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Title: HEARING to consider Annexation Application No. ANX-16-003, Rezone Application No. R-16-009, Conditional Use Permit Application No. C-16-046, and related Environmental Assessment No. ANX-16-003/R-16-009/C-16-046, filed by The Vincent Company Architects, on behalf of Louis Brosi. These applications pertain to approximately 18.52 acres of property located on the northwest corner of East Alluvial and North Chestnut Avenues.

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR SCH#2012111012), EA No. ANX-16-003/R-16-009/C-16-046, dated September 2, 2016.
2. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-009 to pre-zone the property from Fresno County RA-20 (Residential Agricultural, 20 acres) zone district to the City of Fresno RS-5/UGM (Residential Single Family, Medium Density/Urban Growth Management) zone district.
3. ***RESOLUTION - Approving Annexation Application No. ANX-16-003 to initiate annexation proceedings for incorporation of the subject property to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
4. Approve Conditional Use Permit No. C-16-046, to allow for a planned development that includes a 30-lot single family residential subdivision (tentative map to be submitted at a later date) and a 176-unit multiple family residential complex with a density transfer, subject to the conditions of approval dated September 21, 2016.
5. ***RESOLUTION - Approving the certification to the Fresno County Auditor the amount of the cancellation valuation fee for the cancellation of Agricultural Land Conservation Contract No. AP-1366, as required by Section 51283(b) of the California Government Code.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. A-I CC Report Exhibits.pdf, 2. J-Q CC Report Exhibits.pdf

Date	Ver.	Action By	Action	Result
10/20/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

October 20, 2016

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 Services Division

BY: KIRA NOGUERA, Planner III
Development Services Division

SUBJECT

HEARING to consider Annexation Application No. ANX-16-003, Rezone Application No. R-16-009, Conditional Use Permit Application No. C-16-046, and related Environmental Assessment No. ANX-16-003/R-16-009/C-16-046, filed by The Vincent Company Architects, on behalf of Louis Brosi. These applications pertain to approximately 18.52 acres of property located on the northwest corner of East Alluvial and North Chestnut Avenues.

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4. Approve Conditional Use Permit No. C-16-046, to allow for a planned development that includes a 30-lot single family residential subdivision (tentative map to be submitted at a later date) and a 176-unit multiple family residential complex with a density transfer, subject to the conditions of approval dated September 21, 2016.
5. ***RESOLUTION - Approving the certification to the Fresno County Auditor the amount of the cancellation valuation fee for the cancellation of Agricultural Land Conservation Contract No. AP-1366, as required by Section 51283(b) of the California Government Code.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

- a. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR SCH#2012111012), EA No. ANX-16-003/R-16-009/C-16-046, dated September 2, 2016.
- b. ADOPT BILL approving Rezone Application No. R-16-009 requesting authorization to pre-zone the property from Fresno County RA-20 (*Residential Agricultural, 20 acres*) zone district to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district.
- c. ADOPT RESOLUTION authorizing the Development and Resource Management Department Director to initiate annexation of the "Alluvial-Chestnut No. 4 reorganization" with the Fresno Local Agency Formation Commission (LAFCO)
- d. APPROVE Conditional Use Permit No. C-16-046, to allow for a planned development that

includes a 30-lot single family residential subdivision (tentative map to be submitted at a later date) and a 176-unit multiple family residential complex with a density transfer, subject to the conditions of approval dated September 21, 2016.

- e. ADOPT RESOLUTION certifying to the Fresno County Auditor the amount of the cancellation valuation fee for the cancellation of Agricultural Land Conservation Contract (ALCC) No. Ap-1366.

EXECUTIVE SUMMARY

The Vincent Company Architects, on behalf of Louis Brosi, has filed Annexation Application No. ANX-16-003, Rezone Application No. R-16-009, and Conditional Use Permit Application No. C-16-046 pertaining to approximately 18.52 acres of property located on the northwest corner of East Alluvial and North Chestnut Avenues. The applicant proposes a planned development that includes a 30-lot single family residential subdivision (tentative map to be submitted at a later date) and a 176-unit multiple family residential complex with a density transfer; pre-zoning from the Fresno County RA-20 (*Residential Agricultural, 20 acres*) zone district to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district; and detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

The subject property is located within the boundaries of the Fresno General Plan and Woodward Park Community Plan.

BACKGROUND

Project Description

The Vincent Company Architects, on behalf of Louis Brosi, has filed Annexation Application No. ANX-16-003, Rezone Application No. R-16-009, and Conditional Use Permit Application No. C-16-046 pertaining to approximately 18.52 acres of property located on the northwest corner of East Alluvial and North Chestnut Avenues. The site can be described as a county island as it is unincorporated land in the County of Fresno, but is surrounded on all sides by land within the City of Fresno. The adjacent land uses to the north have been developed with single family residences (Tract 4190 recorded in 1992). Properties to the east of the subject property, across North Chestnut Avenue have been developed with condominiums (Tract 5646 recorded in 2007). Properties to the south of the subject property, across East Alluvial Avenue, have also been developed with single family residences (Tracts 4026 and 4514 recorded in 1993 & 1999, respectively). Directly adjacent to the subject property to the west is a park.

Rezone Application No. R-16-009 proposes to pre-zone the subject property from the Fresno County RA-20 (*Residential Agricultural, 20 acres*) zone district to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district for purposes of facilitating annexation to the City of Fresno. Actions related to the annexation of the subject property to the City of Fresno and reorganization, including detachment from the Fresno County Fire Protection District and the Kings River Conservation District fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

Conditional Use Permit Application No. C-16-046 requests authorization to develop the subject

property with a 30-lot single family residential subdivision (tentative map to be submitted at a later date) and a 176-unit multiple family residential complex. Pursuant to Table 15-902 of the Fresno Municipal Code, development of Multi-Unit (multiple family) Residential in the RS-5 (*Residential Single Family, Medium Density*) zone district is permitted, subject to obtaining a conditional use permit.

Development of the proposed 176 unit multi-unit development on ± 11 acres results in a density of 16 du/acre, which exceeds the maximum allowable density of the Medium Density Residential (5.0-12 du/acre) planned land use designation. Residential density for the proposed 30 single family residential lots on ± 7 acres results in a density of 4.0 du/acre, which does not meet the minimum required density of the Medium Density Residential (5.0-12 du/acre) planned land use designation. However, with consideration to a Density Transfer (Ref §15-310-C of the FMC), the development of 206 residential units on the overall ± 18 acre subject property results in a density of ± 11 du/acre, which is consistent with the Medium Density Residential (5.0-12 du/acre) planned land use designation.

In accordance with Section 15-310-C of the Fresno Municipal Code, the number of units per acre prescribed in the applicable plans for an existing or proposed zone district shall not be transferred to another existing or proposed zone district, unless a transfer is approved through the processing of a Planned Development Permit which includes all zone districts involved in the proposed transfer. Therefore, the conditional use permit application has also been filed to include a request to authorize the project as a Planned Development for purposes of facilitating a density transfer. Conditions of approval for the conditional use permit will include requirements for substantial compliance with the approved site plan and will assure that the required density designated for the subject property is met with future development.

Historically, the property was developed with rural residential uses and at one time a commercial nursery occupied a portion of the site.

The project application also includes a request for cancelation of Agricultural Land Conservation (Williamson Act) Contract No. 1366. A Notice of Non-Renewal for the agricultural land conservation contract was filed in 2012 but the mandatory 10-year period prior to effective cancellation has not elapsed. Therefore, the applicant will be required to pay a "cancelation valuation fee" as determined by the Fresno County Assessor's Office in accordance with Section 51283(b) of the California Government Code prior to cancellation.

Land Use Plans and Policies

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

Goal No. 7 of the Fresno General Plan encourages the City to 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.

Goal No. 8 of the Fresno General Plan encourages 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.

Goal No. 10 of the Fresno General Plan emphasizes increased land use intensity and mixed-use development at densities supportive of greater transit in Fresno. Greater densities are recognized as being achievable through encouragement, infrastructure, and incentives for infill and revitalization along major corridors and in Activity Centers.

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.

Similarly, supporting Objective LU-2 of the General Plan calls for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

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-e promotes urban neighborhood residential uses to support compact communities and Complete Neighborhoods that include community facilities, walkable access to parkland and commercial services, and transit stops.

The proposed project introduces and integrates elements of a compact community that includes community facilities, walkable access to parkland and commercial services and transit stops in manner which affords a diversity of housing types and a wider range of affordability in a compatible relationship. A City of Fresno (FAX) bus line (38) has a stop at Cedar and Alluvial. Furthermore, the project is adjacent to a park and within 400 feet of Mountain View Elementary School.

The proposed project introduces and integrates the characteristic elements and benefits of a compact self-sufficient community, which include community facilities, walkable access to commercial services, transit stops and open space amenities, thereby affording a unique opportunity for future residents to enjoy the convenient and healthy lifestyle of living within a Complete Neighborhood.

The Fresno General Plan acknowledges that the sound planning principles for creating Complete Neighborhoods anticipate and plan 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.

The proposed project effectively increases density and provides diversity of housing within an area predominantly developed with single family residences. The location of the proposed project intensifies density by adding single family residences and multi-family residences thereby providing a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

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.

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 identified as a County Island in Figure IM-2 of the General Plan. Therefore, this project is considered infill development, given that the subject property is surrounded on all sides by developed land within the incorporated boundary of the City of Fresno; those lands having been annexed as early as 1981 and as recent as 2005.

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 Woodward Park 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

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. Although the proposed development will increase the number of residential (single and multi-family) units on the site, 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.

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 available subject to the developer demonstrating that surface water runoff can be directed and conveyed to Master Plan facilities.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The Fresno General Plan designates North Chestnut Avenue as an arterial street and East Alluvial Avenue as a collector street. 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 future single family residential subdivision.

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan. In accordance with Fresno General Plan Policy MT-2-I, a Transportation Impact Study (TIS) dated July 8, 2016 was prepared by Peters Engineering Group to assess the impacts of the new development on existing and planned streets. This assessment evaluated the impacts of the project by analyzing three intersections in the vicinity of the project during the AM and PM peak hours. Daily traffic counts were also collected for two local roadways in the vicinity of the project.

The study has applied the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual. Projected vehicle trips were calculated resulting in the expected generation of 104 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 133 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period.

Based on the analyses included in the TIS, the intersection of Alluvial and Chestnut Avenues is currently operating below the Traffic Impact Zone (TIZ) III level of service (LOS) standard of LOS D during the AM and PM peak hours. With the addition of the project and the improvements at the intersection of Alluvial and Chestnut Avenues, the study intersections are all projected to operate at or above the TIZ III LOS D standard. The improvements to the intersection, as well as the payment of traffic impact fees, are included as conditions of approval to the Conditional Use Permit (C-16-046). The Near Term and Cumulative Year 2036 analyses included in the TIS showed all intersections are projected to operate at or above the TIZ III LOS D standard.

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 attached memoranda from the Traffic Engineering Division dated July 28th and September 6th, 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.

Petition for Cancellation of Agricultural Land Conservation Contracts (ALCC)

In 1965, California adopted the California Land Conservation Act, or "Williamson Act," which provides for the conservation of agricultural lands in order to preserve the state's economic resources and discourage premature or unnecessary conversion of agricultural land to urban uses.

The Fresno General Plan does not include agricultural planned land uses within the City Sphere of Influence and while the City of Fresno does not intend to have within its boundaries any land under an agricultural preserve contract, the City may become successor to a Williamson Act Contract as land currently within the County of Fresno becomes annexed to the City.

California Government Code Sections 51280-51287 provide methodology for relief from the provisions of Agricultural Land Conservation Contracts (ALCC), or "Williamson Act" contracts, which were entered into by property owners, predecessors in interest, or successors for the purpose of retaining agricultural lands in parcels large enough to sustain agricultural uses permitted under the contracts.

In accordance with these provisions the City of Fresno on April 4, 2006, adopted Resolution No. 2006-130 and in so doing adopted Rules of Procedure to Implement the California land Conservation Act of 1965 ("Williamson Act").

Under these rules (and in accordance with the Government Code) a property owner may request cancellation of a land conservation contract to terminate the contract on all or a portion of the property. The purpose of this process is to remove land from agricultural preserve status and subsequently remove the property from the land use restrictions associated with the Williamson Act and eliminate any tax savings inherent in agricultural preserves.

The City of Fresno process for cancellation requires that the Planning Commission hold a public hearing on the cancellation petition and adopt a resolution with recommendations to be forwarded to the Council.

Prior to any action by the Council giving approval to the cancellation of any contract, the Council must determine and certify to the County Auditor the amount of the cancellation (penalty) fee that the landowner shall pay the County Treasurer upon cancellation. The cancellation fee is an amount equal to 12.5 percent of the cancellation valuation of the property based upon the current market value of the land.

In order to approve a cancellation request for an ALCC, the Council, pursuant to the Council adopted "Rules of Procedure," must also make all of the findings under either one of two sets of determinations, which are listed below. Staff has addressed these findings pursuant to the latter set of determinations.

1. *The cancellation is consistent with the purposes of the Williamson Act as evidenced by the following:*

a) *Cancellation is for land on which a Notice of Non-renewal has been served.*

The requested cancellation is for land for which a Notice of Non-Renewal was filed on July 02, 2012.

b) *Cancellation is not likely to result in removal of adjacent lands from agricultural use.*

The cancellation will not result in removal of adjacent lands as all surrounding properties are located within the incorporated area of the City of Fresno and have been developed with urban uses.

c) *That cancellation is for an alternative use which is consistent with the applicable provisions of the Fresno General Plan.*

Cancellation is for purposes of a development project which meets all applicable provisions of the Fresno Municipal Code and which is consistent with the goals, objectives and policies of the Fresno General Plan.

d) *Cancellation will not result in discontinuous patterns of urban development.*

Development of the subject site is considered infill and will result in removal of a County Island.

e) *There is no proximate uncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

All proximate lands are located within the incorporated boundary of the City of Fresno and have been developed with urban uses.

2. *The cancellation is in the public interest as evidenced by the following:*

a) *Other public concerns substantially outweigh the objectives of the Williamson Act.*

The subject property is located within the City of Fresno's planned urban area and sphere of influence as provided by the Amended and Reinstated Memorandum of Understanding between the County of Fresno and City of Fresno. This area was also identified as appropriate for urban development by the 1984 Fresno General Plan and acknowledged by a corresponding City/County joint planning resolution. The project site has been designated by the Fresno General Plan to be developed with medium density residential land uses.

The notice of nonrenewal was filed due to the land no longer meeting the eligibility requirements of the Williamson Act. The land has not been in agricultural production in more than twenty years. The public interest of a complete neighborhood outweighs the value of an underutilized parcel completely surrounded by development.

b) *There is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contract land should be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

The Fresno General Plan objectives call for housing patterns that support balanced urban growth, and that make complete neighborhoods. The project site is fully surrounded on all sides by urban development. There is no proximate non-contracted land that is available or suitable for the proposed use.

State of California Department of Conservation (DOC)

On August 26, 2016 the City of Fresno sent notification to the State of California Department of Conservation regarding the received petition for cancellation of ALCC No. AP-1366 in accordance with Section 51284.1 of the California Government Code. Pursuant to this section and prior to acting on the proposed cancellation, the Council shall consider comments made by the Director of Conservation. As of October 5, 2016, the City has not received comments from the Department of Conservation.

Staff believes the proposed cancellation is consistent with findings within the latter set determinations as noted since the cancellation is in the public interest; that public concerns substantially outweigh the objectives of the Williamson Act; and, that there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contract land should be put, and that the development of the contracted land will provide more contiguous patterns of urban development than development of proximate non-contracted land.

Conclusion

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Woodward Park Community Plan; its compatibility with surrounding 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-16-003, Rezone Application No. R-16-009, and Conditional Use Permit Application No. C-16-046 are appropriate for the project site.

Public Notice and Input

Notice of Hearing

The Development and Resource Management Department mailed notices of this City Council hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit 3), pursuant to Section 15-5007-B-2 of the FMC.

District Committee

The District 6 Plan Implementation Committee unanimously recommended approval of the proposed applications at its regularly scheduled meeting held on July 20, 2016. The committee commented that the project is a good fit for the area and the traffic intersection improvements would provide a positive improvement to the neighborhood.

Public Input

The applicant held a neighborhood meeting on April 27, 2016, and noticed property owners within 500-feet of the subject property. The property owner provided an overview of the project, followed by a question and answer session. Approximately 24 individuals attended the meeting. Comments and questions from the public were primarily related to project design and traffic impacts to the neighborhood.

Staff has received one individual at the counter and corresponded by email with one individual on the project during which specific questions regarding the proposal and the approval process were asked. Three letters from surrounding property owners were received by email. All letters are included in the record as Exhibit O.

Fresno City Planning Commission Action

Annexation Application No. ANX-16-003, Rezone Application No. R-16-009, Conditional Use Permit Application No. C-16-046, and related Environmental Assessment No. ANX-16-003/R-16-009/C-16-046, were considered by the Fresno City Planning Commission at its meeting on September 21, 2016. At the hearing, one member of the public spoke to ask that the applicant consider restriping Alluvial, East of Chestnut. After a complete hearing, the Commission voted and recommended the City Council approve the annexation, rezone, conditional use permit, and Williamson Act cancellation

application with consideration of restriping by a 6-0 vote (one member absent).

Required Findings

Based upon analysis of the applications and subject to the applicant's compliance with all conditions of approval, dated September 21, 2016, staff concludes that the required Rezone findings of Section 15-5812 and Conditional Use Permit findings of Section-5306 of the FMC can be made. These findings are attached as Exhibits E & I respectively.

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-16-003/R-16-009/C-16-046 was published on September 2, 2016 with no comments or appeals received to date.

LOCAL PREFERENCE

Local preference was not considered because this resolution and ordinance do 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: Public Hearing Noticing Mailing Map

Exhibit D: Rezone Exhibit

Exhibit E: Rezone Findings

Exhibit F: Annexation Boundary Exhibit

Exhibit G: Exhibits for Conditional Use Permit No. C-16-046

Exhibit H: Conditions of approval for Conditional Use Permit No. C-16-046 dated September 21, 2016; including memoranda from responsible or commenting agencies

Exhibit I: Conditional Use Permit Findings

Exhibit J: Cancellation Fees for Agricultural Land Conservation Contract 1366 from Fresno County Assessor

Exhibit K: Environmental Assessment No. ANX-16-003/R-16-009/C-16-046, dated September 2, 2016

Exhibit L: Planning Commission Resolution Nos. 13407, 13408 & 13409

Exhibit M: City Council Ordinance Bill for Rezone Application No. R-16-009

Exhibit N: City Council Resolution for Annexation Application No. ANX-16-003 (Alluvial-Chestnut No. 4 Reorganization)

Exhibit O: City Council Resolution for Certification of Cancellation Fee for Agricultural Land Conservation Contract (ALCC) No. AP-1366

Exhibit P: Letters of Concern

Exhibit Q: City Council PowerPoint Presentation