



## Legislation Details (With Text)

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**Title:** Consideration of Rezone Application No. R-04-098, Annexation Application No. ANX-17-002, Vesting Tentative Tract Map No. T-5434/UGM, and related Environmental Assessment No. R-04-098/T-5434/ANX-17-002, on behalf of RJF Fresno, LLC., pertaining to approximately ±38 acres of property located on the northeast corner of East McKinley and North Temperance Avenue in the County of Fresno (Council District 4) - Development and Resource Management Department

### RECOMMENDATIONS

1. RECOMMEND APPROVAL (to the City Council) of the Mitigated Negative Declaration prepared for Environmental Assessment No. R-04-098/T-5434/ANX-17-002, dated May 5, 2017;
2. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-04-098 requesting authorization to prezone the subject property from the AE-20 (Agricultural Exclusive, 20 acres-Fresno County) zone district to the City of Fresno RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management) zone district.
3. RECOMMEND APPROVAL (to the City Council) of Annexation Application No. ANX-17-002 requesting authorization 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. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 5434/UGM proposing to subdivide an approximate 28.81 net acre portion of the subject property for purpose of creating a 140-lot conventional single family residential development subject to the findings within the Staff Report to the Planning Commission dated July 5, 2017; compliance with the Conditions of Approval dated July 5, 2017; and, contingent upon City Council Approval of Rezone Application No. R-04-098, Annexation Application No. ANX-17-002 and the related environmental assessment.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Planned Land Use Map.pdf, 4. Exhibit D - Zoning Map.pdf, 5. Exhibit E - Noticing Map.pdf, 6. Exhibit F - Project Information Tables.pdf, 7. Exhibit G - City of Fresno Pre-zoning and Annexation Boundary Map.pdf, 8. Exhibit H - Vesting Tentative Tract Map No. 5434 .pdf, 9. Exhibit I - COA dated 07.05.17 and Memoranda.pdf, 10. Exhibit J - FMC Findings.pdf, 11. Exhibit K - EA No. R-04-098\_T-5434\_ANX-17-002.pdf

Date	Ver.	Action By	Action	Result
7/5/2017	1	Planning Commission	recommended for approval	Pass

## REPORT TO THE PLANNING COMMISSION

July 5, 2017

**FROM:** MIKE SANCHEZ, Assistant Director  
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**THROUGH:** BONIQUE EMERSON, Planning Manager  
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## **SUBJECT**

Consideration of Rezone Application No. R-04-098, Annexation Application No. ANX-17-002, Vesting Tentative Tract Map No. T-5434/UGM, and related Environmental Assessment No. R-04-098/T-5434/ANX-17-002, on behalf of RJF Fresno, LLC., pertaining to approximately ±38 acres of property located on the northeast corner of East McKinley and North Temperance Avenue in the County of Fresno (Council District 4) - Development and Resource Management Department

## **RECOMMENDATIONS**

1. **RECOMMEND APPROVAL** (to the City Council) of the Mitigated Negative Declaration prepared for Environmental Assessment No. R-04-098/T-5434/ANX-17-002, dated May 5, 2017;
2. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. R-04-098 requesting authorization to prezone the subject property from the AE-20 (*Agricultural Exclusive, 20 acres-Fresno County*) zone district to the City of Fresno RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*) zone district.
3. **RECOMMEND APPROVAL** (to the City Council) of Annexation Application No. ANX-17-002 requesting authorization 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. **RECOMMEND APPROVAL** (to the City Council) of Vesting Tentative Tract Map No. 5434/UGM proposing to subdivide an approximate 28.81 net acre portion of the subject property for purpose of creating a 140-lot conventional single family residential development subject to the findings within the Staff Report to the Planning Commission dated July 5, 2017; compliance with the Conditions of Approval dated July 5, 2017; and, contingent upon City Council Approval of Rezone Application No. R-04-098, Annexation Application No. ANX-17-002 and the related environmental assessment.

## **EXECUTIVE SUMMARY**

Ken Vang of Precision Civil Engineering, on behalf of RJF Fresno, LLC., has filed Rezone Application No. R-04-098, Annexation Application No. ANX-17-002 and Vesting Tentative Tract Map No. 5434/UGM pertaining to approximately  $\pm 38$  acres of property located on the northeast corner of East McKinley and North Temperance Avenues.

Rezone Application No. R-04-098 proposes to prezone the entirety of the subject property (APNs 310-052-34, 40T, 42, 43, 18) from the AE-20 (*Agricultural Exclusive, 20 acres-Fresno County*) zone district to the City of Fresno RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*) zone district for purposes of facilitating annexation pursuant to Annexation Application No. ANX-17-002. Vesting Tentative Tract Map No. 5434/UGM proposes to subdivide an approximate 28.81 net acre portion of the area for purpose of creating a 140-lot conventional single family residential development with public streets. The subject property will require detachment of the property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

## BACKGROUND

The applicant proposes to prezone the entirety of the subject property from the AE-20 (*Agricultural Exclusive, 20 acres-Fresno County*) zone district to the City of Fresno RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*) zone district for purposes of facilitating annexation pursuant to Annexation Application No. ANX-17-002. Vesting Tentative Tract Map No. 5434/UGM is a request to subdivide an approximate 28.81 net acre portion of the area for the purpose of creating a 140-lot conventional single family residential development with public streets. The subject property will require annexation to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.

The subject property is located within the County of Fresno and within the boundaries of the Fresno General Plan and the McLane Community Plan. The Fresno General Plan designates the subject property for Medium Low Density Residential (3.5-6 du/acre) planned land uses. Based upon the residential planned land use density and acreage allocations currently designated by the Fresno General Plan, the subject property proposed to be developed is expected to yield approximately 100.8-172.8 dwelling units. Vesting Tentative Tract Map No. 5434/UGM proposes a conventional 140-lot single family residential development subdivision on approximately 28.81 net acres at a density of 4.9 dwelling units per acre, which is consistent with the Medium Low Density Residential planned land use designation.

The RS-4 zone district allows development of single family residential homes at urban standards on lots not less than 5,000 square feet in area, not more than 9,000 square feet in area, and not more than one dwelling permitted on any lot. 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 Master Environmental Impact Report. Furthermore, the subject applications are consistent with the Medium Low Density Residential planned land use for the subject property as designated by both the Fresno General Plan and the McLane Community Plan pursuant to Section 66474.2 of the Subdivision Map Act.

## Landscaping/Walls

The proposed project is located adjacent to and abutting a Super Arterial street (North Temperance

Avenue) within the boundaries of the McLane Community Plan. In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, the Developer is required to dedicate a 26-foot Bike, Pedestrian, and Landscape Easement (BPLE). Within the BPLE the Developer shall construct a 12-foot wide Bike and Pedestrian Class I Trail, complete with lighting, signage, striping, and landscaping within the BPLE. In addition, there will be a 10-foot landscape strip within the right-of-way along the North Temperance Avenue frontage.

The proposed project is also located adjacent to and abutting a collector street (East McKinley Avenue) within the boundaries of the McLane Community Plan. The Developer will be required to install landscaping and irrigation within a minimum 10-foot wide landscape easement along the East McKinley Avenue frontage. In addition, there will be a 6-foot wide sidewalk and 5.5-foot wide landscape strip within the right-of-way along the East McKinley Avenue frontage. A six-foot high concrete/masonry wall is required to be constructed at the rear of the trail and landscaped easement areas along the North Temperance and East McKinley Avenue frontages.

The developer is required to provide street trees on all public street frontages per the Fresno Municipal Code. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage by the Developer. There are approximately 1,300 linear feet of street frontage along East McKinley Avenue resulting in the requirement of 22 street trees. In addition, there are approximately 630 feet of street frontage along North Temperance Avenue resulting in the requirement of 11 street trees. Furthermore, the developer is required to provide irrigation for all street trees.

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements ("Services") associated with all new developments are the ultimate responsibility of the Developer. The Developer shall provide these Services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 11 ("CFD No. 11").

### **Sidewalks, Streets and Access Points**

The Fresno General Plan Circulation Element designates North Temperance Avenue as a Super Arterial street and East McKinley Avenue as a collector street. The project will take access from two points; one from and to North Temperance Avenue and one from and to East McKinley Avenue.

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 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 1,314 Average Daily Trips (ADT) with 104 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 138 vehicle trips occurring during the evening (4 to 6 p.m.) peak hour travel period.

Based on the analyses included within the TIS, the intersection of Olive and Temperance Avenues and Belmont and Temperance Avenues are currently operating below the TIZ II Level of Service

(LOS) D standard. These intersections will continue to operate below the TIZ standard of LOS D with the addition of the proposed project and approved/pending projects. Furthermore, all study intersections are projected to operate at or above the TIZ III LOS D standard with the addition of the project and cumulative growth to the year 2035.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed applications and based upon its analysis and the information provided within the TIS, 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 April 17<sup>th</sup> and June 27<sup>th</sup>, 2017. These requirements generally include: (1) Dedication for public streets and right-of-way; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact Fee and Fresno Major Street Impact Fee).

The Developer of this project will be required to dedicate and construct improvements along North Temperance and East McKinley Avenues and on all interior local streets within the subdivision. The intersection of Temperance and University Avenues shall be limited to right-in and right-out turns. Direct vehicular access rights shall be relinquished to North Temperance and East McKinley Avenues from all lots within the subdivision. In addition, direct vehicular access rights shall be relinquished to the adjacent major streets for all lots proposed within the subdivision; as well as, the north property line of lot 21, the south property line of lot 22, the east property line of lot 8, and the west property line of lot 7. The development will also include boundary and stub streets to the east boundary of the subject property in order to facilitate connectivity to future developments.

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.

Therefore, although an increase in traffic is expected as a result of the project, with project specific mitigation and MEIR mitigation, no significant impacts to traffic or transportation will result from the project.

## **Public Services**

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 MEIR; and, the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies. The project applicant shall comply with the Public Utilities Department requirements as detailed in the memoranda dated April 10, 2017.

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located in North Temperance Avenue. Infrastructure improvements and facilities include requirements for construction and extension of sanitary sewer mains and branches in North Temperance Avenue from

the existing 8-inch main located north of the Fresno Irrigation District (FID) Mill No. 36 Canal to the intersection of East McKinley Avenue. The proposed project will also be required to provide payment of sewer connection charges.

The nearest water main to serve the proposed project is a 12-inch main located in North Temperance Avenue. Implementation of the Fresno General Plan policies and the mitigation measures of the associated MEIR, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions 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 proposed project will also be required to provide payment of water connection charges and fees.

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. In addition, permanent and temporary residential cul-de-sacs shall be provided per Public Works Standards and designate curbs in the cul-de-sacs as no parking. The project applicant shall comply with the Fire Department requirements as detailed in its memorandum dated April 18, 2017. 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 Division 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 the subject site is located within a 100 year flood prone area. Furthermore, FMFCD indicated that permanent drainage facilities are not currently available to serve the proposed project and has required construction of temporary ponding facilities to collect and store surface runoff until permanent service is available. This project can be accommodated by the district provided the developer comply with FMFCD requirements as detailed in its memorandum dated April 4, 2017, which includes construction of Master Plan Facilities.

## **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 McLane Community Plan area, including the Fresno General Plan 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 Vesting Tentative Tract Map have been determined to not be fully within the scope of the recently updated 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, together with project specific mitigation measures 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 PRC, 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 mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

A public notice of the attached mitigated negative declaration finding for Environmental Assessment No. R-04-098/T-5434/ANX-17-002 was published on May 5, 2017 with no comments or appeals received to date.

Project specific mitigation measures include proper well and septic system abandonment, compliance with the FMFCD's requirements and construction of Master Plan Facilities, drought tolerant landscaping, compliance with FID's pipe treatment requirements regarding the Mill No. 36 Canal, sound attenuating construction design, payment of development impact fees, and compliance with San Joaquin Valley Air Pollution Control District requirements for Indirect Source Review, and the Departments of Public Works and Public Utilities' requirements related to street, sewer and water infrastructure.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings of Section 15-3309 and Section 15-5812 of the FMC and of the Subdivision Map Act (California Government Code 66400, et seq.) can be made. These findings are attached as Exhibit J to this staff report.

## **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-04-098, Annexation Application No. ANX-17-002, and Vesting Tentative Tract Map No. 5434 are appropriate for the subject properties. Action by the Planning Commission will be a recommendation to City Council.

Attachments:

Exhibit A - Vicinity Map

Exhibit B - Aerial Photograph

Exhibit C - Planned Land Use Map

Exhibit D - Zoning Map

Exhibit E - Noticing Map

Exhibit F - Project Information Tables

Exhibit G - City of Fresno Pre-zoning and Annexation Boundary Map

Exhibit H - Vesting Tentative Tract Map No. 5434/UGM dated February 4, 2017

Exhibit I - Conditions of Approval dated July 5, 2017; including memoranda from responsible or commenting agencies.

Exhibit J - Fresno Municipal Code Findings

Exhibit K - Environmental Assessment No. R-04-094/T-5434/ANX-17-002