



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	1/10/2018	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/25/2018	<b>Final action:</b>			
<b>Title:</b>	<p>(CONTINUE TO FEBRUARY 8, 2018 AT 10:00 A.M.) HEARING to consider Plan Amendment Application No. A-17-010, Rezone Application No. R-17-014, and the related environmental assessment, filed by Jeff Roberts of East Shields Development, for approximately ±13.76 acres of property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues. (Council District 4 - Caprioglio)</p> <p>1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-010/R-17-014 dated December 1, 2017.</p> <p>2. RESOLUTION Approving Plan Amendment Application No. A-17-010 proposing to amend 8.89 acres of the Fresno General Plan and the McLane Community Plan from the Business Park planned land use to the Medium Density Residential (5-12 du/acre) planned land use. In addition, 4.87 acres of the subject property is proposed to be redesignated from the Community Commercial and Light Industrial planned land uses to the Urban Neighborhood Residential (16-30 du/acre) planned land use.</p> <p>3. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-014 requesting authorization to reclassify 8.89 acres of the subject property from the BP/UGM (Business Park/Urban Growth Management) zone district to the RS-5/UGM (Residential Single-Family, Medium Density/Urban Growth Management) zone district. The remaining 4.87 acres of the subject property will be reclassified from the CC/UGM (Community Commercial/Urban Growth Management) and IL/UGM (Light Industrial/Urban Growth Management) zone districts to the RM-2/UGM (Residential Multi-Family, Urban Neighborhood/Urban Growth Management) zone district.</p>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A Aerial, 2. Exhibit B Planned Land Use & Zoning Map, 3. Exhibit C Noticing Map, 4. Exhibit D Project Information Tables, 5. Exhibit E FMC Findings, 6. Exhibit F Environmental Assessment, 7. Exhibit G PC Reso No. 13508 & 13509, 8. Exhibit H City Council Reso for Plan Amendment A-17-010, 9. Exhibit I City Council Ordinance Bill, 10. Exhibit J CC Presentation				

Date	Ver.	Action By	Action	Result
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## REPORT TO THE CITY COUNCIL

January 25, 2018

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

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

BONIQUE EMERSON, Planning Manager  
Development and Resource Management Department

**BY:** JOSE VALENZUELA, Planner III  
Development and Resource Management Department

## **SUBJECT**

(CONTINUE TO FEBRUARY 8, 2018 AT 10:00 A.M.)

HEARING to consider Plan Amendment Application No. A-17-010, Rezone Application No. R-17-014, and the related environmental assessment, filed by Jeff Roberts of East Shields Development, for approximately ±13.76 acres of property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues. (Council District 4 - Caprioglio)

1. **ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-010/R-17-014 dated December 1, 2017.
2. **RESOLUTION** Approving Plan Amendment Application No. A-17-010 proposing to amend 8.89 acres of the Fresno General Plan and the McLane Community Plan from the Business Park planned land use to the Medium Density Residential (5-12 du/acre) planned land use. In addition, 4.87 acres of the subject property is proposed to be redesignated from the Community Commercial and Light Industrial planned land uses to the Urban Neighborhood Residential (16-30 du/acre) planned land use.
3. **BILL** (For introduction and adoption) - Approving Rezone Application No. R-17-014 requesting authorization to reclassify 8.89 acres of the subject property from the BP/UGM (*Business Park/Urban Growth Management*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district. The remaining 4.87 acres of the subject property will be reclassified from the CC/UGM (*Community Commercial/Urban Growth Management*) and IL/UGM (*Light Industrial/Urban Growth Management*) zone districts to the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district.

## **RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. **ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-010/R-17-014 dated December 1, 2017.
2. **ADOPT RESOLUTION** Approving Plan Amendment Application No. A-17-010 o amend 8.89 acres of the Fresno General Plan and the McLane Community Plan from the Business Park planned land use to the Medium Density Residential (5-12 du/acre) planned land use. In addition, 4.87 acres of the subject property is proposed to be redesignated from the Community Commercial and Light Industrial planned land uses to the Urban Neighborhood Residential (16-30 du/acre) planned land use.
4. **ADOPT BILL** - (For introduction and adoption) - Approving Rezone Application No. R-17-014 requesting authorization to reclassify 8.89 acres of the subject property from the BP/UGM (*Business Park/Urban Growth Management*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district. The remaining 4.87 acres of the subject property will be reclassified from the CC/UGM (*Community Commercial/Urban Growth Management*) and IL/UGM (*Light Industrial/Urban Growth Management*) zone districts

to the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district.

## EXECUTIVE SUMMARY

Jeff Roberts, on behalf of East Shields Development, has filed Plan Amendment Application No. A-17-010 and Rezone Application No. R-17-014 pertaining to approximately ±13.76 acres of property. Plan Amendment Application No. A-17-010 proposes to amend 8.89 acres of the Fresno General Plan and the McLane Community Plan from the Business Park planned land use to the Medium Density Residential (5-12 du/acre) planned land use. In addition, 4.87 acres of the subject property is proposed to be redesignated from the Community Commercial and Light Industrial planned land uses to the Urban Neighborhood Residential (16-30 du/acre) planned land use.

Rezone Application No. R-17-014 requests authorization to reclassify 8.89 acres of the subject property from the BP/UGM (*Business Park/Urban Growth Management*) zone district to the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) zone district. The remaining 4.87 acres of the subject property will be reclassified from the CC/UGM (*Community Commercial/Urban Growth Management*) and IL/UGM (*Light Industrial/Urban Growth Management*) zone districts to the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district.

## BACKGROUND

### Project Description

Plan Amendment Application No. A-17-010 proposes to amend the Fresno General Plan and the McLane Community Plan and Rezone Application No. R-17-014 requests authorization to rezone the subject property consistent with the proposed planned land uses. The specific land uses and zone districts are outlined in the executive summary.

The project does not propose a development application with the proposed plan amendment and rezone applications. The re-designation would allow the applicant to build approximately 45 to 106 single-family dwelling units. In addition, the proposed plan amendment and rezone would permit approximately 78 to 146 multi-family dwelling units. At the time a formal development is submitted staff will conduct a project specific review of the site to ensure the development meets the requirements of the RS-5/UGM (*Residential Single-Family, Medium Density/Urban Growth Management*) and the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone districts.

### Streets and Access Points

The Fresno General Plan designates North Fowler Avenue as an arterial street and East Princeton Avenue as a local street within the area of this project. The developer of this project will be required to construct improvements along the street frontages at the time of development.

The subject site is located within Traffic Impact Zone III (TIZ-III). TIZ-III represents areas near or outside the city limits but within the sphere of influence as of December 21, 2012. A traffic operational analysis dated May 30, 2017 and a trip generation analysis dated August 16, 2017 were prepared by JLB Traffic Engineering, Inc. and were submitted and reviewed by Public Works staff.

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed project and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in the MEIR. Applying the factors outlined in the Institute of Traffic Engineers Trip Generation Manual, the proposed 53 single family dwelling units and 97 multi-family units would generate 1,150 ADT's, 89 vehicle trips during the morning peak hour travel period and 113 vehicle trips during the evening peak hour travel period on a weekday. This is 847 less ADT's, 118 less morning peak hour trips, and 105 less evening peak hour trips than the existing planned land uses. Therefore, a traffic impact study was not required for the proposed project.

## **Public Services**

Sewer and water facilities are available to provide service to the site subject to the mitigation measures of the related Master Environmental Impact Report (MEIR) and the conditions listed in the memoranda's dated September 5, 2017 and September 13, 2017 from the Department of Public Utilities. The Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project lies within the District's Drainage Area "BS". The district's system can accommodate the proposed rezone. The applicant is subject to implementation of the Fresno General Plan policies and the mitigation measures to reduce the increase of runoff impacts. The MEIR and Mitigated Negative Declaration have 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 at the time of development. 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 McLane Community Plan:

### *Fresno General Plan*

- Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.
  - Policy UF-1-f 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-d expressly promotes the development of medium-high density residential

uses to optimize use of available or planned public facilities and services. Provide housing opportunities with access to employment, shopping, services, and transportation.

- 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.

### *Housing Element*

This project is not impacting a Housing Element Site. The proposed housing will be tracked at the time of development.

### *McLane Community Plan*

The subject property is proposed to be designated as Medium Density and Urban Neighborhood 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 Fresno Municipal Code (FMC).

## **PUBLIC INPUT AND NOTICING**

### **Neighborhood Meeting**

A Neighborhood Meeting was held at the Orazo Elementary School's Cafeteria on Tuesday, July 25, 2017 at 6:00 p.m., pursuant to Section 15-5506 of the FMC. This meeting was noticed to property owners within 500 feet of the subject property. Five members of the public were in attendance. The residents in attendance expressed opposition to multi-family development. However, those present did not oppose the proposed single-family designation.

### **District 4 Plan Implementation Committee**

The District 4 Plan Implementation Committee reviewed the proposed project at their meeting on October 9, 2017. The committee members expressed concern that traffic on nearby streets was already a problem; however the applicant explained that the proposed plan amendment and rezone would reduce vehicle trips as compared to if the project site was developed with the existing land uses. The committee unanimously approved the project.

### **Fresno City Planning Commission Action**

On December 6, 2017, the Planning Commission considered the item as presented by staff, followed by a presentation by the applicant. During the hearing, no members of the public spoke in opposition or in support and one letter was received in opposition. After a complete hearing, the Planning Commission voted and recommended the City Council approve the plan amendment and rezone applications by a 7-0 vote.

### **Notice of City Council Hearing**

In accordance with Section 15-5007 of the FMC, a notice of public hearing was mailed to surrounding property owners within 1,000 feet of the subject site on January 12, 2018 (see attached Exhibit C).

## 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 Bullard area, including the Fresno General Plan MEIR SCH No. 2012111015.

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. A-17-010/R-17-014 was published on December 1, 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 Sections 15-5812 of the FMC can be made. These findings are attached as Exhibit F.

## 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 McLane 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-17-010 and Rezone Application No. R-17-014 are appropriate for the subject property.

Action by the City Council is final.

## **LOCAL PREFERENCE**

Local preference was not considered because this ordinance does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the 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 - Aerial Map
- Exhibit B - Planned Land Use & Zoning Map
- Exhibit C - Noticing Map
- Exhibit D - Project Information Tables
- Exhibit E - Fresno Municipal Code Findings
- Exhibit F - Environmental Assessment
- Exhibit G - Planning Commission Resolution Nos. 13508 & 13509
- Exhibit H - City Council Resolution for Plan Amendment Application No. A-17-010
- Exhibit I - City Council Ordinance Bill for Rezone Application No. R-17-014
- Exhibit J - PowerPoint