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Agenda Item: ID#14-584 (4:00 P.M.)

Date: 11/6/14

CITY CLERK, FRESNO

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Items – ID#14-584 (4:00 P.M.)

Supplemental Packet Date: November 20, 2014

#### Item(s)

**CONTINUED HEARING** to consider Plan Amendment Application No. A-13-009, Rezone Application No. R-13-016, and related environmental assessment for the property located on the east side of N. Locan Avenue between the E. Dakota alignment and E. Shields Avenue (**Council District 4**) Development and Resource Management Department

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

80 Condesa Rd.  
Santa Fe, NM 87508

November 17 2014

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Fresno City Council  
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LETTER FOR ID#14-584, BONNADELLE DEVELOPMENT IN SEGA

My name is John Cierva and my family has acreage in the South East Growth Area, SEGA. My sister and her husband are the Trustees for it but all of us are Trust beneficiaries. She helped with this letter and is going to deliver it to the city this week.

One of the reasons I was glad to move away from Fresno is all the corruption. It's funnier from a distance, when I don't have to personally pay for any of it. This Bonnadelle development is more of the same, and by the same family that got in trouble with Operation Rezone!

When she heard about this Bonnadelle project, my sister and her friends looked at the 2025 General Plan to make sure they remembered right. They did. They didn't go to college for planning but I think they managed to do a better job than your whole Development Department when it came to finding the SEGA rules that should apply. My sister typed up the list of 2025 General Plan SEGA rules. She'll deliver it with this letter.

Friends of ours were on the General Plan committee to make sure that the land that Fresno wanted to add to the city would have a good plan before any developers could jump in and mess it up, or get the better of other property owners who are regular people like us. The committee made sure that the General Plan had sensible and strict rules for the South East Growth area. The most important rule for our area is that the city would have to approve a detailed SEGA plan before new development would be allowed in SEGA. This was supposed to make sure that the area got the right roads, water supply, fire stations, sewers, schools and parks to go along with development. The SEGA area plan was supposed to make sure everybody would pay a fair share for these things, and that no property owners could jump out ahead of plan and get a better deal than the rest of us. No properties in SEGA were supposed to develop until all the plans and studies were done. This is spelled out exactly in General Plan C-2-n Policy. It's on page one of the list that my sister and her friends made.

The list of SEGA rules that this Bonnadelle project breaks is four pages long. The ID#14-584 report is only 10 pages long. It doesn't talk about 99% of these rules at all. It pretends like the SEGA rules don't exist, like they never got approved in 2002. Well they were. If you don't know it, read what my sister and her friends found. The 2002 General Plan is still in force. It is supposed to be followed, especially for big issues like a whole new community plan. My sister's friends said that they never saw so many General Plan policies ignored or broken just to approve a tract on one developer's little piece of land. They say that is spot-zoning and it's not legal according to the California planning regulations.

When I looked into the zoning, I saw that the ID#14-584 Rezone Ordinance has so many clauses for future studies and contracts that it can't be legal. My sister's friends say that you can't kick the can down the road when it comes to plans, studies and contracts. The city council isn't supposed to approve projects until the plans, studies and contracts for it are done and everyone has a chance to review those things. Approval hearings are supposed to come AFTER the council (and the neighborhood) has the whole picture.

The city had 12 years after 2002 to get the detailed SEGA plan done that the General Plan said to prioritize. It should be comical, but this deals with hundreds or thousands of people's properties. Even though the SEGA plan never got done, that doesn't justify breaking the 2025 General Plan policy and letting certain developers go ahead with projects in SEGA. The city doesn't owe any developer a go-ahead to build in an area that doesn't have the necessary detailed plan. Besides, if you let one developer go ahead in SEGA, how can you legally say no to all the other developers?

I don't know who the city thinks it is fooling by trying to get Bonnadelle exempted out of the SEGA rules by magically moved his property into the Roosevelt Plan. What planning genius thought up THAT phony dodge? Moving the plan boundary line does not get the REQUIRED detailed plan done for "the area you want formerly known as SEGA." The Roosevelt Plan was adopted miles away and twenty years before the 2002 General Plan even created The Place Called SEGA. The Roosevelt Plan has never had any details or any information at all on land in the SEGA area. The original Roosevelt Plan information for water service, sewer mains, open space, schools, and fire stations had no information pertinent to Bonnadelle's land way up near Dakota and Locan. The Roosevelt Plan never was updated to provide detailed planning for any part of SEGA. It's a slimy trick to say that the Bonnadelle property is not in SEGA, it's in the Roosevelt Plan area, because some line is being moved on a map in ID#14-584. It's a WORTHLESS slimy trick because it can't work. It doesn't accomplish what the 2025 Fresno General Plan requires.

Can you wonder WHY people in the County don't want to get annexed to the crooked City of Fresno? The city breaks its promises and throws away its rules if some developer wants something. I'm glad that the Fresno Mayor didn't get elected comptroller, because one thing California doesn't need is sneaky moves like this when it comes to the whole state's money!

The Mayor seems to be in favor of the Bonnadelle project, since the Staff Recommendation is to approve it and the staff works for her. I think this shows that she is making bad money decisions for the city and for property owners in SEGA. Whatever payments that Bonnadelle avoids by jumping ahead of all the SEGA plans and studies means that the rest of us will have to pay more when the bills come due for the roads, the water system, the sewers, the fire stations, and the parks. Costs avoided by Bonnadelle will be laid off on other properties (or the city general fund). Higher fees due will make the appraisal on our trust property come in lower. The city might make my sister and other people hook up to water and sewer so the city can get money back to cover for what it didn't make the Bonnadelle lots pay. Our taxes and utility bills will make up what Bonnadelle evades of by jumping the gun and breaking the SEGA rules adopted in the 2025 GP. Business as usual Fresno style, developers make their profits, people like us pay for it.

I don't know who the City hired to write the Environmental part of the ID#14-584 report. If it was the 3 million dollar consultant that the City hired for SEGA, that money was wasted, too. How can all those boxes be checked for NO IMPACT? How can anybody know about Biological Resources, when the habitat conservation study for the SEGA community plan never got done as called for in 2025 General Plan G-12.e Policy? No biologists ever came to my sister's neighborhood to look around for frogs, toads, salamanders, foxes, delta smelt, or whatever.

How can NO IMPACT be checked for Hydrology And Water Quality, Utilities, and Public Services? No water or sewer plans for SEGA ever got done. People's wells are going dry all over SEGA, but nobody bothered to do the water plan that the General Plan requires for the area. How can anybody know whether Bonnadelle's tract can get built without making the water situation worse for other SEGA properties like ours? With no water plan for SEGA, what is the city's game plan if our wells get sucked dry?

There's no new sewer line or sewer plant built for SEGA, either. Does that mean Bonnadelle will be buying sewer service from Clovis? (Wasn't that the root cause of Operation Rezone corruption 20 years ago? LOL! History strikes again!)

How can your Environmental consultant check off ANY boxes in the ID#14-584 Environmental report without ANY of the SEGA plans and studies that the 2025 General Plan said had to be done before SEGA development could happen?

One of my sister's friends knows an Environmental attorney. The attorney said that if the SEGA rules in the General Plan don't get followed, the Master Environmental Study for the General Plan is no good because habitat, water, and other things in never got addressed for SEGA. That doesn't seem matter to the Environmental consultant for the Bonnadelle project, though. The consultant attached the Master list at the end of the ID#14-584 Environmental report as if it was worth the paper it's printed on.

The Environmental lawyer who our friends know thinks a whole new Environmental Impact study is what the Bonnadelle project needs. I agree with that! If the old General Plan plan isn't worth following, and a whole different set of rules apply, a new Environmental Impact study is needed.

Isn't there a new General Plan and Environmental Impact study for the whole city in the works? I have to wonder what is the big hurry on this Bonnadelle development? He has plenty of lots to build on. He just bought Millerton New Town. My sister says the Sunday real estate section in the Fresno Bee is full of Bonnadelle homes. Is he in a hurry because he wants to beat whatever rules are in the NEW General Plan as well as the SEGA rules in the OLD General Plan? Why? Didn't Bonnadelle get a seat on the new General Plan committee? Why wouldn't he want to develop his land under the rules he helped write for himself and his buddies?

My sister says the new General Plan must be coming up for hearing soon, because the city hired some little kids to do radio commercials in favor of it. If that is what's going on, I am SHOCKED, JUST SHOCKED that the city is showing its true colors in the ID#14-584 report so close to the hearing on the new General Plan. If the city openly ignores four pages of protective rules from the last General Plan, do you seriously expect anybody to stand up and cheer for the new Plan? Long Live The General Plan! Not very long, if some developer wants special treatment. You might as well call the next one "The Mayfly General Plan." With City Hall's planning ethics it will last about as long as one of those trout snacks.

Some pretty fishy things are going on with ID#14-584. If any of you councilmen vote for any part of this Bonnadelle project or its Environmental report, you should be ashamed. The City will probably get sued by environmental attorneys and lose again (another 3 million dollars down the drain). Anybody who supports it probably will never get elected state comptroller, either.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Cierra". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

## **2025 Fresno General Plan SEGA Rules, adopted in 2002**

Chapter 1, Purpose of the General Plan and General Plan Goals. Based upon the consideration of these factors, the 2025 Fresno General Plan is intended to serve as a guide to enable government at all levels, private enterprise, community groups, and individual citizens to make decisions and utilize community resources in a manner that will realize progress toward a common vision of a measurably enhanced physical, economic, and social environment. It is intended to accomplish this purpose through the use of both the map and text of the General Plan itself as well as through the more direct guidance provided by the city's adopted community and specific plans. . . .**Community and/or specific plans will be prepared to provide more direct guidance for development of the 2025 General Plan North Growth Area and Southeast Growth Area** (Exhibit 1) -General Plan Page 1

A. IMPLEMENTATION ELEMENT, Implementation Program. The General Plan contains many policies and proposals which provide new direction for the city and will require that the council establish priorities, staffing, and funding commitments in order to implement. **This is especially important as related to preparation of community and/or specific plans for the Southeast Growth Area** (Appendix G) and for revitalization and enhancement of the established urban core communities. -General Plan Page 13

A-1-f Policy. **Give high priority to preparation of community plan and/or specific plan documents for the proposed Southeast Growth Area** (conceptually shown in Appendix G) and for established urban core communities including the centre city, Central Plan Area and traditional downtown. -General Plan Page 15

C. URBAN FORM ELEMENT. The 2025 Fresno General Plan continues the goal of its unadopted predecessor, the Fresno 2000 General Plan, to accommodate a population of 725,000 people within the city's existing urban boundary established by the 1983 Joint Planning Resolution and the 1984 Fresno General Plan. However, two growth areas are proposed to the north and southeast of the presently adopted planned urban boundary to accommodate the additional 65,000 people projected through the year 2025. **However, development within the proposed North Growth Area (10,000 population holding capacity) and Southeast Growth Area (55,000 population growth capacity) would be subject to compliance with numerous planning and urban development management measures established by the 2025 Fresno General Plan** (see Exhibit 1). -General Plan Pages 20-21

C-2-n Policy. **Development of the Southeast Growth Area (Exhibit 1), bound by the Gould Canal and McCall, McKinley, Highland, Jensen, Temperance and Locan Avenues, may proceed subject to approval of a detailed community and/or specific plan (conceptually shown on Appendix G) to accommodate a population of 55,000, comprised of an urban village south of the Gould Canal with a population of approximately 10,000 people and south of Tulare Avenue an urban activity center to accommodate approximately 45,000 people.**

- Obtain approval of the additional area within the urban boundary and sphere of influence in accordance with the provisions of the 1983 Joint Resolution on Metropolitan Planning.
- Establish policies and standards as amendments to the Roosevelt Community Plan or as a new community plan or specific plan to direct development of an appropriate range of land uses with adequate public facilities and services.

- **Apply all appropriate development standards, including urban growth management policies necessary to ensure the timely provision of adequate public facilities and services consistent with 2025 General Plan policies that new development not be subsidized by existing development.**
- **Implement community or specific plan directives consistent with the 2025 General Plan to establish a unique mixed use community, including village centers, that compliment and strengthen the metropolitan area.** -General Plan Pages 33-34

## E. PUBLIC FACILITIES ELEMENT

### Direction

#### 1. Transportation/Streets and Highways.

- **Many major streets in the west and southeast areas will develop bottlenecks where extensive rural residential development exists, leaving two-lane sections of roadway until such time as the rural properties redevelop into urban uses.** -General Plan Page 58

**E-1-i Policy. Prepare and adopt a comprehensive major street circulation system plan prior to approval of urban development within the Southeast Growth Area (Appendix G) identified by the 2025 Fresno General Plan (Exhibit 4).** -General Plan Page 69

**7. Sewer. While the RWTRF facility located southwest of the Fresno Metropolitan Area is the regional treatment and reclamation facility, alternatives for future capacity include sub-regional facilities located in the eastern portion of the proposed Clovis growth area and one or both of the North and Southeast Growth Areas presented by the 2025 Fresno General Plan** -General Plan Page 62

**E-18-b Policy. Pursue enlargement or extension of the sewage collection system where necessary to serve planned urban development including the designated North and Southeast Growth Areas, with the capital costs and benefits allocated equitably and fairly between the existing users and new users while facilitating economic diversification. New users shall, to the extent not inconsistent with economic diversification strategies, pay for the cost of being attached to the collection system through connection fees, including the cost of any incremental burden that they may place on the entire system; and pay for their share of operational and maintenance costs in addition to any costs for extraordinary facilities such as lift stations or capacity enhancement measures.** -General Plan Page 86

#### 8. Water

**E-22-k Policy. Implement the Fresno Metropolitan Water Resource Management Plan as necessary to ensure adequate water supplies are available for both short and long term needs so that development of peripheral areas, including the planned North Growth and Southeast Growth Areas, will not adversely affect efforts to balance water demand with water supply.** -General Plan Page 89

## 9. Drainage/Flood Control

E-23-a Policy. The Storm Drainage and Flood Control Master Plan of the Fresno Metropolitan Flood Control District (FMFCD) shall be consistent with and incorporated in the General Plan **including updating and revising as necessary to accommodate** intensified urban uses within established areas and **development within the designated North and Southeast Growth Areas.** -General Plan Page 90

E-23-c Policy. **The City of Fresno shall coordinate with the Fresno Metropolitan Flood Control District in updating the Flood Control Master Plan as necessary to determine the optimum locations for drainage basins and other facilities necessary to serve urban development including** planned urban intensification and **the planned North Growth and Southeast Growth Areas.** -General Plan Page 90

11. Fire Services - **One or more additional fire stations will be necessary to serve the Southeast Growth Area.** Under guidelines established by the city's UGM Policy, the permanent service area of fire stations, for urban development, has been set at a two-mile "running" distance. On an interim basis, until new stations can be constructed, the "running" distance from an existing fire station may be extended to three miles to allow the development of standard residential developments. -General Plan Page 65

E-25-a Policy. **Utilize the procedures and criteria contained within the Urban Growth Management (UGM) Policy and Ordinance to provide an equitable means through which the provision of fire service can be addressed throughout the UGM area including the planned North and Southeast Growth Areas.** -General Plan Page 92

E-26-a Policy. Use adopted general and specific plans, the city's GIS database, and the fire station location program to achieve optimum siting of future fire stations. For those station sites identified by the 2025 General Plan Land Use and Circulation Map (Exhibit 4) but not yet acquired by the city, the underlying alternative land uses shown on Table 5 shall be applied.

- **The siting of any additional new station locations to serve future development such as the North and Southeast Growth Areas shall occur through the applicable community or specific plan adoption/amendment process.** -General Plan Page 93

## 12. Schools

E-29-c Policy. Encourage school districts to request the designation of needed new school sites on the appropriate plan land use map, at the earliest time possible, in order to facilitate planning for compatible land uses and better ensure that future school sites can be accommodated. For those public school sites designated by the 2025 General Plan Land Use and Circulation Map (Exhibit 4) not yet acquired by the appropriate district, the alternative land uses shown on Table 3 shall be applied

- **The City shall consult with the affected school districts to assure that adequate school sites are identified and planned for in preparing the appropriate community or specific plans for the North and Southeast Growth Areas.** -General Plan Page 96

## F. OPEN SPACE/RECREATION ELEMENT

F-1-i Policy. Park sites shown on the land use map of this General Plan Update/Master Parks Plan shall serve as an overlay for community and specific plan land use maps. Additional parks and open space may be depicted as needed and appropriate in community and specific plans (e.g., in a specific plan or redevelopment plan), and in the San Joaquin River Parkway area. **Additional park sites will be determined during preparation of required community plan and/or specific plan documents for the North Growth Area and Southeast Growth Area** as depicted on the 2025 General Plan Update. -General Plan Page 102

## F. RESOURCE CONSERVATION ELEMENT

### Agricultural Land

G-5-b Policy. **Plan for the location and intensity of urban development in a manner that efficiently utilizes land area located within the planned urban boundary, including the North and Southeast Growth Areas**, while promoting compatibility with agricultural uses located outside of the planned urban area. -General Plan Page 137

### Native Plants and Wildlife

G-12-e Policy. **Open Space land use designations, appropriate zoning, setbacks, and conservation easements will be used to preserve areas identified as sensitive or critical habitat for rare, threatened, or endangered vegetation and wildlife species, with particular attention paid to the North and Southeast Growth Areas and to the preparation of the required community and/or specific plans for these expansion areas of the 2025 Fresno General Plan.** -General Plan Page 156

## APPENDIX G

This is only a 1-page colored map that the city said was just a concept for the South East Growth Area. This Appendix did not have any written plan details or policies for SEGA, like Appendix W for the West Area Plan had. At the committee meetings and in hearings, the city said that the SEGA concept map was going to be replaced by an actual detailed community or specific plan, but it never was.