



Legislation Details (With Text)

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**File created:** 10/27/2021      **In control:** City Council  
**On agenda:** 12/2/2021      **Final action:** 12/2/2021

**Title:** HEARING regarding a proposed Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, relating to the development of the Oasis Master Plan Area, which consists of a total of 599 single-family residential homes as a component of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184 (Council District 3) - Planning and Development Department.

1. ADOPT an addendum to the previously adopted Mitigated Negative Declaration for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020, environmental finding for Environmental Assessment Nos. R-05-43/T-5456 dated October 19, 2005 and R-05-45/T-5463/C-05-140 dated February 9, 2006, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. BILL (For Introduction) - Approving the Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, pertaining to the Oasis Master Plan Area, which consists of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184, situated on the east and west side of South Valentine Avenue, north of West Madison Avenue.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Revised Vesting Tentative Tract Map No. 5456/UGM dated September 18, 2020, 2. Exhibit B - Revised Vesting Tentative Tract Map No. 5463/UGM dated September 18, 2020, 3. Exhibit C - Vesting Tentative Tract Map No. 6183/UGM dated April 20, 2020, 4. Exhibit D - Vesting Tentative Tract Map No. 6184/UGM dated April 20, 2020, 5. Exhibit E - Aerial Map, 6. Exhibit F - Vicinity Map, 7. Exhibit G - Fresno General Plan Land Use & Zoning Map, 8. Exhibit H - Fresno Municipal Code Findings, 9. Exhibit I - Public Hearing Notice Radius Map, 10. Exhibit J - Draft Development Agreement between the City of Fresno and Fagundes Bros. Dairy, 11. Exhibit K - Addendum to Environmental Assessment No. T-6183/T-6184 dated June 25, 2021, 12. Exhibit L - Planning Commission Resolution No. 13726, 13. Exhibit M - City Council Ordinance Bill for Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, 14. Supplement\_Dec 2nd\_21-810 OasisMasterPlanArea\_Fagundes Bros\_PowerPointPresentation

Date	Ver.	Action By	Action	Result
12/2/2021	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**DECEMBER 2, 2021**

**FROM:** MIKE SANCHEZ, Assistant Director  
Development Services Division, Planning and Development

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

**BY:** ROB HOLT, Planner III  
Development Services Division, Planning and Development

## **SUBJECT**

HEARING regarding a proposed Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, relating to the development of the Oasis Master Plan Area, which consists of a total of 599 single-family residential homes as a component of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184 (Council District 3) - Planning and Development Department.

1. ADOPT an addendum to the previously adopted Mitigated Negative Declaration for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020, environmental finding for Environmental Assessment Nos. R-05-43/T-5456 dated October 19, 2005 and R-05-45/T-5463/C-05-140 dated February 9, 2006, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. BILL (For Introduction) - Approving the Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, pertaining to the Oasis Master Plan Area, which consists of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184, situated on the east and west side of South Valentine Avenue, north of West Madison Avenue.

## **RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. ADOPT an addendum to the previously adopted Mitigated Negative Declaration for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020, environmental finding for Environmental Assessment Nos. R-05-43/T-5456 dated October 19, 2005 and R-05-45/T-5463/C-05-140 dated February 9, 2006, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. INTRODUCE AND ADOPT BILL approving the Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, pertaining to the Oasis Master Plan Area, which consists of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184, situated on the east and west side of South Valentine Avenue, north of West Madison Avenue.

## **EXECUTIVE SUMMARY**

Under the provisions of Section 65865 et seq. of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property. The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project to assure the maximum efficient utilization of resources at the least economic cost to the public.

The purpose of the subject proposed Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy is to Negotiate and stipulate terms respective to: (1) Expiration/Extension of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184 (in order to provide certainty and commitment to use and develop the maps); (2) Vested Rights for Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184 and applicability of certain Fee Credits; (3) Imposition of certain new

City Development fees and new Required Exactions (including park improvements and roadway landscaping); (4) The timing within which key elements of the project need to be constructed; (5) The rights, duties or obligations of the agreement; and, (6) The duration of the agreement.

## **BACKGROUND/PROJECT ANALYSIS**

### The Oasis Master Plan Area

The Oasis Master Plan Area consists of four vesting tentative tract maps (T-5456, T-5463, T-6183, T-6184) that are located on the east and west side of South Valentine Avenue, between West Madison and West Whites Bridge Avenue. All four maps consist of a total of 599 single-family residential lots that make up the Oasis Master Plan Area.

Vesting Tentative Tract Map Nos. 5463 (T-5463) and 6183 (T-6183) are located on the west side of South Valentine Avenue, north of West Madison Avenue. T-5463 was originally approved by the City Council on April 25, 2006, that authorized the construction of 305 single-family residential homes. On September 18, 2020, an amendment was approved by the Planning and Development Department that altered the location of street stubs that would eventually connect to T-6183. T-6183 was approved by the Planning Commission on October 7, 2020. The western half of the Oasis Master Plan Area also will incorporate a ±2.00-acre neighborhood park that will provide a shaded play structure, half- or full-size basketball court, and dog park for the future residents.

Vesting Tentative Tract Map Nos. 5456 (T-5456) and 6184 (T-6184) are located on the east side of South Valentine Avenue, north of West Madison Avenue. T-5456 was originally approved by the City Council on January 10, 2006, that authorized the construction of 210 single-family residential homes. On September 18, 2020, an amendment was approved by the Planning and Development Department that altered the location of street stubs that would eventually connect to T-6184. T-6184 was approved by the Planning Commission on October 7, 2020.

### Development Agreement

Pursuant to timelines established by the State and codified in the Subdivision Map Act, the City takes the position that T-5456 was to expire on January 10, 2019 and T-5463 was to expire on April 25, 2019. To resolve the expiration date issues, the City and Fagundes Bros. Dairy (Fagundes) have negotiated the proposed Development Agreement (**Exhibit J**). The Development Agreement would allow Fagundes to construct T-5456, T-5463, T-6183, and T6184.

The amount of each of the required Development Impact Fees that the Developer shall be required to pay shall be the lesser of: (1) the required Development Impact Fees then charged when the applications for the current tract maps (T-5456, T-5463, T-6183, T-6184) were determined to be complete pursuant to Government Code Section 65349, which the parties agree was September 21, 2016 approved or revisions approved; or, (2) the amount then charged by the City or the applicable City Agency for the required Development Impact Fees at the time that the required Development Fee for the relevant current tract map is required to be paid by the Developer. The current tract maps will be required to pay the current Water Capacity Fee. Except for the required Development Impact Fees mentioned above (specified in the Development Agreement), no City Development Fees shall be imposed by the City or any City Agency during the term of this Development Agreement in connection with: (1) the development, construction, use, or occupancy of the Oasis Master Plan project; or (2) any application filed for any City Permit for the development, construction, use or

occupancy of the Oasis Master Plan project.

Pursuant to the Development Agreement, Fagundes will have ten years to complete the Oasis Master Plan Area, with two optional two-year extensions at the discretion of the City. In addition, as an added benefit to the neighborhood and City, Fagundes will perform the improvements described below:

**Park.** Developer will build one neighborhood park (minimum 2.00 acres in area) to be located centrally within the boundary of Tract 5463 (the western half of the Oasis Master Plan Area). The proposed neighborhood park will, at minimum, incorporate a shaded play structure, a half- or full-size basketball court, and a dog park to serve the future residents. Revenue from the Community Facilities District (CFD) will be used to maintain the park. The neighborhood park will be required to be developed and operational by the time of issuance of the 200th certificate of occupancy.

In consideration of the requirement to develop the neighborhood park amenities, payment of Quimby Act in-lieu fees or Park Facility Impact Fees shall be subject to the application of the Park Fee Credits described in Section 5.5 of the Development Agreement. The dollar amounts eligible to the Developer for purposes of Park Fee Credits (i.e., Quimby Fee and Park Facility Impact Fee) will be capped, not to exceed a certain dollar amount, as provided in the Agreement. The Agreement provides that the Developer shall be provided a credit against future payment of Quimby Parkland Dedication fees in the amount of \$251,526.00 for purposes of the Quimby Fee (based upon a valuation of such lands as described within the Agreement); and, the Developer shall be provided a credit against future payment of Park Facility Impact fees in an amount not to exceed 50% of the total Park Facility Impact Fees due/generated for the entirety of the Oasis Master Plan project, respectively..

Staff believes the Development Agreement will substantially improve the neighborhood, and result in a mutually beneficial opportunity for the citizens, future homeowners, and the developer.

### **Land Use Plans and Policies**

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

- Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land, buildings, natural resources, and fiscal resources required for the long-term sustainability of Fresno.
- 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.
- Develop 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.
- Emphasize and plan for all modes of travel on local and Major Streets in Fresno.

- Resolve existing public infrastructure and service deficiencies, make full use of existing infrastructure, and invest in improvements to increase competitiveness and promote economic growth.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

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.

Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.

Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

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.

Objective UF-14 emphasizes an urban form that facilitates multi-modal connectivity.

Policy UF-14-b emphasizes local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development and the creation of access for pedestrian and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.

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 uses to maximize efficient use of residential property through a wide range of densities.

Policy LU-5-h supports housing that offers residents a variety of amenities including public and private open space, landscaping, with direct access to public transit and community gathering spaces.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units

are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include: Parks and public schools within or near the neighborhood, public plaza/civic space; access to public transit, neighborhood-serving retail and a range of employment opportunities.

The matter of the proposed Development Agreement is for purposes of the furtherance of approved vesting tentative maps.

## **Process**

Pursuant to Fresno Municipal Code Section 15-6001 et seq., a Development Agreement must be presented to the Planning Commission for recommendation to the City Council. To approve the Development Agreement, the City Council must hold a hearing, make certain required findings, and adopt the Development Agreement as an ordinance (requiring two readings).

## **City of Fresno Planning Commission**

This project was originally scheduled for the City of Fresno Planning Commission meeting on October 6, 2021. Technical difficulties resulted in a continuance of the project for the October 20, 2021 Planning Commission meeting.

The City of Fresno Planning Commission held a public hearing to consider the proposed project on October 20, 2021. There were no members of the public to speak in favor of or in opposition to the project. One member of the public had concerns on if the developer would allow for affordable housing within the development. The applicant informed the Commission that they would not be opposed to affordable housing.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of the subject applications to the Fresno City Council. The Planning Commission voted to recommend approval of the proposed applications by a vote of 7-0.

## **Notice of City Council Hearing**

The Planning and Development Department mailed notices of this City Council hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 of the FMC (**Exhibit I**).

## **ENVIRONMENTAL FINDINGS**

A Mitigated Negative Declaration was previously 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 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.

It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures, as necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 as provided by CEQA Section 15178(a).

The approved Mitigated Negative Declaration for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020, anticipated single-family residential uses at a density consistent with the Medium Density Residential planned land use designation. Because the anticipation of a Development Agreement was not specified in the aforementioned Mitigated Negative Declaration, an addendum dated June 25, 2021, has been prepared to incorporate this change. This addendum is a minor technical change. Per Section 15164 of the CEQA Guidelines, the addendum will not introduce any new significant environmental effects or substantially increase the severity of previously identified environmental effects (**Exhibit K**).

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within Section 15-6006 et seq. of the Fresno Municipal Code can be made. These findings are attached as **Exhibit H**.

## **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 Southwest Fresno Specific Plan; compliance with the provisions of the FMC; 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 and exhibits. Staff concludes that the required findings contained within Section 15-6006 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed project 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: Revised Vesting Tentative Tract Map No. 5456/UGM dated September 18, 2020
- Exhibit B: Revised Vesting Tentative Tract Map No. 5463/UGM dated September 18, 2020
- Exhibit C: Vesting Tentative Tract Map No. 6183/UGM dated April 20, 2021
- Exhibit D: Vesting Tentative Tract Map No. 6184/UGM dated April 20, 2021
- Exhibit E: Aerial Map
- Exhibit F: Vicinity Map
- Exhibit G: Fresno General Plan Land Use & Zoning Map
- Exhibit H: Fresno Municipal Code Findings
- Exhibit I: Public Hearing Notice Radius Map
- Exhibit J: Draft Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy
- Exhibit K: Addendum to Environmental Assessment No. T-6183/T-6184 dated June 25, 2021
- Exhibit L: Planning Commission Resolution No. 13726
- Exhibit M: City Council Ordinance Bill for Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy