



Legislation Details (With Text)

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**Title:** Consideration of Conditional Use Permit Application No. P20-00488 and related Environmental Assessment No. P20-00488, for property located on the east side of North College Avenue between West Minarets and West Spruce Avenues, in Pinedale (Council District 2)

- ADOPT the Class 32 Categorical Exemption as prepared for California Environmental Quality Act (CEQA) Environmental Assessment No. P20-00488 dated December 2, 2020.
- APPROVE Conditional Use Permit Application No. P20-00488 subject to compliance with the Conditions of Approval dated December 2, 2020.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Planned Land Use Map, 4. Exhibit D - Zoning Map, 5. Exhibit E - Project Information Tables, 6. Exhibit F - Notice Map, 7. Exhibit G - Master Application & Owner Authorization, 8. Exhibit H - Operational Statement, 9. Exhibit I - Project Exhibits (Site Plan, Floor Plan, Elevation & Landscape), 10. Exhibit J - Conditions of Approval dated December 2, 2020, 11. Exhibit K - Notice of Public Commission Hearing, 12. Exhibit L - Fresno Municipal Code Findings, 13. Exhibit M - Environmental Assessment

Date	Ver.	Action By	Action	Result
12/2/2020	1	Planning Commission	approved	Pass

**REPORT TO THE PLANNING COMMISSION**

**December 2, 2020**

**FROM:** Dan Zack, Assistant Director  
Development Services Division

**THROUGH:** RALPH KACHADOURIAN, Supervising Planner  
Development Services Division

**BY:** PHILLIP SIEGRIST, Planner  
Development Services Division

**SUBJECT**

Consideration of Conditional Use Permit Application No. P20-00488 and related Environmental Assessment No. P20-00488, for property located on the east side of North College Avenue between

West Minarets and West Spruce Avenues, in Pinedale (Council District 2)

1. **ADOPT** the Class 32 Categorical Exemption as prepared for California Environmental Quality Act (CEQA) Environmental Assessment No. P20-00488 dated December 2, 2020.
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## EXECUTIVE SUMMARY

Eric Zamora, of MEC & Associates, has filed Conditional Use Permit Application No. P20-00488 pertaining to an approximately ±0.39 acre parcel of property located on the east side of North College Avenue between West Minarets and West Spruce Avenues, in Pinedale.

The applicant requests authorization to construct a multi-unit residential development consisting of two two-story detached single family dwelling units and one two-story duplex (four total dwelling units). Each unit, including the duplex, will be approximately 1,100 square feet and consist of three bedrooms and two bathrooms. All units are proposed as market rate. The project is located on a parcel listed in the 2013-2023 RHNA Housing Element Sites Inventory, which anticipates two units of above moderate housing at this site. The subject property is zoned RS-5 (*Single Family Residential, Medium Density*) which permits Multi-Unit Residential with an approved Conditional Use Permit.

Pursuant to § 15-906-B of the Fresno Municipal Code (FMC), when a Duplex or Multi-Unit Residential use is proposed in the RS-5 zone district, the Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits following a public hearing. Therefore, the subject application is being considered by the Planning Commission.

## BACKGROUND/ANALYSIS

Pursuant to FMC Table 15-902, Multi-Unit Residential is permitted in the RS-5 zone district subject to an approved Conditional Use Permit and subject to the development standards of the RM-1 (*Multiple Family Residential, Medium High Density*) zone district, pursuant to §15-906 of the FMC.

The subject property is currently vacant and located on a developed block, surrounded by multi-family residential apartments to the north and a combination of existing single-family residences, abandoned homes, and vacant properties to the south, east, and across the street to the west. A Fresno Irrigation District pipeline and easement runs along the westerly property line. The existing homes on the same blockface and along the street do not have a consistent architectural style. Curbs, gutters, and sidewalks have been constructed.

The proposed multi-unit residential development will consist of two two-story detached single family units and one two-story duplex (four total units). All units are proposed as market rate. Each unit, including the duplex, will be approximately 1,100 square feet and include three bedrooms and two bathrooms, covered front porches and rear patios. The exterior facades will consist of stucco finish, dual glaze vinyl windows, gable vents, and composite asphalt shingle roofs. In addition, the project proposes on and off-site improvements including but not limited to on-site tenant and guest parking; on and off-site trees and landscaping; a two-cell trash enclosure; and replacement of an existing drive approach.

Vehicular access and parking will be provided via a reconstructed driveway approach along North College Avenue. In addition, the project will require the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno in order to facilitate the proposed development of the subject property.

## Density

The project proposes the development of a multi-unit residential development consisting of four dwelling units on ±0.39 acres of property designated for Medium Density Residential planned land uses, which has an allowable density range of 5.0-12 dwelling units per acres. As proposed, the 4-unit project would result in a density of 10.25 dwelling units per acre. Based upon the residentially planned land use density and acreage allocations currently designated by the Fresno General Plan, the subject property is expected to yield approximately 1 - 4 dwelling units. Therefore, these figures demonstrate that development in accordance with the subject application is consistent with the planned land use and allowable density for the subject property.

## Fresno Municipal Code

Pursuant to FMC Section 15-906-D, the property development standards of the RM-1 (*Multiple family Residential, Medium High Density Residential*) zone district shall apply to the underlying RS-5 (*Single Family Residential, Medium Density*) zone district. Given the conditions of approval dated December 2, 2020, Conditional Use Permit Application No. P20-00488 meets all of the provisions of the FMC, including but not limited to setbacks, transition standards, parking, and landscaping, and complies with all applicable design guidelines and development standards for Multi-Unit Residential in the RS-5 (*Single Family Residential, Medium Density*) zone district.

## Other Agencies

All comments received from the applicable agencies have been incorporated into the conditions of approval for Conditional Use Permit Application No. P20-00488. Given the conditions of approval, the project will comply with all zoning requirements as incorporated into the conditions of approval dated December 2, 2020 (**Exhibit J**).

## Public Notice and Input

### Neighborhood Meeting

Prior to project submittal, the applicant held a neighborhood meeting on December 17, 2018, and noticed property owners within 500 feet of the subject property. The property owner prepared an overview of the project, including exhibits of the proposed development. No residents or property owners from within the neighborhood attended the meeting. One individual responded to the notice via telephone and expressed support for the project and suggested the units be affordable to low income households. A summary of the neighborhood meeting was included in the operational statement.

### Council District Project Review Committee

The Council District 2 Project Review Committee recommended approval of the proposed project on November 9, 2020 by a vote of 3-0 with no additional comments or recommendations.

### Notice of Planning Commission Hearing

In accordance with Section 15-5007 of the FMC, the Planning and Development Department mailed notices for the December 2, 2020 Planning Commission Hearing to surrounding property owners within 1000 feet of the subject property on November 18, 2020 (**Exhibit K**).

## LAND USE PLANS AND POLICIES

The Fresno General Plan designates the subject property for Medium Density Residential planned land uses and provides objectives to guide in the development of this project. Medium Density Residential covers developments of 5 to 12 units per acre and is intended for areas with predominantly single-family residential development, but can also accommodate a mix of housing types, including small-lot starter homes, zero-lot line developments, duplexes, and townhouses. The proposed project will facilitate development of the site with a 4-unit, multi-family residential project which is the intent of the Fresno General Plan for this property. Objectives and policies within the Fresno General Plan support diverse housing types, efficient and equitable use of resources, and multi-family residential infill development. Some of those objectives and policies are outlined below:

- 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-e: **Unique Neighborhoods**. Promote and protect 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 Fresnoans. Support unique areas through more specific planning processes that directly engage community members in creative and innovative design efforts.
- Objective UF-12: Locate roughly one-half of future residential development in infill areas-defined as being within the City on December 31, 2012-including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.
- 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: **Promote Development within the Existing City Limits as of December 31, 2012.** Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.
- Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.
  - Policy LU-2-a: **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: Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.
  - Policy LU-5-c: **Medium Density Residential Uses.** Promote medium density residential uses to maximize efficient use of residential property through a wide range of densities.
  - 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.

The proposed project would allow development on existing properties within the City of Fresno. The project promotes multi-family residential development and reinvestment within the City and preserves and protects resources within the City by expanding opportunities for development on infill properties. Infill development conserves resources and takes advantage of existing infrastructure. Furthermore, the proposed multi-family development promotes a city of healthy communities and will enhance the overall character of the neighborhood by providing multi-family residential development that is compatible with the surrounding established neighborhood.

### **Bullard Community Plan**

The subject property is designated for Medium Density Residential planned uses by the 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 or the Fresno General Plan. However, should there be a conflict between the FMC and the Bullard Community Plan, pursuant to Section 15-104-D-4 of the FMC, the FMC shall control. Goals within the Bullard Community Plan that the project is consistent with are as outlined below:

- Goal 4.1.2-1: Provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.

- Goal 4.1.2-5: Provide for a compatible relationship between differing housing types and densities.

### **Pinedale Neighborhood Plan**

The subject property is designated for Medium Density Residential planned land uses by the Pinedale Neighborhood 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 or the Fresno General Plan. However, should there be a conflict between the FMC and the Pinedale Neighborhood Plan, pursuant to Section 15-104-D-4 of the FMC, the FMC shall control.

### **Fresno County Airport Land Use Compatibility Plan**

The proposed project is located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project site is located within the Fresno Yosemite International Airport's (FYIA) Safety Zone 7 - Precision Zone. Listed uses considered to be hazards to flight, which include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations and certain land uses such as golf courses, are prohibited in Traffic Pattern Zone 7. The proposed multi-unit residential development is not a listed prohibited use. Therefore the proposed project is compatible and in compliance with the Airport Land Use Compatibility Plan. Therefore, the City of Fresno Airports Department anticipates no adverse impacts on Fresno Yosemite International Airport as a result of the proposed project and the use is consistent with the Fresno County Airport Land Use Compatibility Plan.

### **Housing Element**

This project is located on a parcel listed in the 2013-2023 RHNA Housing Element Sites Inventory, which anticipates two units of above-moderate income level housing at this site. The 2013-2023 RHNA obligation for above-moderate is 10,116 and the existing surplus capacity is 4,934 for a total existing capacity of 15,050 units. This project proposes the construction of four units of above-moderate income level housing, thus this project will cause a gain of two above-moderate units to the Sites Inventory, resulting in a the surplus capacity of 4,936 units. As the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.

### **FRESNO MUNICIPAL CODE FINDINGS**

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

### **ENVIRONMENTAL FINDINGS**

The California Environmental Quality Act (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. A determination of a Categorical Exemption from Section 15332/Class 32 was made and Environmental Assessment No. P20-00488, dated December 2, 2020 (**Exhibit M**), was prepared for this project. No adverse

environmental impacts will occur as a result of the proposed project. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Furthermore, the proposed project is not expected to have a significant effect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, Bullard Community Plan, Pinedale Neighborhood Plan, and the Fresno County Airport Land Use Compatibility 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 Conditional Use Permit Application No. P20-00488 is appropriate for the subject property.

### Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Project Information Tables
- Exhibit F - Noticing Map
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