



Legislation Details (With Text)

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On agenda:	5/11/2023	Final action:		5/11/2023	
Title:	<p>Consideration of Plan Amendment and Rezone Application No. P22-01086, Development Permit Application No. P21-06232, and related Environmental Assessment No. P22-01086/P21-06232 pertaining to ±2.20 acres of property located on the west side of North Chestnut Avenue, between East Shepherd and East Teague Avenues (Council District 6) - Planning & Development Department.</p> <p>1. ADOPT - Mitigated Negative Declaration as prepared for Environmental Assessment No. P22-01086/P21-06232, dated March 28, 2023, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA).</p> <p>2. RESOLUTION - approving Plan Amendment Application No. P22-01086, requesting authorization to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject ±2.20 acre property from Residential - Medium Low Density to Residential - Medium High Density.</p> <p>3. BILL - (For introduction and adoption) Rezone Application No. P22-01086, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the ±2.20 acre subject property from the from RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management Area) to RM-1/UGM (Residential Multi-family - Medium High Density/Urban Growth Management Area) zone district in accordance with the Plan Amendment Application.</p> <p>4. APPROVE - Development Permit Application No. P21-06232, requesting authorization to construct a 32 unit apartment complex consisting of four (4) 5,750 square-foot two-story buildings and a 1,069 square-foot leasing and managers office on a vacant parcel, subject to compliance with the Conditions of Approval dated April 5, 2023.</p>				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	<p>1. Exhibit A - Vicinity Map & Aerial Photograph, 2. Exhibit B - Planned Land Use and Zoning Map, 3. Exhibit C - Operational Statement, 4. Exhibit D - Plan Exhibits (Site Plan, Elevations, Floor Plans, and Landscape Plan), 5. Exhibit E - Conditions of Approval dated April 5, 2023, 6. Exhibit F - Neighborhood Meeting Information, 7. Exhibit G - Comment Letters, 8. Exhibit H - Public Hearing Notice & Noticing Map, 9. Exhibit I - Environmental Assessment P22-01086/P21-06232 dated March 28, 2023, 10. Exhibit J - Additional Studies (Trip Generation, Noise, & Biological Resource Assessment), 11. Exhibit K - Fresno Municipal Code Findings, 12. Exhibit L - Proposed Land Use Exhibit, 13. Exhibit M - Proposed Rezone, 14. Exhibit N - Letter Received dated April 3, 2023, 15. Exhibit O - Planning Commission Resolutions No. 13796, 13797, and 13798, 16. Exhibit P - City Council Resolution for Plan Amendment No. P22-01086, 17. Exhibit Q - City Council Ordinance Bill for Rezone No. P22-01086, 18. Exhibit R - PowerPoint Presentation, 19. P22-01086 P21-06231 Presentation --final</p>				

Date	Ver.	Action By	Action	Result
5/11/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: JENNIFER CLARK, Director
Planning and Development Department

THROUGH: ISRAEL TREJO, Planning Manager
Planning and Development Department

BY: THOMAS VEATCH, Planner
Planning & Development Department

SUBJECT

Consideration of Plan Amendment and Rezone Application No. P22-01086, Development Permit Application No. P21-06232, and related Environmental Assessment No. P22-01086/P21-06232 pertaining to ±2.20 acres of property located on the west side of North Chestnut Avenue, between East Shepherd and East Teague Avenues (Council District 6) - Planning & Development Department.

1. ADOPT - Mitigated Negative Declaration as prepared for Environmental Assessment No. P22-01086/P21-06232, dated March 28, 2023, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA).
2. RESOLUTION - approving Plan Amendment Application No. P22-01086, requesting authorization to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject ±2.20 acre property from Residential - Medium Low Density to Residential - Medium High Density.
3. BILL - (For introduction and adoption) Rezone Application No. P22-01086, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the ±2.20 acre subject property from the from RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management Area*) to RM-1/UGM (*Residential Multi-family - Medium High Density/Urban Growth Management Area*) zone district in accordance with the Plan Amendment Application.
4. APPROVE - Development Permit Application No. P21-06232, requesting authorization to construct a 32 unit apartment complex consisting of four (4) 5,750 square-foot two-story buildings and a 1,069 square-foot leasing and managers office on a vacant parcel, subject to compliance with the Conditions of Approval dated April 5, 2023.

RECOMENDATION

Staff recommends that the City Council take the following actions:

1. ADOPT - Mitigated Negative Declaration as prepared for Environmental Assessment No. P22-01086/P21-06232, dated March 28, 2023, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. ADOPT RESOLUTION - approving Plan Amendment Application No. P22-01086, requesting authorization to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject ±2.20 acre property from Residential - Medium Low Density to Residential - Medium High Density; and
3. INTRODUCE AND ADOPT BILL - approving Rezone Application No. P22-01086, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the ±2.20 acre subject property from the from RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management Area*) to RM-1/UGM (*Residential Multi-family - Medium High Density/Urban Growth Management Area*) zone district in accordance with the Plan Amendment Application; and
4. APPROVE - Development Permit Application No. P21-06232, requesting authorization to construct a 32 unit apartment complex consisting of four (4) 5,750 square-foot two-story buildings and a 1,069 square-foot leasing and manager office on a vacant parcel, subject

to compliance with the Conditions of Approval dated April 5, 2023.

EXECUTIVE SUMMARY

Ubaldo Garcia of Villa Di Ubaldo, on behalf of John Ashley of Fresno Newbury LP has filed Plan Amendment/Rezone Application No. P22-01086 and related Development Permit Application No. P21-06232 pertaining to a vacant ± 2.20 acre parcel located on the west side of North Chestnut Avenue, between East Shepherd Avenue and East Teague Avenue.

Plan Amendment Application No. P22-01086 proposes to amend the Fresno General Plan and the Woodward Park Community Plan, to change the planned land use designation for the subject property from Residential - Medium Low Density to Residential - Medium High Density.

The rezone application component proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management Area*) to the RM-1 (*Residential Multi-family - Medium High Density/Urban Growth Management Area*) zone district in accordance with the Plan Amendment Application.

Related Development Permit Application No. P21-06232 requests to construct a 32 unit apartment complex consisting of four (4) 5,750 square-foot two-story buildings and a 1,069 square-foot leasing and manager office on a vacant parcel. Under the current planned land use and zone district of Residential - Medium Low Density, the proposed use as a multi-unit apartment complex would be prohibited.

City of Fresno Planning Commission Action

On April 5, 2023, the Planning Commission considered the item as presented by staff, followed by a presentation by the applicant. No members of the public spoke in support or opposition of the project. One letter in opposition of the project was received in response to the mailed notice (**Exhibit N**). After receiving testimony, the Planning Commission voted and recommended the City Council approve the plan amendment, rezone, development permit, and related environmental assessment. The Planning Commission Resolutions (**Exhibits O**) are attached for more information.

BACKGROUND

Plan Amendment and Rezone Application No. P22-01086 and related Development Permit Application No. P21-06232 were filed by Ubaldo Garcia of Villa Di Ubaldo, on behalf of John Ashley of Fresno Newbury LP and pertains to a vacant parcel totaling approximately ± 2.20 acres located on the west side of North Chestnut Avenue, between East Shepherd and East Teague Avenues.

Surrounding Property Information

The project site is in an area generally characterized by a mix of existing land uses including single family residential homes (west and east), a youth center (Campus Life Center, south), and multi-family residential apartments (Chestnut Court Apartments, north). Furthermore, surrounding properties are planned and zoned for a mix of land uses which include Medium High Density Residential (north), Medium Low Density (south), Residential - Low Density (east), and Residential - Medium Low Density (west). The existing Shepherd Ranch Shopping Center is located north of the subject property at the southwest corner of the intersection of North Chestnut and East Shepherd

Avenues. The center is planned and zoned for a mix of office and commercial uses. Additional surrounding property information such as the existing and planned land use designations, as well as the existing zoning districts surrounding the subject property can be found in **Exhibits A and B**.

Project Description

The project proposes a 32 unit apartment complex consisting of four (4) \pm 5,750 square-foot two-story buildings and a \pm 1,069 square-foot leasing and manager office on a vacant parcel. In addition, on and off-site improvements are proposed including but not limited to a new drive approach, 79 parking stalls, pool, trash enclosures, 19,165 square feet of private and common open space, landscaping, curb, gutter, and sidewalks.

Existing Land Use and Zoning

The subject property is located within the boundaries of the Fresno General Plan and the Woodward Park Community Plan. These plans designate the subject \pm 2.20 acre property for Residential - Medium Low Density planned land uses. The existing underlying RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management Area) zone district is consistent with Residential - Medium Low Density planned land use designation.

According to the Fresno General Plan, Medium Low Density Residential is intended to provide single family detached housing with densities of 3.5 to 6 units per acre. The subject property is 2.20 acres, therefore would support a minimum density of 8 units and a maximum of 13 units if developed with single family homes. The project proposes a 32 unit apartment complex so therefore under the current planned land use and zone district of Residential - Low Density, the proposed apartments would be prohibited. Therefore, the subject Plan Amendment and Rezone Application (P22-01086) is required to change the existing zoning and land use to a district in which this use is permissible to facilitate the proposed development.

Proposed Land Use and Zoning

Plan Amendment Application No. P22-01086 proposes to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Residential - Medium Low Density to Medium High Density (**Exhibit L**). The rezone application component proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management Area*) zone district to the RM-1/UGM (*Residential Multi-family Family, Medium High Density/Urban Growth Management Area*) zone district in accordance with the Plan Amendment Application (**Exhibit M**). The proposed underlying RM-1 zone district is consistent with the proposed Residential - Medium High Density planned land use designation.

The Medium High Density residential land use classification is intended for neighborhoods with a mix of single-family residences, townhomes, garden apartments, and multi-family units intended to support a fine-grain, pedestrian scale. This land use accommodates densities from 12 to 16 units per acre overall. Based on the subject property being 2.20 acres, under the proposed Medium High Density designation, the parcel will support 26 to 35 units.

Housing Crisis Act of 2019 (SB 330)

California is experiencing a housing supply crisis, with housing demand far outstripping supply. On

October 9, 2019, Governor Newsom signed Senate Bill (“SB”) 330 enacting the “Housing Crisis Act of 2019.” This housing bill was effective starting January 1, 2020, and will remain in effect through January 1, 2030. One of the applicable provisions of this legislation, as it relates to Plan Amendments and Rezoning, includes limitations wherein an affected City (which includes the City of Fresno) cannot change the general plan land use designation, specific plan designation, or zoning to a less intensive use, or reduce the intensity of an existing land use designation or zone district, below the density/intensity that was in effect on January 1, 2018; unless, the City concurrently increases density within its plans elsewhere within the City (i.e. corresponding up-zone) to ensure the total number of available residential units remain the same, resulting in no net loss of residential development capacity.

In this case, the project with a subject area of ±2.20 acres are proposing a land use change from Residential - Medium Low Density to Residential - Medium High Density. Therefore, the proposed plan amendment and rezone application would result in an increase of residential development capacity (resulting in no net loss in residential capacity).

ANALYSIS

Traffic Analysis

Passenger vehicle trips associated with the apartments will primarily consist of residents and guests of the proposed apartments.

The project is located on the west side of North Chestnut Avenue, between East Shepherd Avenue and East Teague Avenue. The Fresno General Plan Circulation Element designates North Chestnut Avenue as a four-lane arterial street, East Shepherd Avenue as an arterial street, and East Teague Avenue as a collector street. North Willow Avenue, a super arterial street is located 0.5 miles to the east of the intersections of North Chestnut and East Shepherd or North Chestnut and East Teague avenues. All 14 intersections of major streets within 0.5 mile of the subject property are signalized. The project will include frontage improvements (i.e., curb, gutter, and sidewalk) along North Chestnut Avenue, and will be served by one proposed approach.

The existing southbound lane of North Chestnut Avenue is planned for two lanes, however the areas adjacent to the subject property and the three parcels located to the south are currently developed as a single southbound lane. The frontage would be constructed to two lanes whenever new development is proposed for those properties.

The projected Trip Generation based on operational data for the proposed project consists of 234 total daily passenger car trips, 15 peak AM peak hour trips, and 18 peak PM hour trips. As no trips are expected to exceed 200 peak hour trips, a Traffic Impact Study was not required.

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, Traffic Impact Zone III (TIZ-III) generally represents areas near or outside the City Limits but within the SOI as of December 31, 2012. TIZ-III is required to maintain a peak hour LOS standard of D or better for all intersections and roadway segments.

Per General Plan Policy MT-2-I, a Traffic Impact Study (TIS) would be required for all development projected to generate 100 or more peak hour new vehicle trips in the TIZ-III; when a project includes a general plan amendment or rezone; or when the project will substantially change the off-site transportation system. However, a TIS is not required if the City Traffic Engineer determines that the

project site and surrounding area already has appropriate multi-modal infrastructure improvements.

As demonstrated above, the project would not exceed 100 or more peak hour trips in the TIZ-III, or will substantially change the off-site transportation system, but does include a General Plan Amendment and Rezone.

The Public Works Department requested a Trip Generation Analysis (TGA) to compare the trips generated by the proposed project and proposed zoning compared to what could be developed under the existing zoning. The TGA, prepared by JLB Traffic Engineering analysis dated March 11, 2022 (included in **Exhibit J**) projected that if 12 single family homes under the current zoning were proposed, it would generate 113 Active Daily Trips, 9 AM peak hour trips, and 12 PM peak hour trips. Therefore, the rezoning and construction of the 32-unit apartment project would be an additional 121 Active Daily Trips, an additional 6 AM peak hour trips, and an additional 6 PM peak hour trips. Therefore, in accordance with GP Policy MT-2-I, the City Traffic Engineer determined that a full TIS was not necessary for the project.

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 standard city requirements for street improvements and subject to the project specific mitigation measures determined applicable by the City of Fresno Traffic Engineer. These requirements generally include: (1) street dedications; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and (3) 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. These requirements are outlined within the memorandum from the City Traffic Engineer dated September 21, 2022, which are included in the Conditions of Approval dated April 5, 2023 (**Exhibit E**).

Vehicle Miles Traveled (VMT) Analysis

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that "[a] lead agency has discretion to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis

described in this section.”

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, dated June 25, 2020, pursuant to Senate Bill 743 to be effective of July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor’s Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

The City of Fresno VMT Thresholds adopted a screening standard and criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis. These criteria may be size, location, proximity to transit, of trip making potential. In general development projects that are consistent with the City’s General Plan and Zoning and that that meet one or more of the following criteria can be screened out from a quantitative VMT analysis.

1. Project Located in a Transit Priority Area/High Quality Transit Corridor (within 0.5 miles of a transit stop)
2. Project is Local-serving Retail of less than 50,000 square feet
3. Project is a Low Trip Generator (Less than 500 average daily trips)
4. Project has a High Level of Affordable Housing Units
5. Project is an institutional/Government and Public Service Uses
6. Project is located in a Low VMT Zone

The City of Fresno VMT Thresholds Section 3.1 regarding Development Projects states that if a project constitutes a General Plan Amendment or a Rezone, none of the screening criteria may apply, and that the City must evaluate such projects on a case-by-case basis. Here the Project includes both a General Plan Amendment and a Rezone and does not meet the screening criteria. As such, a quantitative VMT analysis is required.

For projects which are not screened out, a quantitative analysis of VMT impacts must be prepared and compared against the adopted VMT thresholds of significance. The Fresno VMT Thresholds document includes thresholds of significance for development projects, transportation projects, and land use plans. These thresholds of significance were developed using the County of Fresno as the applicable region, and the required reduction of VMT (as adopted in the Fresno VMT Thresholds) corresponds to Fresno County’s contribution to the statewide GHG emission reduction target. To reach the statewide GHG reduction target of 15%, Fresno County must reduce its GHG emissions by 13%. The method of reducing GHG by 13% is to reduce VMT by 13% as well.

VMT is simply the product of a number of trips and those trips’ lengths. The first step in a VMT analysis is to establish the baseline average VMT, which requires the definition of a region. The CEQA Guidelines for Vehicle Miles Traveled Thresholds for the City of Fresno (June 25, 2020) provide that the Fresno County average VMT per capita (appropriate for residential land uses) and employee (appropriate for office land uses) are 16.1 VMT per capita and 25.6 VMT per employee, respectively. The City’s threshold targets a 13% reduction in VMT for residential and office land uses.

The City’s adopted thresholds for development projects correspond to the regional thresholds set by the Fresno Council of Governments (COG). For residential and non-residential (except retail)

development projects, the adopted threshold of significance is a 13% reduction, which means that projects which generate VMT in excess of a 13% reduction from the existing regional VMT per capita or per employee would have a significant environmental impact. Projects which reduce VMT by more than 13% are less than significant. For retail projects, the adopted threshold is any net increase in VMT per employee compared to existing VMT per employee.

Per the City of Fresno VMT Guidelines, Project VMT may be calculated using the Fresno COG VMT Calculation Tool for residential projects having less than or equal to 500 dwelling units or office projects having less than or equal to 375 employees. Because this project is for multi-family residential and there are less than 500 dwelling units, the Fresno COG VMT Analysis Tool was used to determine the Project VMT.

Quantitative assessments of the VMT generated by the Project have been determined using the Fresno COG VMT Analysis Tool. The number of units and location were entered to conduct a Project-specific VMT analysis using the Fresno COG VMT Analysis Tool. Based on the output, the Project is expected to have a VMT of 12.9 per capita and does not exceed the City's VMT threshold of 16.01 VMT per capita.

Based on these results, there is not a significant impact to VMT associated with this Project pursuant to the City of Fresno VMT analysis guidelines concerning consistency with CEQA Guidelines Section 15064.3(b).

Additionally, had the proposed project not required a general plan amendment or rezone, the development of the 32-unit apartment project would have otherwise been eligible to screen out because it would have been considered a low trip generator due to the project proposing a total of 234 Active Daily Trips, which is below the threshold of 500 ADT.

Public Services

Sewer

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in North Chestnut Avenue. The applicant will be required to install sewer house branches to the property, abandon any existing on-site private septic systems, and pay applicable sewer connection charges and fees. The requirements listed above, and additional requirements have been listed in the Department of Public Utilities memo dated September 16, 2022.

Water

The nearest water mains to serve the proposed project is a 14-inch water main located in North Chestnut Avenue. Water facilities are available to provide service to the site subject to the conditions listed in the Department of Public Utilities memo dated September 16, 2022.

Solid Waste

The project was reviewed by the Department of Public Utilities to ensure that the proposed trash enclosures for the project comply with any applicable policies related to capacity, access, and overall design to ensure that service can be provided to the site without impacts to the site, surrounding properties, or solid waste service to the city. The requirements listed above, and additional requirements have been listed in the Department of Public Utilities memo dated September 16, 2022.

FMFCD

The subject property is located in the Fresno Metropolitan Flood Control District's (FMFCD) Drainage Area "R." The FMFCD has indicated that the proposed development is not located within a flood prone area. These as well as additional requirements are listed in the memorandum from FMFCD dated January 22 and September 22, 2022.

Fire

The City of Fresno Fire Department reviewed the proposed project and has determined that adequate Fire service will be available subject compliance will Fire Department comments or conditions of approval related to access and design of proposed project. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

Other Agencies

All comments received from the applicable agencies have been incorporated into the conditions of approval for Plan Amendment and Rezone Application No. P22-01086 and Development Permit Application No. P21-06232. The project will comply with all department comments and conditions and all zoning requirements as incorporated into the conditions of approval dated April 5, 2023.

Fresno Municipal Code

Given that corrected exhibits are required that demonstrate compliance with the conditions of approval provided for the project dated April 5, 2023 (**Exhibit E**), Plan Amendment and Rezone Application No. P22-01086 and related Development Permit Application No. P21-06232 will meet all of the provisions of the FMC, including but not limited to setbacks, transition standards, open space, parking, landscaping, and connectivity, and will comply with all applicable design guidelines and development standards for residential multi-family uses in the RM-1 (*Residential Multi-family/Urban Growth Management area*) zone district. Therefore, the project is consistent with the standards and requirements of the Fresno Municipal Code.

LAND USE PLANS AND POLICIES

Fresno General Plan

The project proposes to amend the Fresno General Plan to change the planned land use designations for the subject property from Residential - Medium Low Density to Residential - Medium High Density. The Medium High Density residential land use classification is intended for neighborhoods with a mix of single-family residences, townhomes, garden apartments, and multi-family units intended to support a fine-grain, pedestrian scale. This land use accommodates densities from 12 to 16 units per acre overall. Based on the subject property being 2.20 acres, under the proposed Medium High Density designation, the parcel will support 26 to 35 units

The Fresno General Plan provides goals, objectives, and policies to guide development. As proposed, the project will be consistent with the following Fresno General Plan goals:

- Increase opportunity, economic development, business, and job creation.
- 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.

- 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.
- Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.
- Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

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.

- Objective UF-1 of the General Plan emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.
 - UF-1-a: Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
 - Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale of development 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-e promotes and protects unique neighborhoods and mixed-use areas throughout Fresno that respect and support various ethnic, cultural, and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and lifestyle attractive to Frenans.
- 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: Infill Development and Redevelopment. Promote development of vacant, underdeveloped, 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 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.
 - Policy LU-5-d: Medium-High Density Residential Uses. Promote medium-high density residential 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.

- Policy LU-5-g: Scale and Character of New Development. Allow new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Much of Fresno has been built as distinct residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans 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. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include Parks and public schools within or near the neighborhood, public plaza/civic space; access to public transit, neighborhood-serving retail, and a range of employment opportunities.

Many schools, including elementary, intermediate, and high schools, as well as the Clovis Community College are within 1.5 mile vicinity of the project area. A 9.6 acre neighborhood park (Selma Layne) is located northwest of the project site at the intersection of East Shepherd and North Maple avenues.

Currently, the nearest public transit options to serve the subject property are Bus Routes 3 and 58 which are located at the intersections of North Cedar and Shepherd Avenue and East Nees and North Willow Avenues. A Class I bicycle trail is accessible from the intersection of East Shepherd and North Chestnut Avenue, which provides further bicycle connectivity to Woodward Park or another Class I trail along North Willow Avenue, which provides further connectivity to the Old Town Clovis bicycle trail.

Nearby neighborhood-serving retail is provided by the commercial retail shopping center located north of the subject property at East Shepherd and North Chestnut Avenue, and employment opportunities are primarily provided along the Willow Avenue corridor just east of the subject property.

The proposed plan amendment meets the intent of the goals, objectives, and policies of the Fresno General Plan referenced herein above. The property is an appropriate infill site as it has existing infrastructure and is near built-out urban uses. The project also proposes buildings of high quality design and at a scale compatible with the surrounding area; therefore, the project fosters a high quality design and would contribute to the mix of amenities in the surrounding area.

Woodward Park Community Plan

Upon reviewing the policies in the Woodward Park Community Plan, staff has determined that no policies are applicable or more restrictive than those in the Fresno Municipal Code (FMC) or the Fresno General Plan. However, pursuant to Section 15-104-D-4 of the FMC, should there be a

conflict between the FMC and the Woodward Park Community Plan, the FMC shall control.

Fresno County Airport Land Use Compatibility Plan

The project is not located within an airport influence area identified in the Fresno County Airport Land Use Compatibility Plan.

Public Notice and Input

Neighborhood Meeting

On November 14, 2022, the applicant held a neighborhood meeting, in accordance with FMC Sections 15-5805 and 15-5006. The applicant mailed notices to property owners within 1,000 feet of the subject property. The applicant prepared and presented an overview of the project, including exhibits of the proposed development. Approximately 30 residents or property owners from within the neighborhood attended the meeting. Questions included but were not limited to: Inquiring about what environmental assessment is required; Inquiring if a TIS was prepared; questions about the projects impact on property values; the approval process required; and various questions about the overall design of the project. A summary of the meeting provided as part of **Exhibit F**.

On November 14, 2022, a letter was received (**Exhibit G**) in response to the neighborhood meeting from a nearby resident expressing opposition to the proposed rezoning and construction of the apartments.

- The letter requested clarification on what environmental review occurred and if a TIS had been prepared for the project.
- The letter expressed concern that the proposed rezoning and project could have a negative impact on traffic to the surrounding neighborhood.
- The letter stated that local schools already divert neighborhood children to other schools.
- The letter stated that the proposed change is incongruent with the General Plan and could be considered spot zoning.

The neighbor was informed that an Initial Study would be required to be prepared, and that a TIS was not required. In review of the concerns raised, as described in the Traffic Analysis section above, no quantitative evidence has demonstrated that there is a potential impact to traffic as a result of the proposed project. The Clovis Unified School District reviewed the application and provided comments which are included in the Conditions of Approval (**Exhibit E**) of the project. The comment letter indicated that the nearest elementary, intermediate, and high schools have capacity, however, because of projected growth in the District and the Districts plans for construction of new facilities, it's possible that adjustment of school attendance areas could occur in the future and that students may be required to attend an elementary school other than Maple Creek Elementary, and students in the project area may attend more than one elementary school during their elementary school years. The letter also identified facilities fees that the project will be required to contribute. Further, as demonstrated in the Land Use Plans and Policies section above, the General Plan provides numerous policies supporting a diverse range of housing types throughout the city.

Council District Project Committee Review

On February 6, 2023, the Council District 6 Project Review Committee reviewed this project. The applicant presented the project and was available to answer any questions from the committee or public in attendance. Three members of the project participated and expressed concerns with the project's impact to traffic on the neighborhood. A letter dated February 1, 2022 was received in

opposition to the project, which was also provided to the committee (**Exhibit G**).

The members of the public participating in the meeting requested that in order to avoid a perceived traffic impact as a result of the project, off-site improvements should be constructed along the entirety of North Chestnut Avenue between Shepherd and Teague Avenues prior to any additional projects approved along the frontage, in order to avoid a bottleneck by existing development remaining with only a single southbound lane.

The proposed project is required based on Department of Public Works conditions to construct off-site improvements adjacent to the proposed project which include increasing the right of way to include construction of two southbound lanes, curb, gutter, and sidewalk. The existing property located to the south (Youth for Christ Center) currently provides a single lane along its frontage. Continuing south, the next two adjacent parcels were recently approved for a 27-lot subdivision of single family homes which will also be required to install off-site improvements which include two southbound lanes.

The committee voted on a motion (2-5-2) to recommend approval of the project with the condition that the City requires the southern neighboring property owner to construct off-site improvements and construct a second southbound lane consistent with the off-site construction requirements required of the subject property, with the intent to prevent an assumed bottleneck caused by the neighboring property remaining unimproved with a single lane. The motion did not pass; therefore, the committee did not provide a recommendation to approve this project.

Notice of City Council Hearing

In accordance with Section 15-5007 of the FMC, the Planning and Development Department mailed notices of this public hearing to surrounding property owners within 1,000 feet of the subject property on April 28, 2023 (**Exhibit H**).

ENVIRONMENTAL FINDINGS

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.

The City of Fresno has prepared an Initial Study of the above-described project and proposes to adopt a Mitigated Negative Declaration. The environmental analysis contained in the Initial Study is tiered from the PEIR State Clearinghouse No. 2019050005 prepared for the Fresno General Plan pursuant to CEQA Guidelines § 15152 and incorporates the PEIR by reference pursuant to CEQA Guidelines § 15150.

Pursuant to the California Public Resources Code (PRC) §§ 21093 and 21094 and California Environmental Quality Act (CEQA) Guidelines §§ 15070 to 15075, 15150, and 15152, this project has been evaluated with respect to each item on the attached Appendix G/Initial Study Checklist to determine whether this project may cause any additional significant effect on the environment, which was not previously examined in the PEIR. After conducting a review of the adequacy of the PEIR pursuant to PRC § 21157.6(b)(1) and CEQA Guidelines §§ 15151 and 15179(b), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with

respect to the circumstances under which the PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR was certified as complete, has become available.

The completed Appendix G/Initial Study Checklist, its associated narrative, technical studies, and mitigation measures reflect applicable comments of responsible and trustee agencies and research and analyses conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, Initial Study narrative, and any attachments thereto, combine to form a record indicating that an Initial Study has been completed in compliance with the State CEQA Guidelines and the CEQA.

All new development activities and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this project toward cumulative impacts is not considered substantial or significant in itself and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures.

With mitigation imposed under the PEIR and project specific mitigation, there is no substantial evidence in the record that this project may have additional significant, direct, indirect, or cumulative effects on the environment that are significant and that were not identified and analyzed in the PEIR. The Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR was certified as complete has become available.

Based upon the evaluation guided by the Appendix G/Initial Study Checklist, it was determined that there are project specific foreseeable impacts which require project level mitigation measures.

The Initial Study has concluded that the proposed project will not result in any adverse effects, which fall within the "Mandatory Findings of Significance" contained in § 15065 of the State CEQA Guidelines. The finding is, therefore, that the proposed project will not have a significant adverse effect on the environment.

Public notice has been provided regarding the staff's finding in the manner prescribed by § 15072 of the CEQA Guidelines and by § 21092 of the PRC Code (CEQA provisions).

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).

A public notice for the attached Mitigated Negative Declaration for Environmental Assessment Application No. P22-01086/P21-06232 (**Exhibit I**) was published in the Fresno Bee on March 28, 2023. Any interested person had until April 18, 2023, to provide comments on the Initial Study, prior to adoption by City Council. No comments were received.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, the staff concludes that the required findings of Sections 15-5206 (Development Permit Findings) and 15-5812 (Plan Amendment and Rezone Findings) of the Fresno Municipal Code can be made. These findings are attached as **Exhibit K**.

LOCAL PREFERENCE

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

FISCAL IMPACT

Affirmative action by the City Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application in as much 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 Planning and Development 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 Woodward Park 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 and concludes that the required findings contained within Sections 15-5812 and 15-5206 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed Plan Amendment and Rezone Application No. P22-01086 and related Development Permit Application No. P21-06232 are appropriate for the subject property.

ATTACHMENTS:

- Exhibit A - Vicinity Map & Aerial Photograph
- Exhibit B - Planned Land Use & Zoning Map
- Exhibit C - Operational Statement
- Exhibit D - Exhibits (Site Plan, Elevations, Floor Plans, and Landscape Plan)
- Exhibit E - Conditions of Approval dated April 5, 2023
- Exhibit F - Neighborhood Meeting Information
- Exhibit G - Comment Letters
- Exhibit H - Public Hearing Notice & Noticing Map
- Exhibit I - Environmental Assessment P22-01086/P21-06232 dated March 28, 2023
- Exhibit J - Additional Studies (Trip Generation, Noise, & Biological Resource Assessment)
- Exhibit K - Fresno Municipal Code Findings
- Exhibit L - Proposed Land Use Exhibit
- Exhibit M - Proposed Rezone Exhibit
- Exhibit N - Letter Received dated April 3, 2023
- Exhibit O - Planning Commission Resolutions No. 13796, 13797, and 13798
- Exhibit P - City Council Resolution for Plan Amendment No. P22-01086
- Exhibit Q - City Council Ordinance Bill for Rezone Application No. P22-01086
- Exhibit R - PowerPoint Presentation

