



Legislation Details (With Text)

File #: ID 20-001609 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 11/19/2020 **In control:** Planning Commission

On agenda: 12/2/2020 **Final action:** 12/2/2020

Title: Conditional Use Permit Application No. P20-01643 was filed by Tommy Phelen of Maple Luxury Living LLC and pertains to 1.92 acres of property located at 2056 South. Maple Avenue. The applicant proposes to develop 12 residential duplex buildings consisting of 23 residential units with a manager's office. (Council District 5)

1. ADOPT Environmental Assessment No. P20-01643 dated December 2, 2020, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.

2. APPROVE Conditional Use Permit Application No. P20-01643 granting the request to construct 12 residential duplex buildings consisting of 23 residential units and a manager's office on an undeveloped lot located at 2056 South Maple Avenue.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Zoning Map, 4. Exhibit D - Noticing Map, 5. Exhibit E - Project Information Tables, 6. Exhibit F - Operational Statement, 7. Exhibit G - Site Plan, 8. Exhibit H - Floor Plan, 9. Exhibit I - Elevations, 10. Exhibit J - Neighborhood Notice / Notice of Public Hearing / Public Comments Received, 11. Exhibit K - Fresno Municipal Code Findings, 12. Exhibit L - Conditions of Approval, dated December 2, 2020, 13. Exhibit M - Environmental Assessment, 14. Exhibit N - Neighborhood Meeting Notice

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, AICP, Assistant Director
Development Services Division

THROUGH: RALPH KACHADOURIAN, Supervising Planner
Development Services Division

BY: THOMAS VEATCH, Planner
Development Services Division

SUBJECT

Conditional Use Permit Application No. P20-01643 was filed by Tommy Phelen of Maple Luxury

Living LLC and pertains to 1.92 acres of property located at 2056 South. Maple Avenue. The applicant proposes to develop 12 residential duplex buildings consisting of 23 residential units with a manager's office. (Council District 5)

1. ADOPT Environmental Assessment No. P20-01643 dated December 2, 2020, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. APPROVE Conditional Use Permit Application No. P20-01643 granting the request to construct 12 residential duplex buildings consisting of 23 residential units and a manager's office on an undeveloped lot located at 2056 South Maple Avenue.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. P20-01643 was filed by Tommy Phelen of Maple Luxury Living LLC and pertains to 1.92 acres of property located at 2056 S. Maple. The applicant proposes to develop 12 residential duplex buildings consisting of 23 residential units with a manager's office. Duplexes and Multi-family residential complexes are permitted in the RS-5 (*Single Family Residential, Medium Density*) zone district subject to approval of a Conditional Use Permit.

Pursuant to Section 15-906-B of the Fresno Municipal Code, 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.

BACKGROUND/ANALYSIS

The existing zoning classification surrounding the subject property to the north, south, and west is RS-5 (*Single Family Residential - Medium Density*). The zoning classification to the east is zoned RS-4 (*Single Family Residential - Medium Low Density*). The adjacent properties consist of existing single family, multi-family and rural residential developments.

The subject property is zoned RS-5 (*Single Family Residential, Medium Density*). Duplexes and Multi-family uses are permitted in the RS-5 zone district subject to a Conditional Use Permit, and subject to the development standards of the RM-1 (*Multiple Family Residential, Medium High Density*) zone district, pursuant to Section 15-906 of the FMC.

The project proposes 23 residential duplex units except for one building near the entrance which will have a manager's office instead of a residential unit. Each of the units in the development will be one-story with approximately 1,263 square feet of living space and a two-car garage. The exterior designs of the duplexes are similar to a typical single family residential home. The development of 23 residential dwelling units on 1.92 acres of land results in a density of 11.98 dwelling units per acre, which is consistent with the Medium Density Residential planned land use designation for the subject property which allows for a density range of between 5.0-12 dwelling units per acre.

Fresno Municipal Code

In accordance with Table 15-902 of the FMC, a Conditional Use Permit is required when a Duplex or Multi-Unit Residential use is proposed in the RS-5 zone district. Pursuant to Section 15-906-B the Planning Commission is the Review Authority and shall approve, conditionally approve, or deny applications for Conditional Use Permits following a public hearing.

Multi-Unit Residential developments in RS-5 zone districts shall comply with the property

development standards of the RM-1 District, unless otherwise stated in FMC Section 15-906 or by the Review Authority.

Subject to the attached Conditions of Approval dated December 2, 2020, the proposed residential project meets all of the provisions of the FMC and complies with all applicable design guidelines for Duplex and Multi-Unit Residential Standards in the Single Family Residential (RS-5) zone district.

PUBLIC PARTICIPATION

District 5 Project Review Committee

On August 10, 2020, the Council District 5 Project Review Committee reviewed and recommended approval of the proposed project's Conditional Use Permit application by a vote of 3-0 with one member absent. The committee recommended the inclusion of speed bumps within the development to enhance safety.

Neighborhood Meeting

A neighborhood meeting was required and held on September 9, 2020, per the provisions of Sections 15-906 and 15-5006 of the FMC. Two members of the public attended and inquired about the proposed cost to rent a unit and the location of the project in relation to their own properties. The sign-in sheet and description of the meeting is attached as **Exhibit N**.

Notice of Intent to Take Action

On October 16, 2020, the Planning and Development Department mailed a Notice of Intent to Take Action (Neighborhood Notice) to surrounding property owners within 1000 feet of the subject property for the proposed project. One letter from a nearby resident was received in opposition to the project, expressing concerns about new apartments being added to the neighborhood. The resident was concerned that a new apartment complex would lower property values and would cause crime to rise in the area. (**Exhibit J**)

Notice of Planning Commission Hearing

The Planning and Development Department mailed notices (**Exhibit J**) of this public hearing to surrounding property owners within 1000 feet of the subject property on November 20, 2020.

LAND USE PLANS AND POLICIES

The Fresno General Plan designates the subject property for Residential Medium Density (5.0-12 Dwelling Units/Acres) planned land uses and provides objectives to guide in the development of this project. Residential Medium Density is intended to provide a variety of residences, enhance the character of the City's neighborhoods, ensure new development is compatible with existing neighborhoods, provide neighborhood serving amenities, and implement the Medium Density Residential land use classification.

The proposed project will facilitate construction of the site with development of 23 single story duplex dwelling units which is consistent with the intent of the Fresno General Plan for this property. Objectives and policies within the Fresno General Plan support a successful and competitive housing stock and protect, preserve, and enhance Housing Element Sites. The subject property is not designated a Housing Element site; however it is adjacent to one. Some of those objectives and policies are outlined below:

Policy LU-2-a promotes 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.

Policy LU-2-b promotes residential infill development of existing vacant lots and underutilized sites within the City as a strategy to help meet the affordable housing needs of the community.

Policy LU-5-d promotes 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 recommends to 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.

Policy D-1-A requires all new multi-family residential development along pedestrian-oriented streets (collector and local), to provide direct pedestrian street access and to promote walkable connectivity, individualization, family-friendly development, identity, and street safety to the maximum extent reasonably feasible.

The proposed project would also be consistent with the Roosevelt Community Plan goals and objectives for the subject property:

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

Goal 2: provide for efficient use of land and the public service delivery system while protecting the integrity of established neighborhoods.

Goal 4: provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvements of the subject property, is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan and Roosevelt Community Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and, (4) to not conflict with any public interests in the subject property or adjacent lands.

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 under Section 15332/Class 32 was made and Environmental Assessment No. P20-01643 was completed for this project on December 2, 2020 and is attached as **Exhibit M**.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required Findings for Conditional

Use Permits under Section 15-5306 of the Fresno Municipal Code can be made. These Findings are attached as **Exhibit K**.

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 Roosevelt 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 Conditional Use Permit Application No. P20-01643 is appropriate for the proposed development on the subject property.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Zoning Map
- Exhibit D - Noticing Map
- Exhibit E - Project Information Tables
- Exhibit F - Operational Statement
- Exhibit G - Site Plan
- Exhibit H - Floor Plan
- Exhibit I - Elevations
- Exhibit J - Neighborhood Notice / Notice of Public Hearing / Public Comments Received
- Exhibit K - Fresno Municipal Code Findings
- Exhibit L - Conditions of Approval, dated December 2, 2020
- Exhibit M - Environmental Assessment
- Exhibit N - Neighborhood Meeting Notice