



Legislation Details (With Text)

File #: ID18-0397 **Version:** 1 **Name:** Public Hearing related to Rezone and Annexation
Type: Action Item **Status:** Passed
File created: 3/13/2018 **In control:** City Council
On agenda: 4/5/2018 **Final action:** 4/5/2018
Title: CONTINUED HEARING to Consider Pre-zone Application No. R-17-015, Annexation Application No. ANX-17-007 and related Environmental Assessment No. R-17-015/ANX-17-007. These applications pertain to approximately a 1.86 acre site located on the north side of East Belmont Avenue between North Fowler and North Armstrong Avenues in the unincorporated portion of City's Sphere of Influence boundary (Council District 5-Chavez).
1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-015/ANX-17-007 dated January 19, 2018.
2. BILL - (For introduction and adoption) - Approving Pre-zone Application No. R-17-015 which proposes to amend the Official Zone Map from the AE-20 (Ag, Exclusive 20-Acres) County of Fresno zone district to the City of Fresno BP/UGM (Business Park/Urban Growth Management) zone district consistent with the Fresno General Plan planned land use of Business Park.
3. RESOLUTION - Approving Annexation Application No. ANX-17-007, 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. These actions are under the jurisdiction of the Local Agency Formation Commission (LAFCO).
Sponsors: Planning and Development Department
Indexes:
Code sections:
Attachments: 1. Exhibit A Vicinity Map, 2. Exhibit B 2017 Aerial Photograph, 3. Exhibit C Public Hearing Notice Mailing Vicinity Map, 4. Exhibit D Fresno General Planned Land Use, 5. Exhibit E Proposed Prezone and Annexation Map, 6. Exhibit F Project Information Tables, 7. Exhibit G Fresno Municipal Code Findings, 8. Exhibit H Environmental Assessment, 9. Exhibit I Application Material, 10. Exhibit J Planning Commission Resolutions, 11. Exhibit K Resolution Initiating Annexation, 12. Exhibit L Ordinance Bill Approving Pre-Zone Application R-17-015

Date	Ver.	Action By	Action	Result
4/5/2018	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

April 5, 2018

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

CONTINUED HEARING to Consider Pre-zone Application No. R-17-015, Annexation Application No. ANX-17-007 and related Environmental Assessment No. R-17-015/ANX-17-007. These applications pertain to approximately a 1.86 acre site located on the north side of East Belmont Avenue between North Fowler and North Armstrong Avenues in the unincorporated portion of City's Sphere of Influence boundary (Council District 5-Chavez).

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-015/ANX-17-007 dated January 19, 2018.
2. BILL - (For introduction and adoption) - Approving Pre-zone Application No. R-17-015 which proposes to amend the Official Zone Map from the AE-20 (Ag, Exclusive 20-Acres) County of Fresno zone district to the City of Fresno BP/UGM (Business Park/Urban Growth Management) zone district consistent with the Fresno General Plan planned land use of Business Park.
3. RESOLUTION - Approving Annexation Application No. ANX-17-007, 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. These actions are under the jurisdiction of the Local Agency Formation Commission (LAFCO).

RECOMMENDATIONS

1. RECOMMEND APPROVAL of the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-015/ANX-17-007 dated January 19, 2018.
2. RECOMMEND APPROVAL of Pre-zone Application No. R-17-015 which proposes to amend the Official Zone Map from the AE-20 (Ag, Exclusive 20-Acres) County of Fresno zone district to the City of Fresno BP/UGM(*Business Park/Urban Growth Management*) zone district consistent with the Fresno General Plan planned land use of Business Park.
3. RECOMMEND APPROVAL of Annexation Application No. ANX-17-007, 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. These actions are under the jurisdiction of the Local Agency Formation Commission (LAFCO).

EXECUTIVE SUMMARY

Pre-zone Application No. R-17-015 and Annexation Application No. ANX-17-007 were filed by Mike Pickett, on behalf of Don Pickett and Associates, and pertain to ±1.86 acres of property located on the north side of East Belmont Avenue between North Fowler and North Armstrong Avenues in the unincorporated portion of City's Sphere of Influence boundary.

Pre-zone Application No. R-17-015 proposes to amend the Official Zone Map from the AE-20 (Ag, Exclusive 20-Acres) County of Fresno zone district to the City of Fresno BP/UGM (*Business Park/Urban Growth Management*) zone district consistent with the Fresno General Plan planned land use.

Annexation Application No. ANX-17-007 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. **NOTE:** The pre-zone only affects ± 1.86 acres of private property. However, the annexation will include 7.8 acres which includes the private property as well as the entire right-of-way for State Route 180 to the north of the private property. The Police Department and Fire Department would like to be notified so they can respond to any vehicle accidents or fires along State Route 180.

Based upon analysis of the applications and subject to the applicant's compliance with all conditions of approval, dated February 21, 2018, staff concludes that the required Rezone findings of Section 15-5812 of the Fresno Municipal Code (FMC) can be made. These findings are attached as Exhibit G.

BACKGROUND / ANALYSIS

Mike Pickett, on behalf of Don Pickett and Associates, filed Rezone Application No. R-17-015 and Annexation Application No. ANX-17-007 which pertain to ± 1.86 acres of property located on the north side of East Belmont Avenue between North Fowler and North Armstrong Avenues in the unincorporated portion of City's Sphere of Influence boundary.

The subject property is a portion of unincorporated land in the County of Fresno. Adjacent uses to the north and east include about 6 acres of State Route 180. Adjacent uses to the west include rural residential located in the County and to the south there are several vacant light industrial parcels.

Pre-zone Application No. R-17-015 proposes to amend the Official Zone Map from the AE-20 (Ag, Exclusive 20-Acres) County of Fresno zone district to the City of Fresno BP/UGM (*Business Park/Urban Growth Management*) zone district consistent with the Fresno General Plan planned land use of Business Park. The pre-zoning of the property will facilitate the annexation pursuant to Annexation Application No. ANX-17-007, which also 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. These actions are under the jurisdiction of LAFCO.

At a future point, the applicant intends to construct a 25,000 square foot office-warehouse building with a loading dock and approximately 35 parking stalls. The project is consistent with other Business Park and Light Industrial uses occurring to the east and south of the site.

Fresno City Planning Commission Action

Rezone Application No. R-17-015 and Annexation Application No. ANX-17-007 and related Environmental Assessment (EA) No. R-17-015/ANX-17-007 were considered by the Fresno City Planning Commission at its meeting on February 21, 2018. At the hearing no one spoke in support or opposition to project. After a complete hearing, the Commission voted and recommended the City Council approve the rezone and annexation.

Public Notice and Input

Notice of Hearing

The Development and Resource Management Department mailed notices of the 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 FMC.

Annexation of 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.

Land Use Plans and Policies

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

Objective LU-7 of the Fresno General Plan encourages the City to plan and support industrial development and to support job growth. Objective LU7-b is intended to promote business and industrial park sites of sufficient size, unified design, and diversified in activity to attract a full range of business types needed for economic growth. The site is readily served by sewer and water with excellent access off of State Route 180 at the North Fowler Avenue off-ramp.

These Objectives noted above 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.

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 Fresno General Plan also provides that recommendations for annexations into the City will comply with the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno (MOU). Whatever method is ultimately adopted, the City should implement an easy-to-track, objective, transparent measurement that can be used to determine the appropriate timing for allowing development in areas subject to the restrictions enumerated in the MOU for new growth. The City will use strategic phasing to achieve the overall goals of the plan, as opposed to annual limits of some sort that place unrealistic controls on the local market. For this purpose, the Implementation element of the General Plan includes Strategic Sequencing of Development.

The proposed annexation is consistent with the adopted sphere of influence and does not conflict with the goals and/or policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The proposal is consistent with the City General and Community plans, including adopted goals and policies.

Furthermore, as referenced herein above, the subject properties proposed for annexation will be compliant with the MOU standards for annexation by meeting the minimum requirements for consideration under the provisions for existing substantial development and the creation of logical boundaries. Finally, the proposal for annexation is presumed to comply with all standards for annexation as it removes a portion of an unincorporated area that is partially surrounded by the incorporated city. Future development of property proposed to be annexed will fully fund public

facilities and infrastructure as necessary to mitigate any impacts arising from the new development. The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts. The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

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, McLane Community Plan and Fresno Yosemite International Airport 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 surrounding area to serve existing development within the vicinity as well as future development on the subject properties. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs. 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 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.

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 the subject annexation boundary encompasses lands within the FMFCD and will be served by the District's Storm Drainage and Flood Control Master Plan.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The Fresno General Plan designates East Belmont Avenue as an arterial street. The developer of this project will be required to dedicate and construct improvements along the major street frontage with future development.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determine 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 City requirements. 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 street dedication; (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.

Council District Plan Implementation Committee

The District 5 Plan Implementation Committee met on January 22, 2018 and unanimously voted to recommend approval of the pre-zone and annexation.

Fresno Municipal Code Findings

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5812 and 15-6104 of the FMC can be made. These findings are attached as Exhibit G to this staff report.

ENVIRONMENTAL FINDING

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 not fully within the scope of the MEIR prepared for the Fresno General Plan as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan MEIR 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 MEIR 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).

Based upon the attached environmental assessment and with the project specific mitigation imposed, staff has determined that there is no substantial evidence in the record that the project may have a significant direct, indirect or cumulative 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 No. A-16-016/R-16-017/D-16-139 was published on January 19, 2018, with no comments or appeals received to date.

LOCAL PREFERENCE

Not applicable.

FISCAL IMPACT

The development will fund its proportionate share of public facility infrastructure and public service costs according to the City Council adopted Development Impact fee schedule.

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph
- Exhibit C: Public Hearing Notice Mailing List Vicinity Map
- Exhibit D: Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Pre-zone and Annexation Map
- Exhibit F: Project Information Tables
- Exhibit G: Fresno Municipal Code Findings
- Exhibit H: Environmental Assessment No.R-17-007/ANX-17-015, Mitigated Negative Declaration dated January 19, 2018
- Exhibit I: Application Material
- Exhibit J: Planning Commission Resolutions
- Exhibit K: Resolution Initiating Annexation
- Exhibit L: Ordinance Bill Approving Pre-zone Application R-17-015

