



Legislation Details (With Text)

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**Title:** HEARING to consider Plan Amendment and Rezone Application No. P18-00826, and Development Permit Application No. P18-02232, and related Environmental Assessment filed by Giorgio Russo of Ginder Development, on behalf of property owner Russ Nakata, Sequoia-Fresno Joint Venture & Sequoia II, LLC, for a general plan amendment, rezone and development permit located northeast from the corner of East Nees Avenue and North First Street. (Council District 6)

1. ADOPT CEQA Environmental Assessment for P18-00826 and P18-02232, a Negative Declaration dated March 21, 2019.
2. RESOLUTION - Approving Plan Amendment Application No. P18-00826 proposing to amend the Fresno General Plan and the Woodward Park Community Plan land use designation of the subject 11.16 acre portion of the 22.81 acre parcel from Commercial-Recreation to Residential Medium High Density (12-16 Dwelling Units/Acre).
3. BILL (for introduction and adoption) - Approving Rezone Application No. P18-00826 to amend the Official Zone Map to reclassify the 11.16-acre portion of the 22.81 acre parcel from CRC/UGM/cz (Commercial-Recreation/Urban Growth Management/Conditions of Zoning) to RM-1/UGM (Residential Multi-Family, Medium High Density/Urban Growth Management/Conditions of Zoning) in accordance with Plan Amendment No. P18-00826.
4. APPROVE - Development Permit Application No. P18-02232 authorizing construction of a gated 164-unit multi-family luxury apartment complex on the 10.25 acre portion of the 11.16 acres.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Aerial Photo, 2. Exhibit B - Land Use and Zoning Diagrams, 3. Exhibit C - Project Site Development Area Diagram, 4. Exhibit D - Operational Statement, 5. Exhibit E - Conditions of Approval / Project Plans, 6. Exhibit F - Conditions of Zoning Analysis / Ordinance 98-2, 7. Exhibit G - Project Information Tables, 8. Exhibit H - Planning Commission Resolution Nos.13570/13571, 9. Exhibit I - Council Public Hearing Notice, 10. Exhibit J - Fresno Municipal Code Findings, 11. Exhibit K - Environmental Assessment, 12. Exhibit L - Council Resolution for Plan Amendment No. P18-00826, 13. Exhibit M - Council Ordinance Bill for Rezone No. P18--00826, 14. Exhibit N - Council PowerPoint Presentation, 15. Late Submission - Powerpoint Presentation DARM.pdf

Date	Ver.	Action By	Action	Result
4/25/2019	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**April 25, 2019**

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

**THROUGH:** MIKE SANCHEZ, Assistant Director  
Development Services Division

**BY:** RALPH KACHADOURIAN, Supervising Planner  
Development Services Division

**SUBJECT**

HEARING to consider Plan Amendment and Rezone Application No. P18-00826, and Development Permit Application No. P18-02232, and related Environmental Assessment filed by Giorgio Russo of Ginder Development, on behalf of property owner Russ Nakata, Sequoia-Fresno Joint Venture & Sequoia II, LLC, for a general plan amendment, rezone and development permit located northeast from the corner of East Nees Avenue and North First Street. (Council District 6)

1. **ADOPT** CEQA Environmental Assessment for P18-00826 and P18-02232, a Negative Declaration dated March 21, 2019.
2. **RESOLUTION** - Approving Plan Amendment Application No. P18-00826 proposing to amend the Fresno General Plan and the Woodward Park Community Plan land use designation of the subject 11.16 acre portion of the 22.81 acre parcel from Commercial-Recreation to Residential Medium High Density (12-16 Dwelling Units/Acre).
3. **BILL** (for introduction and adoption) - Approving Rezone Application No. P18-00826 to amend the Official Zone Map to reclassify the 11.16-acre portion of the 22.81 acre parcel from CRC/UGM/cz (Commercial-Recreation/Urban Growth Management/Conditions of Zoning) to RM-1/UGM (Residential Multi-Family, Medium High Density/Urban Growth Management/Conditions of Zoning) in accordance with Plan Amendment No. P18-00826.
4. **APPROVE** - Development Permit Application No. P18-02232 authorizing construction of a gated 164-unit multi-family luxury apartment complex on the 10.25 acre portion of the 11.16 acres.

**RECOMMENDATION**

Staff recommends that the City Council take the following actions:

1. **ADOPT** Environmental Assessment for P18-00826 and P18-02232, a Negative Declaration dated March 21, 2019.
2. **ADOPT RESOLUTION** - approving Plan Amendment Application No. P18-00826 amending the Fresno General Plan and the Woodward Park Community Plan land use designation of the 11.16-acre portion of the 22.81 acre parcel from Commercial-Recreation to Residential Medium High Density (12-16 Dwelling Units/Acre).
3. **ADOPT BILL** - approving Rezone Application No. P18-00826 amending the Official Zone Map to reclassify the 11.16-acre portion of the 22.81 acres parcel from CRC/UGM/cz (Commercial-Recreation/Urban Growth Management/Conditions of Zoning) to RM-1/UGM (Residential Multi-Family, Medium High Density/Urban Growth Management/Conditions of Zoning)
4. **APPROVE** - Development Permit Application No. P18-02232 for development of a gated 164-unit multi-family residential luxury apartment complex to be constructed on the 10.25-acre portion of the 11.16 acres.

## EXECUTIVE SUMMARY

Giorgio Russo with Ginder Development, on behalf of property owner Russ Nakata, Sequoia-Fresno Joint Venture & Sequoia II, LLC, has filed General Plan Amendment and Rezone Application No. P18-00826 pertaining to 11.16-acre portion of an overall 22.81-acre undeveloped parcel located northeast from the corner of East Nees Avenue and North First Street. (see Exhibit A)

The Plan Amendment and Rezone was filed in order to create the residential land use designation and zoning necessary to develop the 164 unit luxury apartment complex on the 10.25-acre portion of the 11.16 acres in accordance with Development Permit Application No. P18-02232. (see Exhibit B)

Under the current planned land use designation of Commercial Recreation and its zone district classification of CRC (Commercial Recreation), a proposed multi-family residential use would be prohibited. Under the Residential Multi-Family, Medium High Density planned land use designation with the RM-1 zone district classification, the proposed apartment project would be a permitted use by right, per FMC Section 15-1002, through the approval of a Development Permit.

## BACKGROUND

### Site Development

The requested plan amendment and rezone will allow the applicant to develop the proposed multi-family residential project. The development permit will authorize construction of the gated 164-unit multi-family luxury apartment complex on the 10.25-acre portion of the 11.16 acres with a residential density of 16-units to the acre consistent with the amended land use designation.

The proposed site plan layout of the apartment complex (Exhibit C) will provide sixteen (16) separate two-story buildings with four units per building that will have a mix of 1, 2 & 3 bedrooms. A two-story clubhouse will include twenty (20) micro-one bedroom units. There will be four (4) separate single-story buildings (fourplex) each building having four 2 bedroom units with 1 and 2-car garage spaces for each unit. Parking for the residents of the apartment complex will be provided by the twenty (20) separate single-story garage buildings providing 184 parking spaces, which will include several ADA accessible parking spaces. There will be 54 uncovered quest parking spaces on site.

The project's operational statement (Exhibit D) describes the upscale amenities of the apartment complex designed to encourage residents to be socially active. The overall site improvements proposed include extensive on-site landscaping with pedestrian walkways/paths, decorative masonry walls and iron fencing/gates, trash enclosures and a patio/sundeck with pool. The project will include the roadway extension of North Bond Street, which is a private roadway that will be improved to Public Works standards (curb, gutter sidewalks, and a main entry drive approach) applicable to local public street right-of-ways. The street improvements to this road will extend only along the frontage of the apartment complex.

The project will provide a separate walkway along the western perimeter just outside of the gated apartment complex that will connect East Niles Avenue to the North Bond Street extension. This sidewalk will accommodate the residents of the adjacent subdivisions to the north with a more direct walking path to the nearby and adjacent retail/commercial uses along East Nees Avenue and North First Street, including FAX transit stops at the Nees/Bond and Nees/First intersections.

Staff supports approval of the development permit for the apartment project subject to the conditions of approval dated 2019 (see Exhibit E)

## **ANALYSIS**

### Traffic Analysis

As previously mentioned, the project will include the extension of North Bond Street that will be constructed and installed per Public Works standards, and the apartment project will be served by one main entry into the complex from this private street with a secondary access drive approach at North Niles Avenue. This secondary access will only be utilized for emergency vehicles with restricted access by residents/guests of the apartment complex.

The project site is located in Traffic Impact Zone (TIZ) III which allows for 100 peak hour trips to be generated by a project. The applicant submitted a Traffic Impact Study (TIS) prepared by Peters Engineering Group, dated August 24, 2018, and upon evaluation of this TIS, the Public Works Traffic and Engineering Services Division determined that the proposed apartment project would generate 64 (13 inbound, 51 outbound) vehicle trips during the morning peak hour travel period (7 to 9 a.m.), 86 (56 inbound, 30 outbound) vehicle trips during the evening peak hour travel period (4 to 6 p.m.) on a weekday, and 1.035 average daily trips (ADT). (see Exhibit )

An Addendum to the TIS was submitted on February 11, 2019 to compare the number of vehicle trips expected to be generated by the proposed apartment project with those that could potentially occur if the site were developed in accordance with the currently-planned Commercial Recreation land uses and zoning. This comparison estimated a variety of typical uses allowed in the Commercial-Recreation zone district, would generate 403 morning peak-hour trips and 453 evening peak hour trips and 5,464 average daily trips (ADT). Based on this comparison, the proposed residential apartment project would result in far fewer vehicle trips than what could occur with development uses based on the Commercial-Recreation zoning.

Traffic Engineering further determined that the study intersections are currently operating above the TIZ III level of service (LOS) standard of "D." The study intersections will continue to operate above the TIZ III LOS of "D" in Existing Plus Project conditions and Near Term with Project conditions. The intersection of First Street at Nees Avenue is projected to operate at LOS "F" in the year 2040 with Project conditions with the existing intersection configuration. Future plans include adding dual left-turn lanes on all approaches. With these planned intersection improvements, the study intersection will operate at or above the TIZ III LOS of "D" in the year 2040 with Project conditions.

The analysis and specific conditions of approval have been provided by the city traffic engineer that includes the requirement to pay a Traffic Signal Mitigation Impact (TSMI) fee per multi-family dwelling units, a Fresno Major Street Impact (FMSI) fee, and a Regional Transportation Mitigation Fee (RTMF). These fees are collected and used to offset the cost for traffic infrastructure improvements.

### Conditions of Zoning

Fourteen conditions of zoning were identified for the subject property under Ordinance No. 98-2, adopted on January 6, 1997. Several of these conditions specifically apply to commercial-recreational zoned uses, such as athletic clubs and related activities, and have already been met or

are not applicable to the proposed multi-family residential project. Those that are applicable only include neighborhood outreach, flood control requirements, and general use restrictions on the property, specifically that a car wash, cocktail lounge, bar and liquor store are prohibited on the property. An analysis of the applicable conditions of zoning for the project and Ordinance No. 98-2 are provided in Exhibit F.

### Project Information

Information such as applicant, property owners, project location, site size, land use and zoning, and general project information, including bordering property information such as the existing and planned land use designations, as well as the existing zoning districts surrounding the subject property can be found in Exhibit G.

### Land Use Plans and Policies

The proposed project aligns with objectives and policies found in the Fresno General Plan and the Woodward Park Community Plan.

#### *Fresno General Plan*

The Fresno General Plan generally puts a strong emphasis on infill development, complete neighborhoods and multimodal connectivity. The proposed project is compatible with goals, objectives, and policies included in the Fresno General Plan.

According to the General Plan, Medium High Density residential is intended for neighborhoods with a mix of single-family residences, townhomes, garden apartments, and multi-family units intended to support a fine-grain, pedestrian scale. This land use accommodates densities from 12 to 16 units per acre overall.

**Objective LU-2:** Plan 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.

**Policy LU-2-a: Infill Development and Redevelopment.** Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

**Policy LU-2-d: Infrastructure Upgrades.** Facilitate urban infill by building and upgrading community and neighborhood public infrastructure and services to enhance public health and convenience, and improve the overall experience and quality of city living.

**Policy LU-2-e: Neighborhood Preservation.** Incorporate standards in the Development Code to preserve the existing residential quality of established neighborhoods.

**Objective LU-5:** Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.

**Policy LU-5-d: Medium-High Density Residential Uses.** Promote 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.

**Policy LU-5-g: Scale and Character of New Development.** Allow new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

**Policy LU-5-h: Scale and Character of New Development.** Allow new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

**Policy LU-5-h: Housing Offering Amenities.** Support 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.

Approval of the plan amendment and rezone would help facilitate and achieve the above stated objectives and policies of the General Plan. The subject property is currently undeveloped and surrounded by urban development; therefore the property is an appropriate infill site and is adjacent to already built-out urban uses, including commercial, residential, retail, and service.

The multi-family project also proposes buildings of high quality design and detail and at a scale consistent to the surrounding area; therefore, the project fosters a high quality design and would contribute to the mix of amenities in the surrounding area. The project will enhance an otherwise undeveloped vacant piece of land which will serve to enhance to overall character of the area.

### *Woodward Park Community Plan*

The Woodward Park Community Plan was adopted in 1989. At that time, its primary goals were to ensure development stayed within the capacity limits of existing infrastructure and to evenly distribute commercial development. Upon reviewing the policies contained in the Woodward Park Community Plan, staff has determined that there are no policies that are more restrictive than those contained in the FMC. The proposed project is compatible with goals and policies included in the Woodward Park Community Plan, including:

**Goal 1-3:** Plan-for a diversity of residential types, densities, and locations in order to achieve-plan goals with respect to providing housing opportunities, balanced urban growth, efficient use of resources and public facilities, and maintenance of a safe, attractive, and stable community.

**Policy 1-3.2:** In order to provide a desirable range and distribution of housing opportunities, medium-high density residential uses may be considered appropriate for sites outside the activity center and Herndon Avenue corridor and the site shall either have direct access to a major street or to a local street of sufficient capacity that does not pass through single-family neighborhoods prior to intersecting a major street, and will not prevent the completion of a previously committed or needed local street circulation system.

The project's proposed design and layout will be in compliance with the above polices and is a project that is of appropriate size and intensity for the area.

## **PUBLIC INPUT AND NOTICING**

### District 6 Project Review Committee

The Council District 6 Committee reviewed the conceptual site layout of the luxury apartment project at their regular meeting on August 6, 2018 and voted 4-0 (1 absent) to recommend its approval with a condition that the traffic study show lower trip counts than an office use. As previously mentioned, the analysis provided by the TIS and Addendum determined that the proposed residential apartment project use would generate far fewer trips than a commercial use.

### Public Noticing and Outreach

The applicant conducted a neighborhood meeting on November 7, 2018, as required for the Plan Amendment and Rezone pursuant to FMC Sections 15-5506 and 15-5805. The meeting was held at the Woodward Park Regional Library and was attended by eighteen individuals from the surrounding neighborhoods. The intent of this meeting was to provide a forum for presenting the proposed apartment project to the neighbors, as well as being available to answer questions and to address any concerns. Concerns regarding the project were raised by the attendees, such as traffic, parking availability, access only from East Nees Avenue, the access gate at East Niles Avenue, noise from parties, screening and setbacks, which were discussed and addressed by the applicant.

### Fresno Planning Commission

The Planning Commission held a public hearing at its regularly scheduled meeting on February 20, 2019 to consider the proposed plan amendment/rezone and development permit applications. No members of the public spoke in opposition and the Commission unanimously recommended that the City Council approve the proposed plan amendment/rezone applications and the development permit application. (see Exhibit H, Planning Commission Resolution No's. 13570 & 13571).

### Notice of City Council Hearing

The Development and Resource Management Department mailed notices of this City Council public hearing to the surrounding property owners within 1,000 feet of the subject property on April 12, 2019, pursuant to Section 15-5007-B-2 of the FMC. (see Exhibit I)

### Fresno Municipal Code Findings

Based upon analysis of the project applications, staff concludes that the required Findings of Section 15-5812 of the FMC for the Plan Amendment and Rezone can be made, including the Findings for the Development Permit under Section 15-5206. These findings are attached as Exhibit J.

## **ENVIRONMENTAL FINDINGS**

An environmental assessment (Initial Study for a Negative Declaration) was prepared (see Exhibit K) for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The assessment was prepared to evaluate the project in accordance with the land use and environmental policies and provisions of the City of Fresno's General Plan adopted by the Fresno City Council on December 18, 2014 and the related Master Environmental Impact Report (MEIR) SCH No. 2012111015. The project is determined not to have a significant effect on the environment and is prepared in accordance with Sections 15070 to 15075 of the CEQA Guidelines.

The project is partially within the scope of MEIR SCH No. 2012111015.

Pursuant to Section 21157.1 of the California Public Resources Code (CEQA Provisions), it may be determined that a subsequent project falls within the scope of the MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR. Based on this Initial Study, the following findings are made: (1) the proposed project is partially within the scope of the MEIR because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR for the reasons set forth in the Initial Study; and, (2) there are no additional mitigation measures or alternatives required.

The Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and 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. Moreover, as lead agency for this project, the Development and Resource Management Department, in accordance with Sections 15070 to 15075 of the CEQA Guidelines has determined that all feasible mitigation measures from the MEIR shall be applied to the project as set forth in the attached MEIR Mitigation Measure Monitoring Checklist. A public notice of the attached negative declaration finding for Environmental Assessment No's P18-00116 and P18-02697 was published in the local newspaper on March 22, 2019 as required for public review and comment. During the 20-day public review period, no comments were received.

## **LOCAL PREFERENCE**

Local preference was not considered because this project & 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 Location Aerial Photograph
- Exhibit B Land Use & Zoning Diagrams
- Exhibit C Project Site Development Area Diagram
- Exhibit D Operational Statement
- Exhibit E Conditions of Approval / Project Plans
- Exhibit F Conditions of Zoning Analysis and Ordinance No. 98-2
- Exhibit G Project Information Tables
- Exhibit H Planning Commission Resolution No's. 13570 & 13571
- Exhibit I Council Public Hearing Notice
- Exhibit J Fresno Municipal Code Findings
- Exhibit K Environmental Assessment
- Exhibit L Council Resolution for Plan Amendment No. P18-00826



Exhibit M Council Ordinance Bill for Rezone No. P18-00826  
Exhibit N Council PowerPoint Presentation