



Legislation Details (With Text)

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File created:	8/12/2020	In control:		City Council	
On agenda:	8/27/2020	Final action:		8/27/2020	
Title:	HEARING to Consider Annexation Application No. P19-06059; Plan Amendment Application No. P19-06060; Pre-zone Application No. P19-06060; Development Permit Application No. P19-06061; and, related Environmental Assessment No. P19-06059/P19-06060/P19-06061 for ±8.48 acres of property located on the southwest corner of East Tulare Street and South Peach Avenue (Council District 5 or 7). 1. ADOPT Environmental Assessment No. P19-06059/P19-06060/P19-06061, dated June 5, 2020, a Mitigated Negative Declaration, and related Addendum dated August 14, 2020, for the proposed project pursuant to the California Environmental Quality Act (CEQA). 2. ***RESOLUTION - Approving Annexation Application No. P19-06059 to initiate annexation proceedings for the Tulare-Peach No. 3 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District. (Subject to Mayor's Veto.) 3. RESOLUTION - Approving Plan Amendment Application No. P19-06060 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designation for a ±4.38 acre portion of the subject property from Medium Density Residential to Urban Neighborhood Residential; and, a ±0.74 acre portion of the subject property from the Medium Density Residential (±0.42 acres) and Commercial Community (±0.32 acres) to Commercial Main Street (±0.74 acres). 4. BILL - (For introduction and adoption) - Approving Pre-zone Application No. P19-06060 proposing to pre-zone: ±4.38 acres of the subject property from the Fresno County RA NB (Single Family Residential Agriculture/Neighborhood Beautification) zone district to the City of Fresno RM-2 (Residential Multi-Family, Urban Neighborhood) zone district; ±2.19 acres from the Fresno County RA NB (Single Family Residential/Neighborhood Beautification) zone district to the City of Fresno RS-5 (Residential Single-Family, Medium Density) zone district; ±0.74 acres from the Fresno County AL20 (Limited Agriculture) and Fresno County C1 (Neighborhood Shopping Center) zone districts to the City of Fresno CMS (Commercial - Main Street) zone district; and, ±0.18 acres from the Fresno County R2 NB (Low Density Multiple Family Residential) zone district to the City of Fresno RS-5 (Residential Single-Family, Medium Density) zone district. 5. APPROVE - Development Permit Application No. P19-06061, requesting authorization to construct a 129-unit multi-family development in the RM-2 (Residential Multi-Family, Urban Neighborhood) zone district, subject to compliance with the Conditions of Approval dated August 5, 2020, and contingent upon City Council approval of Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and the related environmental assessment.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	1. Exhibit A - Site Plan and Elevations dated December 31, 2019, 2. Exhibit B - Operational Statement dated December 31, 2019, 3. Exhibit C - Aerial Map, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Existing Fresno General Plan Land Use & Zoning Map, 6. Exhibit F - Proposed Planned Land Use Map, 7. Exhibit G - Proposed Pre-zone Exhibit, 8. Exhibit H - Proposed Annexation Boundary Exhibit, 9. Exhibit I - Fresno Municipal Code Findings, 10. Exhibit J - Public Hearing Notice Radius Map, 11. Exhibit K - Neighborhood Meeting Minutes, 12. Exhibit L - Conditions of Approval for Development Application No. P19-06061 dated August 5, 2020, 13. Exhibit M - Comments and Requirements from Responsible Agencies, 14. Exhibit N - Environmental Assessment No. P19-06059/P19-06060/P19-				

06061 dated June 5, 2020, 15. Exhibit O - Addendum to Environmental Assessment No. P19-06059 P19-06060 P19-06061 dated August 14 2020.pdf, 16. Exhibit P - Public Comment Letter, 17. Exhibit Q - Planning Commission Resolution No. 13671 (Annexation Application No. P19-06059), 18. Exhibit R - Planning Commission Resolution No. 13672 (Plan Amendment Application No. P19-06060), 19. Exhibit S - Planning Commission Resolution No. 13673 (Pre-zone Application No. P19-06060), 20. Exhibit T - Planning Commission Resolution No. 13674 (Development Permit Application No. P19-06061), 21. Exhibit U - City Council Resolution for Annexation Application No. P19-06059.pdf, 22. Exhibit V - City Council Resolution for Plan Amendment Application No. P19-06060.pdf, 23. Exhibit W - City Council Ordinance Bill for Pre-zone Application No. P19-06060.pdf, 24. Exhibit X - PowerPoint Presentation, 25. Exhibit Y - Letter in Opposition.pdf

Date	Ver.	Action By	Action	Result
8/27/2020	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

August 27, 2020

FROM: JENNIFER K. CLARK, Director
Planning and Development Department

THROUGH: DAN ZACK, Assistant Director
Development Services Division

WILL TACKETT, Planning Manager
Development Services Division

BY: ROB HOLT, Planner III
Development Services Division

SUBJECT

HEARING to Consider Annexation Application No. P19-06059; Plan Amendment Application No. P19-06060; Pre-zone Application No. P19-06060; Development Permit Application No. P19-06061; and, related Environmental Assessment No. P19-06059/P19-06060/P19-06061 for ±8.48 acres of property located on the southwest corner of East Tulare Street and South Peach Avenue (Council District 5 or 7).

1. **ADOPT** Environmental Assessment No. P19-06059/P19-06060/P19-06061, dated June 5, 2020, a Mitigated Negative Declaration, and related Addendum dated August 14, 2020, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. *****RESOLUTION** - Approving Annexation Application No. P19-06059 to initiate annexation proceedings for the Tulare-Peach No. 3 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District. (Subject to Mayor's Veto.)
3. **RESOLUTION** - Approving Plan Amendment Application No. P19-06060 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designation for a ±4.38 acre portion of the subject property from Medium Density Residential to Urban Neighborhood Residential; and, a ±0.74 acre portion of the subject property from the Medium Density Residential (±0.42 acres) and Commercial Community (±0.32 acres) to Commercial Main Street (±0.74 acres).

4. **BILL - (For introduction and adoption)** - Approving Pre-zone Application No. P19-06060 proposing to pre-zone: ±4.38 acres of the subject property from the Fresno County RA NB (*Single Family Residential Agriculture/Neighborhood Beautification*) zone district to the City of Fresno RM-2 (*Residential Multi-Family, Urban Neighborhood*) zone district; ±2.19 acres from the Fresno County RA NB (*Single Family Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5 (*Residential Single-Family, Medium Density*) zone district; ±0.74 acres from the Fresno County AL20 (*Limited Agriculture*) and Fresno County C1 (*Neighborhood Shopping Center*) zone districts to the City of Fresno CMS (*Commercial - Main Street*) zone district; and, ±0.18 acres from the Fresno County R2 NB (*Low Density Multiple Family Residential*) zone district to the City of Fresno RS-5 (*Residential Single-Family, Medium Density*) zone district.
5. **APPROVE** - Development Permit Application No. P19-06061, requesting authorization to construct a 129-unit multi-family development in the RM-2 (*Residential Multi-Family, Urban Neighborhood*) zone district, subject to compliance with the Conditions of Approval dated August 5, 2020, and contingent upon City Council approval of Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and the related environmental assessment.

RECOMMENDATIONS

1. **ADOPT** Environmental Assessment No. P19-06059/P19-06060/P19-06061, dated June 5, 2020, a Mitigated Negative Declaration, and related Addendum dated August 14, 2020, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **ADOPT RESOLUTION** approving Annexation Application No. P19-06059 to initiate annexation proceedings for the Tulare-Peach No. 3 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.
3. **ADOPT RESOLUTION** approving Plan Amendment Application No. P19-06060 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designation for a ±4.38 acre portion of the subject property from Medium Density Residential to Urban Neighborhood Residential; and, a ±0.74 acre portion of the subject property from the Medium Density Residential (±0.42 acres) and Commercial Community (±0.32 acres) to Commercial Main Street (±0.74 acres).
4. **INTRODUCE AND ADOPT BILL** approving Pre-zone Application No. P19-06060 proposing to pre-zone: ±4.38 acres of the subject property from the Fresno County RA NB (*Single Family Residential Agriculture/Neighborhood Beautification*) zone district to the City of Fresno RM-2 (*Residential Multi-Family, Urban Neighborhood*) zone district; ±2.19 acres from the Fresno County RA NB (*Single Family Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5 (*Residential Single-Family, Medium Density*) zone district; ±0.74 acres from the Fresno County AL20 (*Limited Agriculture*) and Fresno County C1 (*Neighborhood Shopping Center*) zone districts to the City of Fresno CMS (*Commercial - Main Street*) zone district; and, ±0.18 acres from the Fresno County R2 NB (*Low Density Multiple Family Residential*) zone district to the City of Fresno RS-5 (*Residential Single-Family, Medium Density*) zone district.
5. **APPROVE** Development Permit Application No. P19-06061 requesting authorization to construct a 129-unit multi-family development in the RM-2 (*Residential Multi-Family, Urban Neighborhood*) zone district, subject to compliance with the Conditions of Approval dated August

5, 2020, and contingent upon City Council approval of Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and the related environmental assessment.

EXECUTIVE SUMMARY

Nick Yovino Jr. of California Land Consulting, on behalf of John Leung of TEF Group, Inc., has filed Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and Development Permit No. P19-06061 pertaining to ±8.48 acres of property located at the southwest corner of East Tulare Street and South Peach Avenue.

Annexation Application No. P19-06059 proposes to initiate annexation proceedings for the Tulare-Peach No. 3 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.

Plan Amendment Application No. P19-06060 proposes to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designation for a ±4.38 acre portion of the subject property from Medium Density Residential to Urban Neighborhood Residential; and, a ±0.74 acre portion of the subject property from the Medium Density Residential (±0.42 acres) and Commercial Community (±0.32 acres) to Commercial Main Street (±0.74 acres).

Pre-zone Application No. P19-06060 1. proposes to pre-zone: ±4.38 acres of the subject property from the Fresno County RA NB (Single Family Residential Agriculture/Neighborhood Beautification) zone district to the City of Fresno RM-2 (Residential Multi-Family, Urban Neighborhood) zone district; ±2.19 acres from the Fresno County RA NB (Single Family Residential/Neighborhood Beautification) zone district to the City of Fresno RS-5 (Residential Single-Family, Medium Density) zone district; ±0.74 acres from the Fresno County AL20 (Limited Agriculture) and Fresno County C1 (Neighborhood Shopping Center) zone districts to the City of Fresno CMS (Commercial - Main Street) zone district; and, ±0.18 acres from the Fresno County R2 NB (Low Density Multiple Family Residential) zone district to the City of Fresno RS-5 (Residential Single-Family, Medium Density) zone district.

Development Permit Application No. P19-06061 requests authorization to construct a 129-unit multi-family development in a RM-2 (Residential Multi-Family, Urban Neighborhood) zone district, subject to compliance with the Conditions of Approval dated August 5, 2020, and contingent upon City Council approval of Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and the related environmental assessment.

The subject property is located within the boundaries of the Fresno General Plan and Roosevelt Community Plan.

BACKGROUND/PROJECT ANALYSIS

The applications comprising the proposed project have been filed in order to facilitate approval of Development Permit Application No. P19-06061. The development project proposes to construct a 129-unit multi-family apartment complex, consisting of 5 three-story residential buildings on an approximately ±4.38 acre portion of the overall ±8.48 acre subject property. The multi-family complex is proposed to be gated, include private drive aisles and parking for the residents, and provide

walkways complemented by surrounding landscaping throughout the complex connecting the buildings.

The subject properties have been primarily utilized as rural residences. The site is located within an area that has been significantly developed with rural residences and public/institutional development. The majority of the properties directly east and north of the subject properties are located within the city of Fresno. Properties located west and south of the subject properties are located within the unincorporated area of the County of Fresno.

Surrounding Properties

The annexation proposal (± 8.48 acres in total area) includes an additional four properties surrounding the properties proposed for development. The properties are a mix of rural residential and vacant land.

Staff from the Planning and Development Department met with representatives from the Local Agency Formation Commission (LAFCO) and County Public Works and Planning Department (County), both LAFCO and the County recommended that the entirety of the subject property be annexed in to the City in order to provide squared city/county boundaries. By including these properties, the proposed annexation is consistent with the Fresno General Plan and the Fresno County MOU.

Land Use Plans and Policies

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

- Increase opportunity, economic development, business, and job creation.
- 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.
- Develop 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.
- Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.
- Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

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.

Objective ED-3 of the General Plan calls for the attraction and recruitment of business and offering incentives for economic development.

Policy ED-3-f strives to provide necessary major street infrastructure and utility capacities for properly zoned land, consistent with the General Plan, so this land can be efficiently and effectively developed in a timely manner. Ensure the City's public works, public utilities, and transit capital improvement plans are aligned to support the economic development objectives in the General Plan.

Objective ED-5 of the General Plan calls for the City to achieve fiscal sustainability, which includes when (1) core services are funded, (2) all fund balances are positive; and (3) emergency and maintenance reserves have attained at least minimally acceptable levels.

Policy ED-5-b requires new residential and commercial development that requires annexation to the City to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms. Approve new residential and commercial development projects that require annexation to the City only after making findings that all of the following conditions are met:

- No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project;
- The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development;
- The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and
- The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

Objective UF-1 of the General Plan emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.

Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Policy UF-1-e promotes and protects unique neighborhoods and mixed use areas throughout Fresno that respect and support various ethnic, cultural and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and lifestyle attractive to Fresnoans.

Objective LU-1 of the General Plan calls for the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, achievement of an efficient and equitable use of resources and infrastructure, and creation of an attractive living environment.

Policy LU-1-b includes zoning districts and standards in the Development Code that provide for the General Plan land use designations and create appropriate transitions or buffers between new development with existing uses, taking into consideration the health and safety of the community.

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-e promotes urban neighborhood residential uses to support compact communities and Complete Neighborhoods that include community facilities, walkable access to parkland and commercial services, and transit stops.

Policy LU-5-e promotes urban neighborhood residential uses to support compact communities and Complete Neighborhoods that include community facilities, walkable access to parkland and commercial services, and transit stops.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.

Objective D-1 of the General Plan calls for the City to provide and maintain an urban image that creates a “sense of place” throughout Fresno.

Policy D-1-a requires all new multi-family residential development along BRT and other transit or pedestrian-oriented streets (Collector and Local), including high-rise, townhomes, or other units, to provide direct pedestrian street access and to promote walkable connectivity, individualization, family-friendly development, identity, and street safety to the maximum extent reasonably feasible.

Objective MT-2 of the General Plan calls for efficient use of the City’s existing and proposed transportation system and strive to ensure the planning and provision of adequate resources to operate and maintain it.

Policy MT-2-c provides incentives for infill development that would provide jobs and services closer to housing and multi-modal transportation corridors in order to reduce citywide vehicle miles travelled (VMT).

Policy MT-2-e indicates the City take advantage of opportunities to consolidate driveways, access points, and curb cuts along designated major roadways when a change in development or a change in intensity occurs or when traffic operation or safety warrants.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-

sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans 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. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include: Parks and public schools within or near the neighborhood, public plaza/civic space; access to public transit, neighborhood-serving retail and a range of employment opportunities.

Two public schools are in the immediate vicinity of the project at or near the intersection of Peach and Tulare; Easterby Elementary School and Kings Canyon Middle School. Just south of the subject property is Sunnyside High School at the southeast corner of Peach and Kings Canyon (± 0.5 mile from subject property).

Currently, the nearest public transit options to serve the subject property are Bus Routes 22 and 26, which are located at the intersection of Peach and Tulare. There are bus stops on all four corners providing immediate transit service for all future residents of the proposed apartments. Also, a Bus Rapid Transit station is located ± 0.5 mile from the subject property, which is located at East Kings Canyon Road and South Peach Avenue.

The plan amendment proposes to change the planned land use designations for the subject property from Medium Density Residential to Urban Neighborhood Residential. Although Medium Density Residential is being amended, there is still much opportunity for Medium Density Residential development east and south of the subject property for future development.

Nearby neighborhood-serving retail and employment opportunities are primarily provided along the East Kings Canyon Avenue corridor just south of the subject property.

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.

Revenue Neutrality

The proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project remains revenue neutral and will cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. Therefore, (1) No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; (2) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; (3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.

Given these circumstances, the proposed project supports and is consistent with the goals, objective

and policies of the Fresno General Plan as referenced herein above.

Public Services

Fire Department

The Fire Department offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District and the City of Clovis Fire Departments.

Based on the conditions received from the Fire Department dated January 21, 2020, the subject properties will be served by Fire Station 15, which is located at 5630 East Park Circle Drive (approximately 2 miles away).

Public Utilities

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.

For sanitary sewer service these infrastructure improvements and facilities include the installation of a sewer house branch. The proposed project will also be required to provide payment of sewer connection charges.

For water service, the subject property is located within the jurisdiction of the Bakman Water District. All water service requirements and/or restrictions shall be applicable to the Bakman Water District and all comments provided in the Bakman Water District memorandum dated April 3, 2020.

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area. The developer will be required to provide improvements which will convey surface drainage to a temporary storage facility (until permanent facilities are available) or construct a permanent peak-reducing facility, and will, therefore, not create flooding.

Mobility and Transportation

The Fresno General Plan designates South Peach Avenue as a scenic arterial street and East Tulare Street as a collector street. The proposed project will be required to dedicate and construct improvements along all major street frontages. The site design includes gated entryways to the project site from South Peach Avenue.

The proposed project is located within Traffic Impact Zone II pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the Sphere of Influence (SOI) as of December 31, 2012. In accordance with Policy MT-2-i of the Fresno General Plan, TIZ-II generally represents areas of the City currently built up and wanting to encourage infill development. A TIS is required for all development projected to generate 200 or more peak hour

new vehicle trips. The project is not expected to generate 200 or more new peak-hour vehicle trips, thus a TIS is not required.

According to the Public Works Department memorandum letter dated March 20, 2020, 481 Average Daily Trips (ADT), 38 AM peak-hour and 50 PM peak-hour vehicle trips could be expected to be generated from the current Medium Density Residential planned land use designation of the property. The proposed project is expected to increase ADT by ± 221 total trips, and generate 46 AM peak-hour and 57 PM peak-hour vehicle trips (an increase of 8 AM peak-hour and 7 PM peak-hour trips).

The Fresno General Plan utilizes and encourages strategic initiatives in compliance with the California Complete Streets Act, which provides priority and emphasis on a multi-modal transportation system; more transportation options result in fewer traffic jams and the overall capacity of the transportation network increases. Therefore, providing more transportation options will allow the City to meet its future travel demands without solely relying on motorized vehicles.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division dated March 20, 2020. These requirements generally include: (1) The provision of a minimum two points of vehicular access to major streets for any phase of the development; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems) and, (3) Payment of applicable impact fees, including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, the Fresno Major Street Impact (FMSI) Fee and the Regional Transportation Mitigation Fee (RTMF).

Therefore, the Public Works Department/Traffic Engineering Division has determined that, based upon the proposed traffic yield from and the expected traffic generation of the proposed project for the subject property, the proposed project will not adversely impact the existing and projected circulation system based upon implementation of the mitigation measures included within the MEIR and based upon compliance with the project specific mitigation measures referenced herein (**Exhibit N**).

Regional Transportation Mitigation Fee (RTMF)

The Regional Transportation Mitigation Fee (RTMF) is an important part of the Measure "C" Extension approved by Fresno County Voters in 2006. The RTMF is intended to assure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target level of service in the face of high traffic volumes brought on by new developments.

Project Details

The proposed development includes five 3-story apartment buildings which will encompass a total of 129 multi-family units including the following:

- (33) 1 bedroom/1 bathroom, 740 sq. ft. units
- (86) 2 bedroom/2 bathroom, 830 & 900 sq. ft. units

- (10) 3 bedroom/2 bathroom, 1,384 sq. ft. units

The operational statement can be found in **Exhibit B**. Pursuant to Section 15-1002 of the FMC, multi-family residential uses are permitted by-right in the RM-2 zone district. Furthermore, the applicant has met the required Site Design Development Standards and Residential Transition Standards for the proposed project. With existing multi-family development just northeast and southeast of the subject property along with commercial at the southern corners of the nearby intersection at East Tulare Street and South Peach Avenue, the proposed multi-family development would be consistent with existing development in the immediate area.

Building Height

Height requirements for new structures in the RM-2 zone district are a maximum of 50 feet. The height of all 5 apartment buildings for the project are at 38 feet, complying with the maximum height requirement of the RM-2 zone district. It should be noted that there are reduced height requirements for multi-story residential buildings when the building is between 40 and 50 feet of a property with an RS zone district. All buildings on the subject property are located beyond 50 feet of all adjacent properties to be pre-zoned to an RS zone district.

Setbacks

The minimum setbacks required for the project are as follows:

- Front (min./max.): 10'/20' (not applicable outside of Priority Areas)
- Interior side (min.): 10'
- Rear (min.): 20'
- Parking: 30'

The proposed site plan indicates the setbacks as follows:

- Front: 21' (project is located outside of Priority Areas per Figure IM-1 of the Fresno General Plan)
- Interior sides: 67' & 68'
- Rear: 86'
- Parking: 39'

Landscaping

In the front yard, there are two olive trees that were installed in 2014 during the Peach Avenue Widening Project, which were installed to replace two 100 year old historical olive trees. The proposed driveways will remove these trees. If the trees can be transplanted, the applicant will need to work with Public Works to provide a new location for the two olive trees.

The requirement for landscaping of the project is a Type 1 landscape buffer at both sides and the rear of the subject property, which is described as a minimum of 10 feet in width with 2 large trees, 2 small-to-medium trees, 6 large shrubs, and 8 small-to-medium shrubs for each 100 linear feet of buffer yard. This will result in a minimum requirement of the following:

- Interior Side Yard Buffers: 12 large trees, 12 small-to-medium trees, 36 large shrubs, and 48 small-to-medium shrubs.
- Rear Yard Buffer: 6 large trees, 6 small-to-medium trees, 18 large shrubs, and 24 small-to-medium shrubs.

This will be reflected in the conditions of approval for a required landscaping and irrigation plan to be submitted and approved by the Planning and Development Department.

The minimum on-site open space requirement for the proposed development is 15% of the lot area. The site plan proposes concrete walkways surrounded by landscaped areas throughout the interior of the apartment buildings and an outdoor patio area that cumulatively equate to approximately 20 percent of the multi-family property, which exceeds the minimum open space area requirement, providing consistency with Article 23, Chapter 15 of the FMC.

Parking

The required number of stalls per Section 15-2409 (Required Parking, Other Districts) of the FMC for the proposed development is 199 parking stalls, of which 129 are required to be covered. The proposed site plan indicates 191 parking stalls, of which 129 will be covered. Although the proposed number of parking stalls is less than the minimum requirement by 8 stalls, a minor deviation from the parking standards will allow for a 10% reduction in the number of parking stalls.

Council District Project Review Committee

The Council District 5 Project Review Committee reviewed the proposed project at their regular meeting on February 10, 2020 and voted unanimously to recommend approval of the project, 4 votes to 0.

There is no Council District 7 Project Review Committee formed at this time.

Neighborhood Meetings

Two neighborhood meetings were held to discuss the proposed multi-family residential project: one on November 26, 2019 and the second on June 2, 2020. The first meeting had 30 neighbors attend the meeting and had concerns regarding adequate availability of school facilities, the street system incapable of handling additional traffic, decrease of property values, additional crime to the area, possibility of subsidized or assisted housing, and the surrounding fence should include added security such as barbed wire. The neighbors also thought an additional neighborhood meeting including the affected council members should be invited and attend.

The second neighborhood meeting was conducted via Zoom on June 2, 2020 and concerns from the neighbors mirrored that of the first meeting. Concerns included overcrowding of nearby public schools, excess traffic, an increase in crime, adverse impacts on neighborhood property values, the need to maximize the use of local employees for construction of the project, and an increase in density that is primarily surrounded by single-family residential areas.

Staff Responses

Staff received a letter from the school district on January 2, 2020 that stated the District is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future, subject to payment of school impact fees.

The Public Works Department, Traffic Engineering Division has determined that, based upon the proposed traffic yield from and the expected traffic generation of the proposed project for the subject property, the proposed project will not adversely impact the existing and projected circulation system based upon implementation of the mitigation measures included within the MEIR and based upon compliance with the project specific mitigation measures referenced herein, including payment of all applicable traffic mitigation impact fees.

The Fresno Police Department made safety and security recommendations to be incorporated into the project, which include sufficient lighting that helps deter crime and allows officers to properly evaluate the area of any potential criminal activities, installation of surveillance cameras at entry and exit points and parking lots, and surveillance systems in digital HD format holding a minimum of 14 days of recordings with play back and downloadable ability.

(See minutes for meetings on November 26, 2019 and June 2, 2020, attached as **Exhibit K**).

California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be between 3 and 4 million housing units (20-30 percent of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing, and needs to quadruple the current rate of housing production over the next 7 years in order for prices and rents to decline. Approval of the project would help contribute to fulfilling the housing needs of the region.

Council District Boundary

This property sits on the boundary of Council Districts 5 and 7. Fresno Municipal Code Section 2-207 and 2-208 include specific criteria which shall be utilized in fixing Council district boundaries; as well as requirements when a territory boundary is contiguous to the boundaries of two or more Council districts. Planning staff have advised the City Manager of the respective issues that need to be considered. The City Manager's Office will analyze these factors in order to decide whether to make a recommendation to the Council for the allocation of all or a portion of the territory to be annexed to Council District 5 or 7 based upon these criteria.

City of Fresno Planning Commission

The City of Fresno Planning Commission held a public hearing to consider the proposed project on August 5, 2020. Three members of the public spoke in favor of the project.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of the subject applications to the Fresno City Council. After hearing testimony from City staff, the

applicant and other concerned parties, the Planning Commission voted to recommend approval of the proposed applications by a vote of 7-0.

Notice of City Council Hearing

The Planning and Development Department mailed notices of this City Council hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 of the FMC (**Exhibit J**).

Additionally, on August 14, 2020, the applicant posted public notices of this City Council hearing on the subject property, pursuant to the requirements within Section 15-5007.C of the Fresno Municipal Code.

ENVIRONMENTAL FINDINGS

An environmental assessment initial study 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 Roosevelt Community Plan 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.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR SCH No. 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 Planning and Development Department proposes to adopt a Mitigated Negative Declaration for the proposed project, which is tiered off the Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015)

It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures, as necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 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).

An addendum to the Mitigated Negative Declaration for Environmental Assessment No. P19-06059/P19-06060/P19-06061 has been prepared to incorporate a minor technical change in the description for the plan amendment and pre-zone boundaries. The original area included the parcel at the southwest corner of East Tulare Street and South Peach Avenue to keep its current dual-planned land use designations of Medium Density Residential and Commercial Community, where the minor technical change will alter the planned land use designation of this parcel to be Commercial Main Street. Per Section 15164 of the CEQA Guidelines, the addendum will not introduce any new significant environmental effects or substantially increase the severity of previously identified environmental effects (**Exhibit O**). The change in the plan amendment and pre-zone boundary descriptions will still provide residential and commercial development opportunities, as provided with the current planned land use designations.

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Mitigated Negative Declaration and Addendum for this project. A public notice of the attached Mitigated Negative Declaration for Environmental Assessment Application No. P19-06059/P19-06060/P19-06061 (**Exhibit N**) was published in the Fresno Bee on June 5, 2020, with no comments received to date.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings contained within Sections 15-6104, 15-5812, 15-6103 and 15-5206 et seq. of the Fresno Municipal Code. These findings are attached as **Exhibit I**.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Roosevelt Community Plan; compliance with the provisions of the FMC; 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 and exhibits. Staff concludes that the required findings contained within Sections 15-6104, 15-5812, 15-6103 and 15-5206 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed projects are appropriate for the project site.

LOCAL PREFERENCE

Local preference was not considered because this project 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 Planning and Development Department.

Attachments:

- Exhibit A: Site Plan and Elevations dated December 31, 2019
- Exhibit B: Operational Statement dated December 31, 2019
- Exhibit C: Aerial Map
- Exhibit D: Vicinity Map
- Exhibit E: Existing Fresno General Plan Land Use & Zoning Map
- Exhibit F: Proposed Planned Land Use Map
- Exhibit G: Proposed Pre-zone Exhibit
- Exhibit H: Proposed Annexation Boundary Exhibit
- Exhibit I: Fresno Municipal Code Findings
- Exhibit J: Public Hearing Notice Radius Map
- Exhibit K: Neighborhood Meeting Minutes
- Exhibit L: Conditions of Approval for Development Application No. P19-06061 dated August 5, 2020
- Exhibit M: Comments and Requirements from Responsible Agencies
- Exhibit N: Environmental Assessment No. P19-06059/P19-06060/P19-06061 dated June 5, 2020
- Exhibit O: Addendum to Environmental Assessment No. P19-06059/P19-06060/P19-06061 dated August 14, 2020
- Exhibit P: Public Comment Letter
- Exhibit Q: Planning Commission Resolution No. 13671 (Annexation Application No. P19-06059)
- Exhibit R: Planning Commission Resolution No. 13672 (Plan Amendment Application No. P19-06060)
- Exhibit S: Planning Commission Resolution No. 13673 (Pre-zone Application No. P19-06060)
- Exhibit T: Planning Commission Resolution No. 13674 (Development Permit Application No. P19-06061)
- Exhibit U: City Council Resolution for Annexation Application No. P19-06059
- Exhibit V: City Council Resolution for Plan Amendment Application No. P19-06060
- Exhibit W: City Council Ordinance Bill for Pre-zone Application No. P19-06060
- Exhibit X: PowerPoint Presentation