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Title: HEARING to Consider Plan Amendment Application No. A-15-004, Rezone Application No. R-15-013, Site Plan Review S-15-115, Variance V-15-006 and related Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006, pertaining to approximately 18.5 acres of property on the north side of E. Herndon Avenue between N. Chestnut and N. Willow Avenues (Council District 6)

a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.

b. RESOLUTION - Approving Plan Amendment Application No. A-15-004 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Community Commercial to the Medium-High Density Residential land use designation.

c. BILL (For introduction and adoption) - Repealing the Official Plan Line for N. Winery Avenue from E. Herndon Avenue to N. Willow Avenue (OPL No. 148).

d. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-013 to rezone the subject property from the CC/EA/UGM (Community Commercial /Expressway Area Overlay/Urban Growth Management) zone district to the RM-1/EA/UGM (Residential Multi-Family, Medium High Density/Expressway Area Overlay/Urban Growth Management) zone district.

e. SITE PLAN REVIEW Application No. S-15-115 to facilitate approval of a proposed 296-unit gated multiple family residential development with amenities such as community building, swimming pool, garages, and carports.

f. VARIANCE Application No. V-15-006 for purposes of authorizing (1) an increase in the height of a block wall to a maximum height of up to 8 feet tall; (2) a reduction in the required rear yard setback from twenty feet to ten feet; (3) a reduction in landscaping buffer requirements along interior property lines adjacent to neighboring properties.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibits A-I.pdf, 2. Exhibits J-N.pdf, 3. Supplement 16-518 PowerPoint.pdf

Date	Ver.	Action By	Action	Result
5/12/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

May 12, 2016

FROM: JENNIFER K. CLARK, Director
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Assistant Director
Development Services Division

BONIQUE EMERSON, Planning Manager
Development Services Division

WILL TACKETT, Supervising Planner
Development Services Division

BY: KIRA NOGUERA, Planner III
Development Services Division

SUBJECT

- HEARING to Consider Plan Amendment Application No. A-15-004, Rezone Application No. R-15-013, Site Plan Review S-15-115, Variance V-15-006 and related Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006, pertaining to approximately 18.5 acres of property on the north side of E. Herndon Avenue between N. Chestnut and N. Willow Avenues (Council District 6)
- a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.
 - b. RESOLUTION - Approving Plan Amendment Application No. A-15-004 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Community Commercial to the Medium-High Density Residential land use designation.
 - c. BILL (For introduction and adoption) - Repealing the Official Plan Line for N. Winery Avenue from E. Herndon Avenue to N. Willow Avenue (OPL No. 148).
 - d. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-013 to rezone the subject property from the CC/EA/UGM (*Community Commercial /Expressway Area Overlay/Urban Growth Management*) zone district to the RM-1/EA/UGM (*Residential Multi-Family, Medium High Density/Expressway Area Overlay/Urban Growth Management*) zone district.
 - e. SITE PLAN REVIEW Application No. S-15-115 to facilitate approval of a proposed 296-unit gated multiple family residential development with amenities such as community building, swimming pool, garages, and carports.
 - f. VARIANCE Application No. V-15-006 for purposes of authorizing (1) an increase in the height of a block wall to a maximum height of up to 8 feet tall; (2) a reduction in the required rear yard setback from twenty feet to ten feet; (3) a reduction in landscaping buffer requirements along interior property lines adjacent to neighboring properties.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.
2. ADOPT RESOLUTION approving Plan Amendment Application No. A-15-004 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues from Community Commercial to the Medium-High Density Residential land use designation.

3. ADOPT BILL repealing the Official Plan Line for North Winery Avenue from East Herndon Avenue to North Willow Avenue (OPL No. 148).
4. ADOPT BILL approving Rezone Application No. R-15-013 to rezone the subject property from the CC/EA/UGM (*Community Commercial /Expressway Area Overlay/Urban Growth Management*) zone district to the RM-1/EA/UGM (*Residential Multi-Family, Medium High Density/Expressway Area Overlay/Urban Growth Management*) zone district.
5. APPROVE Site Plan Review Application No. S-15-115 to facilitate approval of a proposed 296-unit gated multiple family residential development with amenities such as community building, swimming pool, garages, and carports.
6. APPROVE Variance Application No. V-15-006 for purposes of authorizing (1) an increase in the height of a block wall to a maximum height of up to 8 feet tall; (2) a reduction in the required rear yard setback from twenty feet to ten feet; (3) a reduction in landscaping buffer requirements along interior property lines adjacent to neighboring properties.

EXECUTIVE SUMMARY

Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises, Inc., has filed Plan Amendment Application No. A-15-004, Rezone Application No. R-15-013, Site Plan Review Application No. S-15-115, and Variance Application No. V-15-006 pertaining to approximately 18.5 acres of property located on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues.

Plan Amendment Application No. A-15-004 proposes to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Community Commercial to the Medium-High Density Residential land use designation. The amendment will also repeal the previously adopted Official Plan Line No. 148 for North Winery Avenue between East Herndon Avenue and North Willow Avenue.

Rezone Application No. R-15-013 proposes to rezone the subject property from the CC/EA/UGM (*Community Commercial/Expressway Area Overlay/ Urban Growth Management*) zone district to the RM-1/EA/UGM (*Residential Multi Family, Medium High Density/ Expressway Area Overlay/Urban Growth Management*) zone district.

The plan amendment and rezone applications have been filed in order to facilitate approval of a proposed 296-unit gated multiple family residential development with amenities such as community building, swimming pool, garages, and carports on approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues in accordance with Site Plan Review Application No. S-15-115 and Variance Application No. V-15-006.

BACKGROUND

Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises, Inc., has filed Plan Amendment Application No. A-15-004, Rezone Application No. R-15-013, Site Plan Review Application No. S-15-115, and Variance Application No. V-15-006 pertaining to approximately 18.5

acres of property located on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues.

The adjacent land uses to the west include a healthcare facility and single family residences. South of the site, across Herndon Avenue, is developed with single family residences, and to the north is an unincorporated county island with rural residential uses. Directly adjacent to the subject property to the east is approximately 20 acres of primarily undeveloped vacant land with one remaining rural residence. Further to the east, across North Willow Avenue, a regional shopping center has been developed within the City of Clovis. The senior care facility to the west of the site was approved in 1999 in accordance with Site Plan Review No. S-99-30.

The subject property comprises a portion of property previously associated with Plan Amendment Application No. A-11-007 (approved in 2013), which changed the planned land use designation of the subject property from Commercial Business Park to Community Commercial. Additionally, as part of this application, an Official Plan Line (OPL) was adopted known as Official Plan Line No. 148 for North Winery Avenue between East Herndon Avenue and North Willow Avenue.

The current application, Plan Amendment Application No. A-15-004, proposes to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation of Community Commercial to the Medium-High Density Residential land use designation. The plan amendment application also proposes to repeal the previously adopted OPL No. 148. Rezone Application No. R-15-013 proposes to rezone the subject property from the CC/EA/UGM (*Community Commercial/Expressway Area Overlay/ Urban Growth Management*) zone district to the RM-1/EA/UGM (*Residential Multi Family, Medium High Density/ Expressway Area Overlay/Urban Growth Management*) zone district. The plan amendment and rezone applications, along with a site plan review application and variance application have been filed in order to facilitate approval of a proposed 296-unit gated multiple family residential development with amenities such as community building, swimming pool, garages, and carports.

The project design incorporates a sufficient number of off-street parking stalls (both covered and uncovered), more than the required amount of open space, and an attractive appearance for all exterior elevations.

The project proposes 240 one- and two-bedroom units and 56 three-bedroom units which, pursuant to the Fresno Municipal Code, require a total of 472 parking stalls, 296 of which must be covered. The project proposal includes 363 covered stalls and 175 uncovered stalls for a total of 538 stalls. Common open space areas and 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 a community building with swimming pool. Exterior finishes include stucco, foam trim, decorative vents, concrete roof tiles, and stone veneer.

Land Use Plans and Policies

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 Goals 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.

Similarly, supporting Objective LU-2 of the General Plan 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.

Likewise, Objective LU-5 of the General Plan 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 facilities, walkable access to parkland and commercial services and transit stops in manner which affords a diversity of housing types and a wider range of affordability in a compatible relationship. A regional shopping center is located across the street, as well as a City of Clovis Stageline bus stop. Furthermore, the project is within 3/4 mile of Mountain View Elementary, and within a mile of several parks.

The proposed project introduces and integrates the characteristic elements and benefits of a compact self-sufficient community, which include community facilities, 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.

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 Herndon Avenue at the intersection with North Willow Avenue affords immediate access and proximity to two activity corridors 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.

An approximately 40 acre community commercial shopping center has been previously developed at the northeast corner of the intersection of East Herndon and North Willow Avenues within the City of Clovis. An additional approximately 25 acres of land planned for future commercial development remains vacant immediately to the east of this existing shopping center along the Herndon Avenue corridor. A neighborhood commercial shopping center and adjacent office complexes have been developed on approximately 20 acres of land located at the southwest corner of the Herndon/Willow intersection. An additional 20 acres of land planned for future community commercial development is proposed to remain at the immediate northwest corner of the intersection adjacent to the proposed project. Commercial development also exists on three corners of the intersection of North Willow and East Nees Avenue within a mile of the subject property. Furthermore, the majority of lands along the north side of the Herndon Avenue corridor from North Willow Avenue to Highway 41 have been developed with and are planned for office/employment uses. These existing and planned commercial and office locations and acreage provides more than ample existing and potential future commercial and office/employment square-footage to serve the existing and planned community within the vicinity of the proposed project. Therefore, the proposed amendment to change the planned land use designation of the approximately 18.5 acre subject property from Community Commercial to Medium-High Density Residential 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 discrete residential tracts ranging from medium to low densities. The location of the proposed project intensifies activity along two major street corridors 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. 1029 in 1982.

Finally, Plan Amendment Application No. A-15-004 proposes removal of Official Plan Line No. 148 for North Winery Avenue between East Herndon Avenue and North Willow Avenue. The OPL No. 148 was adopted in 2011 as part of Plan Amendment Application No. A-11-004, which changed the land use for the approximately 40 acres of property located at the northwest corner of the intersection of East Herndon and North Willow Avenue (including the subject property) from commercial business park to the existing community commercial. This plan line was proposed and adopted for the express purpose of affording accessibility to commercial development on the full 40 acres and for purpose of mitigating associated impacts from increased traffic generation resultant from commercial development thereon. While the plan line is effective for accommodating needs of the automobile, it does little to facilitate any opportunity for residential connectivity to existing and planned commercial services, employment, recreational opportunities or transit stops within the vicinity consistent with General Plan goals and objectives aimed toward creating complete, walkable, neighborhoods and encouraging alternative modes of transportation to the automobile.

The goals of the of the Woodward Park Community Plan 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). Policy 1-3.1 calls for medium-high density residential uses to be focused within the activity center and Herndon Avenue corridor in order to meet housing needs for convenient access to employment, services, and transportation facilities. The proposed project is directly adjacent to Herndon Avenue, within the Herndon Avenue corridor as shown in Figure 1-2.3 of the plan.

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.

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, also with two sources water. 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 permanent drainage service is dependent upon facilities to be constructed by the developer. The cost of the construction of Master Plan Facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee. Existing master plan facilities were constructed to accommodate runoff generated from commercial and residential development. Therefore, in order to fund the cost of the Master Plan facilities drainage fees must be collected at the commercial rate for the south half of the

site.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject site is comprised of approximately 18.5 acres of property located on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues. The subject property is located in close proximity to residential and commercial or office 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 a public street along the Spruce Avenue alignment west of Willow Avenue and a resident and emergency vehicle access -only entrance/exit at Fir Avenue. The Spruce 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. This gate will be left open during daytime hours for easy unimpeded access to residents, guests and service vehicles. The Fir Avenue access gate will remain closed at all times and will operate only by remote which is distributed only to residents.

Fresno General Plan Policy MT-2-i requires that all plan amendments are required to prepare a Traffic Impact Study (TIS). A TIS, dated November 16, 2015, was prepared for the proposed multi-family complex by Peters Engineering Group. The study has applied the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual. The development of 296 multiple family residential units on the subject site is expected to generate an average of approximately 1,951 average daily trips (ADT), with 137 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 172 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). Of the overall 1,951 trips, approximately 600-900, or between 30 and 46 percent, will utilize Fir Avenue.

The existing Community Commercial planned land use designation for the subject site would generate 8,696 ADT, with 196 a.m. peak hour trips and 756 p.m. peak hour trips. The proposed project would reduce traffic by 6,692 ADT (a 77% reduction), 59 a.m. peak hour trips, and 584 p.m. peak hour trips compared to projected traffic generation characteristics if the site was developed as community commercial. The proposed plan amendment, therefore, represents a significant decrease to total and peak hour traffic.

This application includes a request to repeal the Official Plan Line (OPL) No. 148 for North Winery Avenue between East Herndon Avenue and North Willow Avenue. The OPL was adopted in 2011 as part of Plan Amendment Application No. A-11-004 and Rezone Application No. R-11-009 to allow for a change in land use from commercial business park to community commercial. This plan amendment and rezone would have resulted in uses which generate significantly more trips than what uses were originally planned for the project site. The OPL No. 148 was adopted to accommodate this increase in trips while affording necessary access to commercial development on the full 40 acres of property (including the subject property) which remain vacant on the northwest corner of the intersection of East Herndon and North Willow Avenues. The current plan amendment (A-15-004) and rezone (R-15-013) application would return this property to a use that generates traffic levels consistent with or less than what was originally planned for this site, therefore negating the need for the OPL.

The TIS evaluated the expected level of service for five intersections under varying conditions (project, no project, cumulative 2035 no project, cumulative 2035 with project). The intersections evaluated include: Herndon Avenue/Chestnut Avenue, Herndon Avenue/Winery Avenue, Herndon Avenue/Willow Avenue, Herndon Avenue/Helm Avenue, Willow Avenue/Spruce Avenue, and Fir

Avenue/ Chestnut Avenue. The results of the analysis indicate that these intersections are expected to operate at acceptable levels of service into the year 2035 with levels of service and delays very similar to the anticipated conditions under the current General Plan. The overall reduction in trips as a result of the project allows the Herndon Avenue and Willow Avenue intersection to operate at a Level of Service D without the previously approved OPL No. 148 “jug handle” street.

Nearby property owners have expressed concerns with traffic, specifically related to Fir Avenue, east of Chestnut Avenue. The traffic study determined the project is likely to generate between 600 and 900 trips per day on Fir Avenue, and combined with the existing volumes on Fir Avenue, the total daily volume of trips may eventually be on the order of 1,000 to 1,500 trips per day. According to the Traffic Impact Study prepared, this value is typical for local roads.

While there will be an increase the amount of traffic on surrounding roads if the site is developed as proposed when compared to the existing vacant 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 Fir Avenue was dedicated as a public street easement and stubbed to the subject property in 1986 for purposes of affording future access to the subject property, the land uses it was intended to serve have changed from residential and office, to business park, to community commercial, and now to multi-family. Through the years of changes, and varying proposals, the traffic impacts of these uses have been evaluated to ensure that Fir Avenue and its surrounding roads are sufficient to serve development of the site. This project does not introduce traffic levels above what Fir Avenue was originally planned to accommodate.

Nearby property owners also expressed concerns regarding parking on Fir Avenue by individuals accessing the nearby senior care facility. Horizon Health and Subacute Center was approved in 1999. The development code required the provision of one parking stall for each two and one-half beds provided, therefore the proposed 180 bed facility required 72 parking stalls. The site was developed with 126 parking stalls. Fir Avenue was dedicated as a public street based upon a City of Fresno standard cross section which allows for parking on both sides of the street. While parking on public streets is not considered an impact, it should be noted and acknowledged that the proposed project is not responsible for operations and uses located on adjacent property which are not under the same ownership or control; and furthermore, will not contribute to additional public parking along the adjacent Fir Avenue segment.

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.

Setbacks, Landscaping, & 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 frontage onto an expressway and the adjacent RS 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. An application for variance has been filed to allow for a 10 foot setback for the rear yard, as well as an increase in the allowable height of the required block wall and a reduction in landscaping requirements in the required buffer area.

The applicant proposes garages at a height of 14'11", set 10 feet off of the northern rear property line and along the portion of the western side property line which abuts single family homes. The applicant proposes to leave the 10 foot buffer between garages and the block wall bare in order to allow better visibility for security reasons and to reduce maintenance required by both the subject property and the neighboring homeowners. The request for variance also includes an increase in the height of the block wall from 6 feet to up to 8 feet. The provision of a higher solid masonry block wall in conjunction with the garages proposed to be constructed along the northern and western property lines will afford a screening buffer equivalent to the landscape requirements which would otherwise be required pursuant to the Fresno Municipal Code while minimizing the creation of areas with potential to become an attractive nuisance, security risk, or maintenance burden for existing and future residents.

Nearby residents have expressed concern regarding the proximity of solid waste collection facilities to their homes. The nearest solid waste collection facility is located 65 feet away from the nearest shared property line and is further separated by a block wall and a row of 14'11" tall garages. These collection facilities are block wall enclosures which will be constructed consistent with City standards.

Given that the proposed project fronts an expressway (East Herndon Avenues), the development will be required to install an eight-foot tall concrete/masonry wall as well as landscaping and irrigation in buffer zones to provide a noise barrier. Front setbacks of 50 feet to the wall and 75 feet for building placement are consistent with the Fresno Municipal Code for an Expressway Overlay district. A 26-foot wide easement to accommodate the planned multipurpose trail is required to be dedicated and improved along the Herndon Avenue project frontage; this requires a 12-foot wide Class 1 Trail with 2-foot graded shoulders and 5 feet of landscaping on both sides.

Council District Plan Implementation Committee

The District 6 Plan Implementation Committee unanimously recommended approval of the proposed applications at its regularly scheduled meeting held on January 11, 2016. There were no comments from the committee.

Public Input

The applicant held a neighborhood meeting on February 11, 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 20 individuals attended the meeting. Comments and questions centered on concerns with traffic, crime, and construction impacts. The neighboring property owners expressed interest in a block wall taller than 6 feet. The project proponent stated the request for variance would allow for a taller block wall.

Prior to the Planning Commission Hearing previously held on April 6, 2016, a letter of opposition was received from Jeff M. Reid representing Sierra View One Association, a homeowners association for the neighborhood that is immediately west of the subject property. This letter is attached for reference.

Two phone calls were received by staff in response to the mailed notice for the April 20th, 2016 public hearing. The property owners asked questions related to the proposed development and noted concerns with traffic and an abundance of multiple family developments in the area.

Fresno City Planning Commission Action

Plan Amendment Application No. A-15-004, Rezone Application No. R-15-013, Site Plan Review Application No. S-15-115, Variance Application No. V-15-006, and Environmental Assessment (EA) No. A-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016 were originally scheduled for consideration on April 6th, 2016. Due to a technical error with respect to the CEQA filing, the item was referred back to staff.

The applications were then rescheduled for consideration by the Fresno City Planning Commission at its meeting on April 20, 2016. No one from the public spoke in opposition of the proposed project. After a complete hearing, the Commission voted and recommended the City Council approve the proposed plan amendment and rezone applications by a unanimous vote.

Staff is recommending the City Council approve the proposed plan amendment and rezoning of the subject property as well as the proposed development thereon in accordance with the recommendations included within this report herein above.

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 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 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 draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-15-004/R-15-013/S-15-115/V-015-006 was published on April 15, 2016 with no comments or appeals received to date. An earlier version of the mitigated negative declaration finding for Environmental Assessment Application No. A-15-004/R-15-013/S-15-115/V-015-006 was published on March 4, 2016 with one comment letter received on April 6, 2016 (see attachments contained herein below for further information).

LOCAL PREFERENCE

Local preference was not considered because this ordinance does 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 applications 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 A: Vicinity Map

Exhibit B: 2015 Aerial Photograph

Exhibit C: Public Hearing Notice Mailing List Vicinity Map

Exhibit D: Proposed Planned Land Use Map pursuant to Plan Amendment Application No. A-15-004

Exhibit E: Proposed Rezone exhibit pursuant to Rezone Application No. R-15-013

Exhibit F: Exhibits for Site Plan Review Application No. S-15-115

Exhibit G: Draft Conditions of approval for Site Plan Review Application No. S-15-115 and Variance Application No. V-15-006 dated May 12, 2016; including memoranda from responsible or commenting agencies.

Exhibit H: Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-006, finding of a Mitigated Negative Declaration dated April 15, 2016.

Exhibit I: Letter of Opposition received April 6, 2016

Exhibit J: Planning Commission Resolution No. 13372 for Plan Amendment Application No. A-15-004; and the related Environmental Assessment

Exhibit K: Planning Commission Resolution No. 13373 for Rezone Application No. R-15-013

Exhibit L: City Council Resolution for Plan Amendment Application No. A-15-004

Exhibit M: City Council Ordinance Bill for Repealing Official Plan Line No. 148

Exhibit N: City Council Ordinance Bill for Rezone Application No. R-15-013