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Title: Consideration of Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062, Vesting Tentative Tract Map No. 6160, and related Environmental Assessment No. R-16-020/C-16-062/T-6160, for property located on the northeast corner of North Colonial and West San Jose Avenues (Council District 2-Brandau)

1. RECOMMEND APPROVAL (to the City Council) of the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for Environmental Assessment No. R-16-020/C-16-062/T-6160 dated March 3, 2017.
2. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-16-020 to rezone the subject property from the RS-5 (Residential Single Family, Medium Density) zone district to the RS-5/PD (Residential Single Family, Medium Density/Planned Development) zone district.
3. RECOMMEND APPROVAL (to the City Council) of Conditional Use Permit Application No. C-16-062 subject to compliance with the Conditions of Approval dated March 15, 2017.
4. RECOMMEND APPROVAL (to the City Council) of Vesting Tentative Tract Map No. 6160 subject to compliance with the Conditions of Approval dated March 15, 2017, and contingent upon City Council approval of Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062 and the related environmental assessment.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. A - Vicinity Map.pdf, 2. B - Aerial Photo.pdf, 3. C - Land Use.pdf, 4. D - Zoning Map.pdf, 5. E - Noticing Vicinity Map.pdf, 6. F - Project Information Tables.pdf, 7. G - Op Stmt Nov 29, 2016.pdf, 8. H - Site Plan.pdf, 9. I - Floor Plans.pdf, 10. J - Elevation Plans.pdf, 11. K - Landscape Plan.pdf, 12. L - Tract Map.pdf, 13. M - COA C-16-062.pdf, 14. N - COA T-6160.pdf, 15. O - FMC Findings.pdf, 16. P - Letters of Opposition and Petition.pdf, 17. Q - Environmental Assessment No. R-16-020 C-16-062 T-6160.pdf

Date	Ver.	Action By	Action	Result
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REPORT TO THE PLANNING COMMISSION

MARCH 15, 2017

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

THROUGH: MCKENCIE CONTRERAS, Supervising Planner
Development Services Division

BY: ANDREINA AGUILAR, Planner
Development Services Division

SUBJECT

Consideration of Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062, Vesting Tentative Tract Map No. 6160, and related Environmental Assessment No. R-16-020/C-16-062/T-6160, for property located on the northeast corner of North Colonial and West San Jose Avenues (Council District 2-Brandau)

1. **RECOMMEND APPROVAL** (to the City Council) of the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for Environmental Assessment No. R-16-020/C-16-062/T-6160 dated March 3, 2017.
2. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. R-16-020 to rezone the subject property from the RS-5 (*Residential Single Family, Medium Density*) zone district to the RS-5/PD (*Residential Single Family, Medium Density/Planned Development*) zone district.
3. **RECOMMEND APPROVAL** (to the City Council) of Conditional Use Permit Application No. C-16-062 subject to compliance with the Conditions of Approval dated March 15, 2017.
4. **RECOMMEND APPROVAL** (to the City Council) of Vesting Tentative Tract Map No. 6160 subject to compliance with the Conditions of Approval dated March 15, 2017, and contingent upon City Council approval of Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062 and the related environmental assessment.

EXECUTIVE SUMMARY

Jeffrey T. Roberts of Granville Homes, on behalf of AFREI, LLC, has filed Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062, and Vesting Tentative Tract Map No. 6160. The proposed project pertains to ±1.13 acres of property located on the northeast corner of West San Jose and North Colonial Avenues.

Rezone Application No. R-16-020 requests the addition of “planned development” (PD) to the project zoning. The property is zoned RS-5 (*Residential Single-Family, Medium Density*) and the requested zoning is RS-5/PD (*Residential Single-Family, Medium Density/Planned Development*). Conditional Use Permit Application No. C-16-062 proposes a planned development with reduced property development standards for the construction of six two-unit buildings and one single-unit building with private open space and a gated entrance at the shared driveway. Vesting Tentative Tract Map No. 6160 proposes a 13-lot residential planned unit development with one outlot. The planned development proposes reduced lot sizes ranging from 1,700 square feet to 4,200 square feet in size; a 17,400 square-foot Outlot A that will provide a private driveway/access; and a modification to the public street frontage requirement for four lots located within the subdivision, which will have a private street access. A total of 13 units are proposed.

The proposed project will require dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the

standards, specifications and policies of the City of Fresno.

The existing RS-5 (*Residential Single-Family, Medium Density*) zoning for the subject property and the proposed density of approximately 11.5 dwelling units per acre, is consistent with the Medium Density Residential (5.0-12.0 dwelling units/acre) planned land use designation for the subject property as designated by the Fresno General Plan and Bullard Community Plan.

BACKGROUND

Jeffrey T. Roberts of Granville Homes, on behalf of AFREI, LLC, has filed Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062, and Vesting Tentative Tract Map No. 6160. The proposed project pertains to ±1.13 acres of property located on the northeast corner of West San Jose and North Colonial Avenues.

The site is surrounded by single family residences and office uses. The subject property is designated by the Fresno General Plan for Medium Density Residential, which is consistent with the proposed project land use. The existing RS-5 (*Residential Single-Family, Medium Density*) zoning and the proposed density of approximately 11.5 dwelling units per acre, is consistent with the Medium Density Residential (5.0-12.0 dwelling units/acre) planned land use and will implement the goals, objectives, and policies of the Bullard Community Plan and the Fresno General Plan.

The parcel is currently vacant, but was previously developed as a single family residence. The single family residence was demolished in January 2014 by the previous property owners. The vacant site had three Protected Trees on-site at the time the proposed project was formally submitted; two Cedar Deodora Trees (one 30 inches and one 36 inches in diameter) and one 42 inches in diameter Camphor Tree. In order to remove a Protected Tree the applicant must comply with Section 15-2308 of the Fresno Municipal Code (FMC), in which a Tree Removal Permit is required prior to removal of a Protected Tree. The applicant removed the Protected Trees, prior to submitting a Tree Removal Permit and prior to Environmental Assessment completion. Environmental Assessment No. R-16-020/C-16-062/T-6160 analyzed these changes to the site. The tree removal does not result in a significant environmental impact given that the trees were in a completely urban area. The Deodora Trees served as character features of the neighborhood, as this type of tree is found throughout the neighborhood. Therefore, the applicant will be required to plant trees on-site in compliance with the FMC which shall provide character features to the neighborhood.

Rezone Application

Vesting Tentative Tract Map No. 6160 and Conditional Use Permit Application No. C-16-062 were initially submitted without Rezone Application No. R-16-020. However, pursuant to Section 15-5903-D of the FMC, where a Planned Development (PD) has been approved, the property subject to the PD shall be noted on the zoning map by the designation "PD". The intent of the proposed rezone is merely a request to add the "PD" (*Planned Development*) designation to the existing zone designation. Rezone Application No. R-16-020 requests the addition of "PD" (*Planned Development*) to the project zoning. The property is zoned RS-5 (*Residential Single Family, Medium Density*) and the requested zoning is RS-5/PD (*Residential Single Family, Medium Density/Planned Development*).

Conditional Use Permit Application (CUP)

Pursuant to Chapter 15, Article 59 of the FMC, a CUP is required in order to create a planned development. The applicant has submitted Conditional Use Permit Application No. C-16-062 which proposes a planned development with reduced property development standards for the construction of six two-unit buildings and one single-unit building with private open space area and a gated entrance at the shared driveway.

As part of the CUP, an applicant may request a modification of development standards. Conditional Use Permit Application No. C-16-062 proposes modified property development standards, including reduced lot sizes and/or setbacks, as outlined below.

Reduced Lot Size

The standard minimum lot size required by the RS-5 zone district is 4,000 square feet. The proposed lot sizes range from 1,742 to 4,176 square feet: four lots measure 1,742 square feet, four lots measure 2,077 square feet, one lot measures 1,798 square feet, one lot measures 1,922 square feet, one lot measures 2,001 square feet, one lot measures 2,139 square feet, and one lot measures 4,176 square feet. Outlot A will provide a private driveway/access and measures 17,400 square feet.

Reduced Front, Rear and Side Yard Setbacks

The standard minimum front yard setback required by the RS-5 zone district is 13 feet. The applicant is proposing 10 foot front yard setbacks.

The standard minimum rear yard setback required by the RS-5 zone district is 10 feet. The standard minimum interior yard setback is three feet on one side, with a total of 10 feet for both sides. The application proposes 10' setbacks where the project site abuts property owners to the east and north.

Street Frontage Lot Access

Nine of the lots will have public street access and four lots will have private access through Outlot A. Private access is permitted under a Planned Development Permit.

Streets and Access Points

The Fresno General Plan designates North Colonial Avenue and West San Jose Avenue as local streets. The developer of this project will be required to construct improvements along the local street frontages.

The proposed project did not require a Traffic Impact Study (TIS). Traffic Impact Studies assess the impacts of new development on existing and planned streets. In the City of Fresno, there are four Traffic Impact Zones; the proposed project is within Traffic Impact Zone (TIZ) II. In TIZ II, a TIS shall be required for all development projected to generate 200 or more peak hour new vehicle trips. The proposed 13 unit project is projected to generate 10 trips in the a.m. peak hour (7 a.m.-9 a.m.) and 13 trips in the p.m. peak hour (4 p.m. and 6 p.m.). Therefore, a TIS was not required. The addition of vehicle trips generated by the proposed project are not considered to be significant to this project area.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and has provided conditions of approval within the memoranda from the Traffic Engineering Division dated January 12, 2017. These requirements generally include: (1) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (2) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, the Regional Transportation Mitigation Fee (RTMF), and the Fresno Major Street Impact (FMSI) Fee.

Public Services

Sewer and water facilities are available to provide service to the site subject to the mitigation measures of the related MEIR and the conditions listed in the memoranda's dated December 14, 2016 and January 18, 2017 from the Department of Public Utilities. The Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project will be required to mitigate the impacts of the increase runoff from the proposed density to a rate that would be expected if developed to medium-low density residential. The applicant is subject to implementation of the Fresno General Plan policies and the mitigation measures of the related to reduce the increase of runoff impacts. The MEIR has provided mitigation measures that the proposed project must implement and comply with to mitigate drainage in the area. The project applicant shall comply with the FMFCD requirements as detailed in its memorandum dated January 5, 2017. Development of the property requires compliance with grading and drainage standards of the City of Fresno and FMFCD.

Public Input

Neighborhood Meeting

The applicant held a neighborhood meeting, prior to proposed project submittal, on April, 26 2016 at the Bullard High School Cafeteria. The proposed project was a development of nine two story duplex buildings; totaling 18 units on the subject property. Each unit was proposed to have three bedrooms and two and a half bathrooms and an attached two car garage. The applicant intended to rent and manage the units. The applicant redesigned the project site and formally submitted on November 30, 2016.

Community Plan Citizen Committee

The Council District 2 Plan Implementation Committee met on January 13, 2017 and took no action on this matter. The project was rescheduled and will be considered by the Committee on March 13, 2017 for a formal recommendation.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (see attached Noticing Vicinity Map) and neighbors that requested noticing.

Letters of Opposition and Concern to the Project

The Development and Resource Management Department has received seven letters of opposition and concern and a petition with 123 signatures in response to the proposed project. The majority of

the concerns that were raised centered around traffic and parking impacts, two story buildings in a neighborhood with mostly single story residential neighborhood, 13 units versus 12 units on the subject parcel, and compatibility with the surrounding neighborhood. The letters oppose the use of “single-family residential” for the proposed project, neighbors believe the proposed project is “multi-family residential”. The letters also discussed concern for the two Deodora Trees removed by the applicant.

Analysis of Comments and Concerns

- Concern #1:

Some of the neighbors were concerned with the increase of traffic and the lack of parking.

Response:

As previously mentioned the Public Works Department, Traffic Division, has reviewed the proposed project and determined that the amount of trips generated by the proposed project does not meet the threshold to require a Traffic Impact Study. In regards to parking, the FMC requires a single-unit residence of three or more bedrooms to provide a one-car garage. The proposed project proposes a two-car garage for each unit and three additional spaces on the subject property and thus exceeds the parking requirements.

- Concern #2:

Some of the neighbors were concerned with the proposed two-story buildings within a neighborhood that is mostly single-story ranch homes.

Response:

The RS-5 zone district permits a height of up to 35 feet with a 10 foot rear setback and a minimum three foot side setback, pursuant to FMC Table 15-903-2. The proposed project is proposing a building height of 26 feet 11 inches for 12 units and 26 feet 4 inches for one unit. The proposed building setback is 10 feet for both rear and side setbacks. In addition, the applicant is reducing the number of windows that face single family parcels.

- Concern #3:

Some of the neighbors were concerned with the amount of units on the proposed site; they feel 12 units are more adequate instead of the proposed 13 units.

Response:

The proposed site is zoned and planned for Medium Density Residential by the Fresno General Plan. The subject site is 1.13 acres and the project is designed at a density of 11.5 units per acre, which falls within the permitted Medium Density Residential range of 5.0 to 12.0 units per acre.

- Concern #4:

Some of the neighbors were concerned with the compatibility of the project design and the multi-family feel of the proposed project in their established neighborhood.

Response:

The project is designed pursuant to the regulations of the FMC. Furthermore, the proposed project is designed to integrate into the surrounding neighborhood by providing a quality product. The applicant has also submitted a subdivision map to subdivide the parcel into 13 single family lots with one outlot to provide a private driveway. The proposed project is a planned development of single family residences.

- Concern #5:

Some of the neighbors were concerned with the removal of two Deodora Trees on the site.

Response:

The applicant removed three Protected Trees prior to obtaining a Tree Removal Permit. Pursuant to Section 15-2308 of the FMC, the applicant is in violation for removing Protected Trees prior to obtaining a Tree Removal Permit and shall be subject to Section 15-2308-I Violations. These violations have been incorporated into the conditions of approval for C-16-062 dated March 15, 2017, in which the applicant shall comply with.

LAND USE PLANS AND POLICIES

Fresno General Plan

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

- Provide for a diversity of districts, neighborhoods, housing types, residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.
 - Policy UF-1-a: Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
- Encourage 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.
 - Policy UF-1-f: Use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Objective LU-1: Establish 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.

- Policy LU-1-a: Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.
- 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: Promote development of vacant, undeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.
- 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-c: Promote medium density residential uses to maximize efficient use of residential property through a wide range of densities.
- Objective LU-11: Encourage coordination with adjacent jurisdictions in providing public services, infrastructure and cooperative economic development.

Bullard Community Plan

The Bullard Community Plan lists goals that can help develop the area, such as the following:

- Goal 1: Provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.
- Goal 2: Provide for efficient use of land and the public service delivery system while protecting the integrity of established neighborhoods.
- Goal 3: Encourages mixed use, i.e. residential/office development along major transportation corridors in order to minimize vehicular trips, promote innovative design and allow for flexibility to meet changing market needs.
- Goal 4: Provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise.
- Goal 5: Provide for a compatible relationship between differing housing types and densities.

The proposed project promotes a diversity of housing types and densities to maximize the residential use and it preserves and protects resources within the City by expanding development into infill sites. 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.

ENVIRONMENTAL FINDINGS

The Development and Resource Management Department staff has prepared an Initial Study (See Attached "Appendix G to Analyze Subsequent Project Identified in MEIR No. SCH

No.2012111015/Initial Study”) to evaluate the proposed application in accordance with the land use and environmental policies and provisions of the lead agency City of Fresno General Plan and the related Master Environmental Impact Report (MEIR) SCH No. 2012111015.

The subject property is proposed to be developed at intensity and scale that is permitted by the Medium Density Residential (5.00 to 12.00 dwelling units per acre) planned land use designation for the subject site. Thus, the subdivision of the subject property in accordance with the Conditional Use Permit Application No. C-16-062 and Vesting Tentative Tract Map No. 6160 will not facilitate an additional intensification of uses beyond those which already exist or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of the MEIR have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by California Environmental Quality Act (CEQA) Guidelines Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to the specific project proposal, the environmental impacts noted in the MEIR, pursuant to the Fresno General Plan land use designation, include impacts associated with the Medium Density Residential planned land use designation specified for the subject property. Based on the initial study prepared, the following findings are made: (1) The proposed project was identified as a Subsequent Project in the MEIR because its land use designation and permissible densities and intensities are allowed as set forth in the Fresno General Plan; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR for the reasons discussed within the environmental assessment for the subject project; and, (3) No new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR.

Therefore, the project proposal has been determined to be within the scope of the MEIR as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR SCH No. 2012111015 dated March 3, 2017. In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), 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.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings of Section 15-3309, Section 15-5306, Section 15-5812, and Section 15-5905 of the FMC and of the Subdivision Map Act (California Government Code 66400, *et seq.*) can be made. These findings are attached as Exhibit O.

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 Bullard 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 Rezone Application No. R-16-020, Conditional Use Permit Application No. C-16-062, and Vesting Tentative Tract Map No. 6160 are appropriate for the subject properties. Action by the Planning Commission will be a recommendation to City Council.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Noticing Vicinity Map
- Exhibit F - Project Information Tables
- Exhibit G - Operational Statement
- Exhibit H - Site Plan
- Exhibit I - Floor Plan
- Exhibit J - Elevations
- Exhibit K - Landscape Plan
- Exhibit L - Vesting Tentative Tract Map
- Exhibit M - Conditions of Approval for C-16-020 dated March 15, 2017
- Exhibit N - Conditions of Approval for T-6160 dated March 15, 2017
- Exhibit O - Fresno Municipal Code Findings
- Exhibit P - Letters of Opposition and Petition
- Exhibit Q - Environmental Assessment No. R-16-020/C-16-062/T-6160