



VARIANCE APPLICATION NO. V-16-009

11/16/16	Margo Lerwill	16-11000009	\$8,020
<i>Date Accepted</i>	<i>Staff Analyst</i>	<i>HTE PZ No.</i>	<i>Fee</i>

PROJECT INFORMATION

PROJECT	<p>Variance Application No. V-16-009 is a request to allow a reduction of the minimum required frontage coverage for the construction of a multi-unit residential project. Related Development Permit Application No. D-16-081 proposes the phased construction of an 80-unit multiple family residential development with associated on-site improvements. Annexation Application No. ANX-16-004 proposes detachment of the property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno. Rezone Application No. R-16-010 proposes to amend the Official Zone Map to rezone the property from the Fresno County RR (<i>Rural Residential</i>) zone district to the City of Fresno RM-2/UGM (<i>Residential Multi Family, Urban Neighborhood/Urban Growth Management</i>) zone district.</p>
APPLICANT	<p>Joseph Guagliardo on behalf of Harpinder Singh Bhangoo Comprehensive Planning Associated, Inc. 5414 E. Pitt Fresno, CA 93727</p>
LOCATION	<p>3508 W. Clinton Avenue (APN: 442-060-33); Located on the north side of Clinton Avenue, between Brawley and Valentine. (Adjacent to Council District 3, Councilmember Baines)</p>
OWNER	<p>Craig & Eric Armitage 840 E. Peralta Way, Fresno, CA 93705</p>
SITE SIZE	<p>± 4.65 acres</p>
LAND USE	<p>Existing – Fresno County Rural Residential Vacant Proposed – Residential Urban Neighborhood</p>
ZONING	<p>Fresno County RR (<i>Rural Residential</i>), being rezoned to RM-2/UGM (<i>Residential Multi Family, Urban Neighborhood/Urban Growth Management</i>)</p>
PLAN DESIGNATION AND CONSISTENCY	<p>Variance Application No. V-16-009 is proposed in accordance with the Residential – Urban Neighborhood planned land use identified in the Fresno General Plan and the Objectives and Policies of the West Area Community Plan.</p>

ENVIRONMENTAL FINDING	A public notice of a Finding of Conformity for Environmental Assessment Application No. R-16-010/D-16-081/V-16-009/ANX-16-004 was published on October 14, 2016 with no comments or appeals received to date.
PLAN COMMITTEE RECOMMENDATION	The District 3 Plan Implementation Committee reviewed and unanimously approved the project without comment.
STAFF RECOMMENDATION	Staff recommends approval of Variance Application No. V-16-009. V-16-009 is subject to conditions found in the Conditions of Approval letter, dated November 16, 2016.
RELATED APPLICATIONS	D-16-081, ANX-16-004, R-16-010
COVENANTS ZONE CONDITIONS	N/A
SPECIAL POLICY AREA APPLICABLE POLICIES (SPECIFIC OR RDA PLAN)	N/A

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Fresno County RML (Residential – Medium Low Density)	Fresno County RR (Rural Residential)	Fresno County RRV (Rural Residential Vacant)
South	Fresno County RM (Residential – Medium Density), RMH (Residential – Medium High Density)	Fresno County TP (Trailer Park Residential District)	Fresno County RM (Residential – Medium Density) & RMHT (Residential – Mobile Home Park)
East	Fresno County RML (Residential – Medium Low Density)	Fresno County RR (Rural Residential)	Vacant
West	RM (Medium Density Residential)	RS-5/UGM (Single-Family Residential, Urban Growth Management)	RM (Medium Density Residential)

ENVIRONMENTAL FINDING

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.

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 West Area Community Plan area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed Rezone, Development Permit, Variance and Annexation have been determined to be a subsequent project that is fully within the scope of the MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, as necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, 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 finding of conformity 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 applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a finding of conformity for this project. A public notice of the attached finding of conformity for Environmental Assessment Application No. R-16-010/D-16-081/V-16-009/ANX-16-004 was published on October 14, 2016 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Pursuant to Section 15-5501 of the Fresno Municipal Code (FMC), variances may be granted to provide relief from the strict application of the Code where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

Variance Application V-16-009 is a request to allow a reduction of the required minimum frontage coverage for the construction of a multi-unit residential project from 50% to 21%.

The subject property is a rectangular shape with a width to depth ratio of 4.6:1 (210.58' x 967.57'). To accommodate the planned land use of Residential – Urban Neighborhood, pending Rezone Application R-16-010 and Annexation Application ANX-16-004, the proposed project must include a density of 16-to-30 units per acre. The project proposes 17.2 units per acre. The project must also include a minimum driveway width and structural setbacks and landscape buffers as required by the

FMC. Setbacks and landscape buffers along the west property line, the placement of structures, and the project design standards must accommodate requirements for a multi-family residential district abutting a single-family residential district and also remain congruent with the character of the surrounding neighbors.

The Variance would allow placement of the multi-family units and on-site improvements while still meeting all other setback, ingress/egress, emergency access, and maximum structural height requirements and restrictions.

Related Development Permit Application No. D-16-081 proposes construction of an 80-unit multi-family residential development including 71,752 square feet of building area and 16,652 square feet of carport area. The zoning, pending Rezone Application R-16-010, will be RM-2/UGM (*Residential Multi Family, Urban Neighborhood/Urban Growth Management*).

Other Agencies

All comments received from the applicable agencies have been incorporated into the conditions of approval for Variance Application No. V-16-009. The project will comply with all zoning requirements including setbacks, landscaping and parking requirements, as incorporated into the Conditions of Approval dated November 16, 2016.

LAND USE PLANS AND POLICIES

Applicable objectives and policies for the subject property are as follows:

Fresno General Plan

The Fresno General Plan designates the subject site for Residential – Urban Neighborhood planned land uses and provides objectives to guide in the development of these projects. Development Permit Application No. D-16-081 meets all policies and objectives of the Fresno General Plan. The following are excerpts of such goals and objectives.

Goal 3: Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land, buildings, natural resources, and fiscal resources required for the long-term sustainability of Fresno.

Goal 7: 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.

Goal 8: 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.

Intentionally plan for Complete Neighborhoods as an outcome and not a collection of subdivisions which do not result in Complete Neighborhoods.

Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.

Greater densities can be achieved through encouragement, infrastructure and incentives for infill and revitalization along major corridors and in Activity Centers.

Goal 11: Emphasize and plan for all modes of travel on local and Major Streets in Fresno.

Facilitate travel by walking, biking, transit, and motor vehicle with interconnected and linked neighborhoods, districts, major campuses and public facilities, shopping centers and other service centers, and regional transportation such as air, rail, bus and highways.

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-F: Complete Neighborhoods, Densities, and Development Standards. Use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

The proposed project is located adjacent to Fresno city limits, lies within the City of Fresno Sphere of Influence, is already served by Fresno Area Express Route 39 transit service, and would provide the only RM-2 housing option in the area. The project is consistent with Fresno General Plan goals emphasizing conservation of natural, built, and financial resources; diversity of districts and housing types; housing that is walkable to numerous services; increased land use densities; and improved opportunities for use of intermodal travel.

West Area Community Plan

Upon reviewing the policies contained in the West Area Community Plan, staff has determined that there are no policies that are more restrictive than those contained in the FMC or the Fresno General Plan.

Variance Application No. V-16-009 meets policies and objectives of the West Fresno Community Plan. The following are excerpts of such policies and objectives.

W-1-b. Policy: Develop a program to encourage project development proposals which result in the in-filling of existing urban areas, including small parcels of farmland which have become surrounded by urban uses.

W-1-c. Policy: The City of Fresno shall continue to implement its Urban Growth Management (UGM) policies, which encourage orderly development and discourage premature development of land near the planned urban fringe.

W-3. OBJECTIVE: Provide streetscapes which create a positive image of the West Area and contribute to the West Area Community's quality of life.

W-5. OBJECTIVE: Provide for the appropriate distribution and design of multiple-family and clustered residential uses, to establish and maintain safe, attractive, and stable residential neighborhoods and to preserve long-term integrity of the West Area Community.

W-6. OBJECTIVE: Establish compatible relationships between housing types and densities, and provide standards for interfaces between urban and rural residential land uses and between single-family and multiple-family residential projects.

The proposed project is an in-fill development within walking distance of a variety of urban land uses. As the residential districts to the west of the project, within the City of Fresno, and south of the project, within the unincorporated area of Fresno County, are built out, the project would not be considered leapfrog or premature rural development. As the only RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district in the area, the project provides more variety of housing opportunities with lot and structural designs that are respectful of the adjacent single-family residential uses. The proposed construction fronts onto West Clinton Avenue and is designed to “soften” the streetscape that is currently dominated by back and side yard fencing separating pedestrians from surrounding land uses and isolating area residents from the transit stop located in front of the subject property.

VARIANCE APPLICATION FINDINGS

Based upon analysis of the variance application and subject to the applicant’s compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 15-5506 of the FMC can be made.

Findings per Fresno Municipal Code Section 15-5506
A Variance, including variances from the terms of open-space zoning, shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the Review Authority determines that it is not possible to make all of the required findings, the application shall be denied.
a. <i>There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;</i>

<p>Finding A:</p>	<p>There are conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification. The subject property is bordered by single-family and rural residential land uses, has a unique width to depth ratio for multi-family residential development, and is further restricted by requirements imposed by its location abutting a single-family residential district. The subject property's dimensions are 210.58' x 960.67' for a width to depth ratio of 4.6:1, which is a ratio met or exceeded by only one other property in the vicinity (APN 442-060-07, ratio 6.3:1). There are no other properties in the area zoned RM-2. The size and shape of the subject property constitute exceptional or extraordinary circumstances that create significant challenges for the applicant in meeting FMC development requirements and in producing an efficient, safe, and pleasing design for the community. Given the unique shape and zoning of the property, and existing development of the area, the granting of a variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications. As each variance request is evaluated on a project by project basis, the circumstances of each request may vary, affecting granting or denial, but the opportunity is present.</p>
<p><i>b. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;</i></p>	
<p>Finding B:</p>	<p>Physical constraints on infill development resultant from the strict application of the municipal code in the context of the existing built environment surrounding the subject property create a hardship which limits the potential for infill development consistent with the goals, objectives and policies of the Fresno General Plan and West Area Community Plan. The granting of variance prevents such hardship while affording alternative measures in a manner which is consistent with the same goals, objectives and policies.</p>
<p><i>c. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands; and</i></p>	
<p>Finding C:</p>	<p>The granting of the variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands. It is unlikely that the difference in frontage coverage will be noticeable to and negatively perceived by the public. The proposed construction fronts onto West Clinton Avenue and is designed to "soften" the streetscape that is currently dominated by back and side yard fencing separating pedestrians from surrounding land uses and isolating area residents from the transit stop located in front of the subject property.</p>
<p><i>d. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable operative plan, and of the General Plan.</i></p>	
<p>Finding D:</p>	<p>The granting of the variance will be consistent with the general purposes and objectives of the Fresno Municipal Code, the Fresno General Plan and West Area Community Plan. The granting of the variance application will encourage infill development and increased residential density by allowing the owner of the subject</p>

	site to demolish a dilapidated single family residence and replace it with new multi-family housing.
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CONCLUSION / RECOMMENDATION

Based upon review and analysis of this request, it has been determined that the project is consistent with the West Area Community Plan and the Fresno General Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Therefore, upon consideration of this evaluation, it can be concluded that the proposed project is appropriate for the project site.

CONDITIONS OF APPROVAL

Variance Application No. V-16-009 is approved subject to the following conditions:

1. Development shall take place in accordance with Exhibits A, E-1, E-2, F-1, F-2, F-3, and L dated July 18, 2016.
2. Development shall take place in accordance with the Conditions of Approval, dated November 16, 2016.