



Legislation Details (With Text)

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**Title:** HEARING to consider Plan Amendment Application No. A-16-005, Rezone Application No. R 16 006, Development Permit Application No. D-16-031 and related Environmental Assessment No. A-16-005/R-16-006/D-16-031, filed by Nick Yovino Jr. of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC. These applications pertain to approximately ±2.27 acres of property located on the south side of E. Shepherd Avenue between N. Millbrook and N. Cedar Avenues.

a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.

b. RESOLUTION - Approving Plan Amendment Application No. A-16-005 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation.

c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-006 to rezone the subject property from the RS-4/UGM (Residential Single Family, Medium low Density/Urban Growth Management) zone district to the RM-1/UGM (Residential Multiple Family, Medium High Density/Urban Growth Management) zone district.

d. Approve Development Permit Application No. D-16-031 proposing a gated, 32-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building. Landscaping for the project is dense along property lines to promote privacy and within the project to compliment architectural features and a colored concrete entry drive, landscaping, and wrought iron fencing along East Shepherd Avenue, subject to the Conditions of Approval dated July 6, 2016, as amended by Planning Commission and as amended by the revised Exhibit A dated October 31, 2016.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1.pdf, 2. Exhibit 2.pdf, 3. Exhibit 3.pdf, 4. Exhibit 4.pdf, 5. Exhibit 5.pdf, 6. Exhibit 6.pdf, 7. Exhibit 7.pdf, 8. Exhibit 8-COAs.pdf, 9. Exhibit 9.pdf, 10. Exhibit 10.pdf, 11. Exhibit 11.pdf, 12. Exhibit 12.pdf, 13. Exhibit 13.pdf, 14. Objection Letter 1.pdf, 15. Objection Letter 2.pdf, 16. Supplement to 16-1314.pdf

Date	Ver.	Action By	Action	Result
11/17/2016	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**November 17, 2016**

**FROM:** Jennifer Clark AICP, Director  
Development and Resource Management Department

**THROUGH:** Mike Sanchez AICP, Assistant Director  
Development and Resource Management Department

**BY:** Bonique Emerson AICP, Planning Manager  
Development Services Division

## **SUBJECT**

HEARING to consider Plan Amendment Application No. A-16-005, Rezone Application No. R 16 006, Development Permit Application No. D-16-031 and related Environmental Assessment No. A-16-005/R-16-006/D-16-031, filed by Nick Yovino Jr. of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC. These applications pertain to approximately ±2.27 acres of property located on the south side of E. Shepherd Avenue between N. Millbrook and N. Cedar Avenues.

- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-005 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-006 to rezone the subject property from the RS-4/UGM (Residential Single Family, Medium low Density/Urban Growth Management) zone district to the RM-1/UGM (Residential Multiple Family, Medium High Density/Urban Growth Management) zone district.
- d. Approve Development Permit Application No. D-16-031 proposing a gated, 32-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building. Landscaping for the project is dense along property lines to promote privacy and within the project to compliment architectural features and a colored concrete entry drive, landscaping, and wrought iron fencing along East Shepherd Avenue, subject to the Conditions of Approval dated July 6, 2016, as amended by Planning Commission and as amended by the revised Exhibit A dated October 31, 2016.

## **RECOMMENDATION**

Staff recommends that the City Council take the following actions:

- a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.
- b. ADOPT RESOLUTION approving Plan Amendment Application No. A-16-005 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation.
- e. ADOPT BILL approving Rezone Application No. R-16-006 to rezone the subject property from the RS-4/UGM (Residential Single Family, Medium low Density/Urban Growth Management) zone district to the RM-1/UGM (Residential Multiple Family, Medium High Density/Urban Growth Management) zone district.

- c. Approve Development Permit Application No. D-16-031 proposing a gated, 32-unit multiple family residential development in three buildings, subject to the Conditions of Approval dated July 6, 2016, as amended by Planning Commission and as amended by the revised Exhibit A dated October 31, 2016.

## EXECUTIVE SUMMARY

Nick Yovino Jr., of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC, filed Plan Amendment Application No. A-16-005, Rezone Application No. R-16-006, and Development Permit Application No. D-16-031 which pertain to ± 2.27 acres of property located on the south side of East Shepherd Avenue between North Millbrook and North Cedar Avenues in the City of Fresno. Plan Amendment Application No. A-16-005 proposes to amend the Fresno General Plan and the Woodward Park Community Plan to change the planned land use designation for the subject property from the *Medium Low Density Residential* planned land use to the *Medium High Density Residential* planned land use designation. Rezone Application No. R-16-006 proposes to rezone the subject property from the RS-4/UGM (*Residential Single Family, Medium low Density/Urban Growth Management*) zone district to the RM-1/UGM (*Residential Multiple Family, Medium High Density/Urban Growth Management*) zone district. The plan amendment and rezone applications have been filed in order to facilitate approval of Development Permit Application No. D-16-031 which proposes a 32-unit gated multiple family residential development with enhanced architectural features, open courtyards, extensive landscaping and carports.

## BACKGROUND

### Project Description

Nick Yovino Jr., of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC, filed Plan Amendment Application No. A-16-005, Rezone Application No. R-16-006, and Development Permit Application No. D-16-031 which pertain to ± 2.27 acres of property located on the south side of East Shepherd Avenue between North Millbrook and North Cedar Avenues. The adjacent land use to the west and south are developed with single family residences. North of the site, across Shepherd Avenue, is also developed with single family residences. The 2+ acre property adjacent to the east is developed as a church.

The project design incorporates a sufficient number of off-street parking stalls (both covered and uncovered), open space that includes central open patio courtyards at each building, lush landscaping in buffer areas, a palm motif landscaping surrounding buildings, and a multi-textured attractive appearance for all exterior elevations.

The project proposes a total of 32 units, including 6 one-bedroom, 20 two-bedroom, and 6 three-bedroom units. The project requires 35 covered parking stalls and 8 uncovered stalls, while the applicant proposes 52 covered carports and 10 open parking stalls, totaling 62 parking spaces. Common open space areas are equal to 38 percent of lot coverage. Spaces between buildings have been afforded and designed in a manner which will provide opportunities for both passive and active recreation for prospective residents and tenants; including paved courtyards at the center of each building. Buildings are designed with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments. Landscaping for the project is dense along property lines to promote privacy and utilizes a palm tree motif within the project to

compliment architectural features. A colored concrete entry drive, palm motif landscaping, and wrought iron fencing are proposed along East Shepherd Avenue.

### Land Use Plans and Policies

#### *Fresno General Plan*

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

Goal No. 7 of the Fresno General Plan encourages the City to provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.

Goal No. 8 of the Fresno General Plan encourages the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.

Goal No. 10 of the Fresno General Plan emphasizes increased land use intensity and mixed-use development at densities supportive of greater transit in Fresno. Greater densities are recognized as being achievable through encouragement, infrastructure, and incentives for infill and revitalization along major corridors and in Activity Centers.

These General Plan Goals contribute to the establishment of a comprehensive city-wide land use planning strategy and incorporate the following Objectives and Implementing Policies:

Objective LU-1 calls for the achievement of efficient and equitable use of resources and infrastructure, and creation of an attractive living environment; Objective LU-2 calls for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents; Objective LU-5 calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities; and, Implementing Policy LU-5-d promotes medium high density residential uses to optimize use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.

The proposed project introduces and integrates elements of a compact community that includes community open spaces, walkable access to parkland, commercial services and transit stops in manner which affords a diversity of housing types and a wider range of affordability in a compatible relationship. Community shopping centers are located with one-half mile of the project site at East Shepherd Avenue and North Cedar Avenue on the east, and at East Champlain Drive and East Perrin Avenue to the north. Sugarpine Trail aligns along Shepherd Avenue for walking and bicycling, and Fresno Area Transit stops are located nearby on Shepherd Avenue. The project is located within 1,500 feet of Clovis West High School to the south and Keith Tice Park and  $\frac{3}{4}$  mile from Layne Park. The demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at

the time building permits are obtained.

The Fresno General Plan acknowledges that the sound planning principles for creating Complete Neighborhoods anticipate and plan in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. The location of the subject property adjacent to East Shepherd Avenue between North Cedar and North Millbrook Avenues affords immediate access and proximity to the Shepherd Avenue activity corridor with planned trail systems, transit stops, and a range of employment opportunities as well as both existing and planned neighborhood and community serving retail services on three corners of the major street intersection.

Commercial and office employment centers are located within one-half mile of the project site. Easterly, an approximately 11-acre community commercial shopping center at the northeast corner, and an 8+acre community commercial shopping center in the southwest corner of the intersection of East Shepherd and North Cedar Avenues are developed. An additional approximately 4+ acres of land is currently under development in the northeast corner of East Champlain and North Hickory Drives. Northwest of the project site, at the intersection of East Champlain Drive and East Perrin Avenue, 21+acres are developed as community commercial and 9+acres are developed with office uses.

Therefore, the proposed amendment to change the planned land use designation of the approximately 2.27-acre subject property from *Medium Low Density Residential* planned land use to the *Medium High Density Residential* planned land use will not impact availability of employment and/or commercial land uses to serve the area.

The proposed project effectively increases density within an area which has been historically developed with residential tracts ranging from medium to medium-low densities. The location of the proposed project intensifies activity along the Shepherd Avenue major street corridor between existing and planned commercial development and lower density residential and office uses thereby providing a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas, defined as being within the City on December 31, 2012. This project is considered infill development, given that the subject property was annexed to the City of Fresno as part of Annexation No. 886, December 20, 1979.

Therefore, the proposed project introduces and integrates the characteristic elements and benefits of a compact self-sufficient community, which includes walkable access to commercial services, transit stops and open space amenities, thereby affording a unique opportunity for future residents to enjoy the convenient and healthy lifestyle of living within a Complete Neighborhood.

### *Woodward Park Community Plan*

Woodward Park Community Plan goals are directed toward (1) The provision of a diversity of housing types, densities, and locations with respect to housing opportunities; (2) Providing for balanced growth and efficient use of resources and public facilities; and, (3) Providing maintenance of a safe, attractive, and stable community (Residential Uses - Goal 1-3). The proposed project is within one-quarter mile of the intersection of East Shepherd Avenue and East Champlain Drive, within one-third

mile of the planned office/shopping center at East Champlain Drive and East Perrin Avenue.

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 and Woodward Park 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.

Setbacks, Landscaping and Walls

The provisions of the RM-1 zone district of the new Development Code determine setbacks for the project, subject to its surrounding uses. In this case, the adjacent single-family district along the northern half of the western property line increase required setbacks. Minimum rear yards of 20 feet, and side yards of 10 feet are required when a multi-family project is adjacent to single family residences.

The proposed rear yard setback is 20-feet, the east side setback is 10-feet, and the west side is between 20-feet at rear and 40-feet at front, while the front setback is 20 feet to back of curb at East Shepherd Avenue. The applicant proposes carports set between the three proposed buildings aligned east to west on the property and 10 feet off of the east property line adjacent to the church use, while parking on the west side is located 20-feet to 36-feet from the property line that abuts single family homes. The applicant proposes to landscape the 10 foot setback buffer between buildings and carports on the east side, and the 10-foot average buffer on the west side of the property. In addition, a 6-foot high concrete block wall is proposed on the east, west and south property lines to afford privacy between the proposed multiple-family project and existing church and single-family land uses.

A nearby resident at 1158 East Kelso Avenue has expressed concern regarding the proximity of the proposed two-story multiple-family residences to be constructed within 20-feet of their homes. Adjacent single-family residences that infringe upon the required rear yard setback include:

Address	Adjacent Location	Setback Encroachment
1158 East Kelso Avenue	south property line	rear corner built 8-feet from property line
1152 East Kelso Avenue	south property line	rear corner built 12-feet from property line
1037 East Monticello Circle	west property line	rear wall built 14- to 16- feet from property line
1039 East Monticello Circle	west property line	Rear corner built 12-feet from property line
1053 East Monticello Circle	west property line	Rear corner built 14-feet from property line

The existing setback deviations shown above were allowed using a 'rear yard encroachment' to

reduce the 20-foot rear yard setback required at the time of construction. The project's proposed rear setback is 20-feet, extending as wide as 27-feet in some places. Wall and building placements are consistent with the Development Code.

The project will mitigate some of the concerns related to proximity. The applicant initially proposed to install a six-foot tall concrete/masonry wall and dense landscaping with irrigation in buffer zones to provide a noise and privacy barrier along property lines. However, the Planning Commission required that the applicant install a taller 6-foot, 7 inch wall as allowed through the minor deviation process (10% increase allowed). In addition, a condition was added to the conditions of approval at the Planning Commission hearing that requires compliance with Section 15-1001-A-4 of the Development Code which requires special screening measures when a multi-story building is proposed and is located within 50-feet of the side or rear property lines of a single family lot. The applicant intends to meet this requirement by installing 48-inch box oak trees, planted as a staggered double row.

### Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject site is comprised of approximately 2.27-acres of property located on the south side of East Shepherd Avenue between North Cedar and North Millbrook Avenues. The subject property is located in proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the potential to reduce the number of average daily vehicle trips. Access to the site will be provided through the dedication and improvement of East Shepherd Avenue alignment and a new private street to provide access to the interior of the subject property. The East Shepherd Avenue access will include a gated entrance/exit by remote or key pad and will serve residents, guests, and any service and/or maintenance related trips.

Fresno General Plan Policy MT-2-i requires that all plan amendments prepare a Traffic Impact Study (TIS). A Traffic Impact Analysis (TIA), dated May 2, 2016, was completed by JLB Engineering, Inc. for the proposal to construct 32 multi-family residential units. The development is expected to generate an average of approximately 226 average daily trips (ADT). Of these vehicle trips it is projected that seventeen (17) will occur during the morning (7 to 9 a.m.) peak hour travel period and twenty-one (21) will occur during the evening (4 to 6 p.m.) peak hour travel period. The comparison of the projected trips over the existing trips is a difference of 102 ADT's, seven (7) morning peak hour, and eight (8) evening peak hour trips. The TIA found that the project would result in fewer than 226 vehicle trips per day, with 17 a.m. and 21 p.m. peak hour trips, which does not exceed the 100 vehicle trips during any peak hour estimated by the General Plan.

The Public Works Department, Traffic and Engineering Division in comments dated May 10, 2016 agreed with the TIA prepared for the project and indicated that the site is located in Traffic Impact Zone (TIZ) III which allows for 100 peak hour trips to be generated by a project before a TIS is required. Because the proposed project is projected to generate less than 100 peak hour trips, a full TIS was not required and the change in traffic was considered to be negligible. However, required street improvements for new construction will include: (1) Right-of-way and public easement dedications; (2) Repair all damaged and/or off grade off-site concrete street improvements; (3) Underground all existing off-site overhead utilities within project limits; 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).

While there will be an increase in the amount of traffic on surrounding roads if the site is developed

as proposed when compared to the existing single-family developed lot, the increases will not reduce the effectiveness or the performance of the circulation system. The current circulation system was designed to serve the development of the project site. Since this segment of East Shepherd Avenue was dedicated as a public street easement to afford access to the subject property, the land use is proposed to change from single-family residential to multi-family. Through the years of changes, and varying proposals, the traffic impacts of these uses have been evaluated to ensure that East Shepherd Avenue and its surrounding roads are sufficient to serve development of the site. This project does not introduce traffic levels above what East Shepherd Avenue was planned to accommodate.

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. These 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 Resources

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 the mitigation measures of the related Master Environmental Impact Report and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies. The proposed project will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a public system.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within the proposed project and installation of services with meters will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The project site is located within the city's Urban Growth Management Area and shall comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards. 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 has indicated that as a condition of the rezone, the developer be required to mitigate the impacts of the increased runoff from the proposed medium-high density residential land use to a rate that would be expected if developed to a medium-low density residential land use. Drainage from the site shall be directed to East Shepherd Avenue where conveyance infrastructure is located. When development permits are issued, the subject site will be required to pay drainage fees pursuant to the Drainage Fee Ordinance. The cost of the construction

of Master Plan Facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee.

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

#### *District Committee*

The District 6 Plan Implementation Committee unanimously (3 absent) recommended approval of the proposed applications at its regularly scheduled meeting held on April 18, 2016. There were no comments from the committee and the project was approved as proposed.

#### *Neighborhood Meeting*

The applicant held a neighborhood meeting on June 22, 2016, and noticed property owners within 500-feet of the subject property. The property owner provided an overview of the project, including renderings of the development, followed by a question and answer session. Approximately 22 individuals attended the meeting. Comments and questions centered on concerns with setbacks, traffic, and construction impacts. The project proponent stated the request meets the requirements of the Development Code.

In response to noticing of the Mitigated Negative Declaration for the project, a phone call opposing the project was received from Kelly Zevenberger, the homeowner at 1158 East Kelso Avenue, located immediately south of the subject property. Mr. Zevenberger expressed concerns for the proposed two-story buildings overlooking his rear yard and suggested that a rear-yard building setback greater than 20-feet be required.

Three phone calls were received by staff in response to the mailed notice for the Planning Commission public hearing. The property owners asked general questions related to the proposed development and noted concerns with traffic and asked about building heights. One caller had questions but expressed no concerns with the project.

#### *Fresno City Planning Commission Action*

These applications were considered by the Fresno City Planning Commission at its meeting on July 20, 2016. At the hearing four members of the public spoke in opposition to the proposed plan amendment, rezone and development permit. After a complete hearing, the Commission voted and recommended the City Council approve the plan amendment, rezone application and Development permit by a 6-0-1 vote (one member absent).

#### *Modifications to Project to Appease Neighbors*

In addition to the neighborhood meeting described above, the applicant met with the neighborhood two additional times after the Planning Commission meeting to try to modify the project to address their concerns. In order to address the concerns related to the proximity of balconies overlooking yards, the applicant redesigned Court #3. This new building has been reversed so that the courtyard

created by the building now faces south and opens to the neighbors to the south creating longer sight lines to the adjacent properties with no window or balconies looking to the neighbors to the south. The applicant also reduced the overall unit count from 34 units to 32 units.

### Plan Amendment and Rezone Findings

Based upon analysis of the applications and subject to the applicant's compliance with all of the mitigation measures noted in Environmental Assessment No. A-16-003/R-16-003, staff concludes that the required findings of Sections 15-5812 and 15-5206 of the FMC can be made. These findings are attached as Exhibit 6.

### **ENVIRONMENTAL FINDINGS**

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 Woodward Park 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 Master Environmental Impact Report (MEIR) prepared for the Fresno General Plan (SCH # 2012111015) as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and 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 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 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-16-005/R-16-006/D-16-031 was published on June 3, 2016 with no comments or appeals received within the 20 day comment period.

## **LOCAL PREFERENCE**

Local preference was not considered because these resolutions and ordinance do 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 1: Vicinity Map

Exhibit 2: Aerial Photograph

Exhibit 3: Public Hearing Noticing Map

Exhibit 4: Fresno General Plan Planned Land Use Map

Exhibit 5: Zoning Map

Exhibit 6: Plan Amendment, Rezone and Development Permit Findings

Exhibit 7: Exhibits for Development Permit Application No. D-16-031

Exhibit 8: Conditions of Approval for Development Permit Application No. D-16-031 dated July 6, 2016 and amended by Planning Commission on July 20, 2016; including exhibits and memoranda from responsible or commenting agencies and revised Exhibit A dated October 31, 2016.

Exhibit 9: Planning Commission Resolution Nos. 13385, 13386 and 13387

Exhibit 10: City Council Resolution for Plan Amendment Application No. A-16-005

Exhibit 11: City Council Ordinance Bill for Rezone Application No. R-16-006

Exhibit 12: Environmental Assessment No. A-16-003/R-16-003 dated June 3, 2016

Exhibit 13: City Council PowerPoint Presentation

Objection letter 1

Objection letter 2