



REPORT TO THE CITY COUNCIL

June 26, 2014

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: BRUCE BARNES, Project Manager
Development Services Division

SUBJECT: Consideration of Rezone Application No. R-13-014 and related Environmental Assessment No. R-13-014/TPM-2013-03 for property located on the west side of North Winery between East Washington and East McKenzie Avenues (Council District 7)

1. Consider the environmental finding of Environmental Assessment No. R-13-014/TPM-2013-03, a Finding of Conformity, dated April 4, 2014.
2. BILL- Amending the Official Zone Map to reclassify a 0.61 acre property from the R-A (*Single Family Residential-Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district.

RECOMMENDATION

Staff recommends that the City Council take the following actions:

1. ADOPT the Finding of Conformity prepared for Environmental Assessment No. R-13-014/TPM 2013-03;
2. ADOPT BILL approving Rezone Application No. R-13-014 to amend the Official Zone Map to reclassify the subject property from the R-A (*Single Family Residential Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district. If approved, Rezone Application will facilitate approval of a proposed residential subdivision of an approximately 0.41 acre portion of the subject property into three parcels in accordance with Tentative Parcel Map No. 2013-03. Any action related to Tentative Parcel Map No. 2013-03 is temporarily suspended until the Fresno City Council takes action on the proposed rezone application.

EXECUTIVE SUMMARY

Rezone Application No. R-13-014 and Tentative Parcel Map No. 2013-03 were filed by Mike Hamzy of Harbison International, Inc., and pertains to 0.62± acre of property located on the west side of North Winery Avenue between East Washington and East McKenzie Avenues. Rezone Application No. R-13-014 is a request to amend the Official Zone Map to reclassify the property from the R-A (*Single Family Residential Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district. Tentative

AGENDA ITEM NO: 10:10am

COUNCIL MEETING: 6/26/14

APPROVED BY

DARM DEPARTMENT DIRECTOR

CITY MANAGER

Parcel Map No. 2013-03 proposes to subdivide the property into a remainder parcel for the existing residential dwelling and 3 parcels each with a 5,000 square-foot minimum lot size, but is subject to action by the City Council on the aforementioned rezone application.

The proposed parcel map for the subject property would have an overall density of approximately 6.45 dwelling units per acre which would be consistent with the City Council approved Medium Density Residential planned land use designation for the subject property requiring between 4.99 and 10.37 dwelling units per acre.

PROJECT INFORMATION

PROJECT	Rezone Application No. R-13-014 is a request to amend the Official Zone Map to reclassify the property from the R-A (<i>Single Family Residential Agricultural</i>) zone district to the R-1 (<i>Single Family Residential</i>) zone district. Approval of the Rezone application will allow staff to administratively approve Tentative Parcel Map No. 2013-03 which proposes to subdivide the property into a remainder parcel for the existing residential dwelling and 3 parcels each with a 5,000 square-foot minimum lot size.
APPLICANT	Mike Hamzy of Harbison International, Inc.
LOCATION	West side of North Winery Avenue between East Washington and East Mckenzie Avenues. (Council District 7, Councilmember Oliver)
SITE SIZE	Approximately 0.62 net acres
PLANNED LAND USE	Existing - Medium Density Residential (4.99-10.37 du/acre) Proposed - Medium Density Residential (4.99-10.37 du/acre)
ZONING	Existing - <u>R-A</u> (<i>Single Family Residential Agricultural District</i>) Proposed - <u>R-1</u> (<i>Single Family Residential District</i>)

PLAN DESIGNATION AND CONSISTENCY Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the R-1 zone district classification and the proposed density of approximately 6.45 dwelling units per acre may be found consistent with the Medium Density Residential planned land use designation for the subject property.

ENVIRONMENTAL FINDING The Initial Study conducted for Environmental Assessment No. R-13-014/TPM 2013-03 recommends a Finding of Conformity. A Notice of Intent to make the finding was published in the Fresno Bee and posted on April 4, 2014. The Planning Commission hearing is intended to serve as part of the process for receiving comments on the EA.

PLAN COMMITTEE RECOMMENDATION Council District 7 does not have Plan Implementation Committee.

PLANNING COMMISSION RECOMMENDATION On May 21, 2014 the Planning Commission recommended that the City Council adopt the Finding of Conformity for Environmental Assessment No. R-13-014/TPM-2013-003, and approve Rezone Application No. R-13-014.

STAFF RECOMMENDATION Recommend Approval of: (1) Affirmation of the Finding of Conformity prepared for Environmental Assessment R-13-014/TPM 2013-03 and (2) Rezone Application No. R-13-014.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1 <i>Single Family Residential</i>	Single Family Residential
East	Medium-Low Density Residential	R-1-B <i>Low Density Single Family Residential (Fresno County)</i>	Single Family Residential
South	Medium Density Residential	R-1 <i>Single Family Residential</i>	Single Family Residential
West	Medium Density Residential	R-1 <i>Single Family Residential</i>	Single Family Residential

ENVIRONMENTAL FINDING

The Development and Resource Management Department staff have prepared an initial study and environmental checklist and evaluated the proposed development in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan, the related Master Environmental Impact Report (MEIR) No. 10130 (SCH # 2001071097), and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016). The subject property has been proposed to be developed at an intensity and scale that is permitted by the Medium Density Residential planned land use designated for the subject site. Thus, the proposed project will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project 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 No. 10130 and MND No. A-09-02 as provided by CEQA Section 15177(b)(3).

Therefore, the project proposal has been determined to be within the scope of the MEIR and MND as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR No. 10130 dated January 13, 2012. In addition, 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 the MND adopted; 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 or the MND was adopted, has become available.

A public notice of the attached Finding of Conformity for Environmental Assessment Application No. R-13-014/TPM 2013-03 was published on April 4, 2014 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Project Description

Mike Hamzy of Harbison International, Inc. filed Rezone Application No. R-13-014 to amend the Official Zone Map to reclassify the subject property from the R-A (*Single Family Residential Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district. He also filed Tentative Parcel Map No. 2013-03 which proposes to subdivide the property into a remainder parcel for the existing residential dwelling and 3 parcels each with a minimum of 5,000 square feet.

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The applications pertain to approximately 0.62 net acres of property located on the west side of North Winery Avenue between East Washington and East McKenzie Avenues.

The Subdivision Map Act (Section 66400 et. Seq. of the California Government Code) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the applicable general plan and applicable specific plan.

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC) the R-1 (*Single Family Residential*) zone district and the proposed density of approximately 6.45 dwelling units per acre is consistent with the Medium Density Residential (4.99-10.37 dwelling units/acre) planned land use designation for the subject property.

Land Use Plans and Policies

Objective C-15 of the 2025 Fresno General Plan states as follows: "Provide infill opportunities that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve the overall quality of the urban environment". The proposed project fulfills this objective. Currently there is a single family home on a 0.62 acre parcel. By rezoning the property consistent with the General Plan's land use designation of Medium Density Residential to R-1 (*Single Family Residential*), the applicant will be able to create three additional home sites. Therefore, it is staff's opinion that the proposed project is consistent with the general plan objectives and policies.

Neighborhood Meetings

Shortly after the City notices were sent out, Councilmember Clint Oliver's office received phone calls with concerns about the project. Planning staff meet with the Councilmember and his staff and it was suggested that a neighborhood meeting be called. The meeting was noticed by the developer and Councilmember Clint Oliver and about six neighbors attended the meeting at John Burroughs Elementary School on May 5, 2014.

At the meeting neighbors expressed concerned about the number of proposed lots (three lots in addition to an existing lot) and the size of the lots. The developer and his representative explained that they needed the three lots in order to spread the cost of the required improvements (curbs, gutter, sidewalks, street lights, etc.) and the required fees (school fees, flood control fees, etc.) over three lots rather than one or two lots. The developer indicated that without three lots the project does not "pencil out" financially. He further argued that he was not going to be building rental units but homes that would be occupied by homeowners. Finally, he explained that the alternative is to leave the lot vacant so that it would remain a "dumping ground." It was decided by the group that a second meeting would be useful.

During the second meeting at John Burroughs Elementary School, which was attended by approximately 10 neighbors, including Councilmember Clint Oliver, the developer passed out exhibits showing the proposed Parcel Map depicting lot sizes and the configuration of the lots. In addition, the developer also passed out a cost estimate based on the city's requirements for the Tentative Parcel Map which included both the construction costs and the fees charged by the city and other agencies (see Exhibits N-1 and N-2). One estimate indicates the cost to create three lots is \$63,011 per lot. The second estimate indicates the cost to create two lots would be \$94,517. Finally, the cost to create one lot would be \$189,033.

At the meeting a concerned property owner handed out a map that showed the "lotting pattern" along North Winery Avenue which indicated there were only two homes (lots) per block. He noted that this lotting pattern should be maintained. The developer indicated that his lot was much wider than the ones noted by this property owner (staff notes that most of the lots this property owner was referring to are 60 feet wide by 120 feet deep or 7,200 square feet, whereas the subject property is 102 feet wide by 260 feet deep or 26,520 square feet). See Exhibits N-3 to N-6.

Finally, this same property owner suggested that the developer install a sidewalk on the east side of North Winery Avenue to further "beautify" the neighborhood. Staff noted that the installation of sidewalks at the subject property is a Public Works requirement and Public Works only required new sidewalk along the subject property. The developer questioned the need for that improvement since it was not related to his project. At the conclusion of the meeting, it was explained to the audience that the Planning Commission will consider the matter and make a recommendation to the City Council.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject property is located on the west side of North Winery Avenue between East McKenzie and East Washington Avenues. Since only three new single family units will be constructed, impacts to the circulation system will be minimal.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the rezone and vesting tentative parcel map application and has determined that the streets adjacent to the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated.

In addition to the mitigation measures established by certification of MEIR No. 10130, public improvement requirements will be imposed as conditions of approval in accordance with the provisions of the Fresno Municipal Code, in order to complete the transportation network as identified by the 2025 Fresno General Plan. These requirements will generally include: (1) Adjacent public street improvements, right-of-way dedications and vacations (including, but not limited to, construction of concrete curbs, gutters, sidewalks, bus bays, transition paving, permanent pavement,

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underground street lighting systems, and concrete medians; (2) Installation of bike lanes; (3) Restrictions on turning movements at the project entrances; 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.

Public Services

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 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130; the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies; and the implementation of project related mitigation measures as identified within the conditions of approval for the proposed project and the associated Finding of Conformity prepared for the project.

Therefore, implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130, along with the implementation of the Water Resources Management Plan and the identified project related mitigation measures will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has no concerns as fire hydrants are readily available to serve the project. And the Solid Waste Division will address its concerns upon the submittal of future applications.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the development subject to the payment of a \$3,457 flood control fee.

Tentative Parcel Map

The tentative parcel map is not currently under consideration, but will be evaluated separately with appropriate conditions incorporated therein. The lot sizes range in size from 5,649 to 8,750 square feet in area, with the existing house to have the largest lot. The project is considered an "infill" project and will develop on previously by-passed land in an urbanized area.

Planning Commission

The Fresno City Planning Commission considered Rezone Application No R-13-014 and the related environmental documents at its regular meeting held on May 21, 2014. The Planning Commission reviewed the staff report in accordance with the policies of the 2025 General Plan and the Roosevelt Community Plan and called for speakers in support and in opposition to the proposed project. There were several speakers in

opposition to the rezone based concerns about the number of lots being created and the size of the lots. The applicant's engineer spoke in favor of the project and that stated that three lots were needed in order to spread the cost of the improvements (curbs, gutters, sidewalks, street lights, etc.) and the required fees (school fees, flood control fees, etc.) over three lots rather than one or two lots. While sympathetic to the concerns of those in opposition, the Planning Commission noted the project is an infill project and it is consistent with the 2025 General Plan. The Planning Commission then voted unanimously to recommend approval of the Rezone to the City Council.

Conclusion

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed 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 approval of Rezone Application R-13-014 is appropriate for the project site.

LOCAL PREFERENCE

N/A

FISCAL IMPACT OF RECOMMENDATION

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/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer 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: Vicinity Map
2012 Aerial Photograph
Public Hearing Notice Mailing List Vicinity Map
2025 Fresno General Plan Planned Land Use Map
Proposed Vesting Tentative Parcel Map No. 2013-003
Exhibits related to Neighborhood meetings
Environmental Assessment No. R-13-014/TPM-2013-003
Planning Commission Resolution No. 13284
City Council Ordinance Bill for Rezone No. R-13-014