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Title: CONTINUED HEARING to Consider Annexation Application No. ANX-17-003, Rezone Application No. R-17-007, Vesting Tentative Parcel Map Application No. TPM-2017-02, Conditional Use Permit Application No. C-17-056, and related Environmental Assessment No. ANX-17-003/PM-2017-02/C-17-056/R-17-007, (Council District 2) - Development and Resource Management Department.

a. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. ANX-17-003/PM-2017-02/C-17-056/R-17-007 dated May 19, 2017.

b. RESOLUTION - Approving Annexation Application No. ANX-17-003 proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

c. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-007 to amend the Official Zone Map to pre-zone approximately 5.07 acres from the Fresno County RA (Residential Agricultural) zone district to the City of Fresno RS-3 (Residential Single Family) zone district.

d. Approve Vesting Tentative Parcel Map No. TPM-2017-02 subject to compliance with the Conditions of Approval dated June 21, 2017, and as recommended by the Planning Commission.

e. Approve Conditional Use Permit No. C-17-056 subject to compliance with the Conditions of Approval dated June 21, 2017, and as recommended by the Planning Commission.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Exhibit A-1 A-2, 3. Exhibit B, 4. Exhibit C, 5. Exhibit D, 6. Exhibit E, 7. Exhibit F, 8. Exhibit G, 9. Exhibit H, 10. Exhibit I, 11. Exhibit J, 12. Exhibit K, 13. Exhibit L, 14. Exhibit M, 15. Exhibit N, 16. Exhibit O, 17. Exhibit P, 18. Exhibit Q, 19. Exhibit R, 20. Exhibit S, 21. Exhibit T, 22. Exhibit U, 23. Exhibit V, 24. Exhibit W

Date	Ver.	Action By	Action	Result
8/3/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

August 3, 2017

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: ISRAEL TREJO, Planner
Development Services Division

SUBJECT

CONTINUED HEARING to Consider Annexation Application No. ANX-17-003, Rezone Application No. R-17-007, Vesting Tentative Parcel Map Application No. TPM-2017-02, Conditional Use Permit Application No. C-17-056, and related Environmental Assessment No. ANX-17-003/PM-2017-02/C-17-056/R-17-007, (Council District 2) - Development and Resource Management Department.

- a. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. ANX-17-003/PM-2017-02/C-17-056/R-17-007 dated May 19, 2017.
- b. RESOLUTION - Approving Annexation Application No. ANX-17-003 proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-007 to amend the Official Zone Map to pre-zone approximately 5.07 acres from the Fresno County RA (*Residential Agricultural*) zone district to the City of Fresno RS-3 (*Residential Single Family*) zone district.
- d. Approve Vesting Tentative Parcel Map No. TPM-2017-02 subject to compliance with the Conditions of Approval dated June 21, 2017, and as recommended by the Planning Commission.
- e. Approve Conditional Use Permit No. C-17-056 subject to compliance with the Conditions of Approval dated June 21, 2017, and as recommended by the Planning Commission.

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. ANX-17-003/PM-2017-02/C-17-056/R-17-007 dated May 19, 2017.
2. ADOPT RESOLUTON approving Annexation Application No. ANX-17-003 proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
3. ADOPT BILL approving Rezone Application No. R-17-007 to amend the Official Zone Map to pre-zone approximately 5.07 acres from the Fresno County RA (*Residential Agricultural*) zone district to the City of Fresno RS-3 (*Residential Single Family*) zone district.
4. APPROVE Vesting Tentative Parcel Map No. TPM-2017-02 subject to compliance with the Conditions of Approval dated June 21, 2017, and as recommended by the Planning Commission.
5. APPROVE Conditional Use Permit No. C-17-056 subject to compliance with the Conditions of Approval dated June 21, 2017, and as recommended by the Planning Commission.

EXECUTIVE SUMMARY

Precision Engineering, on behalf of Butler Construction, has filed Annexation Application No. ANX-17-003, Rezone Application No. R-17-007, Conditional Use Permit Application No. C-17-056, and Vesting Tentative Parcel Map No. 2017-02, pertaining to \pm 2.32 acres of property located on the southeast corner of North Van Ness Boulevard and West Bullard Avenue. The applicant proposes to pre-zone the subject property from the Fresno County RA (Residential Agricultural) zone district to the City of Fresno RS-3 (Residential Single Family) zone district to facilitate annexation to the City of Fresno; and, detachment from the North Central Fire Protection District and the Kings River Conservation District.

The total annexation and rezone area contains approximately 5.07 acres. However, the Conditional Use Permit and Vesting Tentative Parcel Map applications only pertain to the \pm 2.32 acre portion of property located at the southeast corner of North Van Ness and West Bullard Avenues. An additional \pm 0.67 acre parcel located at the northwest corner of West Bullard Avenue and North Sequoia Drive has also been included with the proposed pre-zoning and annexation application.

Conditional Use Permit Application No. C-17-056 requests authorization to establish a planned development, with private streets and reduced building setbacks in order to facilitate a proposed 4-lot single family residential subdivision in accordance with Vesting Tentative Parcel Map No. TPM-2017-02. The subject property is located within the boundaries of the Fresno General Plan and Bullard Community Plan.

BACKGROUND/ANALYSIS

Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on June 21, 2017. After hearing testimony from city staff and the applicant, the Planning Commission voted to recommend approval of the proposed applications by a vote of 4 to 0.

Rezone and Annexation Application

The applicant proposes to pre-zone the subject property from the Fresno County RA (Residential Agricultural) zone district to the City of Fresno RS-3 (Residential Single Family) zone district to facilitate annexation to the City of Fresno; and, detachment from the North Central Fire Protection District and the Kings River Conservation District.

The total annexation and rezone area contains approximately 5.07 acres. However, the Conditional Use Permit and Vesting Tentative Parcel Map applications only pertain to the \pm 2.32 acre portion of property located at the southeast corner of North Van Ness and West Bullard Avenues. An additional \pm 0.67 acre parcel located at the northwest corner of West Bullard Avenue and North Sequoia Drive has also been included with the proposed pre-zoning and annexation application.

Conditional Use Permit Application (CUP) and Vesting Tentative Parcel Map

Conditional Use Permit Application No. C-17-056 requests authorization to establish a planned development, with private streets and reduced building setbacks, in order to facilitate a 4-lot single family residential subdivision in accordance with Vesting Tentative Parcel Map No. TPM-2017-02. The 4 proposed lots range in size from 0.49 acre to 0.74 acre. Residential density for the proposed 4

single family residential lots on \pm 2.32 acres results in a density of 1.72 du/acre, which meets the density of the Low Density Residential (1-3.5 du/acre) planned land use designation. One Outlot is proposed to be created with the tentative parcel map for private street purposes.

Reduced Front and Rear Yard Setbacks

The applicant is proposing 20' front yard setbacks. The standard minimum front yard setback in the RS-3 (Residential Single Family District) zone district is 25'.

The applicant is proposing 10' rear yard setbacks. The standard minimum rear yard setback is 20'.

Lot Coverage

The standard maximum lot coverage is 35%. The applicant requests a maximum of 50% lot coverage for the lots within the proposed planned development.

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.

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 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.

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 Bullard 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 Services

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 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.

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.

Streets and Access Points

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed applications 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 May 12, 2017. 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) 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 (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee.

It is noted that there will be no public improvement construction requirements, i.e. construction of sidewalk, along the Remainder lot of the proposed tentative parcel map.

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.

Council District Plan Implementation Committee

The District 2 Plan Implementation Committee unanimously recommended approval of the proposed project at its regularly scheduled meeting held on June 12, 2017.

Adjacent Property Inquiry

There are four properties located within the unincorporated area of Fresno County directly north of the subject property across West Bullard Avenue. The applicant scheduled a meeting with the four property owners for April 20, 2017, at Malloch Elementary School at 6 p.m. The intent of the meeting was to gauge the interest of the four property owners regarding annexing into the City of Fresno. Staff from the Fresno Local Area Formation Commission (LAFCO) and the Development and Resource Management Department (DARM) attended the meeting to answer questions. None of the four property owners to the north attended the meeting.

Staff of DARM followed-up said meeting with a letter to the four property owners to the north. In the letter, staff explained that if the property owners have an interest in annexing into the City of Fresno, they could simply sign their name on an enclosed landowner consent form and return the form to the City of Fresno. The property owner of the ± 0.67 acre parcel located at the northwest corner of West Bullard Avenue and North Sequoia Drive returned a signed landowner consent form agreeing to be included with the annexation and rezone applications and, as such, has been included with the originally submitted application (Exhibit L).

Rezone Findings

Based upon analysis of the subject applications, staff concludes that the required findings of Section 15-5812 of the FMC can be made. These findings are attached as Exhibit G.

Conditional Use Permit Application Findings

Based upon analysis of the subject applications, staff concludes that the required findings of Section 15-5306 of the FMC can be made. These findings are attached as Exhibit H.

Planned Development Findings

Based upon analysis of the subject applications, staff concludes that the required findings of Section 15-5905 of the FMC can be made. These findings are attached as Exhibit I.

Vesting Tentative Parcel Map Findings pursuant to the FMC

Based upon analysis of the subject applications, staff concludes that the required findings of Section 15-3309 of the FMC can be made. These findings are attached as Exhibit J.

State Subdivision Map Act

The Subdivision Map Act (California Government Code Section 66410 et. seq.) requires that a proposed parcel map not be approved unless the map, together with its design and improvements is found to be consistent with the General Plan and any applicable specific plan. Based upon analysis

of the subject applications, staff concludes that the required findings of 66410 et. seq. can be made. These findings are attached as Exhibit K.

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-17-003/PM-2017-02/C-17-056/R-17-007 was published on May 19, 2017, with no comments or appeals received to date.

LOCAL PREFERENCE

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is

demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

Attachments:

- Exhibit A: Vesting Tentative Parcel Map No. TPM-2017-02 dated April 26, 2017
- Exhibits A-1 & A-2: Site Plan and Gated Entry Exhibit dated April 26, 2017
- Exhibit B: 2017 Aerial Photograph of Site
- Exhibit C: Bordering Property Information
- Exhibit D: Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Rezone exhibit pursuant to Rezone No. R-17-007
- Exhibit F: Annexation boundary map/exhibit
- Exhibit G: Rezone Findings
- Exhibit H: Conditional Use Permit Findings
- Exhibit I: Planned Development Findings
- Exhibit J: Tentative Parcel Map Findings
- Exhibit K: State Subdivision Map Act Findings
- Exhibit L: Public Hearing Notice Vicinity Map (1000 feet)
- Exhibit M: Landowner Consent Form
- Exhibit N: Conditions of Approval for PM-2017-02 dated June 21, 2017
- Exhibit O: Conditions of Approval for C-17-056 dated June 21, 2017
- Exhibit P: Comments and Requirements from Responsible Agencies
- Exhibit Q: Environmental Assessment No. ANX-17-003/PM-2017-02/C-17-056/R-17-007, Finding of Conformity to the Fresno General Plan MEIR dated May 19, 2017
- Exhibit R: Planning Commission Resolution No. 13461 (Annexation Application No. ANX-17-003).
- Exhibit S: Planning Commission Resolution No. 13462 (Rezone Application No. R-17-007)
- Exhibit T: Planning Commission Resolution No. 13464 (Vesting Tentative Parcel Map No. TPM-2017-02)
- Exhibit U: Planning Commission Resolution No. 13465 (Conditional Use Permit Application No. C-17-056)
- Exhibit V: City Council Resolution for Annexation Application No. ANX-17-003
- Exhibit W: City Council Ordinance Bill for Rezone Application No. R-17-007