



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Passed	
<b>File created:</b>	8/2/2017	<b>In control:</b>		City Council	
<b>On agenda:</b>	8/24/2017	<b>Final action:</b>		8/24/2017	
<b>Title:</b>	<p>HEARING to consider Plan Amendment Application No. A-17-007, Annexation Application No. ANX-17-005, Prezone Application No. R-17-010, Tentative Parcel Map Application No. TPM-17-06 and related environmental finding filed by Scott Mommar, on behalf of Sylvesta Hall of Blue Ocean Development America LLC pertaining to ±115.95 acres of property located on the Northwest Corner of W. Jensen Avenue and S. Martin Luther King Jr. Boulevard: (Property located in District 3)</p> <ol style="list-style-type: none"><li>1. Adopt Environmental Assessment No. A-17-007/R-17-010/ANX-17-005/TPM-17-06, a Mitigated Negative Declaration dated August 2, 2017.</li><li>2. RESOLUTION- Approving Annexation Application No. ANX-17-005 proposing detachment of 122.68 acres from the Fresno county Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.</li><li>3. RESOLUTION - Approving Plan Amendment Application No. A-17-007, to amend the Fresno General Plan and Edison Community Plan from the following designations: Medium Density Residential for 19.25 acres, Urban Neighborhood for 29.44 acres, Community Commercial for 10.11 acres, Office for 37.69 acres and Community Park for 19.09 acres to Medium Density Residential for 54.48 acres, Community Commercial for 2.4 acres, Regional Commercial for 22.52 acres, Park for 9.63 acres and Public Facility - College designation for 26.55 acres.</li><li>4. BILL - (For introduction and adoption) - Approving Prezone Application No. R-17-010 to amend the Official Zone Map to reclassify the subject property from the Fresno County AL-20 (Limited Agriculture) to the City of Fresno zone districts to designated as follows: RS-5 (Residential Single Family) for 54.48 acres, CC (Community Commercial) for 2.4 acres, CR (Community-Regional) for 22.52 acres, PR (Parks and Recreation for 9.63 acres, and PI (Public and Institutional) for 26.55 acres.</li><li>5. RESOLUTION - Approving Tentative Parcel Map Application No. TPM-17-06 for the establishment of four parcels on 115.949 acres</li></ol>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photo, 3. Exhibit C - Noticing Map, 4. Exhibit D - Annexation Map, 5. Exhibit E - General Plan Map, 6. Exhibit F - Prezone Map, 7. Exhibit G - Tentative Parcel Map, 8. Exhibit H - Conditions of Approval for TPM-17-06, 9. Exhibit I - Findings_A-17-007, 10. Exhibit J - EA A-17-007_R-17-010, 11. Exhibit K - Planning Commission Resolutions, 12. Exhibit L - Resolution A-17-007, 13. Exhibit M - Ordinance Bill R-17-010, 14. Exhibit N - Resolution ANX-17-005, 15. Exhibit O - Resolution TPM-17-06, 16. Exhibit P - PowerPoint presentation.pdf				

Date	Ver.	Action By	Action	Result
8/24/2017	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

**August 24, 2017**

**FROM:** JENNIFER K. CLARK, AICP, HDFFP, Director

Development and Resource Management Department

**THROUGH:** DANIEL ZACK, Assistant Director  
Development and Resource Management Department

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Development and Resource Management Department

**BY:** AMBER PIONA, Planner II  
Development and Resource Management Department

## SUBJECT

HEARING to consider Plan Amendment Application No. A-17-007, Annexation Application No. ANX-17-005, Prezone Application No. R-17-010, Tentative Parcel Map Application No. TPM-17-06 and related environmental finding filed by Scott Mommar, on behalf of Sylvesta Hall of Blue Ocean Development America LLC pertaining to ±115.95 acres of property located on the Northwest Corner of W. Jensen Avenue and S. Martin Luther King Jr. Boulevard: (Property located in District 3)

1. **Adopt** Environmental Assessment No. A-17-007/R-17-010/ANX-17-005/TPM-17-06, a Mitigated Negative Declaration dated August 2, 2017.
2. **RESOLUTION-** Approving Annexation Application No. ANX-17-005 proposing detachment of 122.68 acres from the Fresno county Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
3. **RESOLUTION** - Approving Plan Amendment Application No. A-17-007, to amend the Fresno General Plan and Edison Community Plan from the following designations: Medium Density Residential for 19.25 acres, Urban Neighborhood for 29.44 acres, Community Commercial for 10.11 acres, Office for 37.69 acres and Community Park for 19.09 acres to Medium Density Residential for 54.48 acres, Community Commercial for 2.4 acres, Regional Commercial for 22.52 acres, Park for 9.63 acres and Public Facility - College designation for 26.55 acres.
4. **BILL** - (For introduction and adoption) - Approving Prezone Application No. R-17-010 to amend the Official Zone Map to reclassify the subject property from the Fresno County AL-20 (*Limited Agriculture*) to the City of Fresno zone districts to designated as follows: RS-5 (*Residential Single Family*) for 54.48 acres, CC (*Community Commercial*) for 2.4 acres, CR (*Community-Regional*) for 22.52 acres, PR (*Parks and Recreation*) for 9.63 acres, and PI (*Public and Institutional*) for 26.55 acres.
5. **RESOLUTION** - Approving Tentative Parcel Map Application No. TPM-17-06 for the establishment of four parcels on 115.949 acres

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT Environmental Assessment No. A-17-007/R-17-010/ANX-17-005/TPM-17-06, a Mitigated Negative Declaration dated August 2, 2017.
2. ADOPT BILL - Approving Annexation Application No. ANX-17-005 proposing detachment of 122.68 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

3. ADOPT RESOLUTION - Approving Plan Amendment Application No. A-17-007, to amend the Fresno General Plan and Edison Community Plan from the following designations: Medium Density Residential for 19.25 acres, Urban Neighborhood for 29.44 acres, Community Commercial for 10.11 acres, Office for 37.69 acres and Community Park for 19.09 acres to Medium Density Residential for 54.48 acres, Community Commercial for 2.4 acres, Regional Commercial for 22.52 acres, Park for 9.63 acres and Public Facility - College designation for 26.55 acres.
4. ADOPT RESOLUTION - Approving Prezone Application No. R-17-010 to amend the Official Zone Map to reclassify the subject property from the Fresno County AL-20 (*Limited Agriculture*) to the City of Fresno zone districts to designated as follows: RS-5 (*Residential Single Family*) for 54.48 acres, CC (*Community Commercial*) for 2.4 acres, CR (*Community-Regional*) for 22.52 acres, PR (*Parks and Recreation*) for 9.63 acres, and PI (*Public and Institutional*) for 26.55 acres.
5. ADOPT RESOLUTION - Approving Tentative Parcel Map Application No. TPM-17-06 for the establishment of four parcels on 115.949 acres

## EXECUTIVE SUMMARY

Scott Mommar, on behalf of Sylvesta Hall of Blue Ocean Development, has filed Plan Amendment Application No. A-17-007, Prezone Application No. R-17-010, Annexation Application No. 17-005 and Tentative Parcel Map Application No. TPM-17-06, pertaining to approximately  $\pm$  115.95 acres of property located on the northwest corner of East Jensen Avenue and South Martin Luther King Jr. Boulevard.

The Plan Amendment, Prezone and Tentative Parcel Map applications have been filed in order to facilitate the annexation pursuant to Annexation Application No. ANX-17-005. Annexation Application No. ANX-17-005 proposes the detachment  $\pm$  122.68 acres of property, representing the project site (115.95 acres) and surrounding right-of-way (6.73 acres), from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno. A Development Agreement will be presented to the City Council for consideration at a later date.

## BACKGROUND

The project site that is the subject of these applications was described as an activity center in the Urban Form Element of the Fresno General Plan and is also designated as one of two “Magnet Core” sites in the draft Southwest Fresno Specific Plan. An economic study prepared for the plan pointed to the site as ideal for the proposed uses due to its local and regional access.

Currently, the site is surrounded on all sides except the south by urban uses. North of the site, across East Church Ave is Hinton Park and Hinton Community Center as well as single family medium density housing. East of the site, across South Martin Luther King Jr. Blvd. is Rutherford B. Gaston Middle School and single family medium density housing. South of the site across E Jensen is single family medium density residential and some developed agricultural land. To the west of the site, across South Knight Ave is single-family medium density residential and vacant land.

The site was is envisioned in both the General Plan and the Draft Southwest Fresno Specific Plan to provide much-needed services to the area, including regional retail uses, a park, residential uses,

and a community college satellite campus. The project would also improve the surrounding streets and provide trail connections, thus improving the multi-modal connectivity of the area.

## ANALYSIS

### Land Use Plans and Policies

#### *Fresno General Plan*

The project is a Plan amendment, Prezone, and Tentative Parcel Map to facilitate annexation of the property for the future development of the property with an educational facility, a park, a residential neighborhood, and commercial uses. The Fresno General Plan puts a strong emphasis on complete neighborhoods and multimodal connectivity.

#### Complete Neighborhoods

*UF-1-f Complete Neighborhoods Densities and Development Standards. Use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.*

The General Plan states that the defining characteristic of a complete neighborhood is one that is mostly self-sufficient, walkable and interconnected. It provides residents with most daily needs. A complete neighborhood should include most of the following elements:

- A range of housing choices
- Neighborhood serving retail
- A range of employment opportunities
- Public services, such as health clinics
- Entertainment and cultural assets
- Parks and public schools
- Community services such as a library, recreation center, senior center or community garden
- Public plaza/civic space
- Access to Public Transit

The neighborhood around the site includes both single family and public school uses. FAX Routes 32 and 38 serve the project. The neighborhood has the potential to be a complete neighborhood. Approval of the project would result in the future development of commercial, residential, community college and park uses.

*UF-1-c Identifiable City Structure. Focus integrated and ongoing planning efforts to achieve an identifiable city structure, comprised of a concentration of buildings, people, and pedestrian-oriented activity in Downtown; along a small number of transit-oriented, mixed-use corridors and strategically located Activity Centers; and in existing and new neighborhoods augmented with parks and connected by multi-purpose trails and tree lined bike lanes and streets.*

*UF-12-b Activity Centers. Mixed-use designated areas along BRT and/or transit corridors are appropriate for more intensive concentrations of urban uses. Typical uses could include commercial areas; employment centers; schools; compact residential development; religious institutions; parks; and other gathering points where residents may interact, work and obtain goods and services in the*

*same place.*

The northwest corner of East Jensen Avenue and South Martin Luther King Jr. Boulevard is identified in the General Plan as an Activity Center. The project maintains the site as an Activity Center, proposing only to change the configuration of uses within the center by increasing the acreage designated for residential uses, increasing the overall acreage designated for commercial uses, reducing park acreage, removing office uses and adding public and institutional uses to allow for the future development of a community college. The resulting mix of uses will serve as a gathering point for residents to live, work, recreate and go to school. The Activity Center will be connected to the neighborhood through transit lines and by trails.

*UF 14-b Design Guidelines for Walkability. Develop and use design guidelines and standards for a walkable and pedestrian-scaled environment with a network of streets and connections for pedestrians and bicyclists as well as transit and autos.*

The project will increase bicycle and pedestrian access throughout the neighborhood. The proposed project includes the development of a Class I trail along the south side Church Avenue and along the north side of East Jensen Avenue, connecting through the project site. The proposed trails align with General Plan Figure MT-2 Paths and Trails.

In conclusion, the proposed project is consistent with many of the goals and policies of the General Plan. The proposed project promotes the development of complete neighborhoods, and increases the walkability of the neighborhood.

### *Community and Specific Plans*

The Edison Community Plan was adopted in 1977. At that time, its primary goals were to stimulate growth through improving the quality of the environment and strategically providing public facility improvements, to provide housing to support diverse needs, and to increase income levels thorough programs of economic and employment development. The proposed project will facilitate the development of a public facility (a community college), housing, and community and regional commercial.

The proposed project also conforms to the land use map, goals and policies of the draft Southwest Fresno Specific Plan (SWFSP), which include the development of magnet cores to attract development. Magnet cores are locations designated to be centers of activity, similar to activity centers described in the General Plan. This site was designated as one of two identified magnet cores for development in the planning area.

### Transportation

The Public Works Department, Traffic and Engineering Division conducted a Traffic Impact Study (TIS), dated July 19, 2017, for the project (available in Appendix H). The analysis found that the project is expected to generate 26,279 average daily trips (ADT) including 1,554 morning peak hour trips and 2,503 evening peak hour trips. These numbers were compared to the trip generations projected by the land use designations in the General Plan and found that this project would result in 5,020 fewer ADT, with 1,198 fewer morning peak hour trips and 829 fewer evening peak hour trips. Per the Fresno General Plan, the City is divided into four traffic impact zones (TIZ), representing an acceptable level of service (LOS) for each zone. Analysis results were evaluated against the

corresponding TIZ LOS.

The developer of the project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee per the Master Fee Schedule at the time of building permits. The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out in the General Plan circulation element and are included in the Nexus Study for the TSMI fee.

Traffic and Engineering Division has reviewed the proposed Plan Amendment, Prezone, and Tentative Parcel Map and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated upon implementation of the traffic related mitigation measures of the Mitigated Negative Declaration and completion of the adjacent street segments and intersections in accordance with the transportation element of the Fresno General Plan.

Based upon the project requirements for street dedications, improvements, and contributions to the City-wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

#### Public Services

The Department of Public Utilities completed a water supply assessment (WSA), dated August 2, 2017 pursuant to Water Code Section 10910. The WSA concludes that there is adequate supply to serve the project under the proposed land use configuration. The department of Public Utilities has also determined that adequate sanitary sewer will be available to serve the proposed project, subject to conditions of approval, listed in the memoranda dated July 12, 2017. In a memorandum dated July 19, 2017, The Fresno Metropolitan Flood Control District has required as a condition of approval that the applicant to either make improvements to the existing or proposed pipeline system or use a permanent peak reducing facility in order to mitigate the increased runoff from development. All conditions of approval for this project are available in Exhibit H.

#### Plan Amendment, Annexation, Prezone and Tentative Parcel Map Findings

Based upon analysis of the applications and subject to the applicant's compliance with all of the mitigation measures noted in Environmental Application No. A-17-007, R-17-010, ANX-17-005, TPM-17-06, staff concludes that the required findings of Sections 15-3309, 15-3310, 15-5812, 15-6103, 15-6104. These findings are attached as Exhibit I.

#### **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 C), pursuant to Section 15-5007-B-2 of the FMC.

To date, no public comments have been received on the plan amendment, prezone, annexation and tentative parcel map application and related environmental findings.

### District Committee

The District 3 Plan Implementation Committee is inactive at this time.

### **Planning Commission**

The Planning Commission held a public hearing at its regularly scheduled meeting on August 2, 2017 to consider the Plan Amendment, Annexation, Prezone and Tentative Parcel Map applications along with relevant environmental findings. At the meeting four members of the public spoke in favor of and four people spoke in opposition to the applications. Opposition was mainly centered around the fear of eminent domain. Assistant Public Works Director Andrew Benelli clarified that eminent domain is rarely used by the City because fair market value is paid for any property acquired for public purposes. In addition, it was noted that most of the property needed for roadway improvements to accommodate the project would likely be dedicated by the project development. After a complete hearing, the Commission voted and recommended to the City Council to approve the Plan Amendment, Annexation, Prezone, and Tentative Parcel Map applications by a 6-0 vote. The Planning Commission resolutions (Exhibit K) are attached for more information.

### **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 (see Exhibit J).

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 project area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed Plan Amendment, Prezone, Annexation and Tentative Parcel Map applications 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) because a plan amendment is proposed which would change the land use designated in the general plan for the site. It has been further determined that all applicable mitigation measures of MEIR 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 Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and

that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a 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).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-17-007, R-17-010, ANX-17-005, TPM-17-06 was published on August 2, 2017 with no comments or appeals received to date.

Project specific mitigation measures include:

- Compliance with Fresno County Environmental Health Department requirements;
- Compliance with Fresno Metropolitan Flood Control District requirements;
- Compliance with Department of Public Works Traffic Engineering requirements and Traffic Impact Study requirements; and
- Payment of public service-related impact fees.
- Conducting of a Phase 1 Site Assessment

## **LOCAL PREFERENCE**

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

## **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the 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 Notice Map
- Exhibit D: Annexation Map
- Exhibit E: General Plan Map
- Exhibit F: Prezone Map
- Exhibit G: Tentative Parcel Map
- Exhibit H: Conditions of Approval for Tentative Parcel Map
- Exhibit I: Annexation, Plan Amendment, Prezone and Tentative Parcel Map Findings
- Exhibit J: EA No. A-17-007/R-17-010/TPM-17-06/ANX-17-005

Exhibit K: Planning Commission Resolutions Nos. 13477, 13478, 13479, 13480  
Exhibit L: City Council Resolution for Plan Amendment Application No. A-17-007  
Exhibit M: City Council Ordinance Bill for Prezone Application No. R-17-010  
Exhibit N: City Council Resolution for Annexation Application No. ANX-17-005  
Exhibit O: City Council Resolution for Tentative Parcel Map Application No. TPM-17-06  
Exhibit P: City Council PowerPoint Presentation