



Legislation Details (With Text)

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Title: RESOLUTION - Of Intention to Annex Conditional Use Permit No. P20-04902 as Annexation No. 56 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, November 17, 2022, at 10:00 am (located on East Tulare Ave between South Clovis Avenue and North Fowler Avenue) (Council District 5)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 22-1510 Location Map, 2. 22-1510 Features Map, 3. 22-1510 Resolution of Intention

Date	Ver.	Action By	Action	Result
10/13/2022	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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Public Works Department, Traffic Operations and Planning

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SUBJECT

RESOLUTION - Of Intention to Annex Conditional Use Permit No. P20-04902 as Annexation No. 56 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, November 17, 2022, at 10:00 am (located on East Tulare Ave between South Clovis Avenue and North Fowler Avenue) (Council District 5)

RECOMMENDATION

Adopt Resolution of Intention to Annex the Territory Known as Conditional Use Permit No. P20-04902 as Annexation No. 56 to the City of Fresno Community Facilities District No. 9 (CFD No. 9) and to Authorize the Levy of Special Taxes.

EXECUTIVE SUMMARY

The landowner has petitioned the City of Fresno (City) to have Conditional Use Permit No. P20-

04902 annexed to CFD No. 9 to provide funding for the Services (as hereinafter defined) pertaining to certain above ground public improvements associated with this Multi-Family subdivision. The cost for these Services for the public improvements totals \$9,828 annually for Fiscal Year 2022-2023. Annexation No. 56 is located entirely within City limits. The Resolution of Intention begins the process, sets the required public hearing for Thursday, November 17, 2022, at 10:00 am, and defines the steps required to complete the annexation. (Reference attached Location Map.)

BACKGROUND

New commercial, industrial, and multi-family subdivisions and parcel maps have different needs and standards than those of a standard single-family residential subdivision. Commercial, industrial and multi-family subdivisions are traditionally self-maintained with different proprietary requirements for landscaping, signage, and general designs. CFD No. 9 is designed to accommodate these requirements by providing funding for services for certain required public improvements along the perimeters of these developments. On December 16, 2008, the Council of the City of Fresno adopted Council Resolution No. 2008-351, forming CFD No. 9 to provide funding for the Services for certain public improvements located within and adjacent to public streets on the perimeter of commercial, industrial, and multi-family subdivisions as described and permitted pursuant the Goals and Policies for CFD No. 9 and the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code (City Law) and the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, commencing with Section 53311, of Part 1, Division 2, Title 5 of the California Government Code).

The landowner has petitioned the City to have Parcel Map No. 2018-20 annexed to CFD No. 9 to provide funding for the operation and reserves for maintenance (Services) pertaining to certain above ground public improvements located within City street easements, official City Trails/required public trail easements and landscaping easements located between required sound walls and adjacent to City streets. These improvements may include landscaping, trees, and irrigation systems; concrete curbs and gutters, valley gutters, sidewalks and curb ramps; trail or park amenities, street name signage, street lighting, and local street paving as associated with this subdivision/development. (Reference attached Location Map.)

Conditional Use Permit No. P20-04902 is located entirely within City limits.

The attached Resolution of Intention initiates the annexation process, sets the public hearing for Thursday, November 17, 2022, at 10:00 am, sets the Maximum Special Tax at a total of \$9,828 to be apportioned proportionately for each assessor's parcel within Annexation No. 56 annually for fiscal year 2022-2023, and sets the annual adjustment of the Special Tax to be adjusted upward annually by 2% or by the rise of the Construction Cost Index (CCI), if it exceeds 2% for the San Francisco Region.

Annexations to existing community facilities districts are permitted under City Law. The legislative body must follow certain prescribed procedures as outlined below:

- Adoption of a Resolution of Intention to Annex to CFD No. 9
- Required 7-day minimum Notice of Public Hearing
- Public hearing on Annexation and Levy of Special Tax
- Call a Special Mailed-Ballot Election on the proposed Special Tax
- Declare the Results of the Election

- Formal Adoption of Special Tax Levy (if election passes)

The attached Resolution has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378 this action does not qualify as a "project" and is therefore exempt from CEQA requirements.

LOCAL PREFERENCE

Local preference was not considered since this item does not include a bid or award of a construction or services contract.

FISCAL IMPACT

No City funds will be involved. All costs will be borne by the landowner as set forth in Exhibit D of the Resolution of Intention attached herein.

Attachments:

Location Map

Features Map

Resolution of Intention