



## Legislation Details (With Text)

<b>File #:</b>	ID 21-075	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	12/21/2020	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/7/2021	<b>Final action:</b>			
<b>Title:</b>	<p>(CONTINUED TO JANUARY 28, 2021 AT 10:15 A.M.) HEARING to consider Plan Amendment and Rezone Application No. P19-00417, Vesting Tentative Tract Map Nos. 6212/UGM and 6276/UGM, and Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2020039061 for the proposed "Parc West" development on the west side of North Grantland Avenue between the West Gettysburg and West Ashlan Avenue alignments. (Council District 1) - Planning and Development Department</p> <p>1. RESOLUTION - Certifying Final EIR SCH No. 2020039061 for an overall proposed 844-lot single-family residential development; and,</p> <p>a. ADOPT Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,</p> <p>b. APPROVE the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,</p> <p>c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and</p> <p>d. ADOPT the Water Supply Assessment (WSA) attached to the FEIR in compliance with Section 10901 of the California Water Code and Section 15155 of the CEQA Guidelines, and adopt the WSA as a technical addendum to the Environmental Impact Report</p> <p>2. RESOLUTION - Approving Plan Amendment Application No. P19-00417 proposing to amend the Fresno General Plan from the Community Commercial (±11 acres) planned land use designation to the Medium Density Residential (±11 acres) planned land use designation, and to amend the transportation element to identify the proposed collector street and modified trail network.</p> <p>3. BILL (for introduction and adoption) - Approving Rezone Application No. P19-00417 proposing to amend the Official Zone Map to reclassify an ±11 acre portion of the subject property from the CC/UGM/cz (Commercial - Community/Urban Growth Management/conditions of zoning) zone district to the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district.</p> <p>4. APPROVE Vesting Tentative Tract Map No. 6212/UGM which requests authorization to subdivide an approximately 14.41 acre portion of the subject property for purposes of creating an 84-lot single family residential subdivision on the southwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.</p> <p>5. APPROVE Vesting Tentative Tract Map No. 6276/UGM which requests authorization to subdivide an approximately 14.17 acre portion of the subject property for purposes of creating an 83-lot single family residential subdivision on the northwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.</p> <p>6. APPROVE Indemnification Agreement with "Applicant" for indemnity related to claims arising</p>				

from EIR SCH# 2020039061.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6212/UGM dated January 6, 2020, 2. Exhibit B - Vesting Tentative Tract Map No. 6276/UGM dated May 29, 2020, 3. Exhibit C - Operational Statement, 4. Exhibit D - 2020 Aerial Photograph of Site, 5. Exhibit E - Existing Fresno General Plan Planned Land Use Map, 6. Exhibit F - Proposed Land Use, Circulation and Trail Maps, 7. Exhibit G - Proposed Rezone Revised, 8. Exhibit H - Fresno Municipal Code Findings, 9. Exhibit I - Noticing Vicinity Map (1000 feet), 10. Exhibit J - Conditions of Approval for Vesting Tentative Tract Map No. 6212/UGM dated December 2, 2020, 11. Exhibit K - Comments and Requirements from Responsible Agencies for T-6212, 12. Exhibit L - Conditions of Approval for Vesting Tentative Tract Map No. 6276/UGM dated December 2, 2020, 13. Exhibit M - Comments and Requirements from Responsible Agencies for T-6276, 14. Exhibit N-1 - Draft Environmental Impact Report, 15. Exhibit N-2 - Draft Environmental Impact Report - Appendices, 16. Exhibit N-3 - Final Environmental Impact Report, 17. Exhibit N-4 - Response to Comments, 18. Exhibit N-5 - Mitigation Monitoring and Reporting Program, 19. Exhibit N-6 - Findings of Fact and Statement of Overriding Considerations, 20. Exhibit N-7 - Water Supply Assessment, 21. Exhibit N-8 - Initial Study, 22. Exhibit O - Letters in Opposition, 23. Exhibit P - Ordinance Bill 2013-39, 24. Exhibit W - EIR Certification Resolution with Final EIR, 25. Exhibit X - City Council Resolution for Plan Amendment Application No. P19-00417, 26. Exhibit Y - City Council Ordinance Bill for Rezone Application No. P19-00417

Date	Ver.	Action By	Action	Result
1/7/2021	1	City Council	continued	

## REPORT TO THE CITY COUNCIL

**January 7, 2021**

**FROM:** DAN ZACK, Assistant Director  
Development Services Division

**THROUGH:** ISRAEL TREJO, Supervising Planner  
Development Services Division

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

## SUBJECT

(CONTINUED TO JANUARY 28, 2021 AT 10:15 A.M.)

HEARING to consider Plan Amendment and Rezone Application No. P19-00417, Vesting Tentative Tract Map Nos. 6212/UGM and 6276/UGM, and Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2020039061 for the proposed "Parc West" development on the west side of North Grantland Avenue between the West Gettysburg and West Ashlan Avenue alignments. (Council District 1) - Planning and Development Department

**1. RESOLUTION** - Certifying Final EIR SCH No. 2020039061 for an overall proposed 844-lot single-family residential development; and,

- a. ADOPT Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,
  - b. APPROVE the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,
  - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
  - d. ADOPT the Water Supply Assessment (WSA) attached to the FEIR in compliance with Section 10901 of the California Water Code and Section 15155 of the CEQA Guidelines, and adopt the WSA as a technical addendum to the Environmental Impact Report
2. **RESOLUTION** - Approving Plan Amendment Application No. P19-00417 proposing to amend the Fresno General Plan from the Community Commercial (±11 acres) planned land use designation to the Medium Density Residential (±11 acres) planned land use designation, and to amend the transportation element to identify the proposed collector street and modified trail network.
3. **BILL** (for introduction and adoption) - Approving Rezone Application No. P19-00417 proposing to amend the Official Zone Map to reclassify an ±11 acre portion of the subject property from the CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RS-5/UGM/cz (*Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning*) zone district.
4. **APPROVE** Vesting Tentative Tract Map No. 6212/UGM which requests authorization to subdivide an approximately 14.41 acre portion of the subject property for purposes of creating an 84-lot single family residential subdivision on the southwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
5. **APPROVE** Vesting Tentative Tract Map No. 6276/UGM which requests authorization to subdivide an approximately 14.17 acre portion of the subject property for purposes of creating an 83-lot single family residential subdivision on the northwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
6. **APPROVE** Indemnification Agreement with “Applicant” for indemnity related to claims arising from EIR SCH# 2020039061.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. **CERTIFY** Final EIR SCH No. 2020039061 for an overall proposed 844-lot single-family residential development; and,

- a. ADOPT Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,
  - b. APPROVE the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,
  - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
  - d. ADOPT the Water Supply Assessment (WSA) attached to the FEIR in compliance with Section 10901 of the California Water Code and Section 15155 of the CEQA Guidelines, and adopt the WSA as a technical addendum to the Environmental Impact Report
2. **ADOPT RESOLUTION** approving Plan Amendment Application No. P19-00417 proposing to amend the Fresno General Plan from the Community Commercial ( $\pm 11$  acres) planned land use designation to the Medium Density Residential ( $\pm 11$  acres) planned land use designation, and to amend the transportation element to identify the proposed collector street and modified trail network.
3. **INTRODUCE AND ADOPT BILL** approving Rezone Application No. P19-00417 proposing to amend the Official Zone Map to reclassify an  $\pm 11$  acre portion of the subject property from the CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RS-5/UGM/cz (*Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning*) zone district.
4. **APPROVE** Vesting Tentative Tract Map No. 6212/UGM which requests authorization to subdivide an approximately 14.41 acre portion of the subject property for purposes of creating an 84-lot single family residential subdivision on the southwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
5. **APPROVE** Vesting Tentative Tract Map No. 6276/UGM which requests authorization to subdivide an approximately 14.17 acre portion of the subject property for purposes of creating an 83-lot single family residential subdivision on the northwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
6. **APPROVE** Indemnification Agreement with “Applicant” for indemnity related to claims arising from EIR SCH# 2020039061.

## EXECUTIVE SUMMARY

Gary Giannetta Civil Engineering and Land Surveying, on behalf of GVM Investments, LLC., has filed Plan Amendment and Rezone Application No. P19-00417 and Vesting Tentative Tract Map Nos. 6212 and 6276 pertaining to a total  $\pm 154$  acres of property located between North Garfield and North Grantland Avenues and between the West Ashlan Avenue and the West Gettysburg Avenue

alignments.

Plan Amendment No. P19-00417 proposes to amend the Fresno General Plan and West Area Community Plan to change the planned land use designation for a ±11 acre portion of the subject property (located at the northwest corner of the intersection of North Grantland Avenue and the West Ashlan Avenue alignment) from Community Commercial to Medium Density Residential (5.0-12 dwelling units per acre), as shown in Exhibit F.

In addition, the Plan Amendment Application proposes to amend Figure MT-1: Major Street Circulation Diagram of the Fresno General Plan to designate a new loop road alignment within the subject quarter section as a major Collector Street; and, also proposes to amend Figure MT-2: Paths and Trails diagram of the Fresno General Plan to modify the designated trail system that is planned for the subject quarter section in order to facilitate future connectivity and an open space network for future development.

Rezone Application No. P19-00417 proposes to amend the Official Zoning Map of the City of Fresno to rezone the same portion of the subject property from the CC/UGM/cz (*Community Commercial/Urban Growth Management/conditions of zoning*) zone district to the RS-5/UGM/cz (*Residential Single Family, Medium Density/Urban Growth Management/conditions of zoning*) zone district in accordance with the proposed plan amendment. The application also proposes to remove the conditions of zoning associated with the subject property approved by Ordinance Bill No. 2013-39 (Exhibit P), as they are specific to the development of the former Westlake project. With the removal of the previous conditions of zoning, new conditions of zoning specific to the proposed project will be applied to the rezone application to include conditions of approval pertaining to infrastructure improvements from the Public Works Department. The proposed conditions of zoning are as follows:

“The project shall comply with the City of Fresno, Department of Public Works, Memorandum dated October 23, 2020, November 19, 2020 and November 20, 2020, which specify the phased implementation and construction of the Public Works improvements for the project and may only be superseded by the adoption of a Development Agreement by the City Council.”

Vesting Tentative Tract Map No. 6212/UGM proposes to subdivide a ±14.41 net acre portion of the subject property for purposes of creating a conventional 84 single-family residential lot subdivision. The proposed density of the subdivision is 5.8 du/ac, and complies with the medium density residential density standards.

Vesting Tentative Tract Map Nos. 6276/UGM proposes to subdivide a ±14.17 net acre portion of the subject property for purposes of creating a conventional 83 single-family residential lot subdivision. The proposed density of the subdivision is 5.9 du/ac, and complies with the medium density residential density standards.

## **BACKGROUND / ANALYSIS**

In 2013, approximately 2,600 residential units were approved for development on 460 acres of property on the west side of North Grantland Avenue between West Shields and West Gettysburg Avenues as part of the previous Westlake project. The project never moved forward, however the Fresno General Plan still reflects the previous planned land uses and trail layout as approved with the application. The applicant is now proposing to move forward with a new project on the west side of North Grantland between West Ashlan and the West Gettysburg Avenue alignment, pertaining to

approximately 160 acres of property. The first two phased maps for the project have been submitted for a total of 167 total lots, and at full buildout, the “Parc West Development Project” will provide for a total of 844 single-family residential lots and an approximately two acre park and installation of a trail system with interlinking paths.

In 2015, the City of Fresno approved a General Plan update, and the new plan identified the trail network in MT-2 of the Fresno General Plan as proposed with the Westlake project, which created a trail system to surround a man-made lake. The plans for this development were ultimately abandoned however, and the property was instead used for agricultural purposes. Now, the proposed development is proposing the modification of MT-1 and MT-2 of the Fresno General Plan with the classification of a new major (collector) street and the modification of the existing trail network, as identified in **Exhibit F**. In order to do so, a Plan Amendment application has been filed to revise the General Plan Circulation and Trail maps.

The applicant is also proposing a modification to the Fresno General Plan planned land use and Official Zoning Map. Currently, the approximately 11-acre portion of land at the northwest corner of the intersection of North Grantland Avenue and the West Ashlan Avenue (alignment) is planned for Community Commercial and zoned CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*). Plan Amendment Application No. P219-00417 proposes to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property to Medium Density Residential. Accordingly, Rezone Application No. P19-00417 proposes to reclassify the same 11-acre portion of the subject property to the RS-5/UGM/cz (*Residential Single-Family, Medium Density/Urban Growth Management/conditions of zoning*) zone district.

Conditions of zoning on the subject property relate to the construction of road improvements and infrastructure for the previous Westlake project, such as installation of traffic signals and street dedications. These conditions were applicable to the Westlake project, which proposed development on a much larger scale than the proposed project. The applicant has requested removal of these conditions of zoning as part of Rezone Application No. P19-00417. Staff is supportive of the removal of these conditions, as they do not necessarily reflect conditions which are appropriate to the scope of the new project. Instead, staff recommends that new conditions of zoning be placed on the subject property, similar to what was previously required, but with reference to new Public Works conditions which are more appropriate for the proposed development. These conditions will require the construction of infrastructure in a more proportionate relation to the number of building permits issued for new homes, and are based upon conditions of approval from the Department of Public Works.

Vesting Tentative Tract Map No. 6212/UGM has been filed requesting authorization to subdivide the approximately 14.41 net acre subject property for purposes of creating an 84-lot conventional single-family residential development at a density of approximately 5.8 dwelling units per acre.

Vesting Tentative Tract Map No. 6276/UGM has been filed requesting authorization to subdivide the approximately 14.17 net acre subject property for purposes of creating an 83-lot conventional single-family residential development at a density of approximately 5.9 dwelling units per acre.

The subdivision of the subject property in accordance with the proposed Tentative Maps will result in the designation of Remainder Parcels for those portions of Lots 49, 56 & 57 of the original Muscatel Estates subdivision which will remain outside the proposed subdivision boundaries.

## Adjacent Property

The subject property was annexed in 2015 and was most recently used for agricultural purposes. The immediate vicinity of the subject property is primarily rural residential and agricultural in nature. Property directly to the east and south is located within the boundaries of the City of Fresno. The property to the south is currently being used for agricultural purposes, and directly to the east are several Central Unified School District facilities (Koligian Education Complex), which include Harvest Elementary School, Glacier Point Middle School, the Deran Koligian Stadium, and a future high school which is currently under construction. Properties to the west and north all remain in the County of Fresno; property directly to the north of the subject property is developed with a rural residential neighborhood consisting of approximately 30 homes, and property to the west contains agricultural uses.

## Lot Size

Lot sizes range from 4,000 square feet to 8,500 square feet, which comply with the RS-5 zone district standards of minimum lot size. The maximum lot size is 6,500 square feet, with the exception that larger lots may be permitted if the overall density of the development complies with the standards of the Fresno General Plan and Fresno Municipal Code (FMC). For the proposed subdivisions, the minimum density is 5.8 du/ac, which is above the minimum 5.0 du/ac for the medium density residential land use. The average lot dimensions will be 50 feet in width, and lots will range on average from 80 to 100 feet in depth. All proposed lot dimensions will comply with the FMC.

## **Public Services**

### Public Utilities

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 migration measures of the related Environmental Impact Report; and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works Standards, specifications and policies. Further, a water supply assessment was performed with the EIR and it was determined that the City of Fresno water system has sufficient capacity to supply water for the proposed project as well as other projected demands within the City's service area through the year 2040.

For sanitary sewer service, these infrastructure improvements and facilities include typical requirements for construction and extension of sanitary sewer mains and branches. An existing 60-inch main in North Grantland Avenue will serve both of the proposed subdivisions. Construction of a 10-inch sanitary sewer main in the West Indianapolis Avenue alignment to the west property line of the project is required. The proposed project will also be required to provide payment of sewer connection charges and install branches within the interior of the residential tract to each lot created.

An existing 60" sewer main runs under Grantland Avenue between West Gettysburg and West Ashlan Avenues. The project has been conditioned by the Department of Public Utilities to provide an easement for this main, and notes that no structures, including block walls, may be constructed over the main. With the current map design and lot layout for T-6276/UGM, a block wall is proposed to intersect the existing alignment of the 60-inch sewer trunk at two points, and the wall shall be panelized for future access regarding operation and maintenance, pursuant to Department of Public

Utility Conditions dated November 20, 2020.

For water service, required infrastructure improvements and facilities include installation of 16-inch transmission water mains (as well as City fire hydrants) along the West Gettysburg Avenue alignment from North Grantland Avenue, and a 16-inch main in the West Indianapolis Avenue alignment from North Grantland Avenue along the project frontage. Additionally, construction of water supply well(s) for dedication to the City of Fresno are required. Installation of these services, as well as within the interior of proposed tract, will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

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 Environmental Impact Report). Implementation of the Water Resources Management Plan and the identified project related conditions of approval would provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

### Fire Department

The City of Fresno Fire Department reviewed the proposed project, which is located within the boundaries of Fire Station 18, which is currently under construction, and has determined that adequate Fire service will be available subject to future requirements for development. These requirements will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water; and the provision of two means of emergency access during all phases of construction.

### Fresno Metropolitan Flood Control District

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 will not be available, and the District recommends the construction of temporary facilities until permanent service is available. Grading and drainage patterns are to direct drainage on property toward the east to North Grantland Avenue which contains existing master plan facilities.

### **Landscaping/Walls/Open Space**

The proposed subdivision is located adjacent to and abutting North Grantland Avenue which is classified as a Super Arterial. The project is within boundaries of the West Area Community Plan and the development will be required to install landscaping and irrigation within a minimum 30-foot wide landscape strip along all frontage bordering North Grantland Avenue, as required per the West Area Community Plan. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along North Grantland Avenue as well.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail is designated along the west side of North Grantland Avenue and will be located on the west side of the street. Dedications are required for public street purposes in accordance with public works standards and for Bike, Pedestrian, and Landscape purposes as well. Additionally, dedications for Bike, Pedestrian and Landscape purposes on the southern side of the

Indianapolis Avenue are also proposed per the revised MT-2. A 12-foot wide Class I Bicycle/Pedestrian trail is also to be constructed.

Open space will be provided through a system of trails along the “loop road” as well as being located in between various future subdivisions. The system will also lead to an approximately two-acre park to be located to the southwest of T-6212 which will be dedicated to the City of Fresno. The proposed development will provide 844 dwelling units and would require 1.59 acres of park space; therefore, the proposed park and open space comply with FMC requirements.

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 North Grantland as a Super Arterial and the proposed “Loop Road” will be classified as a Collector street. The project will take access from North Grantland at the West Indianapolis Alignment to create the loop road, which will circle through the property and connect to West Ashlan Avenue at approximately the North Phoenix Avenue (alignment). The proposed initial phases of development for T-6212/UGM and T-6276/UGM access from the loop road, and will also be required to provide secondary access points until further building out. Future phases in the project area will also take access from the loop road, and will be designed to comply with all FMC access and connectivity requirements. 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.

Internal connections from the proposed subdivisions are provided to grant access to trails, public streets, and future adjacent subdivisions. For T-6212/UGM, Two outlots (Outlots “B” & “C”) are provided at the end of two interior cul-de-sacs to afford future pedestrian connectivity to adjacent lands to the west. One outlot (Outlot “A”) has also been incorporated for purposes of providing a pedestrian paseo/connection (City of Fresno Standard P-60: Connector Trail) from the interior of the subdivision to the trail along North Grantland Avenue. Two outlots (Outlots “B” & “C”) of T-6276/UGM are provided along the northern border of the subject property to provide trail access adjacent to an FID easement.

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 tract (i.e. West Indianapolis Alignment and North Grantland Avenue).

A bypass road is proposed by the applicant to be constructed to connect the existing Grantland Avenue collector street to the future Veterans Boulevard, to the northeast of T-6276/UGM. The design of this road has been reviewed by the Department of Public Works, and must be redesigned prior to resubmittal of the Vesting Tentative Tract Map as a condition of approval to ensure compliance with Public Works, as well as the Fresno General Plan, safety standards.

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. In accordance with Policy MT-2-i of the Fresno General Plan, when a project includes a General Plan amendment that changes the General Plan Land Use Designation, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets. Therefore, a Traffic Impact Study was prepared to assess the impacts of the new development on existing and planned streets.

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, 10<sup>th</sup> Edition. Based upon the calculations, the proposed project is projected to generate 7,968 Average Daily Trips (ADT) with 624 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 835 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 24 study intersections and 12 roadway segments 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. Grantland Avenue / Barstow Avenue
2. Garfield Avenue / Shaw Avenue
3. Grantland Avenue / Shaw Avenue
4. Veterans Boulevard / Shaw Avenue
5. Bryan Avenue / Shaw Avenue
6. Hayes Avenue / Shaw Avenue

7. Grantland Avenue / Indianapolis Avenue ("Loop Road")
8. Veterans Boulevard / Gettysburg Avenue
9. Bryan Avenue / Gettysburg Avenue
10. "Loop Road" / Ashlan Avenue
11. Grantland Avenue / Ashlan Avenue
12. Bryan Avenue / Ashlan Avenue
13. Hayes Avenue / Ashlan Avenue
14. Polk Avenue / Ashlan Avenue
15. Cornelia Avenue / Ashlan Avenue
16. Grantland Avenue / Dakota Avenue
17. Grantland Avenue / Shields Avenue
18. Herndon Avenue / State Route 99 Northbound Off-Ramp
19. Grantland Avenue/State Route 99 Southbound On-Ramp
20. Polk Avenue / Shaw Avenue
21. State Route 99 Southbound Ramps / Shaw Avenue
22. State Route 99 Northbound Ramps / Shaw Avenue
23. State Route 99 Southbound Off-Ramp / Ashlan Avenue
24. State Route 99 Northbound Off-Ramp / Ashlan Avenue

#### Study Segments

1. Shaw Avenue between Grantland Avenue and Veterans Boulevard
2. Shaw Avenue between Veterans Boulevard and Bryan Avenue
3. Shaw Avenue between Bryan Avenue and Hayes Avenue
4. Garfield Avenue between Shaw Avenue and Gettysburg Avenue
5. Grantland Avenue between Shaw Avenue and Veterans Boulevard
6. Grantland Avenue between Veterans Boulevard and Gettysburg Avenue (West Leg)
7. Grantland Avenue between Gettysburg Avenue (West Leg) and Ashlan Avenue
8. Grantland Avenue between Ashlan Avenue and Dakota Avenue
9. Grantland Avenue between Dakota Avenue and Shields Avenue
10. Ashlan Avenue between Grantland Avenue and Bryan Avenue
11. Ashlan Avenue between Bryan Avenue and Hayes Avenue
12. Ashlan Avenue between Hayes Avenue and Polk Avenue

Based on the analyses included in the TIA and supplemental assessment, the intersection of Bryan Avenue at Ashlan Avenue is currently operating below the adopted TIZ III level of service (LOS) standard of LOS D in the AM peak hour. The remaining study intersections are currently operating at or above the LOS D standard during both the AM and PM peak hours. These findings comprise the Existing Conditions Scenario.

With the addition of the project (Existing plus Project Conditions Scenario), the intersection of Bryan Avenue at Ashlan Avenue is projected to operate below the LOS D standard in the AM peak hour for Phases I and II, and Grantland Avenue at Indianapolis/"Loop Road" in the PM peak hour at full project buildout. The remaining study intersections are project to operate at or above the LOS D standard with the addition of the project. All study segments are projected to operate above the LOS D standard.

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 analyses included in the TIA showed the following intersections are projected to operate below the LOS D standard in the Near Term plus Project Scenario:

- Grantland Avenue at Barstow Avenue
- Grantland Avenue at Shaw Avenue
- Bryan Avenue at Shaw Avenue
- Hayes Avenue at Shaw Avenue
- Grantland Avenue at Indianapolis/"Loop Road"
- Grantland Avenue at Ashlan Avenue
- Bryan Avenue at Ashlan Avenue
- Polk Avenue at Shaw Avenue

The analysis in the TIA showed a majority of the study intersections are projected to operate below the TIZ III LOS D standard in the Cumulative Year 2035 Plus Project scenario without mitigation, however with improvements (signalization), are anticipated to operate above the TIZ III LOS D standard. Improvements at surface street intersections are included within the City of Fresno impact fee programs.

Conditions of approval for the proposed project require the installation of a traffic signal with protected left-turn phasing at the following intersections (at ultimate locations, including right-of-way acquisition as necessary):

- Grantland Avenue and the Indianapolis/Loop Road alignment prior to the issuance of building permits for 100 homes
- Grantland and Ashlan Avenues prior to the issuance of building permits for 200 homes
- Grantland and Gettysburg Avenues prior to the issuance of building permits for 450 homes
- Grantland and Shields Avenues prior to the issuance of building permits for 650 homes

The construction of the roadway segment of Veterans Boulevard from West Gettysburg to West Shaw Avenues prior to the issuance of 650 building permits has also been conditioned.

The project TIA notes that with the proposed Plan Amendment and Rezone, the change in land uses reduces the potential commercial square footage by 125,780 square feet and increases the number of dwelling units by 166. This in turn reduces the total Average Daily Trips by 3,176; it will also have an increase of five A.M. Peak Hour trips and a reduction of 315 P.M. Peak Hour trips.

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.

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. 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.

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 23, 2020, November 19, 2020 and November 20, 2020. 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 requirements of the Traffic Engineer Manager outlined in the memoranda dated October 23, 2020, for review of the traffic impact analysis for TIS 20-010. Mitigation measures, in addition to payment of required fees, include the installation of traffic signals as mentioned above, as well as construction of the roadway segment of Veterans Boulevard from Gettysburg Avenue to Shaw Avenue prior to the issuance of 650 building permits.

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 EIR and based upon compliance with the project specific mitigation measures referenced herein.

## **ENVIRONMENTAL IMPACT REPORT**

### **Key Components of Requested Action**

Environmental Impact Report: An “EIR” or “Environmental Impact Report” is a detailed statement prepared under the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term “EIR” may mean either a draft or a final EIR depending on the context. The Final EIR

consists of the Draft EIR plus the Response to Comments document in which the City must address all comments received and propose changes to the Draft EIR if needed.

Response to Comments (RTC): This document provides responses to comments received on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project. Four comment letters were received, and the letters and responses are contained in the RTC, which is provided in Exhibit N-4. The responses to comments were also made available on the City website 10 days prior to Planning Commission consideration.

Mitigation Monitoring and Reporting Program (MMRP) This document contains a table with the required mitigation measures, the responsible party or parties for implementing the measure, and the timing of implementation. The MMRP is contained in

Findings of Fact and Statement of Overriding Considerations When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact. The Findings of Fact are attached as “”. The Statement of Overriding Considerations is attached as “”

Certification of the EIR: The Planning Commission will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and will make a recommendation to City Council regarding certifying the EIR and adopting the necessary Findings of Fact and Statement of Overriding Considerations. The Planning Commission will make a separate resolution regarding its recommendation on the consideration of the proposed project.

## **EIR Process/Public Input and Noticing**

The City, as the lead agency under CEQA, determined that an EIR was required for the proposed project. The firm of Crawford & Bowen was contracted with by the City of Fresno to prepare the EIR. The EIR was assigned State Clearinghouse No. 2020039061.

The preparation of the EIR followed the process prescribed by CEQA as described below:

Notice of Preparation (NOP) and Scoping Meeting: Upon the City’s determination that an EIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on March 20, 2020 and the 30-day comment period on the NOP closed on April 19, 2020. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from public agencies and were incorporated into the Draft EIR (DEIR). A Scoping Meeting was also announced, and was held on June 29, 2020. One member of the public attended the scoping meeting. Outreach was as follows:

- NOP and Scoping Meeting notice were circulated to relevant agencies and other interested parties
- NOP was mailed to the Office of Planning and Research State Clearinghouse
- NOP and Scoping Meeting notice were published in the Fresno Bee
- NOP was posted by the Fresno County Clerk for 30 days

- NOP was posted by the Fresno City Clerk for 30 days, including the public counter, website, and City Hall bulletin boards.

**Draft Environmental Impact Report:** Upon completion of the Draft EIR, the City issued a Notice of Availability (NOA) announcing the release of the document for a 45-day public comment period beginning June 30, 2020. Due to the closures of public facilities in response to COVID-19, the Draft EIR was available for viewing via the following methods:

- Via web link on the City of Fresno webpage
- Copies of the Draft EIR were made available for check-out at Fresno City Hall
- Via email by contacting the assigned staff person.

Four comment letters were received. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

**Final EIR/Response to Comments:** The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and possibly propose changes to the Draft EIR, if needed. After the close of the public review period for the Draft EIR described above, the City prepared formal responses to the written comments received. CEQA Guidelines, Section 15088(b), requires the City's responses to comments to be provided to commenting public agencies 10 days prior to final certification of the FEIR. As noted above, four comment letters were received, and the letters are contained in the Response to Comments, which are provided in ""

## Summary of Environmental Impacts

### Project Objective

The subject site was previously analyzed in the Westlake EIR (State Clearinghouse #2007121033) which was certified by the City in 2012. While the environmental impacts of buildout of approximately 2,600 residential units on 430 acres of land on the subject site were included in the Westlake EIR, the Draft EIR was independently prepared to assess the environmental impacts associated with the now proposed Parc West Development Project, which includes 844 residential units on 160 acres of the subject site.

The objectives of the City of Fresno for the project are to provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area; provide a sense of community and walkability within the development and through the use of street patterns, parks/open space areas, landscaping and other project amenities; to create a successful and financially feasible project by meeting the housing needs of the area; and, to provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.

### Impacts Analyzed

The EIR analyzed impacts to the following environmental areas, as these were the areas determined to have potential impacts (see Chapter 3 of the Draft EIR):

Air Quality  
Energy  
Greenhouse Gases/Climate Change  
Hydrology and Water Quality  
Noise  
Public Services  
Transportation/Traffic  
Utilities and Service Systems

Under CEQA, environmental impacts can be classified as either less than significant (LTS), less than significant with mitigation (LSM), or significant and unavoidable (SU). The environmental areas above were found to have impacts in the Draft EIR as noted below:

Less Than Significant

Air Quality  
Energy  
Greenhouse Gases/Climate Change

Less Than Significant with Mitigation

Hydrology and Water Quality  
Noise  
Public Services  
Transportation/Traffic  
Utilities and Service Systems

Significant and Unavoidable. The conclusion of Significant and Unavoidable does not exempt the topic area from mitigation: to the contrary, mitigation is required in order to lessen the impact as much as possible. However, the analysis included in the Draft EIR indicates that, even with maximum mitigation, some potential environmental impacts under the following topic areas would still be significant and unavoidable.

Agricultural and Forestry Resources (as identified in Initial Study, Exhibit N-8)

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations." The following sections provide a description of each of the project's significant and unavoidable impacts and the justification for adopting a statement of overriding considerations.

According to Section 15355 of the CEQA Guidelines, the term cumulative impacts "refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact

may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable.

### Summary of Significant Impacts

The Project will result in the loss of approximately 160 acres of almond orchard that will be converted to residential housing. However, the site has been zoned for residential and commercial use by the City of Fresno and the City's General Plan has designated the site for urban development. There are no Williamson Act parcels on the site. According to the California Department of Conservation, Division of Land Resource Protection's Farmland Mapping and Monitoring Program, Farmland of Statewide Importance and Unique Farmland occupy the proposed Project site.

The EIR for the City of Fresno General Plan (State Clearinghouse #2012111015) found the conversion of applicable agricultural land, including the Project site, to urban uses to be a significant and unavoidable impact. As part of adopting the City General Plan, the Fresno City Council adopted findings of fact and a statement of overriding considerations that indicated urban development was of greater benefit to the community than preserving agricultural land within city limits. Although conversion of the Project area to urban uses would reflect the land use assumptions contained in the City of Fresno General Plan, farmland is an important resource to the region. As such, Mitigation Measure AG - 1 is included to reduce potential conflicts between urban and agricultural uses (See Exhibit N-6). This measure includes a Right-to-Farm Covenant and will help ensure that agricultural operations in the area can be maintained.

### Project Alternatives

Pursuant to CEQA, the EIR considered a reasonable range of potentially feasible alternatives to the Project that could attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluated the comparative merits of those alternatives.

The specific alternatives analyzed were the following:

1. No Project (site remains vacant and unoccupied)
2. No Project (site is developed according to existing Land Use and Zoning designations)
3. Increased Project Density (reduced footprint)
4. Reduced (50%) Project (same footprint)

Based on the project alternative analysis contained in the DEIR, the No Project (site remains vacant and unoccupied) and the Reduced Project (same footprint) could potentially result in fewer impacts than the proposed project's impacts. These alternatives however, would not meet the objectives of the proposed project. After this full, substantial, and deliberate analysis, the proposed project remains the preferred alternative.

### **Tribal Consultation**

The City is required to notify various tribes of the opportunity to conduct consultation when preparing an environmental assessment for which a Notice of Preparation is filed. Notification letters were sent to local tribes by certified mail on March 20, 2020. The City received no letters in response.

## **Council District Project Review Committee**

The project was reviewed by the District 1 Project Review Committee on November 16<sup>th</sup>, however was continued to a meeting to be held on December 1<sup>st</sup> 2020.

## **Neighborhood Meeting and Public Response**

Due to the Covid-19 pandemic, the neighborhood meeting was held online via webinar. The Scoping Meeting for the EIR also served as a neighborhood meeting, and was held on June 29, 2020. The meeting was noticed in the Fresno Bee, and notices of the meeting were also sent to interested parties. One member of the public was present, however they had no comments.

Two letters in opposition were received regarding the project (Exhibit O). These letters identified several concerns regarding the proposed project, including inadequate lot size, impacts on traffic, air quality and aesthetics.

The property is planned for medium density residential, which allows for a maximum of 12 du/ac. All proposed lots meet the minimum lot size for the Single Family Residential, Medium Density zone district, and the overall density for the proposed maps is 5.8 and 5.9 acres, which is well below the maximum 12 du/ac. The project applicant will be required to pay fees and install improvements to mitigate impacts from the development of the subject property regarding traffic issues (see discussion above). The EIR also analyzed potential air quality impacts and determined that impacts from the project will be less than significant. The construction of new homes will increase the amount of nighttime light, however development standards in the Fresno Municipal Code require shielded lighting to reduce the amount of ambient nighttime light.

## **City of Fresno Planning Commission**

The City of Fresno Planning Commission held a public hearing to consider the proposed project on December 2, 2020.

## **Notice of City Council Hearing**

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

## **ENVIRONMENTAL FINDING**

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an EIR must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

- a. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed in the Findings of Fact and Statement of Overriding Considerations document provided in Exhibit N-6

### Water Supply Assessment

Senate Bill 610 (Chapter 643, Statutes of 2001) amended State law, effective January 1, 2002, to improve the link between information on water supply availability and land use decisions made by cities and counties. The statute requires detailed information regarding water availability to be provided to city and county decision-makers prior to approval of specified large development projects which are subject to CEQA approval. The statute also requires this detailed information to be included in the administrative record that serves as the evidentiary basis for an entitlement action by the city or county on such projects. The statute-required Water Supply Assessment (WSA) must examine the availability and sufficiency of an identified water supply under normal year, single dry year, and multiple dry year conditions over a 20-year projection, accounting for the projected water demand of the Project in addition to other existing and planned future uses of the identified water supply. The WSA prepared for the proposed project is attached as Exhibit N-7.

In review of all the data in this environmental assessment, including the 2015 Urban Water Master Plan projection tables, it is concluded that the City of Fresno water system has sufficient capacity to supply the project and other projected demands within the City’s service area through the year 2040.

## **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.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.
- 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 citywide 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.

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

The General Plan notes that while roughly one-half of the City's development will be within infill areas

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

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.

The project site is located within City of Fresno 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 based and provide a range of employment opportunities for the current and future population of the City and the region.

Policy MT-6 identifies to establish a network of multi-purpose pedestrian and bicycle paths, as well as limited access trails, to link residential areas to local and regional open spaces and recreation areas and urban Activity Centers in order to enhance Fresno's recreation amenities and alternative transportation options. The project proposes to construct an internal network of bicycle and pedestrian trails to connect future subdivisions to a proposed park, as well as external connections to a trail along North Grantland Avenue.

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.

### **West Area Community Plan**

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 expanding roadway (such as the construction of a portion of Veterans Boulevard, and widening of North Grantland Avenue within the limits of the application), 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.

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 (to be consistent with the findings stated in **Exhibit H**.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings for Plan Amendments, Rezones and Vesting Tentative Tract Maps contained within Sections 15-3309 and 15-5812 et seq. of the Fresno Municipal Code can be made. These findings are attached as **Exhibit H**.

## **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 of Vesting Tentative Tract Map Nos. 6212/UGM and 6276/UGM subject to the conditions of approval.

## CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the West Area Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. P19-00417, Rezone Application No. P19-00417, Vesting Tentative Tract Map No. 6212/UGM and Vesting Tentative tract Map No. 6276/UGM 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:	Vesting Tentative Tract Map No. 6212/UGM dated January 6, 2020
Exhibit B:	Vesting Tentative Tract Map No. 6276/UGM dated May 29, 2020
Exhibit C:	Operational Statement
Exhibit D:	2020 Aerial Photograph of Site
Exhibit E:	Existing Fresno General Plan Planned Land Use Map
Exhibit F:	Proposed Planned Land Use, Circulation and Trail Maps
Exhibit G:	Proposed Rezone Exhibit
Exhibit H:	Fresno Municipal Code Findings
Exhibit I:	Noticing Vicinity Map (1000 feet)
Exhibit J:	Conditions of Approval for Vesting Tentative Tract Map No. 6212/UGM dated December 2, 2020
Exhibit K:	Comments and Requirements from Responsible Agencies for T-6212
Exhibit L:	Conditions of Approval for Vesting Tentative Tract Map No. 6276/UGM dated December 2, 2020
Exhibit M:	Comments and Requirements from Responsible Agencies for T-6276

Exhibit N-1:	Draft Environmental Impact Report
Exhibit N-2:	Draft Environmental Impact Report -Appendices
Exhibit N-3:	Final Environmental Impact Report
Exhibit N-4:	Response to Comments
Exhibit N-5:	Mitigation Monitoring and Reporting Program
Exhibit N-6:	Findings of Fact and Statement of Overriding Considerations
Exhibit N-7:	Water Supply Assessment
Exhibit N-8:	Initial Study
Exhibit O:	Letters in Opposition
Exhibit P:	Ordinance Bill 2013-39
Exhibit Q:	Indemnification Agreement between City of Fresno and “Applicant”
Exhibit R:	Planning Commission Resolution No. 13___ (EIR SCH No. 2020039061)
Exhibit S:	Planning Commission Resolution No. 13___ (Plan Amendment Application No. P19-00417)
Exhibit T:	Planning Commission Resolution No. 13___ (Rezone Application No. P19 -00417)
Exhibit U:	Planning Commission Resolution No. 13___ (Vesting Tentative Tract Map No. 6212/UGM)
Exhibit V:	Planning Commission Resolution No. 13___ (Vesting Tentative Tract Map No. 6276/UGM)
Exhibit W:	EIR Certification Resolution with Final EIR
Exhibit X:	City Council Resolution for Plan Amendment Application No. P19-00417
Exhibit Y:	City Council Ordinance Bill for Rezone Application No. P19-00417