



Legislation Details (With Text)

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File created:	5/30/2017	In control:		City Council	
On agenda:	6/15/2017	Final action:		6/15/2017	
Title:	<p>HEARING to Consider Environmental Assessment No. EA-17-003, Plan Amendment Application No. A-17-003, Rezone Application No. R-17-005, and Conditional Use Permit Application No. C-17-044, filed by Betsy McGovern-Garcia of Self-Help Enterprises, for approximately ± 8.02 acres of property located on the north side of East Annadale Avenue between South Elm Avenue and South Tupman Street. (Council District 3).</p> <ol style="list-style-type: none">1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. EA-17-003 dated March 17, 2017.2. RESOLUTION - Approving Plan Amendment Application No. A-17-003 proposing to amend the Fresno General Plan and the Edison Community Plan from the High Density Residential (30-45 du/ac) planned land use designation to the Medium Density Residential (6-12 du/ac) planned land use designation.3. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-005 requesting authorization to rezone the subject properties from the RM-3 (Residential Multi-Family, High Density) zone district to the RS-5 (Residential Single Family, Medium Density) zone district.4. Approve Conditional Use Permit Application No. C-17-044 requesting authorization to construct 40 affordable senior multi-family residential dwelling units subject to compliance with the Conditions of Approval dated May 17, 2017.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	1. Exhibit A - Vicinity Map, 2. Exhibit B - 2015 Aerial Photograph, 3. Exhibit C - Fresno General Plan Planned Land Use Map, 4. Exhibit D - Zoning Map, 5. Exhibit E - Public Hearing Notice Mailing List Vicinity Map, 6. Exhibit F - Project Information Tables, 7. Exhibit G - Operational Statement, 8. Exhibit H - Exhibits for Conditional Use Permit Application No. C-17-044, 9. Exhibit I - Draft Conditions of Approval dated May 17, 2017; including memoranda from responsible or commenting agencies, 10. Exhibit J - Fresno Municipal Code Findings, 11. Exhibit K - Environmental Assessment No. EA-17-003 dated March 17, 2017, 12. Exhibit L - Planning Commission Resolution Nos. 13453, 13454, and 13455, 13. Exhibit M - City Council Resolution for Plan Amendment Application No. A-17-003, 14. Exhibit N - City Council Ordinance Bill for Rezone Application No. R-17-005, 15. Exhibit O - City Council PowerPoint Presentation				

Date	Ver.	Action By	Action	Result
6/15/2017	2	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

June 15, 2017

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

THROUGH: MIKE SANCHEZ, Assistant Director
Development and Resource Management Department

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Development Services Division

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BY: JARRED OLSEN, Planner II
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SUBJECT

HEARING to Consider Environmental Assessment No. EA-17-003, Plan Amendment Application No. A-17-003, Rezone Application No. R-17-005, and Conditional Use Permit Application No. C-17-044, filed by Betsy McGovern-Garcia of Self-Help Enterprises, for approximately ± 8.02 acres of property located on the north side of East Annadale Avenue between South Elm Avenue and South Tupman Street. (Council District 3).

1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. EA-17-003 dated March 17, 2017.
2. RESOLUTION - Approving Plan Amendment Application No. A-17-003 proposing to amend the Fresno General Plan and the Edison Community Plan from the High Density Residential (30-45 du/ac) planned land use designation to the Medium Density Residential (6-12 du/ac) planned land use designation.
3. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-005 requesting authorization to rezone the subject properties from the RM-3 (*Residential Multi-Family, High Density*) zone district to the RS-5 (*Residential Single Family, Medium Density*) zone district.
4. Approve Conditional Use Permit Application No. C-17-044 requesting authorization to construct 40 affordable senior multi-family residential dwelling units subject to compliance with the Conditions of Approval dated May 17, 2017.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. EA-17-003 dated March 17, 2017.
2. ADOPT RESOLUTION approving Plan Amendment Application No. A-17-003 proposing to amend the Fresno General Plan and the Edison Community Plan from the High Density Residential (30-45 du/ac) planned land use designation to the Medium Density Residential (6-12 du/ac) planned land use designation.
3. ADOPT BILL approving Rezone Application No. R-17-005 requesting authorization to rezone the subject properties from the RM-3 (*Residential Multi-Family, High Density*) zone district to the RS-5 (*Residential Single Family, Medium Density*) zone district.

4. APPROVE Conditional Use Permit Application No. C-17-044 requesting authorization to construct 40 affordable senior multi-family residential dwelling units subject to compliance with the Conditions of Approval dated May 17, 2017.

EXECUTIVE SUMMARY

Betsy McGovern-Garcia, on behalf of Self-Help Enterprises, has filed Plan Amendment Application No. A-17-003, Rezone Application No. R-17-005, and Conditional Use Permit Application No. C-17-044 pertaining to approximately 8.02 acres of property. Plan Amendment Application No. A-17-003 proposes to amend the Fresno General Plan and the Edison Community Plan from the High Density Residential (30-45 du/ac) planned land use designation to the Medium Density Residential (6-12 du/ac) planned land use designation. Rezone Application No. R-17-005 requests authorization to rezone the subject properties from the RM-3 (*Residential Multi-Family, High Density*) zone district to the RS-5 (*Residential Single Family, Medium Density*) zone district. Conditional Use Permit Application No. C-17-044 requests authorization to construct 40 affordable senior multi-family residential dwelling units pertaining to 3.1 acres of the total 8.02 acres of property proposed to be redesignated and rezoned. The developer plans to submit a Vesting Tentative Tract Map for 26 affordable single-family dwelling units at a later date.

BACKGROUND

Project Description

Plan Amendment Application No. A-17-003 proposes to amend the Fresno General Plan and the Edison Community Plan from the High Density Residential (30-45 du/ac) planned land use designation to the Medium Density Residential (6-12 du/ac) planned land use designation. Rezone Application No. R-17-005 requests authorization to rezone the subject properties from the RM-3 (*Residential Multi-Family, High Density*) zone district to the RS-5 (*Residential Single Family, Medium Density*) zone district. Conditional Use Permit Application No. C-17-044 requests authorization to construct 40 affordable senior multi-family residential dwelling units pertaining to 3.1 acres of the total 8.02 acres of property proposed to be redesignated and rezoned. Multi-Unit Residential is permitted subject to a Conditional Use Permit in the RS-5 zone district pursuant to Table 15-902 of the Fresno Municipal Code (FMC).

The project design incorporates a sufficient number of off-street parking stalls (both covered and uncovered), open space that includes a gazebo with seating area, and an attractive, contemporary bungalow appearance for all exterior elevations.

The project proposes a total of 40 units, including four tri-plexes each containing 12 two-bedroom and seven 28 one-bedroom units. The project requires 30 covered parking stalls, while the applicant proposes 40 covered carports and 20 open parking stalls, totaling 60 parking spaces. Open space areas are equal to 16 percent of lot coverage. Spaces between buildings have been afforded and designed in a manner which will provide opportunities for both passive and active recreation for prospective residents and tenants; including grassy courtyards at the center of each building. Buildings are designed with enhanced architectural features, including horizontal wood siding, cultured stone, wood window trim, and built-up columns at the front entrances.

A centrally-located community room is an added amenity for residents, providing both a laundry room

and computer lab.

Affordable Housing Density Bonus, Incentives, and Concessions

The project proposes a total of 40 residential dwelling units over a total of 3.1 acres, thereby creating a residential density of 12.9 dwelling units per acre. While normally not permitted under the Development Code, General Plan and Edison Community Plan, Article 22 of the Development Code in the FMC and California Government Code Section 65583(c) authorizes the increase in density for affordable housing projects. The project proposes 40 units for very low income senior households; therefore the project qualifies for a 277.5 percent density bonus and three (3) concessions or incentives under Sections 15-2204 and 15-2205 of the FMC. One incentive is being provided to reduce open space requirements to 16.8 percent.

Southwest Fresno Specific Plan (SWFSP)

The subject property is located within the SWFSP area. The Plan is currently in process and a draft version proposes to redesignate the site from High Density Residential to Medium Density Residential. The applicant has requested the proposed land use and zoning change to reduce density within the Southwest Fresno Specific Plan area, which are consistent with the draft SWFSP. The change is part of an overall master plan that will be developed in the area. Properties surrounding the subject properties are also part of the master plan area.

Streets and Access Points

The Fresno General Plan designates East Annadale Avenue as a collector street. The developer of this project will be required to construct improvements along the collector 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 40 unit project, in addition to a larger development planned for the future, is projected to generate 72 trips in the a.m. peak hour (7 a.m.-9 a.m.) and 96 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 May 10, 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 April 10, 2017 and May 9, 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 the density level as originally planned by the FMFCD. 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 March 27, 2017. Development of the property requires compliance with grading and drainage standards of the City of Fresno and FMFCD.

Land Use Plans and Policies

The project aligns with many objectives and policies found in the Fresno General Plan, 2015-2023 Housing Element, and Edison Community Plan:

General Plan

- Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.
 - Policy UF-1-d promotes diversity and variations of building types, densities, and scales of development to reinforce the identity of individual neighborhoods, and further affordable housing opportunities.
- Objective LU-1: Establish a comprehensive citywide 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 promotes infill development in established neighborhoods south of Herndon Avenue.
- 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 promotes infill development in areas where urban services are available.
- 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-g supports development adjacent to established neighborhoods that is compatible in scale and character with the surrounding area.
 - Policy LU-5-h supports housing that offers residents a variety of amenities, including public and private open space, landscaping, with direct access to public transit, and community gathering spaces.
 - Policy LU-5-i expressly promotes the development of senior housing projects in close proximity to public transportation and services.
- Objective D-1: Provide and maintain an urban image that creates a “sense of place” throughout Fresno.
 - Policy D-1-a supports new multi-family residential development to provide direct pedestrian street access. This policy is required to be supported as the project is located in a General Plan Priority Area.

Housing Element

As of April 25, 2017, the Development and Resource Management Department has determined that there is a Housing Element Inventory surplus, and the proposed project will not reduce the Housing Inventory below Fresno's Regional Housing Need Allocation. Therefore, the project is compliant with the Housing Element.

The project aligns with several objectives and policies of the Housing Element, those of which are found below:

- Objective H-1: Provide adequate sites for housing development to accommodate a range of housing by type, size, location, price and tenure.
 - Policy H-1-c promotes the development of affordable housing near transit.
 - Policy H-1-b encourages residential development near recreational facilities, schools, and transportation routes.
- Objective H-2: Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households.
 - Policy H-2-a supports housing development that is affordable to low-income households by providing regulatory incentives and concessions, and financial resources as funding permits. As this project utilizes land owned by the Successor Agency to the Redevelopment Agency of the City of Fresno, this can be considered a financial resource.
 - Policy H-2-b encourages both public and private sectors to produce and/or assist in the production of housing, including housing affordable to the elderly.
- Objective H-3: Address, and where possible, remove any potential governmental constraints to housing production and affordability.
 - Policy H-3-d: Provide incentives and regulatory concessions for residential projects constructed specifically for lower- and moderate-income households.

Edison Community Plan

The subject properties are proposed to be designated as Medium Density Residential. Upon reviewing the policies contained in the Plan staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC.

PUBLIC INPUT AND NOTICING

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 E), pursuant to Section 15-5007-B-2 of the FMC.

District 3 Plan Implementation Committee

Routed to District 3 liaison for review; no comments received.

Neighborhood Meetings

Two Neighborhood Meetings were held at the Mary Ella Brown Community Center on Wednesday, April 5, 2017 and May 11, 2017 at 6:00 p.m., pursuant to Section 15-5506 by way of Section 15-906 of the FMC. These meetings were noticed to property owners within 1,000 feet of the subject property. Approximately ten members of the public were in attendance. Topics discussed included how the overall project would interface with the adjacent community clinic, the amenities offered at the multi-family common use building, the availability of solar power at the multi-family development, and a

Fresno City Planning Commission Action

Plan Amendment Application No. A-17-003 and Rezone Application No. R-16-005 were considered by the Fresno City Planning Commission at its meeting on May 17, 2017. At the hearing one person spoke in support of and none spoke in opposition to the proposed plan amendment and rezone. After a complete hearing, the Commission voted and recommended the City Council approve the plan amendment and rezone application by a 6-0 vote.

ENVIRONMENTAL FINDING

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 Edison area, including the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 (MEIR).

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 MEIR prepared for the Fresno General Plan 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 PRC, 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 mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment No. EA-17-003 was published on March 17, 2017 with no comments or appeals received to date.

LOCAL PREFERENCE

Local preference was not considered because this resolution and ordinance do 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 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 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 - Fresno General Plan Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Public Hearing Notice Mailing List Vicinity Map
- Exhibit F - Project Information Tables
- Exhibit G - Operational Statement
- Exhibit H - Exhibits for Conditional Use Permit Application No. C-17-044
- Exhibit I - Draft Conditions of Approval dated May 17, 2017; including memoranda from responsible or commenting agencies.

- Exhibit J - Fresno Municipal Code Findings
- Exhibit K - Environmental Assessment No. EA-17-003 dated March 17, 2017
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- Exhibit M - City Council Resolution for Plan Amendment Application No. A-17-003
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