



## Legislation Details (With Text)

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<b>On agenda:</b>	11/15/2017	<b>Final action:</b>		11/15/2017	
<b>Title:</b>	<p>Consider Environmental Assessment No. A-16-017/R-16-018/C-17-059, Plan Amendment Application No. A-16-017, Rezone Application No. R-16-018, and Conditional Use Permit Application No. C-17-059 filed by Giorgio Russo of Ginder Development, for approximately 7.1 acres of property located on the northwest corner of North Blythe and West Herndon Avenues. (Council District 2 - Brandau)</p> <p>1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-017/R-16-018/C-17-059 dated November 10, 2017.</p> <p>2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-16-017 proposing to amend the Fresno General Plan and the Bullard Community Plan from 7.1 acres of Community Commercial to 4.66 acres of Residential Multi-Family Medium High Density and 2.59 acres to General Commercial planned land use designation.</p> <p>3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-16-018 requesting authorization to rezone the subject property from the CC (Commercial-Community) to RM-1 (Residential Multi-Family Medium High Density) and CG (Commercial General) zone district.</p> <p>4. RECOMMEND APPROVAL (to the City Council) of Conditional Use Permit Application No. C-17-059 requesting authorization to construct a gated multi-unit residential complex with 80 residential units, a community building, and associated outdoor recreation facilities on the 4.66 acre portion of the subject property and 3 detached commercial pads (one of which includes a drive-through) on the 2.59 acre portion of the subject property proposed to be redesignated and rezoned.</p>				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A Vicinity Map, 2. Exhibit B 2015 Aerial Photograph of Site, 3. Exhibit C Planned Land Use Map, 4. Exhibit D Zoning Map, 5. Exhibit E Proposed Plan Amendment, 6. Exhibit F Proposed Rezone, 7. Exhibit G Noticing Map, 8. Exhibit H Site Plan, 9. Exhibit I Floor Plan, 10. Exhibit J Elevations and Sample Construction, 11. Exhibit K - Acoustical Study, 12. Exhibit L Conditions of Approval, 13. Exhibit M Fresno Municipal Code Findings, 14. Exhibit N Environmental Assessment				

Date	Ver.	Action By	Action	Result
11/15/2017	1	Planning Commission	approved	Pass

## REPORT TO THE PLANNING COMMISSION

**November 15, 2017**

**FROM:** MIKE SANCHEZ, Assistant Director  
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**THROUGH:** BONIQUE EMERSON, Planning Manager  
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**BY:** MARGO LERWILL, Planner  
Development Services Division

## **SUBJECT**

Consider Environmental Assessment No. A-16-017/R-16-018/C-17-059, Plan Amendment Application No. A-16-017, Rezone Application No. R-16-018, and Conditional Use Permit Application No. C-17-059 filed by Giorgio Russo of Ginder Development, for approximately 7.1 acres of property located on the northwest corner of North Blythe and West Herndon Avenues. (Council District 2 - Brandau)

- 1. RECOMMEND APPROVAL** (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-017/R-16-018/C-17-059 dated November 10, 2017.
- 2. RECOMMEND APPROVAL** (to the City Council) of Plan Amendment Application No. A-16-017 proposing to amend the Fresno General Plan and the Bullard Community Plan from 7.1 acres of Community Commercial to 4.66 acres of Residential Multi-Family Medium High Density and 2.59 acres to General Commercial planned land use designation.
- 3. RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. R-16-018 requesting authorization to rezone the subject property from the CC (Commercial-Community) to RM-1 (Residential Multi-Family Medium High Density) and CG (Commercial General) zone district.
- 4. RECOMMEND APPROVAL** (to the City Council) of Conditional Use Permit Application No. C-17-059 requesting authorization to construct a gated multi-unit residential complex with 80 residential units, a community building, and associated outdoor recreation facilities on the 4.66 acre portion of the subject property and 3 detached commercial pads (one of which includes a drive-through) on the 2.59 acre portion of the subject property proposed to be redesignated and rezoned.

## **EXECUTIVE SUMMARY**

Giorgio Russo of Ginder Development has filed Plan Amendment Application No. A-16-017, Rezone Application No. R-16-018, and Conditional Use Permit Application No. C-17-059 pertaining to approximately 7.1 acres of property. Plan Amendment Application No. A-16-017 proposes to amend the Fresno General Plan and the Bullard Community Plan from 7.1 acres of Community Commercial to 4.66 acres of Residential Multi-Family Medium High Density and 2.59 acres to General Commercial planned land use designation. Rezone Application No. R-16-018 requests authorization to rezone the subject property from the CC (Commercial-Community) to RM-1 (Residential Multi-Family Medium High Density) and CG (Commercial General) zone district. Conditional Use Permit Application No. C-17-059 requests authorization to construct a gated multi-unit residential complex with eighty residential units, a community building, and associated outdoor recreation facilities on the

4.66 acre portion of the subject property and three detached commercial pads (one of which includes a drive-through) on the 2.59 acre portion of the subject property proposed to be redesignated and rezoned.

## **BACKGROUND**

Plan Amendment Application No. A-16-017 proposes to amend the Fresno General Plan and the Bullard Community Plan from 7.1 acres of Community Commercial to 4.66 acres of Residential Multi-Family Medium High Density and 2.59 acres to General Commercial planned land use designation. Rezone Application No. R-16-018 requests authorization to rezone the subject property from the CC (Commercial-Community) to RM-1 (Residential Multi-Family Medium High Density) and CG (Commercial General) zone district. Conditional Use Permit Application No. C-17-059 requests authorization to construct a gated multi-unit residential complex with eighty residential units, a community building, and associated outdoor recreation facilities on the 4.66 acre portion of the subject property and three detached commercial pads (one of which includes a drive-through) on the 2.59 acre portion of the subject property. Multi-unit residential is permitted in an RM-1 zone district. The proposed commercial pads are permitted in a CG zone district. The developer plans to sell the pads for later development which will be subject to review based upon specific use. The pad is intended for development as a drive-through restaurant, which is permitted in a CG zone district subject to a conditional use permit pursuant to Fresno Municipal Code (FMC) Table 15-1202 and with compliance to FMC Section 15-2728 Drive-In and Drive-Through Facilities.

### *Residential Density*

The residential portion of the project proposes eighty units, including ten two-story buildings each incorporating 2 one-bedroom and 6 two-bedroom units. The density standards for the RM-1 zone district specify that projects must have between twelve and sixteen units per acre. The current size of the proposed RM-1 development is 4.66 acres, but the developer is in the process of acquiring 0.79 acres of the North Blythe Avenue Alignment, for a total of 5.45 acres and fifteen dwelling units per acre. The acquisition of the additional 0.79 acres and its addition to the current 4.66 acres for proposed RM-1 zoning is included as a condition of approval for this project to assure the proposed number of units remains within the density standards.

### *Setbacks and Buffers*

In accordance with Section 15-1604-C of the FMC, multi-family units must be setback 200 feet from West Herndon Avenue, an expressway, unless an acoustical study is provided which determines interior noise can be mitigated with the construction of an eight-foot-tall block wall at fifty feet from and parallel to the center line of the nearest moving lane of the abutting roadway. This would allow buildings to be setback a minimum of seventy-five feet. The applicant provided an acoustical analysis by WJV Acoustics (Exhibit K) concluding that the block wall would sufficiently mitigate interior noise to allow the setback of seventy-five feet from the expressway at West Herndon Avenue.

A minor deviation has been granted by the Development and Resource Management Department (DARM) to reduce the front-yard setback on the CG-zoned property from fifteen feet minimum to ten feet minimum. Landscape averaging was used to satisfy the landscape buffer requirement between the commercial development and the residential development proposed by this project.

### *Public Improvement Requirements*

The Fresno General Plan designates North Blythe Avenue as a collector street and West Herndon Avenue as an expressway. The Public Works Department, Traffic and Engineering Division has reviewed the proposed project and required improvements that include dedications along West Herndon Avenue for bike, pedestrian, and landscape purposes and along North Blythe Avenue for sidewalk easements; construction of ramp improvements and a Class I trail at West Herndon Avenue; and installation of sidewalk, curb, and gutter to match existing or proposed street improvement line and grade. In addition to providing dedication or installation of street improvements, the developer will be required to pay applicable impact fees.

The Department of Public Utilities has conditioned the installation of one or more sewer house branches and the payment of Sewer Connection Charges. The Department has also required the payment of water-related fees and charges in accordance with the City's Master fee Schedule and Municipal Code. The existing property is served with two 8-inch Fire Services and two 4-inch Domestic Services. If the water demands for the applicant's project can be accommodated with the existing water services, then the applicant shall not be required to construct, or participate in the construction of, any water system improvements or enhancements to accommodate the project's water demands.

## **Land Use Plans and Policies**

The proposed project aligns with objectives and policies found in the Fresno General Plan, the 2015-2023 Housing Element, and the Bullard Community Plan and is compatible with the Sierra Sky Park Land Use Policy Plan.

### *Fresno General Plan*

The Fresno General Plan designates the subject site for Community Commercial. Plan Amendment Application No. A-16-017 proposes to amend the Fresno General Plan and the Bullard Community Plan from 7.1 acres of Community Commercial to 4.66 acres of Residential Multi-Family Medium High Density and 2.59 acres to General Commercial planned land use designation. The proposed project is compatible with goals, objectives, and policies included in the Fresno General Plan, including:

Goal 3: Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land, buildings, natural resources, and fiscal resources required for the long-term sustainability of Fresno.

Goal 7: 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 8: Develop 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.

Intentionally plan for Complete Neighborhoods as an outcome and not a collection of subdivisions which do not result in Complete Neighborhoods.

Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.

Greater densities can be achieved through encouragement, infrastructure and incentives for infill and revitalization along major corridors and in Activity Centers.

Goal 11: Emphasize and plan for all modes of travel on local and Major Streets in Fresno.

Facilitate travel by walking, biking, transit, and motor vehicle with interconnected and linked neighborhoods, districts, major campuses and public facilities, shopping centers and other service centers, and regional transportation such as air, rail, bus and highways.

Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.

Policy UF-1-A: Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

Policy UF-1-D: Range of Housing Types. Provide for diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Policy UF-1-F: Complete Neighborhoods, Densities, and Development Standards. Use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

The proposed project is located within the City of Fresno Sphere of Influence and within Fresno city limits in immediate proximity to existing infrastructure, is already served by Fresno Area Express Route 45 transit service, provides additional pedestrian connectivity, and would present residents with a multi-family housing option in an area surrounded by planned commercial and employment uses within walking distance. The project is consistent with Fresno General Plan goals emphasizing conservation of natural, built, and financial resources; diversity of districts and housing types; housing that is walkable to numerous services; increased land use densities; complete neighborhoods; and improved opportunities for use of intermodal travel.

### *2015-2023 Housing Element*

The proposed project would provide eighty dwelling units on land that is currently vacant and previously planned for commercial uses. Therefore, approval of the proposed project would not reduce the housing inventory. The project also aligns with a primary Housing Element objective:

Objective H-1: Provide adequate sites for housing development to accommodate a range of housing by type, size, location, price and tenure.

### *Bullard Community Plan*

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.

## *Sierra Sky Park Land Use Policy Plan*

Pursuant to the Sierra Sky Park Land Use Policy Plan Map, the project site is located within the Primary Review Area and the Horizontal Surface, but is located outside of the identified Runway and Clear Zones as well as the Inner and Outer Approach Zones. Given that the project site is located outside of the runway, clear and approach zones, neither the proposed project nor uses thereon are subject to the airport/land use acceptability and safety compatibility criteria contained in Table II of the Sierra Sky Park Plan.

The subject property is located entirely outside all three airport/aircraft noise exposure contours (i.e. 60-65, 65-70 & 70-75 CNEL) identified within the Sierra Sky Park Land Use Policy Plan.

On June 5, 2017, the Airport Land Use Commission reviewed the proposed project and determined it was compatible with the Sierra Sky Park Land Use Policy Plan.

## **PUBLIC INPUT AND NOTICING**

### **District 2 Plan Implementation Committee**

The District 2 Plan Implementation Committee will review the proposed project at their regular meeting on November 13. Their recommendation will be provided to the Planning Commission at the November 15 public hearing.

### **Neighborhood Meeting**

A neighborhood meeting was held at the hangar facilities at Sierra Sky Park Airport on Thursday, August 31, 2017 at 6:00 p.m., pursuant to Section 15-5805 and 15-5006 of the FMC. The meeting was noticed to 500 feet of the subject property. Approximately 55-60 members of the public were in attendance. Topics discussed included concerns about increased traffic on North Blythe Avenue, the type of housing to be built and the target market for the development's residents, the type of commercial businesses that would likely locate within the commercial area of the proposed development, and local residents' concerns regarding added crime and light pollution.

### **Notice of Planning Commission Hearing**

DARM staff mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit G) on Friday, November 3, 2017, pursuant to Section 15-5007-B-2 of the FMC.

## **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 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 CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, DARM 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 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 the 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 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. A-16-017/R-16-018/C-17-059 was published on November 10, 2017 with no comments or appeals received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5812 and 15-5306 of the Fresno Municipal Code can be made. These findings are attached as Exhibit M.

## **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 Plan Amendment Application No. A-16-017, Rezone Application No. R-16-018, and Conditional Use Permit Application No. C-17-059 are appropriate for the subject properties. Action by the Planning Commission will be a recommendation to the City Council.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map

Exhibit D - Zoning Map  
Exhibit E - Proposed Plan Amendment  
Exhibit F - Proposed Rezone  
Exhibit G - Noticing Map  
Exhibit H - Site Plan  
Exhibit I - Floor Plan  
Exhibit J - Elevations  
Exhibit K - Acoustical Study  
Exhibit L - Conditions of Approval dated November 15  
Exhibit M - Fresno Municipal Code Findings  
Exhibit N - Environmental Assessment