

**CONSIDERATION OF AN APPEAL OF
DEVELOPMENT PERMIT APPLICATION NO.
P21-00989
AND
RELATED ENVIRONMENTAL FINDING**



PRESENTATION BY: ROB HOLT, SUPERVISING PLANNER

ID 24-899

CITY COUNCIL HEARING | JULY 25, 2024

AERIAL MAP



LAND USE HISTORY

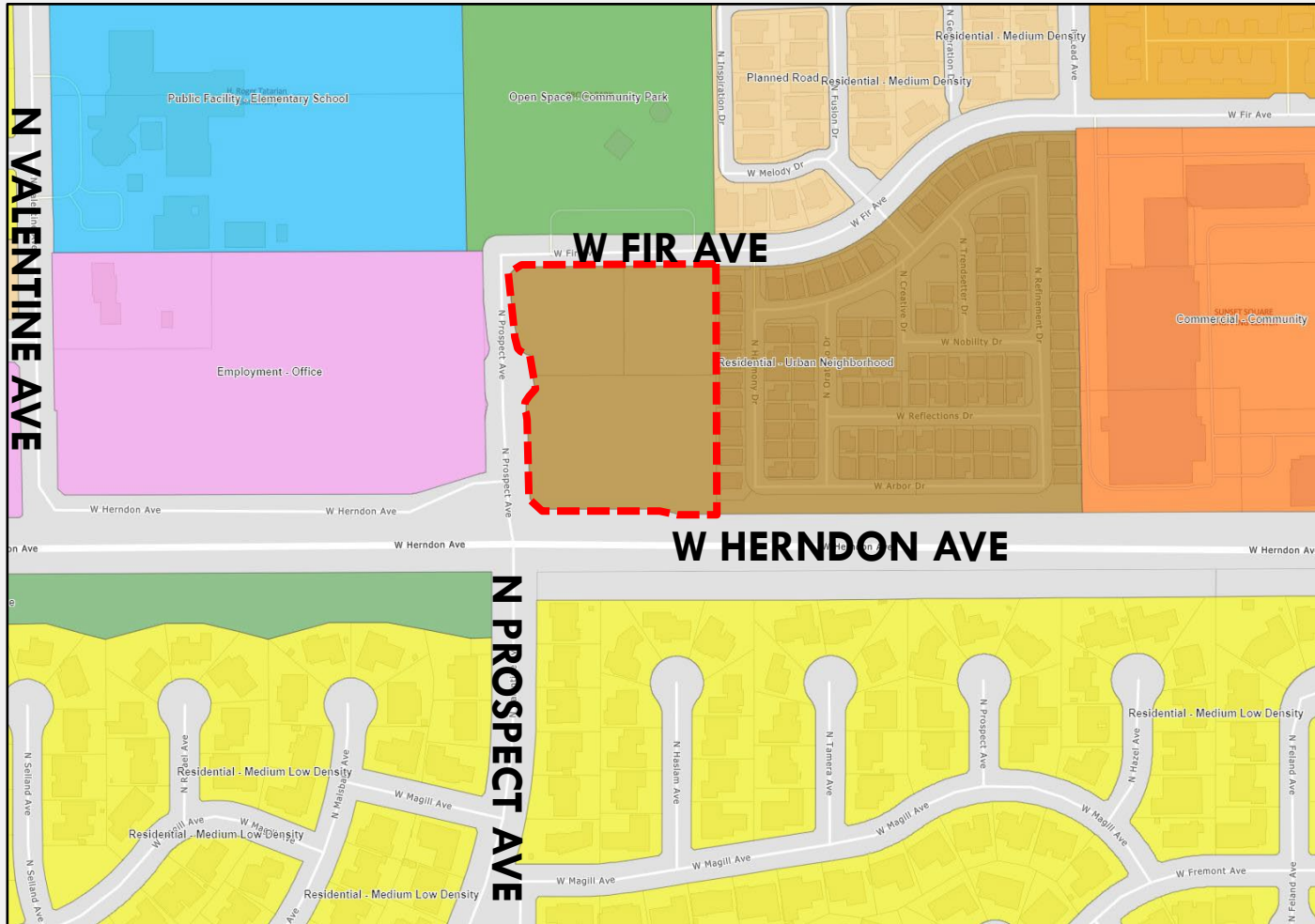
□ Previous General Plan & Zoning

- General Plan (adopted in 2002) designated subject property to the Office Commercial planned land use designation. The zone district was designated as the C-P/EA (*Administrative and Professional Office District/Expressway Area Overlay*) zone district.
- 02/10/2011: Plan Amendment-Rezone adopted by City Council changing property from Office Commercial to Neighborhood Commercial planned land use designation, and rezoned from C-P/EA to C-1/EA (*Neighborhood Shopping Center District/Expressway Area Overlay*) zone district.

□ Current General Plan & Zoning

- Current General Plan adopted by City Council on 12/18/2014. Citywide rezone changed planned land use from Neighborhood Commercial to Urban Neighborhood Residential.
- Citywide zoning code update adopted by City Council in December 2015. Changed zoning from C-1/EA to RM-2/EA (*Multi-Family Residential, Urban Neighborhood/Expressway Area Overlay*) zone district.

EXISTING LAND USE MAP



APPEAL

□ Noticing

▣ Notice of Action

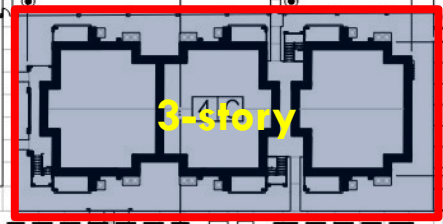
- 8 appeal letters and 24 written correspondences received in opposition
 - Addressed in staff report
- Planning Commission Decision – Denial
 - Project is inconsistent with Finding B (Development Permit Findings) in that it does not meet the General Plan in regards to Urban Neighborhood Residential planned land use, and it does not take into account significant growth within the City of Fresno and the project would result in traffic impacts detrimental to the project.

▣ Mayor & Council Member Karbassi

- Appealed Planning Commission Decision on 05/29/24

WEST FIR AVENUE

N 45°43'43" E 17.52'
N 89°21'00" E 199.64'
173.32'



N 11°52'23" W 16.43'
R=50.00' L=7.86'
R=31.00' L=41.55'

NORTH PROSPECT AVENUE

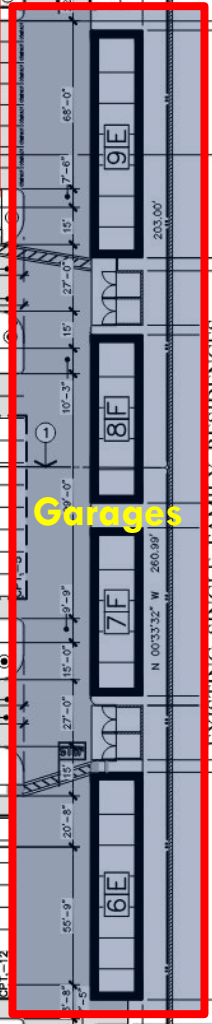


S 45°52'50" E 27.69'

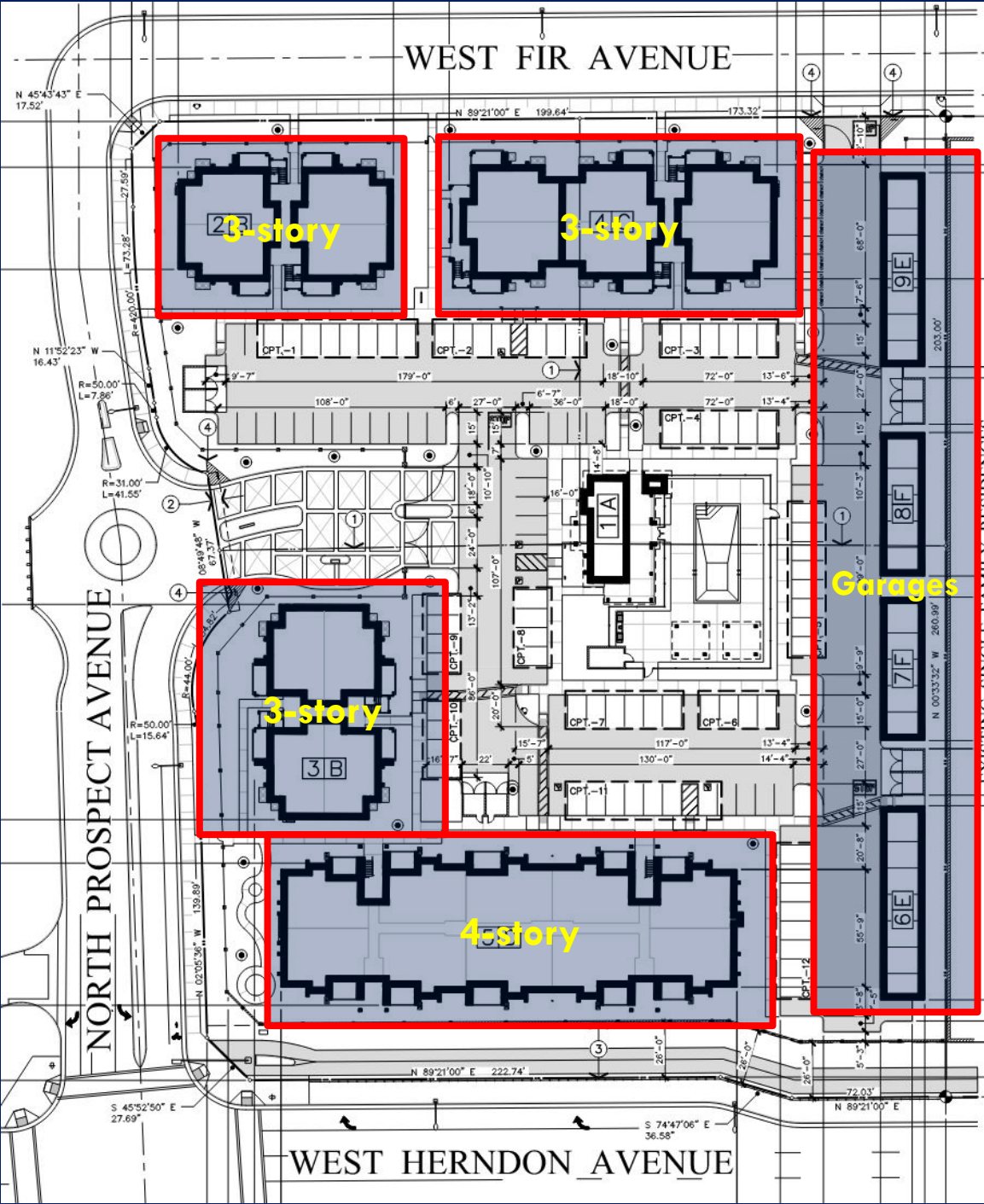
WEST HERNDON AVENUE

N 89°21'00" E 222.74'

S 74°47'06" E 36.58'

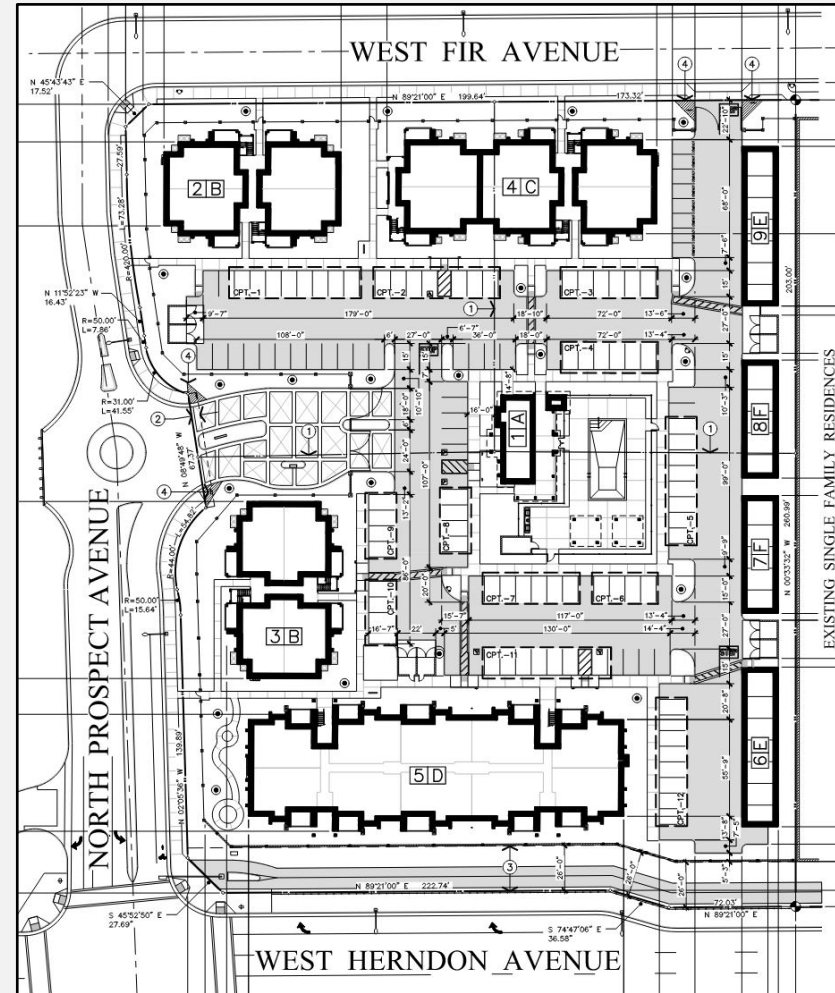


EXISTING SINGLE FAMILY RESIDENCES



DEVELOPMENT STANDARDS

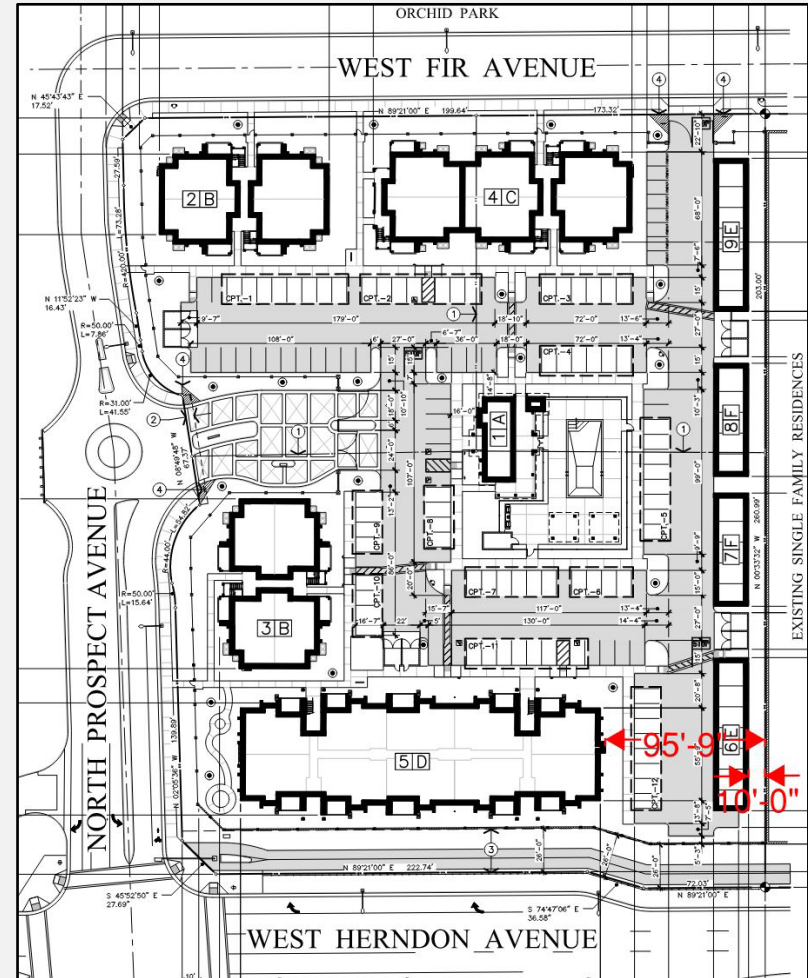
- Open Space
 - Reduction Allowance (25%)
 - Public Park within 400 feet of site & across local street.
 - Project site provides improved pedestrian path to and from the site.
 - Required: 18,132 sf
 - Proposed: 18,683 sf



DEVELOPMENT STANDARDS

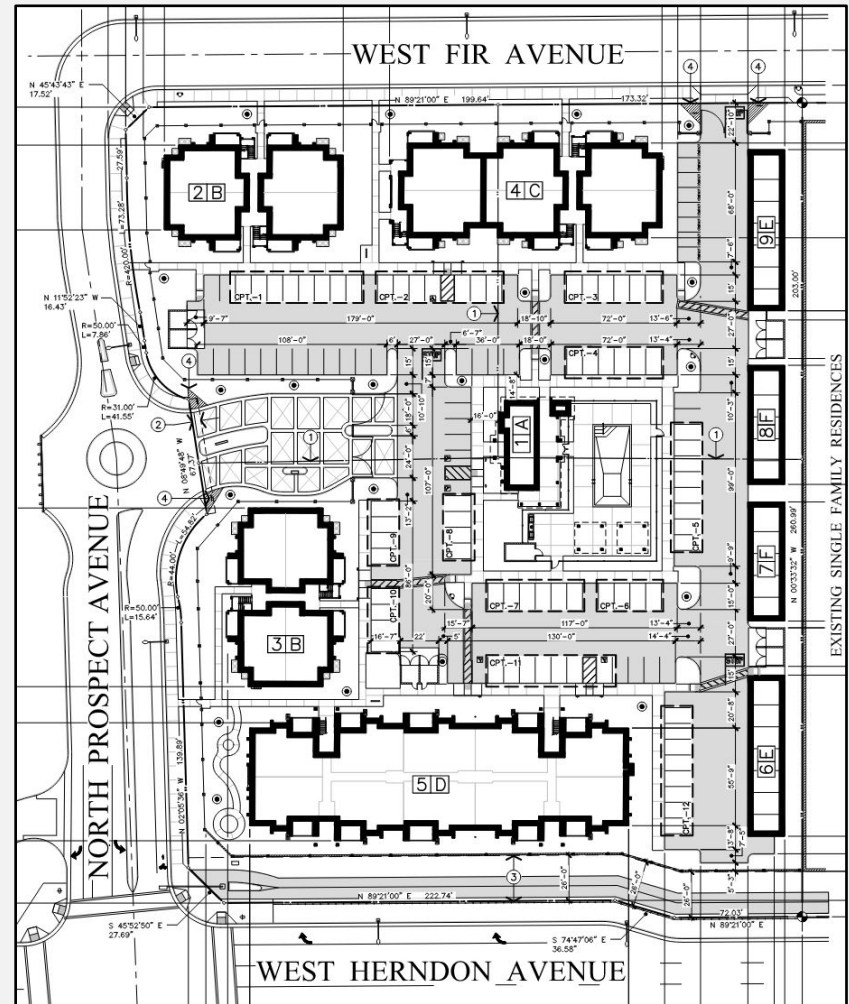
□ Setbacks

- Front (Herndon): N/A; Pursuant to FMC
- Interior side: Minimum Required – 5'; Proposed – 10' to garage, 95'-9" to nearest building
- Street side (Prospect): Minimum Required: 15'; Proposed – 24'-4"
- Rear yard (Fir): Minimum Required – 15'; Proposed – 21'-8"



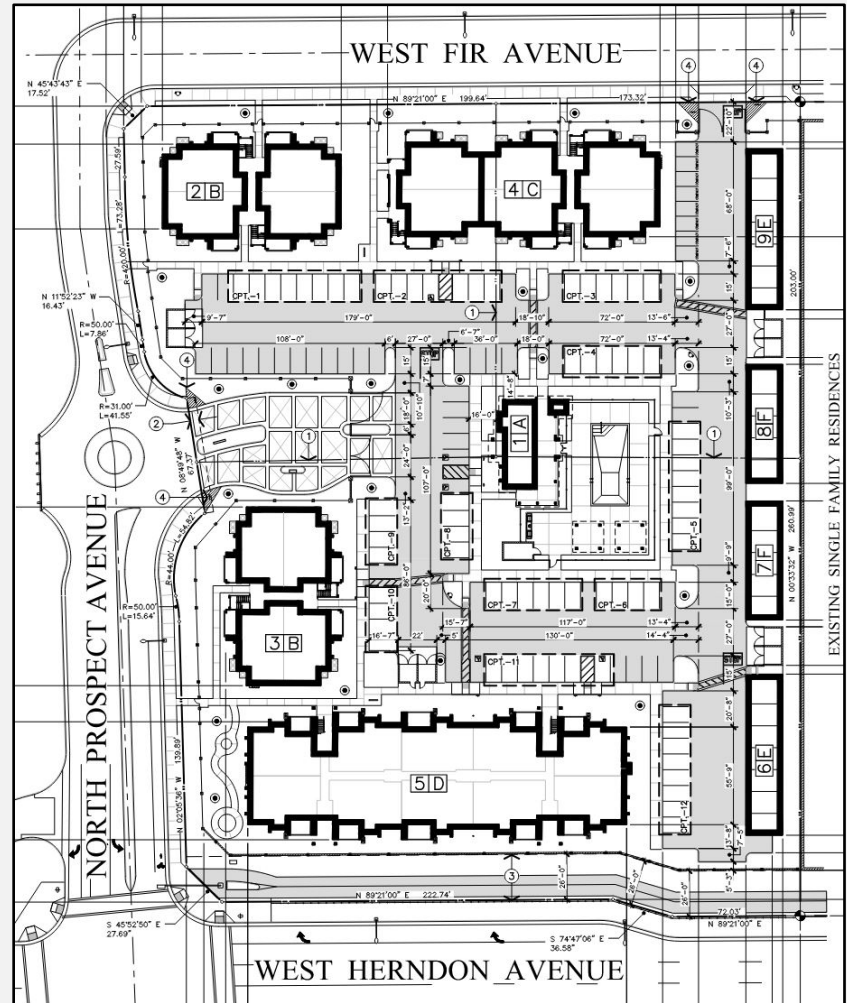
DEVELOPMENT STANDARDS

- Expressway Area Overlay (EA)
 - No building erected within 200' unless Acoustical Study is completed with recommendation of sound mitigation, then 75' setback is required.
 - Acoustical Study was submitted which required 6' block wall.
 - Minor Deviation application submitted and approved for 10% reduction of 75' standard, allowing for 68' building setback.
 - Nearest building proposed at 68' (applies to four-story building)



DEVELOPMENT STANDARDS

- Parking
 - 82 two-bedroom dwelling units
 - Requirement: 123 parking spaces (82 covered and 41 uncovered)
 - Proposed: 154 parking spaces (72 carports, 27 garages, 55 uncovered)



HAA FINDINGS FOR DENIAL

Prohibits a local agency from disapproving a housing development project that complies with applicable, objective general plan and zoning standards and criteria, unless a local agency makes specified written findings.

- A. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- B. There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

STAFF RECOMMENDATION

1. ADOPT – Environmental Assessment No. P21-00989 dated February 9, 2024, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) under a CEQA Guidelines Section 15332/Class 32 Categorical Exemption.

2. GRANT the appeal and UPHOLD the Planning and Development Department Director’s approval of Development Permit Application No. P21-00989 authorizing the construction of an 82-unit private gated multi-family development, subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval for Development Permit Application No. P21-00989 dated May 15, 2024.

FINDINGS – DEVELOPMENT PERMIT

The Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:

- Finding A: The applicable standards and requirements of this Code;
- Finding B: The General Plan and any operative plan or policies the City has adopted;
- Finding C: Any applicable design guidelines adopted by the City Council;
- Finding D: Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required;
- Finding E: Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670—21679.5.

FINDINGS – MINOR DEVIATION

A decision to grant a deviation shall be based on making all of the following findings:

- Finding 1: The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
- Finding 2: There are no alternatives to the requested deviation that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
- Finding 3: The granting of the requested deviation will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code; and
- Finding 4: If the deviation requested is to accommodate religious uses protected by RLUIPA, the decision-maker must also find that the denial of the requested deviation would impose a substantial burden on religious exercise.