



Legislation Details (With Text)

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Title: HEARING to consider Annexation Application No. ANX-18-001, Pre-zone Application No. R-18-001, and the related Environmental Assessment No. ANX-18-001/R-18-001, for property bounded between West Shaw and West Gettysburg Avenues and between North Bryan and North Hayes Avenues in the County of Fresno, California. (Council District 1)

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015 as prepared for Environmental Assessment No. ANX-18-001/R-18-001 dated March 29, 2018.
2. RESOLUTION - Approving Annexation Application No. ANX-18-001 to initiate annexation proceedings of approximately 158 acres of property to the City of Fresno planned for Medium Density Residential, Urban Neighborhood Residential, High Density Residential, and Open Space.
3. BILL - (For introduction and adoption) - Approving Pre-zone Application No. R-18-001 to pre-zone the property from the RR (Rural Residential-Fresno County) zone district to the City of Fresno RS-5/UGM (Single Family Residential, Medium Density/Urban Growth Management), RM-2/UGM (Urban Neighborhood/Urban Growth Management), RM-3/UGM (Multi-Family Residential, High Density/Urban Growth Management), and OS/UGM (Open Space/Urban Growth Management) zone districts.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exh A - Vicinity Map, 2. Exh B - Aerial Photo, 3. Exh C - Planned Land Use, 4. Exh D - Pre-zone and ANX Overlay, 5. Exh E - Annex Boundary, 6. Exh F - Noticing Map, 7. Exh G - Project Info Table, 8. Exh H - Neighborhood Outreach, 9. Exh I - FMC Criteria, 10. Exh J - Environmental Assessment, 11. Exh K - Operational Statement, 12. Exh L - Master Application, 13. Exh M - PC Reso No. 13529-13530, 14. Exh N - Ord. Bill Pre-Zone, 15. Exh O - Resolution Initiating ANX-18-001.pdf, 16. Exh P - CC Presentation ANX-18-001 R-18-001

Date	Ver.	Action By	Action	Result
5/17/2018	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

MAY 17, 2018

FROM: JENNIFER K. CLARK, Director
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Assistant Director
Development and Resource Management Department

WILL TACKETT, Supervising Planner

Development and Resource Management Department

BY: ANDREINA AGUILAR, Planner
Development and Resource Management Department

SUBJECT

HEARING to consider Annexation Application No. ANX-18-001, Pre-zone Application No. R-18-001, and the related Environmental Assessment No. ANX-18-001/R-18-001, for property bounded between West Shaw and West Gettysburg Avenues and between North Bryan and North Hayes Avenues in the County of Fresno, California. (Council District 1)

1. **ADOPT** the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015 as prepared for Environmental Assessment No. ANX-18-001/R-18-001 dated March 29, 2018.
2. **RESOLUTION** - Approving Annexation Application No. ANX-18-001 to initiate annexation proceedings of approximately 158 acres of property to the City of Fresno planned for Medium Density Residential, Urban Neighborhood Residential, High Density Residential, and Open Space.
3. **BILL - (For introduction and adoption)** - Approving Pre-zone Application No. R-18-001 to pre-zone the property from the RR (*Rural Residential-Fresno County*) zone district to the City of Fresno RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*), RM-2/UGM (*Urban Neighborhood/Urban Growth Management*), RM-3/UGM (*Multi-Family Residential, High Density/Urban Growth Management*), and OS/UGM (*Open Space/Urban Growth Management*) zone districts.

RECOMMENDATIONS

Staff recommends that the City Council takes the following actions:

1. **ADOPT** Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015 as prepared for Environmental Assessment No. ANX-18-001/R-18-001 dated March 29, 2018.
2. **APPROVE RESOLUTION** approving Annexation Application No. ANX-18-001 proposing to initiate the annexation proceedings of approximately 158 acres of property to the City of Fresno planned for Medium Density Residential, Urban Neighborhood Residential, High Density Residential, and Open Space.
3. **APPROVE BILL (For introduction and adoption)** approving Pre-zone Application No. R-18-001 to pre-zone the property from the RR (*Rural Residential-Fresno County*) zone district to the City of Fresno RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*), RM-2/UGM (*Urban Neighborhood/Urban Growth Management*), RM-3/UGM (*Multi-Family Residential, High Density/Urban Growth Management*), and OS/UGM (*Open Space/Urban Growth Management*) zone districts. The Annexed Rural Residential Transitional (ANX) Overlay District will be applied to those properties that will continue Rural Residential land uses within the subject property.

EXECUTIVE SUMMARY

Dennis M. Gaab of BMCH California, LLC; c/o Century Communities, Inc. has filed Annexation

Application No. ANX-18-001 pertaining to approximately 158 acres of property bounded between West Shaw and West Gettysburg Avenues and North Bryan and North Hayes Avenues, see Exhibit A and Exhibit E, and detachment from the North Central Fire Protection District and the Kings River Conservation District, currently within the County of Fresno. The property proposed for annexation is planned for Medium Density Residential, Urban Neighborhood Residential, High Density Residential, and Open Space in the Fresno General Plan, see Exhibit C.

Pre-zone Application No. R-18-001 proposes to amend the Official Zone Map to pre-zone the property from the RR (*Rural Residential-Fresno County*) zone district to the City of Fresno RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*), RM-2/UGM (*Urban Neighborhood/Urban Growth Management*), RM-3/UGM (*Multi-Family Residential, High Density/Urban Growth Management*), and OS/UGM (*Open Space/Urban Growth Management*) zone districts, see Exhibit D.

The Annexed Rural Residential Transitional (ANX) Overlay District will be applied to those properties that will continue rural residential land uses within the subject property, see Exhibit D. The ANX Overlay District allows rural residential use of properties, upon annexation to the city, to continue until such time as the properties are further developed consistent with the Base District.

BACKGROUND/ANALYSIS

The subject property is located in the County of Fresno, but within the City of Fresno's Sphere of Influence (SOI). The SOI is a boundary for land that is expected to be annexed by the City as development is proposed, but until then remains under the jurisdiction of the County of Fresno. The proposed zone district will take in effect once the annexation is approved by the Local Agency Formation Commission (LAFCO) of Fresno. The subject site is identified as Growth Area 1 in Figure IM-2 of the General Plan.

The annexation and pre-zone applications have been submitted to facilitate the development of Vested Tentative Tract Map (VTTM) No. 5493. VTTM No. 5493 was approved by City Council in 2007. The vested map was approved for 243 dwelling units.

The following are the approximate acreages proposed for each land use: 80 acres of Medium Density Residential, 40 acres of Urban Neighborhood Residential, 30 acres High Density Residential, and 10 acres of Open Space. The majority of the subject property is developed with single family homes and a ponding basin; an approximate 85 acres of the total 158 acres is developed. The remaining approximate 73 acres remain undeveloped. The subject site is bordered by incorporated land on the north, east, south, and about 60 percent along the western boundary.

The subject site is located in the boundaries of the Fresno General Plan and the West Area Community Plan.

Land Use Plans and Policies

The goal of the West Area Community Plan is to develop the area as a planned community with a complete range of services and facilities for the needs of 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. The following objectives relate or are implemented into the proposed project:

- Policy W-1-a: Boundaries of planned urban uses should be drawn in order to prevent "peninsular effects".
- Policy W-1-f: County Zoning Ordinance requirements regarding uses permitted in County AE and AL zone districts shall remain in effect upon annexation to the city.

As previously mentioned, the proposed annexation will reduce a county peninsula and property currently developed with single family homes will be able to continue the typical rural residential uses after annexation with the ANX Overlay District.

The objectives and policies of the Fresno General Plan contribute to the establishment of a comprehensive city-wide land use planning strategy to meet housing development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment. Annexations serve as strategies to implement the policies and goals of the Fresno General Plan, such as those mentioned below.

- Policy LU-1-e: Recommend that annexations to the City conform to the General Plan Land Use Designations.
- Policy LU-1-g: Maintain the City's current Sphere of Influence (SOI) Boundaries without additional expansion.
- Policy LU-5: Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.

As previously mentioned, the proposed zone districts are consistent with the Planned Land Uses, the subject site is within the SOI, and the annexation could potentially yield a minimum of 1,940 residential dwellings.

The Fresno General Plan also provides that recommendations for annexations into the City will comply with the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno (MOU). The annexation will be compliant with the MOU standards for annexation by meeting the minimum requirements for consideration under the provisions for existing substantial development and the creation of logical boundaries. The proposed annexation is consistent with the adopted sphere of influence and does not conflict with the goals and/or policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Additionally, the proposal will reduce the size of an existing county peninsula. Future development of property proposed to be annexed will be required to meet City standards and provide improvements as they relate to the development at that time.

The proposal is consistent with the City General and Community plans, including adopted goals and policies.

Neighborhood Outreach

On September 28, 2017, at 6 p.m., a meeting was held at Glacier Point Middle School which was attended by one family, City Staff, and the applicants. Due to the lack of property owner attendees,

the applicant mailed an additional letter requesting to personally meet with those property owners within the proposed annexation boundary. The applicants also met with some residents in their homes and nearby locations to inform them of their intent to propose the annexation and pre-zone. The applicants have expressed to City staff the support of the property owners to be annexed and pre-zoned. Exhibit H contains the letters provided by the applicant that were sent to property owners and received from property owners.

City of Fresno Planning Commission Action

On April 18, 2018, the Planning Commission heard the item as presented by staff, followed by the applicant. During the hearing, no members of the public spoke in opposition or in support. The Planning Commission recommends that the City Council take the following actions:

1. **ADOPT** Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015 as prepared for Environmental Assessment No. ANX-18-001/R-18-001 dated March 29, 2018.
2. **APPROVE** Annexation Application No. ANX-18-001 proposing to initiate the annexation proceedings of approximately 158 acres of property to the City of Fresno planned for Medium Density Residential, Urban Neighborhood Residential, High Density Residential, and Open Space.
3. **ADOPT BILL** approving Pre-zone Application No. R-18-001 to pre-zone the property from the RR (*Rural Residential-Fresno County*) zone district to the City of Fresno RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*), RM-2/UGM (*Urban Neighborhood/Urban Growth Management*), RM-3/UGM (*Multi-Family Residential, High Density/Urban Growth Management*), and OS/UGM (*Open Space/Urban Growth Management*) zone districts. The Annexed Rural Residential Transitional (ANX) Overlay District will be applied to those properties that will continue Rural Residential land uses within the subject property.

Notice of Public Hearing

The Development and Resource Management Department mailed notices of the City Council Public Hearing to the surrounding property owners within 1000 feet of the subject property on May 2, 2018.

ENVIRONMENTAL FINDINGS

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying

capacity of the planned major street system; and, student generation projections and school facility site location identification.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report (MEIR) SCH No. 2012111015 prepared for the Fresno General Plan adopted by the Fresno City Council on December 18, 2014. Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

With mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section. A public notice for the Environmental Assessment Application No. ANX-18-001/R-18-001 was published on March 30, 2018 with no comments or appeals received to date.

FRESNO MUNICIPAL CODE

Based upon analysis of the applications, staff concludes that the required criteria of Section 15-6104 and Section 15-5812 of the Fresno Municipal Code can be made, see attachment J.

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 Annexation Application No. ANX-18-001 and Pre-zone Application No. R-18-001 are appropriate for the subject properties.

LOCAL PREFERENCE

Local preference was not considered because this ordinance 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 application 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 Development and Resource Management Department

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use
- Exhibit D - Pre-Zoning Map
- Exhibit E - Annexation Boundary
- Exhibit F - Noticing Map
- Exhibit G - Project Information Tables
- Exhibit H - Neighborhood Outreach
- Exhibit I - FMC Criteria
- Exhibit J - Environmental Assessment
- Exhibit K - Operational Statement
- Exhibit L - Master Application
- Exhibit M - Planning Commission Resolution Nos. 13529 and 13530
- Exhibit N - City Council Ordinance Bill for Pre-zone Application No. R-18-001 and related Environmental Assessment No. ANX-18-001/R-18-001
- Exhibit O - City Council Resolution Initiating Annexation for Annexation Application No. ANX-18-001
- Exhibit P - Powerpoint