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**Title:** HEARING to consider Rezone Application No. R-16-004, Annexation Application No. ANX-16-001, and related Environmental Assessment No. R-16-004/ANX-16-001/T-6139, (Council District 3)  
a. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. R-16-004/ANX-16-001/T-6139, dated April 29, 2016.  
b. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-004 to amend the Official Zone Map to rezone an approximately 19.66 acre portion of the subject property from the PI (Public and Institutional) zone district and prezone an approximately 4.81 acre portion of the subject property from the RR (Rural Residential, Fresno County) zone district to the RS-5/UGM (Residential Single-Family, Medium Density/Urban Growth Management) zone district.  
c. RESOLUTION - Approving Annexation Application No. ANX-16-001 to initiate annexation proceedings for incorporation of an approximately 4.81 acre portion of the subject property to the City of Fresno; and, detachment from the Kings River Conservation District and North Central Fire Protection District.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibits A - M : R-16-004, ANX-16-001 - CC Report - Attachments.pdf, 2. R-16-004 ANX-16-001 - CC Presentation.pdf

Date	Ver.	Action By	Action	Result
6/30/2016	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**June 30, 2016**

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

**THROUGH:** MIKE SANCHEZ, Assistant Director  
Development Services Division

BONIQUE EMERSON, Planning Manager  
Development Services Division

**BY:** WILL TACKETT, Supervising Planner  
Development Services Division

## SUBJECT

HEARING to consider Rezone Application No. R-16-004, Annexation Application No. ANX-16-001, and related Environmental Assessment No. R-16-004/ANX-16-001/T-6139, (Council District 3)

- a. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. R-16-004/ANX-16-001/T-6139, dated April 29, 2016.
- b. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-004 to amend the Official Zone Map to rezone an approximately 19.66 acre portion of the subject property from the PI (*Public and Institutional*) zone district and prezone an approximately 4.81 acre portion of the subject property from the RR (*Rural Residential, Fresno County*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district.
- c. RESOLUTION - Approving Annexation Application No. ANX-16-001 to initiate annexation proceedings for incorporation of an approximately 4.81 acre portion of the subject property to the City of Fresno; and, detachment from the Kings River Conservation District and North Central Fire Protection District.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. R-16-004/ANX-16-001/T-6139, dated April 29, 2016.
2. ADOPT BILL approving Rezone Application No. R-16-004 to amend the Official Zone Map to rezone an approximately 19.66 acre portion of the subject property from the PI (*Public and Institutional*) zone district and prezone an approximately 4.81 acre portion of the subject property from the RR (*Rural Residential, Fresno County*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district.
3. ADOPT RESOLUTION approving Annexation Application No. ANX-16-001 to initiate annexation proceedings for incorporation of an approximately 4.81 acre portion of the subject property to the City of Fresno; and detachment from the Kings River Conservation District and North Central Fire Protection District.

## EXECUTIVE SUMMARY

Lennar Fresno, Inc. has filed Rezone Application No. R-16-004, Annexation Application No. ANX-16-001 and Vesting Tentative Tract Map No. 6139/UGM pertaining to approximately 38.70 acres of property located on the northeast corner of the intersection of North Polk and West Olive Avenues.

The subject property is located within the boundaries of the Fresno General Plan and the West Area Community Plan. The Fresno General Plan designates the subject property for Medium Density Residential (5.0-12 du/acre) and Public Facility (Elementary School) planned land uses; with a Dual Designation of Medium Density Residential for the Public Facility planned portion pursuant to Figure LU-2: Dual Designation of the Fresno General Plan.

An approximately 33.89 acre portion of the subject property is located within the incorporated boundary of the City of Fresno and an approximately 4.81 acre portion of the subject property is located within the unincorporated area of the County of Fresno.

Rezone Application No. R-16-004 proposes to rezone an approximately 19.66 acre portion of the subject property from the PI (*Public and Institutional*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district for purposes of facilitating the proposed subdivision and development of the subject property; and, to prezone the approximately 4.81 acre portion of the subject property from the RR (*Rural Residential - Fresno County*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district for purposes of facilitating the annexation of the same portion of the subject property to the City of Fresno in accordance with Annexation Application No. ANX-16-001.

The balance of the subject property (approximately 14.23 acres), which comprises a portion of the approximately 33.89 acres located within the incorporated boundary of the City of Fresno, is currently zoned RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*). The portion of property proposed to be annexed will require detachment from the Kings River Conservation District and North Central Fire Protection District; these actions are under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

The rezone and annexation applications have been filed in order to facilitate a subdivision of the subject property for purposes of creating a 201-lot conventional single family residential development at a density of approximately 5.19 dwelling units per acre pursuant to Vesting Tentative Tract Map No. 6139/UGM. Vesting Tentative Tract Map No. 6139/UGM was approved by the Planning Commission on June 01, 2016, contingent upon City Council Approval of the subject rezone and annexation applications.

The proposed project will require dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno.

The existing and proposed RS-5/UGM (*Residential Single-Family/Urban Growth Management*) zoning for the subject property is consistent with the Medium Density Residential planned land use designation for the subject property as designated by the Fresno General Plan and West Area Community Plan. Based upon the submitted subdivision design, the proposed subdivision will not, in fact, result in an intensification of residential units on the subject property beyond that previously conceived by the Fresno General Plan or MEIR. Thus, the subject applications are consistent with the Fresno General Plan and the West Area Community Plan.

## **BACKGROUND**

Lennar Fresno, Inc., has filed Rezone Application No. R-16-004, Annexation Application No. ANX-16-001 and Vesting Tentative Tract Map No. 6139/UGM pertaining to approximately 38.70 acres of property located on the northeast corner of the intersection of North Polk and West Olive Avenues.

The subject property is located within the boundaries of the Fresno General Plan and the West Area Community Plan. The Fresno General Plan designates the subject property for Medium Density Residential (5.0-12 du/acre) and Public Facility (Elementary School) planned land uses; with a Dual

## Designation of Medium Density Residential for the Public Facility planned portion pursuant to Figure LU-2: Dual Designation of the Fresno General Plan.

In accordance with the Urban Form Element of the Fresno General Plan, all new parks, open space, and public facilities (such as school sites) carry dual land use designations, so that if the facility is not needed, private and public development consistent with zoning and development standards may be approved. These dual land use designations are shown in Figure LU-2: Dual Designation of the Fresno General Plan. The attached letter from Central Unified School District dated October 26, 2015 provides that the District has no plans to utilize the Public Facility (Elementary School) planned portion of the subject site as the District has a site, James K. Polk Elementary School, located approximately 1 mile north of the subject property, which was constructed to service the surrounding area.

### Land Use Plans and Policies

As proposed, the project will be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form:

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.
- Make full use of existing infrastructure and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- 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.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Supporting Policy LU-1-a of the Fresno General Plan also promotes new development within the existing City limits as of December 31, 2012. Policies LU-1-e and LU-1-g recommend that annexations to the City conform to the General Plan Land Use Designations and maintain the City's current Sphere of Influence (SOI) Boundaries without additional expansion.

The proposed project and subject site are located within the area identified as Growth Area 2 depicted in Figure IM-2 of the General Plan. Although, the City's Strategic Sequencing of Development for new growth areas focuses on new development within Growth Area 1 based on planned infrastructure expansion, public service capacity, and fiscal considerations, the vast majority of the subject property (approximately 33.89 acres) qualifies as infill development as said portion was annexed with Annexation No. 1209 on March 21, 1988.

The approximately 4.81 acre portion of the subject property proposed for annexation extends from West Olive Avenue into the center of the incorporated 33.89 acre portion of the subject property; remaining as an existing County peninsula, which is zoned for rural residential and agricultural purposes by the County. Annexation of the approximately 4.81 acre portion of the subject property will remove the existing County peninsula, thereby squaring-off the incorporated City boundary providing for orderly development while promoting compatibility and minimizing potential land use conflicts in accordance with the West Area Community Plan policies referenced herein below.

Furthermore, evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the area to serve existing development within the vicinity as well as future development on the subject property. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

Additional policies of the Fresno General Plan respective to growth and annexations focus on: (1) Making full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth; (2) The promotion of orderly land use development in pace with public facilities and services needed to serve development; and (3) Supporting annexations to the City only when such proposals conform to the General Plan Land Use Designations and open space and park system, and are revenue neutral and cover all costs for public infrastructure, public facilities and public services on an ongoing basis consistent with the requirements of ED-5-b.

The proposed project is located within an area where all necessary and required infrastructure improvements have been conditioned upon previous development projects and extended to the project site area with capacity to serve projected development in accordance with the Fresno General Plan. These improvements have been constructed in accordance with Department of Public Utilities

and State of California rules, regulations and policies. Additional service extensions being facilitated as a direct result of the proposed project will not be done in a manner which would induce further growth or expansion of additional City services.

The goals of the West Area Community Plan include developing the West Area as a planned community with a complete range of services and facilities for the needs of the community residents, in adherence to a set of specific standards for residential, commercial, industrial, and public infrastructure development with special emphasis on minimization of land use conflict between agriculture and urban uses.

Objective W-1 of the West Area Community Plan supports this goal by promoting compatibility between areas planned for, or committed to, active farming operations and areas planned for urban development. Furthermore, Policy W-1-a recommends that boundaries of planned urban uses should be drawn in order to prevent “peninsular effects” (i.e., intrusions of farmland into urban areas, or vice-versa).

Objective W-4 of the West Area Community Plan also encourages the establishment and maintenance of safe, attractive, and stable residential neighborhoods; to preserve the long-term integrity of the community.

This project supports the above mentioned policies in that the annexation, density and intensity of the proposed development conform to General Plan and West Area Community Plan Land Use designations and does not expand the current SOI Boundary.

The proposed project effectively increases density within an area which has been predominantly developed or approved for residential development and provides a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

The proposed project will provide for connectivity through both vehicular and pedestrian integration with adjacent land for future development.

Furthermore, the project is within approximately two and one-half miles of the Central Unified School District elementary, middle school, and high school master campus located on the west side of North Bryan Avenue between West Ashlan and West Gettysburg Avenues; within one-half mile of an existing elementary school located on North Polk Avenue between West Clinton and West McKinley Avenues; within approximately two-thirds of a mile of an existing elementary and middle-school located at the corner of North Blythe and West McKinley Avenue; and, within one-mile of two planned elementary schools located on the West Olive Avenue corridor.

Therefore it is staff’s opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable Fresno General Plan and West Area Community Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

## Public Resources

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the mitigation measures of the related Master Environmental Impact Report; and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

For sanitary sewer service these infrastructure improvements and facilities include typical requirements for construction and extension of sanitary sewer mains and branches. The proposed project will also be required to provide payment of sewer connection charges.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within the proposed tract and installation of services with meters will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, also with two sources water. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Development and Resource Management Department when a submittal for building plan review is made as required by the California Building Code.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is not available and recommends temporary drainage facilities until such time as permanent service is available. However, the proposed development is located in an area that has historically provided a passage for major storm flows from northeast and east of the proposed property to West Olive and North Polk Avenues. Therefore, the developer must maintain the major storm flow passage. For this purpose, FMFCD Master Plan facilities will be required to be constructed to accommodate a two-year event flow; and, easements and stub streets will be provided to adjacent properties to the northeast and east of the subject property to accommodate said flows.

## Circulation Element Plan Policies and Major Street System Traffic Capacity

The Fresno General Plan designates North Polk Avenue as an arterial street and West Olive Avenue as a collector street. The project takes access from two points along North Polk Avenue and one point on West Olive Avenue. The developer of this project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within the subdivision. Direct vehicular access will be relinquished along all major street frontages. The development will also include one stub street to the back of adjacent rural residential properties to the east in order to afford access for future development and connectivity. On June 01, 2016, the City of Fresno Planning Commission approved the proposed tentative map subject to the inclusion of a second stub street to the east in order to afford future connectivity to the existing West Lamona Avenue alignment (west of North Cornelia Avenue) should those adjacent properties be redeveloped.

The proposed project is located within Traffic Impact Zone II pursuant to Figure MT-4 of the Fresno

General Plan. In accordance with Fresno General Plan Policy MT-2-I, a Traffic Impact Study (TIS) was prepared to assess the impacts of the new development on existing and planned streets. This assessment evaluated the impacts of the project by analyzing six intersections in the vicinity of the project during the AM and PM peak hours.

Vehicle trips projected to be generated by the proposed project were calculated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. Based upon the calculations, the proposed project is projected to generate 151 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 201 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period.

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 stipulated within the memoranda from the Traffic Engineering Division dated March 29<sup>th</sup> and April 18<sup>th</sup>, 2016. 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) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (4) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of individual properties and, at the same time, afford the community an adequate and efficient circulation system.

### Public Notice and Input

In accordance with Section 15-5007 of the FMC, a notice of public hearing was mailed to surrounding property owners within 1,000 feet of the subject site (see attached Exhibit C: Public Hearing Notice Mailing List Vicinity Map).

On May 12, 2016, the District 3 Councilmember's office provided support on behalf of the Plan Advisory Committee for the proposed single family residential project.

### Fresno City Planning Commission Action

Rezone Application No. R-16-004, Annexation Application No. ANX-16-001, and Vesting Tentative Tract Map No. 6139/UGM were considered by the Fresno City Planning Commission at its meeting on June 01, 2016. After a complete hearing the Commission voted unanimously to recommend the City Council approve the proposed rezone and annexation applications. Vesting Tentative Tract No. 6139/UGM was approved by the Planning Commission subject to the inclusion of a second stub street to the east in order to afford future connectivity to the existing West Lamona Avenue alignment (west of North Cornelia Avenue) should those adjacent properties be redeveloped; and, contingent upon City Council approval of Rezone Application No. R-16-004 and Annexation Application No. ANX-16-001.



Staff is recommending the City Council approve the proposed rezoning and annexation of the subject property in accordance with the recommendations included within this report.

## **ENVIRONMENTAL FINDINGS**

An environmental assessment initial study 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 West Area Community Plan 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 proposed Rezone, Annexation and Tract Map have been determined to be a subsequent project that is fully within the scope of the MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, 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). 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 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. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a finding of conformity is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a finding of conformity for this project. A public notice of the attached finding of conformity for Environmental Assessment Application No. R-16-004/ANX-16-001/T-6139 was published on April 29, 2016 with no comments or appeals received to date.

## **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

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 Development and Resource Management Department.

**Attachments:**

Exhibit A: Vicinity Map

Exhibit B: 2015 Aerial Photograph

Exhibit C: Public Hearing Notice Mailing List Vicinity Map

Exhibit D: Fresno General Plan Planned Land Use Map

Exhibit E: Proposed Rezone exhibit pursuant to Rezone Application No. R-16-004

Exhibit F: City of Fresno Annexation Boundary Map and Annexation Exhibits pursuant to Annexation Application No. ANX-16-001

Exhibit G: Vesting Tentative Tract Map No. T-6139/UGM

Exhibit H: Environmental Assessment No. R-16-004/ANX-16-001/T-6139, Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015 dated April 29, 2015

Exhibit I: Memorandum from Central Unified School District dated October 26, 2015

Exhibit J: Planning Commission Resolution No. 13377 for Rezone Application No. R-16-004; and, the related Environmental Assessment.

Exhibit K: Planning Commission Resolution No. 13378 for Annexation Application No. ANX-16-001

Exhibit L: City Council Ordinance Bill for Rezone Application No. R-16-004

Exhibit M: City Council Resolution for Annexation Application No. ANX-16-001 (Olive-Polk No. 1 Reorganization)