be all alike. In fact, each neighborhood should express the needs, character, and values of its residents through the specific arrangement of the many possible characteristics that make up each neighborhood.

The defining characteristics of a Complete Neighborhood are a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, all or most of the following characteristics can be combined and arranged in each specific neighborhood in such a way as to create a true sense of place, an enhanced quality of life, and retained and increased property value:

- A range of housing choices;
- Neighborhood-serving retail;
- A range of employment opportunities;
- Public services such as health clinics;
- Entertainment and cultural assets;
- Parks and public schools within or near the neighborhood;
- Community services such as library, recreation center, senior center, and/or community garden;
- Public plaza/civic space; and,
- Access to public transit.

The project site is located within an area of the City of Fresno's sphere of influence with proximity to regional transportation, multiple elementary schools, public facilities (e.g., international airport and surface water treatment facility), and land designated for industrial, office, research and development, and flexible commercial uses, which are intended to strengthen the city's economic base and provide a range of employment opportunities for the current and future population of the City and the region.

The proposed Planned Development project demonstrates consistency with the policies contained under Objectives UF-1, LU-1, and LU-5 of the Fresno General Plan.

Conglomeration of adequately sized acreages of land is necessary to accommodate development in

a manner which will produce the economic opportunities, jobs, marketability, and market-based housing stock and options, and other choices needed to encourage economic investment at a scale which will fund the expanded public facility, infrastructure, and service costs in new growth areas. Furthermore, the ability to take advantage of underutilized land through parcel conglomeration is most often necessary to provide for an urban form and design within new residential projects which will afford opportunities for well designed interconnectivity and open spaces. Given the heavy rural residential parcelization of land and multiple separate ownership interests within the vicinity, conglomeration of sizeable acreages of land is difficult. Most of the parcelization has resulted in properties approximately one acre to three acres in size. Most, if not all, parcels of this size have been developed with single family residences (comprising the existing housing stock), some with ancillary structures; and, the majority of which, are not currently be utilized for commercial agricultural production.

The Planned Development project proposes a Density Transfer pursuant to the provisions of Section 15-310-C of the Fresno Municipal Code in order to maximize efficient use of underutilized property within a planned residential growth area of the City in accordance with the objectives and policies of the Fresno General Plan. Approval of a Density Transfer allows surplus planned residential density (expressed as number of expected residential units per acre), which cannot otherwise be realized due to development constraints (e.g., conventional public development standards, product marketability, and/or existing development or rural parcelization of land) to be transferred to adjacent available areas or portions of land where achieving greater density can occur in a manner which is viable and consistent with already-allowable planned density ranges. Considering the current lack of availability and affordability of housing, which is widely recognized in both California as well as the local region, vis-à-vis the availability of sizeable acreages of land that can be reasonably conglomerationed, a Density Transfer is a critical tool for purposes of maximizing efficient use of available, underutilized land. This approach to development supports General Plan housing goals which emphasize land conservation through the provision of an efficient, diverse mix or residential densities and housing types that foster a variety of market-based options (including affordable housing) to suit a large range of income levels on lands situated within proximity to public facilities, schools, and employment opportunities.

The proposed project is able to provide a configuration of lots and pattern of public streets and open spaces which will facilitate quarter section connectivity with the proposed and future developments. The block lengths, street cross-section design, future connections to undeveloped land, incorporated aggregate open space and trails, which have been included within Vesting Tentative Tract Map Nos. 6201 & 6235 meet all FMC requirements and General Plan objectives. The proposed project's proximity to public facilities as well as existing and future business park and light industrial development and plan designated lands affords prospective residents proximity to jobs and employment opportunities. The combination of all of these elements and amenities not only contribute to future neighborhood identity but also adhere to the strategies of the Complete Neighborhoods Concepts.

As stated herein above, 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 is located within an area which is being rapidly encompassed 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

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 Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015). Additionally, 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 annexation east of Fowler Avenue 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.

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 McLane Community Plan; (2) To be suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

Public Services

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the 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. These requirements include sewer main extensions in East Floradora and East Olive Avenues from the existing main in North Armstrong Avenue, east across the project frontages. The proposed project will also be required to provide payment of sewer connection charges and install branches within the interior of the future proposed residential tract to each lot created.

The City of Fresno currently does not own capacity in the Fowler Avenue Trunk Sewer line north of Tulare Avenue; however, the City of Fresno has negotiated a temporary exchange and interim use of capacity owned by the City of Clovis in the Fowler Avenue Trunk Sewer. This exchange of capacity is conditioned upon Fresno replacing Clovis' capacity with capacity in future facilities agreeable to Clovis and at a cost yet to be determined. Whereas, the necessary and appropriate fees for future replacement of Clovis' Fowler Avenue Trunk Sewer capacity have not been established and adopted by the City Council; the Developer in-lieu of constructing separate sanitary sewer facilities that would otherwise be required of this project (to provide for collection and conveyance of sanitary sewage discharged from the project to an approved point of discharge to the Sewer System located south of Tulare Avenue) shall provide payment of an "Interim Fee Surety" in the present day value per living unit or living unit equivalent for the impending fees. Following adoption of a fee established for replacement of Clovis' capacity in the Fowler Avenue Trunk Sewer by the City Council, "Interim Fee Sureties" provided by the Developer shall be applied to the established fee and any amounts in excess shall be refunded.

Project related conditions of approval for water service include the extension of a water main in East McKinley Avenue from North Armstrong Avenue, east across the subject property frontage as well as within the interior of the future proposed residential tract. Installation of these services with meters to proposed residential lots along with payment of applicable Water Capacity Charges comprise this project's obligations toward implementation of the Fresno General Plan policies (including the mitigation measures of the associated Master Environmental Impact Report). Implementation of the Water Resources Management Plan and the identified project related conditions of approval will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

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

According to the Fresno Metropolitan Flood Control District (FMFCD), a portion of the subject property (VTM 6201) are located within a 100-year flood prone area as designated on the latest

Flood Insurance Rate Maps available to the FMFCD, necessitating appropriate floodplain management action. Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to other as a result of the potential for blockage and diversion of flood waters. All development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.

Historical drainage patterns for the proposed remainder parcels are required to be maintained. The developer will be required to verify to the satisfaction of the FMFCD that run-off will have the ability to surface drain to adjacent streets.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5-inch height) be used the same criteria shall apply whereby flow remains below the top of curb.

Lot coverage will be required to be provided to the FMFCD prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the FMFCD includes the front yard walkway, sidewalk walkway, and the rear yard patio equaling an additional 6% of impervious area in addition to the City-typical lot coverage calculation.

If surface water runoff or event flows exceed volumes for which the Master Plan drainage system is designed to accommodate and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed land use to avoid flooding, then the developer will be required to mitigate the impacts of the increased runoff from the proposed use to a rate that would be expected if developed in accordance with the Master Plan. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff accordingly.

While Master Plan facilities are required to be developed in conjunction with the proposed project, permanent drainage service will not be available. The FMFCD recommends temporary ponding facilities until permanent service is available through completion of future Master Plan Facilities. The developer will be required to provide improvements which will convey surface drainage to Master Plan inlets and which will provide a path for major storm conveyance as well as construct facilities for temporary ponding purposes.

The proposed project will include the development and dedication of public open spaces in the form of pocket parks and trails, which will be located within the project and constructed with development. Demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are obtained or receive credits for construction as may be memorialized within a subdivision or development agreement. Maintenance will be afforded through annexation into a Community Facilities District (CFD).

The Fresno Irrigation District (FID) Mill No. 36 Ditch is located to the north of the proposed

subdivision boundaries and along the general East McKinley Avenue alignment. Additionally, FID's Temperance No. 37 canal and pipeline traverse the portion of the subject property within the boundary of VTM 6201 in an east-west direction. FID has conditioned the project with requirements for future street improvements related to East McKinley Avenue which may have potential to affect the Mill Ditch. Easements have been identified on the tentative map and incorporated along interior local street frontages and common open space/pocket park areas to accommodate the existing portion of the Temperance canal which is piped as well as the portion which is proposed to be piped through the subdivision.

Mobility and Transportation

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 in order to assure that planned 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.

The Fresno General Plan designates North Armstrong, East McKinley and East Olive Avenues as half-mile major (Collector) streets. Future phased development of the proposed project will be required to dedicate and construct improvements along all major street frontages within respective phases in accordance with City of Fresno plan lines, standards, specifications and requirements.

East Floradora Avenue, which will serve as the quarter-mile east-west local (Connector) street between North Armstrong and North Temperance Avenues is proposed to be designed utilizing a 72-foot wide cross-section which will provide non-contiguous sidewalks on both sides of the street to allow street trees to be planted and spaced in a landscape strip between the curb and sidewalk to provide continuous shade for pedestrians.

Interior local streets are proposed to be designed utilizing a modified 45-foot wide cross-section that will allow for vehicle parking on both sides of streets and which will provide sidewalks for pedestrians constructed to City standards on at least one side of streets in accordance with Section 15-4108-M et seq. of the FMC. Planting easements will be dedicated along the frontage of all proposed lots in conjunction with utility easements to provide for planting of required street trees. Pursuant to Section 15-4105-G-2.b of the FMC, where street side yards face the front yards of homes across a street, park strips and pedestrian easements are proposed to accommodate non-contiguous sidewalks to allow for planting of street trees between the curb and sidewalks. The provision of safe and shaded paths of travel will encourage pedestrian mobility during seasons when Fresno experiences a hot climate.

The proposed project will also provide and facilitate additional pedestrian connectivity through the development of the planned trail along the project's frontage with the East McKinley Avenue alignment.

The proposed project is located within Traffic Impact Zone (TIZ) 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 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.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed development of 379 single family residential dwelling units would generate 3,578 Average Daily Trips (ADT), with 280 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 375 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). Of the total project vehicle trips, the proposed 257 single family dwelling units proposed within the ± 39.51 acre tentative map boundary of Tract 6201 would generate 2,426 Average Daily Trips (ADT), with 190 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 254 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). Of the total project vehicle trips, the proposed 122 single family dwelling units proposed within the ± 18.90 acre tentative map boundary of Tract 6235 would generate 1,152 Average Daily Trips (ADT), with 90 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 121 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.).

Accordingly, Traffic Impact Studies were prepared for Vesting Tentative Tract Map Nos. 6201 & 6235 by JLB Traffic Engineering, Inc., dated September 17, 2019 and June 26, 2019, respectively. These studies evaluate projected trip generation based upon the trip rates and potential impacts associated with development occurring on the subject property in accordance with the proposed project. The analyses included within the proposed project TIS did not include outlying parcels proposed to be annexed on which no subdivision or development are currently proposed.

The analysis of traffic operations within the General Plan MEIR was conducted based on roadway segments representative of the City overall transportation network. Traffic volumes on the selected roadway segment analysis are based on traffic counts taken at single location 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 Highway Capacity Manual (HCM) is the standard reference published by the Transportation Research Board and contains the specific criteria and methods to be used in accessing LOS.

A traffic impact is considered significant if it renders an unacceptable LOS on an intersection or roadway segment, or if it worsens an already unacceptable LOS condition on an intersection or roadway segment. 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. At unsignalized intersections, a traffic impact would be considered "adverse but not significant" if the LOS standard is exceeded but the projected traffic does not satisfy traffic signal warrants. Under these conditions, the typical means to completely alleviate delays to stop-controlled vehicles would be to install a traffic signal. However, the unmet signal warrants would imply that the reduction in delay for the stop-controlled vehicles may not justify new delays that would be incurred by the major street traffic, which is currently not stopped. Under these circumstances, the installation of a traffic signal would not be recommended and the substandard LOS for stop-controlled vehicles would be considered an "adverse but not significant" impact.

The project TIS was prepared to assess the impacts of the new development on existing and planned streets combined with future projects for cumulative considerations. This assessment evaluated the impacts of the project by analyzing the following 9 study intersections and project-only trips to the following two City/County and State Facility intersections in the vicinity of the project during the AM and PM peak hours for the four traffic analysis scenarios required by the City of Fresno. These scenarios include: (1) Existing Traffic Conditions; (2) Existing plus Project Traffic Conditions; (3) Near Term plus Project Traffic Conditions (Existing plus Approved/Pending Projects plus Proposed Project); and, (4) Cumulative Year 2035 plus Project Traffic Conditions.

Study Intersections:

1. Armstrong Avenue & Clinton Avenue
2. Armstrong Avenue & McKinley Avenue (future)
3. Temperance Avenue & McKinley Avenue
4. Fowler Avenue & Floradora Avenue
5. Armstrong Avenue & Floradora Avenue
6. Temperance Avenue & Floradora Avenue
7. Armstrong Avenue & Olive Avenue
8. Temperance Avenue & Olive Avenue
9. Armstrong Avenue & Belmont Avenue

Project Only Trips to City/County Facilities:

1. Fowler Avenue & Olive Avenue

Project Only Trips to State Facilities:

1. State Route 180 & Temperance Avenue

In summary, based on the analyses included in the TIS, the study intersections of Temperance Avenue at Olive Avenue and Armstrong Avenue at Belmont Avenue are currently operating below the TIZ III LOS D standard during the AM and/or PM peak hours. The remaining study intersections are currently operating above the LOS D standard.

With the addition of the project, the intersections of Temperance Avenue at Olive Avenue and Armstrong Avenue at Belmont Avenue are projected to continue to operate below the TIZ III LOS D standard. Traffic Signal Warrant 3 - Peak Hour Vehicular Volumes were prepared for the study intersections. The following locations are projected to satisfy the Traffic Signal Warrant 3 - Peak Hour in the Existing Plus Project scenario:

1. Armstrong Avenue & Clinton Avenue
2. Armstrong Avenue & Belmont Avenue
3. Armstrong Avenue & Olive Avenue
4. Temperance Avenue & Olive Avenue

The analyses included in the TIS show the following locations are projected to operate below the City of Fresno TIZ III LOS D standard and satisfy the Traffic Signal Warrant 3 - Peak Hour in the Near Term Plus Project scenario:

1. Armstrong Avenue & Olive Avenue
2. Temperance Avenue & Olive Avenue

3. Armstrong Avenue & Belmont Avenue
4. Fowler Avenue at Floradora Avenue

The analyses included in the TIS show all study intersections are projected to operate below the City of Fresno TIZ III LOS D standard in the Cumulative Year 2035 Project Scenario. All study intersections, with the exception of the Temperance Avenue at Floradora Avenue intersection are projected to satisfy the Traffic Signal Warrant 3 - Peak Hour in the Cumulative Year 2035 Scenario.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the standard city requirements for street improvements and subject to the project specific mitigation measures determined applicable by the City of Fresno Traffic Engineer. These requirements generally include: (1) The provision of a minimum two points of vehicular access for any phase of the development; (2) Major and local street dedications; (3) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; (4) Installation of Traffic Signals at the intersections identified herein below; (5) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee; and, (6) Payment of fair share obligations for cumulative impacts, not included in current fee programs at the intersections identified herein below. These requirements are outlined within the attached memoranda from the City Traffic Engineer dated October 04, 2019.

The proposed project will be required to install traffic signals with protected left-turn phasing per City of Fresno standards and may require acquisition of rights-of-way at the following intersections:

1. Armstrong Avenue & Olive Avenue
2. Temperance Avenue & Olive Avenue

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 development's 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 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. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2035 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. 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.

Improvements at the following study intersections are included in the TSMI fee program:

1. Armstrong Avenue & Clinton Avenue
2. Armstrong Avenue & McKinley Avenue
3. Temperance Avenue & McKinley Avenue
4. Armstrong Avenue & Olive Avenue
5. Temperance Avenue & Olive Avenue
6. Armstrong Avenue & Belmont Avenue.

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).

In addition, the proposed project will be required to pay its fair share for cumulative impacts, which are not included in the City's current fee programs, at the following intersections. Cost estimates for the proposed improvements shall be provided to the Traffic Operations and Planning Division for review and approval.

1. Fowler Avenue & Floradora Avenue
2. Armstrong Avenue & Floradora Avenue
3. Temperance Avenue & Floradora Avenue

Finally, 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.

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

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

Furthermore, in 2014, through passage of Council Resolution No. 2014-225, the City of Fresno adopted Findings of Fact related to Significant and Unavoidable Effects as well as Statements of Overriding Considerations including but limited to the designation Fowler Avenue with an acceptable LOS F standard in order to certify Master Environmental Impact Report SCH No. 111015 for purposes of adoption of the Fresno General Plan. Section 15093 of the California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

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

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 compliance with the attached Conditions of Approval for Vesting Tentative Tract Map Nos. 6201/UGM & 6235/UGM, respectively; and, implementation of the mitigation measures included within attached Mitigated Negative Declaration prepared for Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 and dated December 23, 2019.

Public Input

On August 14, 2019, the applicant conducted a Neighborhood Meeting at the Clovis Veteran's Memorial building. Following the neighborhood meeting, City of Fresno staff was contacted by a several local residents with additional questions and concerns regarding the proposed project. Generally, these questions and concerns regarded potential impacts from the proposed project on adjacent and nearby private property, values, improvements and landscaping; the size of lots and residential density, new home pricing, and quality of housing; compatibility with surrounding properties; traffic generation; aircraft related noise, air and light pollution; preparation of required environmental studies; and, the prospective scheduling of public meetings and hearing dates.

City staff has remained in contact with these local residents and has provided notification of public meetings and hearings accordingly. In addition, staff has met with the applicant group to discuss public concerns; and, has worked with the third party professional environmental consulting firm to request that environmental concerns raised by the public have been adequately addressed in required environmental analyses and documentation.

Airport Land Use Commission

Pursuant to the provisions of the Fresno County Airport Land Use Compatibility Plan, the proposed project was scheduled for review by the Fresno County Airport Land Use Commission (ALUC) on

October 07, 2019.

Members of the public appeared at the hearing before the Airport Land Use Commission and voiced opposition to the proposed project and concerns over aviation related hazards and aircraft related noise.

Following review of the project and testimony from the public, the ALUC approved a Finding of Consistency with the Fresno County Airport Land Use Consistency Plan (ALUCP) for purposes of the proposed project; contingent upon the project receiving a “Determination of No Hazard to Air Navigation” by the Federal Aviation Administration (FAA). A Determination of No Hazard to Air Navigation for the proposed project was subsequently received from the FAA on October 25, 2019.

In addition, the City of Fresno Airports Department provided comments indicating no anticipation of adverse impacts on either Fresno Yosemite International Airport or Fresno Chandler Executive Airport from the proposed project.

Council District Plan Implementation Committee

On October 14, 2019, the proposed project was considered by the District 4 Plan Implementation Committee. This meeting was attended by a large number of the local residents who presented the advisory committee with a petition in opposition to the proposed project, which was signed by approximately 70 individuals. A copy of the petition is attached as Exhibit N to this report. This petition outlines a number of concerns regarding various elements of the proposed project; generally, as outlined above.

The Implementation and Advisory Committee unanimously recommended approval of the proposed project with the caveat that the subdivider/developer meet again with neighborhood residents to discuss concerns further and attempt to find amicable ways that the project may be improved to address those concerns.

On October 30, 2019, the applicant group held a follow-up meeting with representatives for the neighborhood residents/property owners. The primary requests expressed from the neighborhood representatives were outlined as follows:

- Provide less density at southern areas;
- Provide larger lots adjacent to neighboring lots;
- Provide 8’ block walls or taller wood fences adjacent to neighboring lots;
- Provide high speed internet to nearby parcels;
- Limit construction of single family homes to single story adjacent to neighboring lots;
- Provide mature landscaping along Floradora Avenue, at the southeast corner of VTM 6201;
- Protect the existing eucalyptus trees at the northeast corner of VTM 6235; and,
- Retain service provided by the active Temperance #1 No. 37 private canal.

In response to these requests, the applicant group has agreed to the following revisions and accommodations:

- Six lots have been removed along the east side of VTM 6235 by moving the proposed open space/pocket park and making lots along the easterly boundary deeper and wider in order to reduce density, provide larger lots and protect the existing eucalyptus trees;

- Certain lots along the easterly and southeasterly boundaries of VTMs 6201 & 6235 have been identified for limitation to single story home construction only;
- Seven to eight-foot high double-sided wood fences have been proposed to be erected at specific locations along the easterly and southeasterly boundaries of VTMs 6201 & 6235, subject to City of Fresno approval;
- Comcast facilities will be extended to the edge of both tracts (Note: internet service to adjacent unincorporated areas cannot be determined or committed to by the applicant);
- The project landscape architect (Broussard and Associates) will work with the City to provide appropriate and quality landscape buffers to rural residential properties along East Floradora Avenue; and,
- The existing private canal will be connected/piped through the proposed tract and will remain in service.

These revisions are represented and depicted in the attached Exhibit O to this report.

City of Fresno Planning Commission

The proposed project is scheduled for consideration by the City of Fresno Planning Commission on January 08, 2020.

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. P19-00801/P19-00843/P19-00846/T-6201/T-6235 was published on December 20, 2019 and filed with the Fresno County Clerk on December 23, 2019.

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 L to this report.

GROUNDINGS FOR DENIAL OF TENTATIVE MAP

The Subdivision Map Act (California Government Code §§ 66400, *et seq.*) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made.

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements,

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

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 Vesting Tentative Tract Map No. 6201 and Vesting Tentative Tract Map No. 6235 are appropriate for the project site.

LOCAL PREFERENCE

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

FISCAL IMPACT

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

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Public Hearing Notice Radius Map
- Exhibit D - Project Information Tables
- Exhibit E - Fresno General Plan Planned Land Use Map
- Exhibit F - Proposed Pre-zone Exhibit
- Exhibit G - Proposed Annexation Boundary Exhibit

- Exhibit H - Concept Plan Connectivity Map
- Exhibit I - Maps for Vesting Tentative Tract Nos. 6201 & 6235
- Exhibit J - Planned Development Permit Plans
- Exhibit K - Conditions of approval for Vesting Tentative Tract Map No. 6201 & 6235; including memoranda from responsible and commenting agencies.
- Exhibit L - Fresno Municipal Code Findings
- Exhibit M - Environmental Assessment dated December 23, 2019.
- Exhibit N - Public Petitions & Letters
- Exhibit O - Proposed project Revisions for Neighbors
- Exhibit P - City Council Resolution for Annexation Application No. P19-00843
- Exhibit Q - City Council Ordinance Bill for Pre-zone Application No. P19-00801
- Exhibit R - Presentation