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Title: HEARING to consider Rezone Application No. P23-02992 and related Environmental Assessment No. P23-02992 relative to property generally located between North Friant Road, East Copper Avenue, North Willow Avenue and East Silaxo Road (Council District 6) - Planning and Development Department

1. ADOPT Environmental Assessment No. P23-02992, dated March 13, 2024, an Addendum to the Subsequent Environmental Impact Report (SEIR) State Clearinghouse (SCH) No. 2000021003 for the proposed project pursuant to the California Environmental Quality Act (CEQA); and,

2. BILL (for introduction and adoption) of Rezone Application No. P23-02992, proposing to amend the Official Zoning Map and existing conditions of zoning, regarding timing of construction of traffic signals, pursuant to Article 58, Chapter 15 of the Fresno Municipal Code, currently placed on the following property: ± 35.59 acres of property from the RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 0.93 acres of property from the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 7.23 acres of property from the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district to RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district, ± 0.79 acre of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 2.68 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district, ± 2.07 acres of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 1.17 acres of property from the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 8.17 acres of property from the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 2.68 acres of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density /Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density /Urban Growth Management/conditions of zoning) zone district, and ± 4.53 acres of property from the RS-3/UGM/cz (Single Family Residential, Low Density /Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density /Urban Growth Management/conditions of zoning) zone district.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - 2023 Aerial Photograph, 2. Exhibit B - Proposed Rezone (conditions of zoning) Exhibits,

3. Exhibit C - Fresno Municipal Code Findings, 4. Exhibit D - Ordinance Bill No. 2021-052, 5. Exhibit E - Department of Public Works Memo dated January 17, 2024, 6. Exhibit F - Environmental Assessment No. P23-02992, EIR Addendum, dated March 13, 2024, 7. Exhibit G - Traffic Impact Study dated August 22, 2023, 8. Exhibit H - Planning Commission Resolution No 13843., 9. Exhibit I - City Council Ordinance Bill for Rezone Application No. P23-02992, 10. Exhibit J - City Council Hearing Notice, 11. Exhibit K - City Council PowerPoint Presentation, 12. Exhibit L - Public Comment Received March 19, 2024

Date	Ver.	Action By	Action	Result
4/4/2024	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: JENNIFER CLARK, Director
Planning & Development Department

BY: ISRAEL TREJO, Planning Manager
Planning & Development Department

SUBJECT

HEARING to consider Rezone Application No. P23-02992 and related Environmental Assessment No. P23-02992 relative to property generally located between North Friant Road, East Copper Avenue, North Willow Avenue and East Silaxo Road (Council District 6) - Planning and Development Department

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RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT Environmental Assessment No. P23-02992, dated March 13, 2024, an Addendum to the Subsequent Environmental Impact Report State Clearinghouse No. 20000221003 for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. INTRODUCE AND ADOPT BILL approving Rezone Application No. P23-02992, proposing to amend the Official Zone Map and existing conditions of zoning, regarding timing of construction of traffic signals, pursuant to Article 58, Chapter 15 of the Fresno Municipal Code, currently placed on the following property: ± 35.59 acres of property from the RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 0.93 acres of property from the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 7.23 acres of property from the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district to RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district, ± 0.79 acre of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 2.68 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district, ± 2.07 acres of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 1.17 acres of property from the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 8.17 acres of

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EXECUTIVE SUMMARY

Gary McDonald, on behalf of CRD East, Inc, has filed Rezone Application No. P23-02992 pertaining to property located within the Copper River Ranch Planned Community, which is generally located between North Friant Road, East Copper Avenue, North Willow Avenue and the East Silaxo Road. Rezone Application No. P23-02992 proposes to amend existing conditions of zoning relative to the timing of the construction of various traffic signals.

The subject application proposes removing the existing conditions of zoning associated with the subject property approved by Ordinance Bill No. 2021-052 (Exhibit D). With the removal of the existing conditions of zoning, new conditions of zoning specific to the project will be applied to the rezone application to include conditions of approval pertaining to compliance with the mitigation measures of the subject Subsequent Environmental Impact Report and infrastructure improvements from the Public Works Department. The proposed conditions of zoning are as follows:

“The project shall comply with the mitigation measures of the subject Subsequent Environmental Impact Report (SCH No. 2000021003) and the City of Fresno, Department of Public Works, Memorandum dated January 17, 2024, which specify the implementation and construction of the Public Works improvements for the project.” (**Exhibit E**).

City of Fresno Planning Commission Action

The subject application was considered by the Fresno City Planning Commission at its meeting on March 20, 2024. After hearing testimony from city staff and the applicant, the Planning Commission voted to recommend approval of the proposed application by a vote of 4 to 0 (**Exhibit H**).

On March 19, 2024, one public comment letter was received, prior to the Planning Commission hearing, regarding the proposed project (**Exhibit L**).

BACKGROUND

The Copper River Ranch development was originally approved by the County of Fresno Board of Supervisors in 2000. The project was designated and zoned for a mixture of uses including commercial, multi-family residential, and single-family residential. In 2001, the City of Fresno initiated an update to the General Plan and included the Copper River Ranch area. The Copper River Ranch Project was approved in 2003 by the Fresno City Council. The Project has been in a state of development since 2004 and today, there are commercial and residential uses on the project site.

The City of Fresno prepared and certified an Environmental Impact Report (No. 10126) for the Copper River Ranch Project (State Clearinghouse #2000021003), adopted in 2003. Said EIR analyzed the impacts of the following:

- 2,837 residential units on 706 acres
- 250,000 square feet of office/commercial (60 acres)

The Copper River Ranch Project has been developing since that time in general conformance to what was analyzed in the 2003 EIR. However, as development has occurred, there were some changes regarding subdivision layouts, number of units, and some changes to locations of commercial/office. In addition, there were approximately 170.77 acres that were not studied as part of the 2003 EIR and the project applicant proposed to eventually develop approximately 109 acres of the 170.77 acres.

On December 9, 2021, the City Council certified a Subsequent EIR (SCH No. 200021003) which added approximately 109 acres to the Copper River Ranch development that were not included in the original 2003 Copper River Ranch EIR. Additionally, the second component to the Subsequent EIR consisted of various proposed land use designation and zoning changes within the existing 706.5-acre Copper River Ranch Development. As noted above, these two components were assessed in a Subsequent EIR (SCH No. 200021003), which was certified by the City Council on December 9, 2021.

Summary of proposed Rezone (revision to existing conditions of zoning)

The timing of traffic signal construction requirements relative to five intersections is proposed to be modified from the conditions of approval referenced in the certified SEIR, and Ordinance Bill No. 2021-052 (**Exhibit D**), from “prior to issuance of building permits” to “prior to occupancy of building permits”. The five intersections are as follows:

- Willow Avenue at Alicante Drive
- Millbrook Avenue at Olympic Avenue
- Cedar Avenue at Olympic Avenue
- Chestnut Avenue at Behymer Avenue
- Sommerville Avenue at Chestnut Avenue

As noted within the Public Works Department memo dated January 17, 2024, if the above listed traffic signals are not operational by August 1, 2024, the project applicant shall enter into a Deferral Agreement with cash deposit(s) for the remaining traffic signal work and schedule for completion of work (**Exhibit E**). The Deferral Agreement will allow for 100 occupancies. No other changes to the project as assessed by the 2021 SEIR are proposed at this time.

Streets and Access Points

The project site is generally bounded to the south by Copper Avenue, to the east by Willow Avenue and to the northwest by N. Friant Road. Originally approved in 2003, the project site has been in various states of construction and buildout since 2004. The project includes a combination of residential land uses (both single and multi family) and other uses (including a golf course, office, and commercial land uses).

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. A Traffic Impact Study dated August 22, 2023, was prepared to determine the traffic operational analysis of five intersections which have been conditioned on the project to construct traffic signals at varying trigger points. The Traffic Impact Study is attached as **Exhibit G**.

This assessment evaluated the impacts of the project by analyzing the following study intersections in the vicinity of the project during the AM and PM peak hours for the Existing Conditions; Existing plus Project Conditions; Near Term Plus Project Conditions Year 2025.

Study Intersections:

1. Willow Avenue / Alicante Drive
2. Millbrook Avenue / Olympic Avenue
3. Cedar Avenue / Olympic Avenue
4. Chestnut Avenue / Behymer Avenue
5. Sommersville Drive / Chestnut 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 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.

The proposed project shall pay its Fresno Major Street Impact (FMSI)fee, which will be determined at the time of building permit. This FSMI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.

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 General Plan circulation element and are included in the Nexus Study for the TSMI fee. 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. For project specific impacts that are not consistent with the General Plan, Public Works Standards, and/or not incorporated into the TSMI fees, the infrastructure costs may not be eligible.

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.

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 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 January 17, 2024 (**Exhibit E**). 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).

Council District Project Review Committee

Rezone Application No. P23-02992 was reviewed and recommended for approval by the District 6 Project Review Committee on November 6, 2023, by a vote of 6-0.

Notice of City Council Hearing

Pursuant to the requirements of Fresno Municipal Code section 15-5806 (and 15-5007.D), notice of

this public hearing was published in the Fresno Bee on March 22, 2024. Section 15-5007.D allows the posting of a public hearing notice, in at least one newspaper of general circulation, as an alternative noticing method for large mailings (**Exhibit J**). Additionally, the public hearing notice was posted at various locations throughout the Copper River Ranch development.

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.
- Encourage the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and safe public spaces for social interaction.

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

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

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

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 Frenans to live in communities with convenient services, employment, education, and recreation

within walking distance.

The project site is located within the 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 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 to Woodward Park.

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.

Woodward Park Community Plan

The goals of the Woodward Park Community Plan include developing the 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, and public infrastructure 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.

ENVIRONMENTAL FINDING

An environmental assessment was prepared for each project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

Preparation of the environmental assessments necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies, specifically the Subsequent Environmental Impact Report (SEIR) State Clearinghouse (SCH) No. 2000021003. 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.

It has been determined that the changes to the original project proposed by this approval can be assessed with to be an addendum to SEIR SCH No. 2000021003 as set forth in CEQA Guidelines Section 15164(a), because none of the conditions identified in the CEQA Guidelines Section 15162, which require the preparation of a subsequent EIR, have occurred. Therefore, the Planning and Development Department proposes to adopt an addendum to SEIR SCH No. 2000021003.

It has been further determined that all applicable mitigation measures of SEIR SCH No. 2000021003 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 SEIR SCH No. 2000021003 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 SEIR was certified and that no new information, which was not known and could not have been known at the time that the SEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the projects will not have a significant impact on the environment and the addendums are appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15164.

Based upon the attached environmental assessment (**Exhibit F**) and applicable mitigation measures, staff has determined that there is no evidence in the record that the projects may have a significant effect on the environment and has prepared an addendum for the project.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, Staff concludes that the required findings for Plan Amendments/Rezoning contained within Section 15-5812, et seq. of the Fresno Municipal Code can be made. These findings are attached as Exhibit C.

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 Woodward Park 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 Rezone Application No. P23-02992 is appropriate for the project site.

LOCAL PREFERENCE

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

FISCAL IMPACT

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

ATTACHMENTS:

- Exhibit A: 2023 Aerial Photograph
- Exhibit B: Proposed Rezone (conditions of zoning) Exhibits

Exhibit C: Fresno Municipal Code Findings
Exhibit D: Ordinance Bill No. 2021-052
Exhibit E: Department of Public Works, Memo [01/17/2024]
Exhibit F: Environmental Assessment No. P23-02992, EIR Addendum [03/13/2024]
Exhibit G: Traffic Impact Study [08/22/2023]
Exhibit H: Planning Commission Resolution No. 13843
Exhibit I: City Council Ordinance Bill for Rezone Application No. P23-02992
Exhibit J: City Council Hearing Notice
Exhibit K: City Council Hearing PowerPoint Presentation
Exhibit L: Public Comment Received [03/19/2024]