



## Legislation Details (With Text)

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**Title:** CONTINUED HEARING to Consider Rezone Application No. R-15-011, and related Environmental Assessment No. R-15-011/C-15-149/T-6079, pertaining to approximately 3.07 acres of property located on the south side of East Princeton Avenue between North Fowler and North Bliss Avenues. (Council District 4)

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (SCH#2012111015) as prepared for Environmental Assessment (EA) No. R-15-011/C-15-149/T-6079 dated November 06, 2015.

2. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-011 proposing to amend the Official Zone Map to rezone the subject property from the C-M/UGM/cz (Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning) zone district to the R-1/RS-5/UGM (Single Family Residential/Urban Growth Management) zone district.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. R-15-011 - CC Report - Attachments.pdf, 2. Supplement - PowerPoint File ID16-175.pdf

Date	Ver.	Action By	Action	Result
2/4/2016	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**February 04, 2016**

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

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

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## SUBJECT

CONTINUED HEARING to Consider Rezone Application No. R-15-011, and related Environmental

Assessment No. R-15-011/C-15-149/T-6079, pertaining to approximately 3.07 acres of property located on the south side of East Princeton Avenue between North Fowler and North Bliss Avenues. (Council District 4)

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (SCH#2012111015) as prepared for Environmental Assessment (EA) No. R-15-011/C-15-149/T-6079 dated November 06, 2015.
2. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-011 proposing to amend the Official Zone Map to rezone the subject property from the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone district to the R-1/RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district.

## RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (SCH#2012111015) as prepared for Environmental Assessment (EA) No. R-15-011/C-15-149/T-6079 dated November 06, 2015.
2. ADOPT BILL approving Rezone Application No. R-15-011 proposing to amend the Official Zone Map to rezone the subject property from the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone district to the R-1/RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district.

## EXECUTIVE SUMMARY

Fowler Development Company, Inc., has filed Rezone Application No. R-15-011, Conditional Use Permit (CUP) Application No. C-15-149 and Vesting Tentative Tract Map No. 6079/UGM pertaining to approximately 3.07 acres of property located on the south side of East Princeton Avenue between North Fowler and North Bliss Avenues.

Rezone Application No. R-15-011 proposes to reclassify the subject property from the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone district to the R-1/RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district

The proposed rezone application has been filed in order to facilitate approval of a proposed 24-lot single family residential, public street, planned development on the subject property pursuant to Conditional Use Permit Application No. C-15-149 and Vesting Tentative Tract Map No. 6079/UGM.

The subject property is located within the boundaries of the Fresno General Plan and the McLane Community Plan. These Plans designate the subject property for Medium Density Residential (5-12 dwelling units/acre) land use. Therefore, the proposed subdivision and development of the subject property with 24 single family residential units at a density of approximately 7.82 dwelling units per acre is consistent with the Medium Density Residential planned land use for the subject property previously conceived by the Fresno General Plan and associated Master Environmental Impact Report (MEIR - SCH NO. 2012111015). Thus, the subject applications are consistent with the Fresno General Plan and the McLane Community Plan.

## BACKGROUND

The subject property was previously associated with an earlier plan amendment (A-06-002) and subdivision (Tract Map No. 5717/UGM) request submitted in 2006 (and approved in 2007) that included 140 acres: nearly the entire quarter section bounded by Fowler, Armstrong, Shields and Clinton Avenues.

The proposal was controversial at the time because it proposed converting 20 acres of planned light industrial land to medium low density residential use in an area that was considered optimal vacant land for industrial development. Although the land was not served by infrastructure, it was well-served by all modes of transportation. In exchange for allowing the conversion of industrial lands and approving the original plan amendment application, conditions of zoning were required and adopted by the Fresno City Council because the subject property was expected to remain as light industrial property and be made “shovel ready” by the installation of infrastructure. Most of these conditions of zoning were tied to the development of those controversial 20 acres (a portion of T-5717, located to the east of the subject property). However, the conditions of zoning also affect the subject property as the resultant industrial zoning and related conditions of zoning remain in effect.

More recent studies conducted in preparation for the current Fresno General Plan refined the location of significant clusters of vacant land designated for industrial and business park use and identified these clusters (over 3,000 acres) in the General Plan as sufficient to accommodate projected growth and economic development goals. The subject property was not among those properties identified as being critical to the city’s supply of vacant industrial property and the planned land use for the approximately 3.07 acre subject property was converted to Medium Density Residential for future residential use at 5.0-12 dwelling units per acre. Given the existing residential land use designation for the subject property designated by the General Plan, dated conditions of zoning pertaining to future industrial use of the subject property are of no further interest and are proposed to be removed with the rezoning of the subject property.

Conditional Use Permit Application No. C-13-092 and Vesting Tentative Tract Map No. 6033/UGM were approved in 2014 for approximately 31.87 acres of abutting property located directly to the east, south and southwest of the subject property. Approval of these applications authorized the creation of a public street planned development subdivision with 169 single family residential units at a density of approximately 5.30 dwelling units per acre. The proposed project will be integrated affording vehicular and pedestrian connectivity with Tract 6033/UGM through the provision of a stub street at the easterly end of the subject property.

Property directly to the north of the subject property on the opposite side of East Princeton Avenue remains planned and zoned for commercial and light industrial use. Property located directly to the west is planned for community commercial land uses.

### 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.

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-c promotes medium density residential use to maximize efficient use of residential property through a wide range of densities.

Furthermore, the goals of the McLane Community Plan are directed toward: (1) The provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels; (2) Providing for efficient use of land while protecting the integrity of established neighborhoods; (3) Encouraging a mix of uses along major transportation corridors; (4) Providing for safe, clean and aesthetically pleasing neighborhoods; and, (5) Providing for compatible relationships between differing housing types and densities.

The proposed project introduces and integrates elements of a compact community that includes walkable access to parkland and commercial services and transit stops to a previously approved residential project in a manner which affords a diversity of housing types and a wider range of affordability in a compatible relationship.

The proposed project effectively increases density within an area which has been predominantly developed or approved for residential development and provides a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

The proposed project will provide additional connectivity through both vehicular and pedestrian integration with the adjacent residential development (T-6033) currently under development.

The applicant has also filed Conditional Use Permit Application No. C-15-167 and Vesting Tentative Tract Map No. 6108/UGM pertaining to approximately 6.56 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenues. Similarly, development

associated with Tract 6108 will also be integrated through vehicular and pedestrian connectivity with T-6033. It should also be noted that Tract 6033 provides two public street connections to the previously approved and adjacent Tract 5717 to the east of Tract 6033. Therefore, these four subdivision maps (T-6033, T-6079, T-6108 and T-5717) provide an interconnected system of streets through the interior which will afford access to all four major boundary streets (i.e., North Fowler Avenue, East Shields Avenue, North Armstrong Avenue and East Clinton Avenue) surrounding the quarter section.

A bicycle/pedestrian trail has been planned along the east side of North Fowler Avenue the immediate area is served by FAX Route 45, which affords additional connectivity to Route 30 at Blackstone and Ashlan, with connections both north and south. Collectively, the proposed street connections, planned trail and FAX service provide for a future network offering multi-modal transportation opportunities to the neighborhood.

Furthermore, the project is within two miles of the planned regional Fancher Creek shopping center, to the southwest (Tulare and Clovis Avenues), within ¼ mile of a neighborhood park, and within a mile of several planned elementary schools.

Finally, 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 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land. The subject property was annexed to the City of Fresno as part of Annexation No. 1316 in 2007.

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 McLane 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; the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

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

Conditional Use Permit Application No. C-15-149 and Vesting Tentative Tract Map No. 6079/UGM propose a 24-lot single family residential public street planned development on approximately 3.07 acres of property, at an overall density of approximately 7.82 dwelling units per acre.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the development of 24 single family residential dwelling units on the subject property would generate 228 average daily trips (ADT), with 18 vehicle trips occurring during the morning peak hour travel period

(7 to 9 a.m.) and 24 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.). These figures do not warrant preparation of a Traffic Impact Study. However, a TIS was completed in 2007 as part of the planning for Tract 5717 as referenced herein above. Any conditions identified as part of the previous TIS will be applicable for this project.

The Public Works Department, Traffic Engineering Division has reviewed the proposed rezone, conditional use permit and tentative tract map 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 generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent street segments and intersections in accordance with the transportation element of the Fresno General Plan

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. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

#### Public Notice and Input

In accordance with Section 12-401-C-2 of the FMC, a notice of public hearing was mailed to surrounding property owners within 350 feet of the subject site (see attached Exhibit C: Noticing Map) and posting on-site.

The District 4 Plan Implementation Committee recommended approval of the proposed applications at its regularly scheduled meeting held on December 14, 2015 through a unanimous vote.

#### Fresno City Planning Commission Action

Rezone Application No. R-15-011 was considered by the Fresno City Planning Commission at its meeting on December 16, 2015. 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.

Staff is recommending the City Council approve the proposed rezoning of the subject property in accordance with the recommendations included within this report herein above.

### **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 McLane 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; and, student generation projections and school facility site location identification.

The proposed rezoning of the subject property and the proposed subdivision and development of the subject property pursuant to the proposed Conditional Use Permit and Tentative Tract Map have been determined to be a subsequent project that is 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). It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, 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 finding of conformity 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 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 finding of conformity for this project. A public notice of the attached finding of conformity for Environmental Assessment Application No. R-15-0011/C-15-149/T-6079 was published on November 05, 2015 with no comments or appeals received to date.

## **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 Vicinity Map

Exhibit D: Fresno General Plan Planned Land Use Map

Exhibit E: Proposed Rezone exhibit pursuant to Rezone Application No. R-15-011

Exhibit F: Environmental Assessment No. R-15-011/C-15-149/T-6079 dated November 06, 2015  
Exhibit G: Planning Commission Resolution No. 13357 for Rezone Application No. R-15-011  
Exhibit H: City Council Ordinance Bill for Rezone Application No. R-15-011