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Title: HEARING to consider Rezone Application No. R-16-008, Annexation Application No. ANX-16-002 and related Addendum to Environmental Assessment No. C-14-041 for a 57 acre site located on the west side of N. Armstrong between E. Floradora and E. Olive Avenues in the unincorporated portion of City's Sphere of Influence boundary (location of the Southeast Surface Water Treatment Facility).

1. APPROVE an addendum to Environmental Assessment No. C-14-041, in accordance with Section 15164 of the California Environmental Quality Act Guidelines (CEQA).

2. BILL - (For introduction and adoption) - Approve Rezone Application No. R-16-008 which proposes to amend the Official Zone Map to rezone the property from the Fresno County AE-20 (Agriculture Exclusive, 20 acres) zone district to the City of Fresno PI/UGM (Public and Institutional/Urban Growth Management) zone district. (Conditional Use Permit No. C-14-041 was approved on September 28, 2015, to allow the phased development of the Southeast Surface Water Treatment Facility and future City Water Division administration site).

3. ***RESOLUTION - Approve Annexation Application No. ANX-16-002 which proposes detachment of the property from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Aerial Photo, 3. Public Hearing Noticing Map, 4. Proposed Rezone/Annexation Exhibit, 5. Addendum to EA C-14-41, 6. Planning Commission Resolutions, 7. Power Point Slides, 8. Resolution Initiating Annexation, 9. Ordinance Bill

Date	Ver.	Action By	Action	Result
1/12/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

January 12, 2017

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

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

BONIQUE EMERSON, Planning Manager
Development Services Division

BY: BRUCE BARNES, Project Manager

Development Services Division

SUBJECT

HEARING to consider Rezone Application No. R-16-008, Annexation Application No. ANX-16-002 and related Addendum to Environmental Assessment No. C-14-041 for a 57 acre site located on the west side of N. Armstrong between E. Floradora and E. Olive Avenues in the unincorporated portion of City's Sphere of Influence boundary (location of the Southeast Surface Water Treatment Facility).

1. APPROVE an addendum to Environmental Assessment No. C-14-041, in accordance with Section 15164 of the California Environmental Quality Act Guidelines (CEQA).
2. BILL - (For introduction and adoption) - Approve Rezone Application No. R-16-008 which proposes to amend the Official Zone Map to rezone the property from the Fresno County AE-20 (*Agriculture Exclusive, 20 acres*) zone district to the City of Fresno PI/UGM (*Public and Institutional/Urban Growth Management*) zone district. (Conditional Use Permit No. C-14-041 was approved on September 28, 2015, to allow the phased development of the Southeast Surface Water Treatment Facility and future City Water Division administration site).
3. ***RESOLUTION - Approve Annexation Application No. ANX-16-002 which proposes detachment of the property from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

- a. ADOPT an addendum to Environmental Assessment No. C-14-041, in accordance with Section 15164 of the California Environmental Quality Act Guidelines (CEQA).
- b. ADOPT BILL approving Rezone Application No. R-16-008 which proposes to amend the Official Zone Map to pre-zone the subject property from the Fresno County AE-20 (*Agriculture Exclusive, 20 acres*) zone district to the City of Fresno PI/UGM (*Public and Institutional/Urban Growth Management*) zone district. (Conditional Use Permit No. C-14-041 was approved on September 28, 2015, to allow the phased development of the Southeast Surface Water Treatment Facility and future City Water Division administration site).
- c. ADOPT RESOLUTION authorizing the Development and Resource Management Director to initiate annexation of the Annexation Application No. ANX-16-002 which proposes detachment of the property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno.

EXECUTIVE SUMMARY

Rezone Application No. R-16-008 and Annexation Application No. ANX-16-002 were filed by Glenn Knapp, Professional Engineer with the City of Fresno Water Division, on behalf of the City of Fresno Department of Public Utilities, and pertain to ±57 acres of property located on the west side of North Armstrong Avenue between East Floradora and East Olive Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence boundary.

Rezone Application No. R-16-008 proposes to amend the Official Zone Map to rezone the property from the Fresno County AE-20 (*Agriculture Exclusive, 20 acres*) zone district to the City of Fresno PI/UGM (*Public and Institutional/Urban Growth Management*) zone district. (Conditional Use Permit No. C-14-041 was approved on September 28, 2015, to allow the phased development of the Southeast Surface Water Treatment Facility and future City Water Division administration site.)

Annexation Application No. ANX-16-002 proposes detachment of the property from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

BACKGROUND

Glenn Knapp, professional engineer with the City of Fresno Water Division, filed, on behalf of the City of Fresno Department of Public Utilities, Rezone Application No. R-16-008 and Annexation Application No. ANX-16-002. These applications pertain to ±57 acres of property located on the west side of North Armstrong Avenue between East Floradora and East Olive Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence boundary.

Fresno City Planning Commission Action

Rezone Application No. R-16-008 and Annexation Application No. ANX-16-004 and related addendum to Environmental Assessment No. C-14-041, were considered by the Fresno City Planning Commission at its meeting on November 2, 2016. At the hearing no one spoke in support or opposition to the project. After a complete hearing, the Commission voted and recommended the City Council approve the rezone and the annexation.

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.

Required Findings

Based upon analysis of the applications and subject to the applicant's compliance with all conditions of approval, dated November 2, 2016, staff concludes that the required Rezone findings of Section 15-5812 of the FMC can be made. These findings are attached as Exhibit 7.

ENVIRONMENTAL FINDING

On August 14, 2015, the City of Fresno, as lead agency approved the Amended Mitigated Negative Declaration prepared for Environmental Assessment No. C-14-041. The Amended Mitigated Negative Declaration considered and evaluated the potential effects associated with the development of the Southeast Surface Water Treatment Facility. Therefore, the Southeast Surface Water

Treatment Facility was already analyzed in the environmental assessment prepared for Conditional Use Permit Application No. C-14-041.

Since the proposed project, which consists of pre-zoning and annexing the site to the City of Fresno, involves minor modifications to a project that was already analyzed in a previous environmental document, it may be determined that: (1) The project falls within the scope of Environmental Assessment No. C-14-041; (2) No substantial changes are proposed in the project which require major revisions of the previous environmental find due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the Environmental Assessment was adopted, has become available. These findings are substantiated through evidence provided within the attached addendum to the Environmental Assessment C-14-041, which was prepared for the proposed project. Due to the large size of the Environmental Assessment C-14-041 document an electronic link has been provided as an attachment. A hard copy of the document will be available for review at the hearing.

Therefore, the City of Fresno has determined that an addendum to Environmental Assessment C-14-041 is appropriate given that none of the conditions described in Section 15162 of CEQA Guidelines calling for preparation of a subsequent Negative Declaration have occurred; and new information added is only for the purpose of providing minor changes or additions, in accordance with Section 15164 of the CEQA.

Annexation of Non-Contiguous Territory to the City

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the “Act”) governs all annexations in the State of California. The Act requires that all territory to be annexed to a city shall be “pre-zoned” consistent with the City’s General Plan. In addition, Section 56742 of the Act permits a city to annex non-contiguous territory not exceeding 300 acres if the territory meets all of the following requirements:

- (1) It is located in the same county as the city is situated.
- (2) It is owned by the city.
- (3) It is used for municipal purposes.

Municipal Code Requirements, Section 15, Citywide Development Code

Section 15-6103 and 15-1604 relates to the City’s annexation process. These sections permit the City to pre-zone territory consistent with the City’s General Plan for the purpose of annexation. They also require that all annexations be “revenue neutral”. Therefore, the project which triggers the annexation must make “fair and proportional” payment to the city for the provision of municipal services. The Public Works Department, Water Division, has paid all required city impact fees related to the project. Therefore, this project meets all of the City’s criterion for annexation.

Land Use Plans and Policies

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

Objective LU-1 of the General Plan calls the establishment of a comprehensive citywide land use strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

Objective LU-1-c calls for the provision of Public Facilities and Services. The objective also is intended to “Promote orderly land use development in pace with public facilities and services needed to serve development.”

Objective LU-1-e calls for implementing policies that achieve annexations to the city that conform to the General Plan Land Use designations related to public facilities and services.

A major goal of the General Plan specifically references the Southeast Development Area (SEDA) which this SSWTP project is specifically designed to serve.

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, is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan and McLane 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. The proposed project will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a public system.

The project site is located within the city’s Urban Growth Management Area and shall comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use will be 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 to serve the project and the office drainage fee rate will be assessed on the project. The cost of the construction of Master Plan Facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee. Existing master plan facilities were constructed to accommodate runoff generated from this Public and Institutional development.

Circulation Element Plan Policies and Major Street System Traffic Capacity

While there will be a slight increase in the amount of traffic on surrounding roads, the increase will not reduce the

effectiveness or the performance of the circulation system. The current circulation system was designed to serve the development of the project site. As part of mitigation measures for this project there will be road widening improvements which will take place on Floradora, Armstrong and Olive Avenues. 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

Setbacks, Landscaping, & Walls

Although a Conditional Use Permit for the subject site has already been approved, it is important to identify those development standards. For example, the provisions of the PI zone district of the new Development Code determine setbacks and shall be as follows:

- a) The front yard setback shall be 20 feet.
- b) The interior side yard setback shall be 15 feet.
- c) The rear yard setback shall be 15 feet.
- d) The street side setback shall be 20 feet.

An 8 foot concrete masonry wall will surround the site. Landscaping in front of the wall shall be required along all three street frontages except at openings. These mitigation measures and others noted in Environmental Assessment No. C-14-041 insure that the project will have no environmental impacts beyond those that have been previously assessed.

Council District Plan Implementation Committee

This project was reviewed by the District 5 Plan Implementation Committee in 2014. The Committee unanimously approved the project.

LOCAL PREFERENCE

Local preference was not considered because these entitlements do not include a bid or an award of 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, in turn, funding the respective operations of the Development and Resource Management Department.

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 McLane 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 Rezone Application No. R-16-008 and Annexation Application ANX-16-002 are appropriate for the project site.

Attachments:

- 1: Vicinity Map
- 2: Aerial Photograph
- 3: Public Hearing Noticing Map
- 4: Proposed Rezone/ Annexation Exhibit
- 5: Addendum to EA C-14-041
<http://m3.fresno.gov/upload/files/9573721/EANo.C14041.pdf>

Click

link above to access Mitigated Negative Declaration prepared for Environmental Assessment No.

C-14-041. The full environmental document is also available at the Development Department front counter, 2600 Fresno Street, Room 3043, Fresno, CA 9372.

- 6: Planning Commission Resolutions
- 7: Power Point Slides
- 8: Resolution Initiating Annexation
- 9: Ordinance Bill