



## Legislation Details (With Text)

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| <b>File created:</b>  | 9/25/2018   | <b>In control:</b>   |   | Planning Commission |  |
| <b>On agenda:</b>     | 10/17/2018  | <b>Final action:</b> |   |                     |  |
| <b>Title:</b>         | <p>Consideration of Pre-zone Application No. R-17-019 and related Environmental Assessment No. R-17-019. This application pertains to ±39.3 acres of property located on the north and south sides of West Clinton Avenue between North Hayes and North Polk Avenues (Council District 3-Baines).</p> <p>1. RECOMMEND APPROVAL (to the City Council) of the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-019 dated September 28, 2018.</p> <p>2. RECOMMEND APPROVAL (to the City Council) of that portion of Pre-zone Application No. R-17-019 pertaining to property north of West Clinton Avenue which proposes to amend the Official Zone Map from the Fresno County RR (Rural Residential) zone district to the City of Fresno RS-5/UGM (Residential Single Family, Medium Density/Urban Growth Management-14.64 acres) and the RS-4/UGM (Residential Single Family, Medium Low Density -20 acres) zone districts consistent with the Fresno General Plan planned land uses.</p> <p>3. RECOMMEND DENIAL (to the City Council) of that portion (4.66 acres) of Pre-zone Application No. R-17-019 pertaining to property south of West Clinton Avenue as it is located in Growth Area 2.</p> |                      |   |                     |  |
| <b>Sponsors:</b>      |   |                      |   |                     |  |
| <b>Indexes:</b>       |   |                      |   |                     |  |
| <b>Code sections:</b> |   |                      |   |                     |  |
| <b>Attachments:</b>   | 1. Exhibit A Vicinity Map, 2. Exhibit A-1 Project Area, 3. Exhibit B Aerial Photograph, 4. Exhibit C Public Hearing Notice Mailing List Vicintiy Map, 5. Exhibit D Fresno General Plan Designation, 6. Exhibit E Pre-zone Map (Requested), 7. Exhibit E-1 Pre-zone Map (Recommended), 8. Exhibit F Sequence of Development, 9. Exhibit G Fresno Municipal Code Findings, 10. Exhibit H Project Information Tables, 11. Exhibit I Tentative Tract Maps 5560 and 5881, 12. Exhibit J Environmental Assessment No. R-17-019 dated September 28, 2018, 13. Exhibit K Water Demand Analysis, 14. Exhibit M Application Material  |                      |   |                     |  |

| Date       | Ver. | Action By           | Action | Result |
|------------|------|---------------------|--------|--------|
| 10/17/2018 | 1    | Planning Commission |        |        |

## REPORT TO THE PLANNING COMMISSION

**October 17, 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**

Consideration of Pre-zone Application No. R-17-019 and related Environmental Assessment No. R-17-019. This application pertains to ±39.3 acres of property located on the north and south sides of West Clinton Avenue between North Hayes and North Polk Avenues (Council District 3-Baines).

1. RECOMMEND APPROVAL (to the City Council) of the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-019 dated September 28, 2018.
2. RECOMMEND APPROVAL (to the City Council) of that portion of Pre-zone Application No. R-17-019 pertaining to property north of West Clinton Avenue which proposes to amend the Official Zone Map from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management-14.64 acres*) and the RS-4/UGM (*Residential Single Family, Medium Low Density -20 acres*) zone districts consistent with the Fresno General Plan planned land uses.
3. RECOMMEND DENIAL (to the City Council) of that portion (4.66 acres) of Pre-zone Application No. R-17-019 pertaining to property south of West Clinton Avenue as it is located in Growth Area 2.

## **EXECUTIVE SUMMARY**

Pre-zone Application No. R-17-019 is a request to amend the Official Zone Map from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management-19.3 acres*) and the RS-4/UGM (*Residential Single Family, Medium Low Density -20 acres*) zone districts consistent with the Fresno General Plan planned land uses (see Exhibit E). The pre-zone of the property is for purposes of facilitating a future annexation, which also proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno. The applicant will initiate this annexation through a land owner petition. These actions will be under the jurisdiction of the Local Agency Formation Commission. The applicant intends to develop two single family Tract Maps (see Exhibit F).

*Pre-zone Application No. R-17-019 was filed by Jeffrey Roberts on behalf of Assemi and Sons, Inc. The project pertains to ±39.3 acres of property located on the north side of West Clinton Avenue between North Hayes and North Polk Avenues and is located in the unincorporated portion of City's Sphere of Influence boundary. The portion of the property south of West Clinton Avenue is within*

*Growth Area 2. Property within Growth Area 2 must secure a “permanent surface water allotment” to serve the property and properties must relinquish groundwater rights to the Fresno Irrigation District according to an agreement between the City of Fresno and the Fresno Irrigation District. The applicant has not secured a surface water allotment; therefore staff recommends denial of that portion of the Pre-zone application located south of West Clinton Avenue (4.66 acres). See Exhibit E-1. In addition, the applicant has not provided a water assessment for the property in Growth Area 2, so staff was unable to fully assess that property. For these reasons, staff was unable to make all of the findings required to approve a pre-zone pursuant to Section 15-5812 of the Fresno Municipal Code for the property in Growth Area 2. Based upon analysis of the application in accordance with the Fresno Municipal Code, staff concludes that the required Rezone findings of Section 15-5812 of the FMC can be made for the portion of the subject site within Growth Area 1. These findings are attached as Exhibit H.*

## **BACKGROUND / ANALYSIS**

Pre-zone Application No. R-17-019, which was filed by Jeffrey Roberts of Assemi and Sons, Inc., is a request to amend the Official Zone Map from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management-19.3 acres*) and the RS-4/UGM (*Residential Single Family, Medium Low Density -20 acres*) zone districts consistent with the Fresno General Plan planned land uses. The pre-zone of the property is for purposes of facilitating a future annexation, which also proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno. The applicant will initiate this annexation through a land owner petition. These actions will be under the jurisdiction of the Local Agency Formation Commission.

The subject property is a portion of unincorporated land in the County of Fresno. Adjacent uses to the north, south, east and west of subject site include rural residential single-family homes and a school.

After annexation into the City of Fresno, the applicant intends to construct two single-family residential housing tracts. Tract Map 5560 proposes to construct 88 single-family homes and has a density of 4.63 units to the acre. Tract Map 5881 proposes to construct 50 single family homes and has a density of 5.19 units to the acres. These tract maps are consistent with the planned land use and have already been approved by the City.

The proposed pre-zone application also includes a 4.66 acre portion of property located located in Growth Area 2. According to the Fresno General Plan, the City plans to “*focus on infill development as well as new development within Growth Area 1 based on planned infrastructure expansion, public service capacity, and fiscal considerations...Growth Area 2 needs critical infrastructure improvements and the City does not anticipate funding for this area can be committed in the near-term.*” The applicant has proposed that this property within Growth Area 2 be pre-zoned for the purpose of allowing the parcels to north of West Clinton Avenue to connect to the City when the applicant submits the land owner petition for annexation.

## **Land Use Plans and Policies**

As proposed, the project would be consistent with the Fresno General Plan goals and objectives related to Medium and Medium-low Residential planned land use and the urban form:

Objective LU-5. Plan for diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

Objective LU-5-b. Medium-Low Density Residential Uses. Promote medium-low density residential uses to preserve existing uses of that nature or provide a transition between low and medium density residential areas.

Objective LU-5-c. Medium Density Residential Uses. Promote medium density residential uses to maximize efficient use of residential property through a wide range of densities.

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.

Therefore, it is staff's opinion that the proposed *recommended* project (not including the property located in Growth Area 2) 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 (see Exhibit E-1). 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 West 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

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 as well as future development located in Growth Area 1, but not Growth Area 2. 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 that portion of the project site located in Growth Area 1, but not Growth Area 2 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 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 West Clinton Avenue as a collector street. The developer of this project will be required to dedicate and construct improvements along the street frontage with future development of the two Tract Maps.

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. A Traffic Impact Study, dated May 1, 2018, was provided to the city and requires the developer to make significant improvements not only to West Clinton Avenue but numerous other streets and intersections in the vicinity. These requirements generally include: (1) The provision of vehicular access to West Clinton Avenue for any phase of the development; (2) Street dedications; (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 3 Plan Implementation Committee is currently not active.

### **Notice of Planning Commission Hearing**

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property.

### **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 for that portion of the project site located in Growth Area 1, but not in Growth Area 2; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification. If the portion of the site located in Growth Area 2 is to be pre-zoned, further CEQA analysis would be required since no water supply study was provided for this territory.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to NOT be a subsequent project that is fully within the scope of the MEIR SCH No. 2012111015, which was prepared for the Fresno General Plan and adopted by the Fresno City Council on December 18, 2014. Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration 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 Environmental Assessment No. R-17-019 was published on September 28, 2018 with no comments or appeals received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5812 of the FMC can be made for the portion of the property located in Growth Area 1. Findings A and B cannot be made for the portion of the property in Growth Area 2 given that the development of property in Growth Area 2 is not supported by the General Plan at this time, and the water assessment to determine that the proposed project is sustainable has not been completed by the applicant. These findings are attached as Exhibit G 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 West Area Community Plan; its compatibility with surrounding 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 Pre-zone Application No. R-17-019 is appropriate for the portion of the project site which is located in Growth Area 1; and, that all criteria identified within Articles 58 and 61 of Chapter 15 of the FMC have been met. However, staff is not in support of pre-zoning that portion of the site that is located in Growth

Area 2 since no water supply assessment study was provided for this territory.

Attachments:

Exhibit A: Vicinity Map  
Exhibit A-1: Project Area 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: Pre-zone Map (Requested)  
Exhibit E-1: Pre-zone Map (Recommended)  
Exhibit F: Sequence of Development Map  
Exhibit G: Fresno Municipal Findings  
Exhibit H: Project Information Tables  
Exhibit I: Tentative Tract Maps 5560 and 5881  
Exhibit J: Environmental Assessment No. R-17-019 dated September 28, 2018  
Exhibit K: Application Material