



## Legislation Details (With Text)

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**Title:** CONTINUED HEARING to consider Plan Amendment Application No. A-16-004, Rezone Application No. R-16-005, and related Environmental Assessment No. A-16-004/R-16-005, filed by Dirk Poeschel Land Development, on behalf of Topanga Management Co. These applications pertain to approximately 4.7 acres of property located on the east side of N. Maple Avenue between E. Gettysburg Avenue and E. Shaw Avenue. (Council District 4)

a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-004/R-16-005 dated June 24, 2016.

b. RESOLUTION - Approving Plan Amendment Application No. A-16-004 proposing to amend the Fresno General Plan and Hoover Community Plan from the Medium High Density Residential planned land use designation to the Urban Neighborhood land use designation.

c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-005 to rezone the subject property from the RM-1 (Residential Multiple Family, Medium High Density) to RM-2 (Residential Multiple Family, Urban Neighborhood) zone district.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibits A-J.pdf

Date	Ver.	Action By	Action	Result
9/1/2016	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**September 1, 2016**

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Development and Resource Management Department

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**SUBJECT**

CONTINUED HEARING to consider Plan Amendment Application No. A-16-004, Rezone Application No. R-16-005, and related Environmental Assessment No. A-16-004/R-16-005, filed by Dirk Poeschel Land Development, on behalf of Topanga Management Co. These applications pertain to approximately 4.7 acres of property located on the east side of N. Maple Avenue between E. Gettysburg Avenue and E. Shaw Avenue. (Council District 4)

- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-004/R-16-005 dated June 24, 2016.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-004 proposing to amend the Fresno General Plan and Hoover Community Plan from the Medium High Density Residential planned land use designation to the Urban Neighborhood land use designation.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-005 to rezone the subject property from the RM-1 (*Residential Multiple Family, Medium High Density*) to RM-2 (*Residential Multiple Family, Urban Neighborhood*) zone district.

**RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-004/R-16-005 dated June 24, 2016.
2. ADOPT RESOLUTION approving Plan Amendment Application No. A-16-004 proposing to amend the Fresno General Plan and Hoover Community Plan from the Medium High Density Residential planned land use designation to the Urban Neighborhood land use designation.
3. ADOPT BILL approving Rezone Application No. R-16-005 to rezone the subject property from the RM-1 (*Residential Multiple Family, Medium High Density*) to RM-2 (*Residential Multiple Family, Urban Neighborhood*) zone district.

**EXECUTIVE SUMMARY**

Dirk Poeschel of Dirk Poeschel Land Development, on behalf of Bruce Tibbett of Topanga Management Co., has filed Plan Amendment Application No. A-16-004 and Rezone Application No. R-16-005 pertaining to approximately 4.7 acres of property located on the east side of North Maple Avenue between East Gettysburg Avenue and East Shaw Avenue, west of State Route 168 in the City of Fresno.

Plan Amendment Application No. A-16-004 proposes to amend the Fresno General Plan and Hoover Community Plan from the Medium High Density Residential planned land use designation to the Urban Neighborhood land use designation.

Rezone Application No. R-16-005 proposes to rezone the subject property from the RM-1 (*Residential Multiple Family Medium High Density*) to RM-2 (*Residential Multiple Family, Urban Neighborhood*) zone district.

The above applications have been filed in order to allow for the demolition of the existing 66 apartment dwellings, and the construction of a 138 unit multi-family development. This would be entitled under a separate Development Review Permit application that has not been submitted.

## BACKGROUND

Dirk Poeschel of Dirk Poeschel Land Development, on behalf of Topanga Management Co., has filed Plan Amendment Application No. A-16-004 and Rezone Application No. R-16-005 pertaining to approximately 4.7 acres of property located on the east side of North Maple Avenue between East Gettysburg Avenue and East Shaw Avenue, west of State Route 168. The adjacent land use to the east is comprised of a 137 unit planned unit development which has been developed at 11.11 dwelling units per acre, consistent with the Medium Density Residential land use designation (5-12 du per ac). A planned unit development to the north was developed with 69 units at a density of 12 units per acre, consistent with the Medium High Density Residential land use designation (12-16 du per ac). West of the site, across Maple Avenue, is developed with single family residences. Directly adjacent to the subject property to the south is a church.

The current application, Plan Amendment Application No. A-16-004, proposes to amend the Fresno General Plan and Hoover Community Plan to change the planned land use designation for the subject property from the Medium High Density Residential planned land use designation to the Urban Neighborhood land use designation. Rezone Application No. R-16-005 proposes to rezone the subject property from the RM-1 (*Residential Multi Family, Medium High Density*) zone district to the RM-2 (*Residential Multiple Family, Urban Neighborhood*) zone district. The above applications are being processed to allow for the demolition of the existing 66 apartment dwellings, and the construction of 136 unit multi-family developments. This would be entitled under a separate Development Review Permit application that has not been submitted.

### Land Use Plans and Policies

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

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

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

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

along major corridors and in Activity Centers.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Similarly, supporting Objective LU-2 of the General Plan calls for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

Likewise, Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities; and, Implementing Policy LU-5-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.

The proposed project introduces and integrates elements of a compact community that includes community facilities, walkable access to parkland and commercial services and transit stops in manner which affords a diversity of housing types and a wider range of affordability in a compatible relationship. A City of Fresno (FAX) bus line (28) runs in front of the site, and two other lines (9 & 10) run on Shaw Avenue. Furthermore, the project is within 1/8 mile of Vinland Elementary School and Vinland Park, and within a 1/3 mile of the California State University Fresno (CSU Fresno) campus.

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

The Fresno General Plan acknowledges that the sound planning principles for creating Complete Neighborhoods anticipate and plan in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact.

The proposed project effectively increases density within an area in close proximity to the CSU Fresno campus. The location of the proposed project intensifies density in an area of lower density residential uses and multi-family residences thereby providing a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas, defined as being within the City on December 31, 2012. This project is considered infill development, given that the subject property was annexed to the City of Fresno as part of Annexation No. 462 in 1961.

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 Hoover 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 site is currently served by all City services. The site is currently developed with 66 multi-family apartments. The proposed amendment and rezone will increase the allowable number of units to be developed on site. 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.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Development and Resource Management Department when a submittal for building plan review is made as required by the California Building Code.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is dependent upon facilities to be constructed by the developer. Existing master plan facilities were constructed to accommodate runoff generated from a medium-high density residential development, and do not have the capacity to serve the proposed high density residential land use. Therefore, the developer is required, as a project specific mitigation measure, to mitigate the impacts of the increased runoff from the proposed high density residential land use to a rate that would be expected if developed to a medium density residential land use.

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

The subject site is located on the east side of North Maple Avenue between East Gettysburg Avenue and East Shaw Avenue. In the Fresno General Plan, North Maple Avenue is designated as an undivided, collector street, which have a primary purpose of connecting local streets and arterials and neighborhood traffic generators and providing access to abutting properties; and, Shaw Avenue is designated as a divided, super arterial, which has a primary function of moving multiple modes of travel traffic to and from major traffic generators and between community plan areas.

According to the Fresno General Plan, the project is located in Traffic Impact Zone II. Policy MT-2-i requires that a Traffic Impact Study (TIS) be done for development projected to generate 200 or more peak hour new vehicle trips. According to the City of Fresno Traffic Engineer, a multifamily development consistent with the proposed land use designation and zone district would generate up to 69 a.m. peak trips and 84 p.m. peak trips. This is well below the threshold to require a traffic study.

While there will be an increase the amount of traffic on surrounding roads if the site is developed as proposed when compared to the existing 66 units, the increases will not reduce the effectiveness or the performance of the circulation system. The current circulation system was designed to serve the development of the area. This project does not introduce traffic levels above what North Maple Avenue, and surrounding roadways including East Shaw Avenue and East Gettysburg Avenue were planned to accommodate.

### Council District Plan Implementation Committee

The District 4 Plan Implementation Committee unanimously recommended approval of the proposed applications at its regularly scheduled meeting held on April 11, 2016. The committee commented that the project design should be compatible with surrounding uses.

### Public Input

The applicant held a neighborhood meeting on July 14, 2016, and noticed property owners within 500 -feet of the subject property. The property owner provided an overview of the project, including renderings of the development, followed by a question and answer session. Approximately 8 individuals attended the meeting. Comments and questions centered on concerns with traffic, security, and the aesthetics of the development that will be proposed.

A separate meeting was held with members of the neighboring church. The applicant has worked closely with church leaders to ensure the proposed project will be compatible with the neighboring uses.

This hearing was noticed by mail to all property owners with 1,000 feet. Staff has received three phone calls on the project during which specific questions regarding the proposal and the approval process were asked. Staff did not receive written communication in regards to this project.

### Fresno City Planning Commission Action

Plan Amendment Application No. A-16-004, Rezone Application No. R-16-005, and Environmental Assessment (EA) No. A-16-004/R-16-005 dated June 24, 2016 were considered by the Planning Commission on August 3<sup>rd</sup>, 2016. Four members of the public spoke in opposition to the project with concerns about security, traffic and parking. After a complete hearing, the Commission voted and recommended the City Council approve the proposed plan amendment and rezone applications by a unanimous vote.

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

### Plan Amendment and Rezone Findings

Based upon analysis of the application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 15-5812 of the FMC can be made. These findings are attached as Exhibit F.

## **ENVIRONMENTAL FINDINGS**

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Woodward Park area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report (MEIR) prepared for the Fresno General Plan (SCH # 2012111015) as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan MEIR have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and with the project specific mitigation imposed, staff has determined that there is no substantial evidence in the record that the project may have a significant direct, indirect or cumulative effect on the environment and has prepared a draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-16-004/R-16-005 was published on June 24, 2016 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 Mailing List Vicinity Map
- Exhibit D: Proposed Planned Land Use Map pursuant to Plan Amendment Application No. A-16-004
- Exhibit E: Proposed Rezone exhibit pursuant to Rezone Application No. R-16-005
- Exhibit F: Plan Amendment and Rezone Findings
- Exhibit G: Environmental Assessment No. A-16-004/R-16-005, finding of a Mitigated Negative Declaration dated June 24, 2016.
- Exhibit H: Planning Commission Resolution Nos. 13392 and 13393
- Exhibit I: City Council Resolution for Plan Amendment Application No. A-16-004
- Exhibit J: City Council Ordinance Bill for Rezone Application No. R-16-005