



## Legislation Details (With Text)

<b>File #:</b>	ID17-0019	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	12/19/2016	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/12/2017	<b>Final action:</b>		1/12/2017	
<b>Title:</b>	<p>HEARING to consider Rezone Application No. R-16-010, Development Permit Application D-16-081, Variance Application No. V-16-009 and Annexation Application No. ANX-16-004 and related Environmental Assessment (EA) No. R-16-010/D-16-081/V-16-009/ANX-16-004 pertaining to 4.65 acres of property located on the north side of W. Clinton Avenue between N. Valentine and N. Brawley Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence Boundary. The applicant proposes to construct an 80-unit multi-family housing project at the site.</p> <p>1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. R-16-010/D-16-081/V-16-009/ANX-16-004, filed October 14, 2016.</p> <p>2. BILL - (For introduction and adoption) - Approve Rezone Application No. R-16-010 which proposes to amend the Official Zone Map to pre-zone the subject property from the Fresno County (RR) (Rural Residential) zone district to the City of Fresno RM-2/UGM (Residential Multi-Family, Urban Neighborhood/Urban Growth Management).</p> <p>3. ***RESOLUTION - Approve Annexation Application No. ANX-16-004 which proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno.</p> <p>4. Approve Development Permit Application No. D-16-081 which proposes the phased construction of an 80-unit multiple-family residential development with associated on-site improvements</p> <p>5. Approve Variance Application No. V-16-009 which requests a reduction in the minimum required front coverage.</p>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Vicinity map, 2. Aerial Photo, 3. Public Hearing Noticing Map, 4. Proposed Rezone/Annexation Map, 5. Development Permit, 6. Variance, 7. Finding of Conformity, 8. Environmental Assessment, 9. Planning Commission Resolutions, 10. Findings, 11. Power Point Slides, 12. Resolution Initiating Annexation, 13. Ordinance Bill.pdf				

Date	Ver.	Action By	Action	Result
1/12/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

January 12, 2017

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

**THROUGH:** MIKE SANCHEZ, Assistant Director

Development and Resource Management Department

BONIQUE EMERSON, Planning Manager  
Development Services Division

**BY:** BRUCE BARNES, Project Manager  
Development Services Division

## **SUBJECT**

HEARING to consider Rezone Application No. R-16-010, Development Permit Application D-16-081, Variance Application No. V-16-009 and Annexation Application No. ANX-16-004 and related Environmental Assessment (EA) No. R-16-010/D-16-081/V-16-009/ANX-16-004 pertaining to 4.65 acres of property located on the north side of W. Clinton Avenue between N. Valentine and N. Brawley Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence Boundary. The applicant proposes to construct an 80-unit multi-family housing project at the site.

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. R-16-010/D-16-081/V-16-009/ANX-16-004, filed October 14, 2016.
2. BILL - (For introduction and adoption) - Approve Rezone Application No. R-16-010 which proposes to amend the Official Zone Map to pre-zone the subject property from the Fresno County (RR) (*Rural Residential*) zone district to the City of Fresno RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*).
3. \*\*\*RESOLUTION - Approve Annexation Application No. ANX-16-004 which proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno.
4. Approve Development Permit Application No. D-16-081 which proposes the phased construction of an 80-unit multiple-family residential development with associated on-site improvements
5. Approve Variance Application No. V-16-009 which requests a reduction in the minimum required front coverage.

## **RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

- a. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR SCH#2012111012), EA No. R-16-010/D-16-081/V-16-009/ANX-16-004, dated October 14, 2016.
- b. ADOPT BILL approving Rezone Application No. R-16-010 which proposes to amend the Official Zone Map to pre-zone the subject property from the Fresno County (RR) (*Rural Residential*) zone district to the City of Fresno RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district.
- c. APPROVE Development Permit Application No. D-16-081 which proposes the phased construction of an 80-unit multiple-family residential development with associated on-site improvements.

- d. APPROVE Variance Application No. V-16-009 which requests a reduction in the minimum required front coverage.
- e. ADOPT RESOLUTION authorizing the Development and Resource Management Director to initiate annexation of the Annexation Application No. ANX-16-004 which proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno.

## EXECUTIVE SUMMARY

Joseph Guagliardo of Comprehensive Planning Associated, on behalf of Harpinder Singh Bhangoo, filed Annexation Application No. ANX-16-004, Rezone Application No. R-16-010, Development Permit Application No. D-16-081, and Variance Application No. V-16-009. These applications pertain to ±4.65 acres of property located on the north side of West Clinton Avenue between North Valentine and North Brawley Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence boundary.

## BACKGROUND

### Project Description

Annexation Application No. ANX-16-004, Rezone Application No. R-16-010, Development Permit Application No. D-16-081, and Variance Application No. V-16-009 were filed by Joseph Guagliardo of Comprehensive Planning Associated, on behalf of Harpinder Singh Bhangoo, and pertain to ±4.65 acres of property located on the north side of West Clinton Avenue between North Valentine and North Brawley Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence boundary.

Annexation Application No. ANX-16-004 proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno.

Rezone Application No. R-16-010 proposes to amend the Official Zone Map to rezone the property from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno RM-2/UGM (*Residential Multi Family, Urban Neighborhood/Urban Growth Management*) zone district.

Development Permit Application No. D-16-081 proposes the phased construction of an 80-unit multiple family residential development with associated on-site improvements.

Variance Application No. V-16-009 requests a reduction in the minimum required frontage coverage due to the unique shape of the lot.

### Fresno City Planning Commission Action

Rezone Application No. R-16-010, Development Permit Application D-16-081, Variance Application No. V-16-009 and Annexation Application No. ANX-16-004 and related Environmental Assessment (EA) No. R-16-010/D-16-081/V-16-009/ANX-16-004, were considered by the Fresno City Planning Commission at its meeting on November 16, 2016. At the hearing, two members of the public spoke about concerns regarding traffic congestion and adding more students to an already overcrowded local school. The applicant representative responded and indicated his client will be

paying \$220,000 in traffic impact fee as well as school fees to the local school district. After a complete hearing, the Commission voted and recommended the City Council approve the annexation, rezone, development permit, and variance.

### Public Notice and Input

#### *Notice of Hearing*

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

#### *Public Input*

The applicant held a neighborhood meeting on October 26, 2016, and noticed property owners within 1000-feet of the subject property. The meeting was held at Tilley Elementary School. The property applicant provided an overview of the project, followed by a question and answer session. Approximately 15 individuals attended the meeting. Comments and questions from the public were related to traffic impacts to the neighborhood and overcrowding at the local school.

### Required Findings

Based upon analysis of the applications and subject to the applicant's compliance with all conditions of approval, dated November 16, 2016, staff concludes that the required Rezone findings of Section 15-5812, Development Permit findings of Section 15-5206, and Variance findings of 15-5508 of the FMC can be made. These findings are attached as Exhibit G.

## **ENVIRONMENTAL FINDING**

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 West Area 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 Rezone, Development Permit, Variance and Annexation 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-16-010/D-16-081/V-16-009/ANX-16-004 was published on October 14, 2016 with no comments or appeals received to date.

## **ANALYSIS**

Joseph Guagliardo of Comprehensive Planning Associated, on behalf of Harpinder Singh Bhangoo, filed Annexation Application No. ANX-16-004, Rezone Application No. R-16-010, Development Permit Application No. D-16-081, and Variance Application No. V-16-009. These applications pertain to ±4.65 acres of property located on the north side of West Clinton Avenue between North Valentine and North Brawley Avenues in the unincorporated portion of the City of Fresno's Sphere of Influence boundary.

### **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.

Likewise, Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities; and, Implementing Policy LU-5-d promotes urban neighborhood uses to optimize use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.

The 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 which has been historically developed with residential tracts ranging from medium to low densities. The location of the proposed project intensifies activity along two major street corridors between existing and planned commercial development and lower density residential and office uses thereby providing a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

The goals of the of the West Area 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 and public service delivery while protecting the integrity of established neighborhoods; (3) encourage mixed use projects along major transportation corridors; (4) Provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise; and (5) provide for compatible relationships between differing housing types and densities.

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, is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan and West Area Community Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and, (4) to not conflict with any public interests in the subject property or adjacent lands.

## **Public Resources**

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the mitigation measures of the related Master Environmental Impact Report and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies. The proposed project will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a public system.

The project site is located within the city's Urban Growth Management Area and shall comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use will be 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 available to serve the project and the urban neighborhood drainage fee rate will be assessed on the project. The cost of the construction of Master Plan Facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee. Existing master plan facilities were constructed to accommodate runoff generated from urban neighborhood residential development. Therefore, in order to fund the cost of the Master Plan facilities drainage fees must be collected at the urban neighborhood rate for the site.

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

The Fresno General Plan designates West Clinton Avenue as a collector street. The project takes access from West Clinton Avenue and will have an emergency access point in the West Harvard Avenue cul-de-sac. The developer of this project will be required to dedicate and construct improvements along West Clinton Avenue. Access will be relinquished along all major street frontages.

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan. In accordance with Fresno General Plan Policy MT-2-I, a Traffic Impact Study (TIS) was NOT required because peak hour traffic does not exceed 100 or more cars per peak hour.

Vehicle trips projected to be generated by the proposed project were calculated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. Based upon the calculations, the proposed project is projected to generate 71 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 87 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project 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 August 23, 2016. These requirements generally include: (1) The provision of a minimum of one point of vehicular access to a major street for any phase of the development and an emergency access entry off of the West Harvard cul-de-sac; (2) Major and local street dedications; (3) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (4) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

### **Annexation of Territory to the City**

#### Municipal Code Requirements, Section 15, Citywide Development Code

Section 15-6103 and 15-1604 relates to the City's annexation process. These sections permit the City to pre-zone territory consistent with the City's General Plan for the purpose of annexation. They also require that all annexations be "revenue neutral". Therefore, the project which triggers the annexation must make "fair and proportional" payment to the City for the provision of municipal services. The applicant will pay all required City impact fees related to the project. Therefore, this project will meet all of the City's criterion for annexation.

### **Council District Plan Implementation Committee**

This project was reviewed by the District 3 Plan Implementation Committee. The Committee unanimously approved the project.

## **DEVELOPMENT PERMIT**

Development Permit Application No. D-16-081 proposes the phased construction of an 80-unit multiple family residential development with associated on-site improvements.

Site area requirements addressing lot coverage and open space are as follows: Maximum allowable lot coverage is 50%; the project as proposed includes 44% lot coverage. Minimum on-site common open space is 15%; the project as proposed sets aside 20% of on-site lot space as common open space. A minimum of 50% of dwelling units must include private open space; 100% of the proposed 80 units include private open space.

Parking requirements are as follows: The required minimum number of parking spaces, based on total number of dwelling units and the number of bedrooms contained in those units, is 140; the proposed project includes 144 parking spaces. Also required are 3 electric vehicle (EV) charging stations and 5 long-term bicycle parking spaces; the proposed project includes 3 EV charging stations and 5 long-term bicycle parking spaces.

General building and site design requirements are as follows: The residential density requirement for RM-2 (Residential Multi-Family) Districts is 16-30 dwelling units per acre; the proposed project includes 17.2 units per acre. Required minimum frontage coverage is 50%; the project has filed Variance Application V-16-009 to allow reduced frontage coverage of 21%.

The subject property is bordered by single-family and rural residential land uses, has a unique width to depth ratio for multi-family residential development, and is further restricted by requirements imposed by its location abutting a single-family residential district. The project shall include emergency vehicle only access at West Harvard Avenue.

Based upon analysis of the application and the goals and policies of the General Plan, staff concludes that the following required findings of Section 15-5506 of the FMC can be made.

## **REZONE**

Rezone Application No. R-16-010 proposes to amend the Official Zone Map to rezone the property from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno RM-2/UGM (*Residential Multi Family, Urban Neighborhood/Urban Growth Management*) zone district. Approval of this rezone application would be consistent with the current Urban Neighborhood planned land use.

Based upon analysis of the application and the goals and policies of the General Plan, staff concludes that the following required findings of Section 15-5812 of the FMC can be made.

## **VARIANCE APPLICATION**

Variance Application V-16-009 is a request to allow a reduction of the required minimum frontage coverage for the construction of a multi-unit residential project from 50% to 21%. The subject property is a rectangular shape with a width to depth ratio of 4.6:1 (210.58' x 967.57').

To accommodate the planned land use of Residential - Urban Neighborhood, pending Rezone Application R-16-010 and Annexation Application ANX-16-004, the proposed project must include a density of 16-to-30 units per acre. The project proposes 17.2 units per acre. The project must also include a minimum driveway width and lot line setbacks as required by the FMC. Setbacks along the west property line, the placement of structures, and the project design standards must accommodate requirements for a multi-family residential district abutting a single-family residential district and also remain congruent with the character of the surrounding neighbors.

The Variance would allow placement of the multi-family units and on-site improvements while still meeting all other setback, ingress/egress, emergency access, and maximum structural height requirements and restrictions.



Based upon analysis of the variance 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 15-5506 of the FMC can be made.

### **LOCAL PREFERENCE**

Local preference was not considered because these entitlements do not include a bid or an award of construction or service contract.

### **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the application 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, in turn, funding the respective operations of the Development and Resource Management Department.

### **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 West Area Community Plan; 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. Upon consideration of this evaluation, it can be concluded that Annexation Application No. ANX-16-004, Rezone Application No. R-16-010, Development Permit Application No. D-16-081, and Variance Application No. V-16-009 are appropriate for the project site.

#### Attachments:

Exhibit 1:	Vicinity Map
Exhibit 2:	Aerial Photograph
Exhibit 3:	Public Hearing Noticing Map
Exhibit 4:	Proposed Rezone/Annexation Exhibit
Exhibit 5:	Development Permit
Exhibit 6:	Variance
Exhibit 7:	Finding of Conformity
Exhibit 8:	Environmental Assessment
Exhibit 9:	Planning Commission Resolutions
Exhibit10:	Findings
Exhibit11:	Power Point Slides
Exhibit12:	Resolution Initiating Annexation
Exhibit13:	Ordinance Bill