



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B

COMMISSION MEETING 5.4.16

May 4, 2016

APPROVED BY


DEPARTMENT DIRECTOR

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

THROUGH: MCKENCIE CONTRERAS, Supervising Planner
Development Services Division 

BY: PHILLIP SIEGRIST, Planner
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SUBJECT

Consideration of Conditional Use Permit Application No. C-16-001 and Environmental Assessment No. C-16-001/TPM-2016-02, filed by Brandon Broussard, on behalf of Vincent Ricchiuti, and pertaining to 20 acres of property located on the northwest corner of East Shepherd and North Willow Avenues in northeast Fresno.

1. **ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment No. C-16-001/TPM-2016-02 filed on April 1, 2016;
2. **APPROVE** Conditional Use Permit Application No. C-16-001 requesting authorization to construct a mixed use development consisting of 255 dwelling units and $\pm 34,800$ square feet of trail-oriented commercial/retail uses with activity areas, a paseo for outdoor dining, a corner patio area, and drive-through facilities.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-16-001 was filed by Brandon Broussard of Yamabe and Horn Engineering, on behalf of Vincent Ricchiuti of Heritage Development Company, and pertains to ± 20 acres of property located on the northwest corner of East Shepherd and North Willow Avenues. The applicant proposes a mixed-use commercial and multiple family residential gated development consisting of 255 residential dwelling units and $\pm 34,800$ square feet of trail-oriented commercial/retail uses with activity areas, a paseo for outdoor dining, a corner patio area, and drive-through facilities. Related Vesting Tentative Parcel Map No. 2016-02 has been filed and proposes to subdivide the subject property for purposes of creating nine parcels; however it is not under consideration by the Planning Commission. The subject property is zoned CMX/UGM (*Corridor/Center Mixed-use/Urban Growth Management*).

The granting authority for this type of Conditional Use Permit rests with the Director of the Development and Resource Management Department, however the Director referred this application to the Planning Commission at the applicant's request in order to expedite the process.

The subject site is planned for Corridor/Center Mixed Use by the Fresno General Plan and the Woodward Park Community Plan. The proposed mixed-use project is consistent with the planned land use.

PROJECT INFORMATION

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| PROJECT | Conditional Use Permit Application No. C-16-001 proposes a mixed-use commercial and multiple-family residential gated development consisting of 255 dwelling units and ±34,800 square feet of trail-oriented commercial/retail uses with activity areas, outdoor dining, patio area, and drive-through facilities. |
| APPLICANT | Brandon Broussard of Yamabe and Horn Engineering, on behalf of Vincent Ricchiuti of Heritage Development Company |
| LOCATION | 2740 East Shepherd Avenue; Located on the northwest corner of East Shepherd and North Willow Avenues (APN: 568-010-20) (Council District 6, Councilmember Brand) |
| SITE SIZE | Approximately ± 20 acres |
| LAND USE | Existing - Corridor/Center Mixed-use (Vacant) Proposed - Multifamily Residential and Commercial |
| ZONING | CMX/UGM (<i>Corridor/Center Mixed-use/Urban Growth Management</i>) |
| PLAN DESIGNATION AND CONSISTENCY | The proposed mixed-use project is consistent with the planned land use of Corridor/Center Mixed-Use designated by the Fresno General Plan and Woodward Park Community Plan. |
| ENVIRONMENTAL FINDING | A Finding of a Mitigated Negative Declaration was prepared on April 1, 2016. |
| PLAN COMMITTEE RECOMMENDATION | The Council District 6 Plan Implementation Committee approved the proposed application on February 18, 2016 by a 5-0-2 vote (2 members absent). |
| STAFF RECOMMENDATION | Approve Conditional Use Permit Application No. C-16-001 subject to compliance with the Conditions of Approval dated May 4, 2016. |

BORDERING PROPERTY INFORMATION

| | Planned Land Use | Existing Zoning | Existing Land Use |
|-------|--------------------------------|--|---------------------------|
| North | Medium Low Density Residential | RS-4 <i>Single Family Residential District</i> | Single Family Residential |

| | | | |
|--------------|---|---|----------------------------------|
| East | Medium and Medium High Density Residential and Business Park (County) | AL20 <i>Limited Agricultural District</i> (County) | Agricultural Orchard / Warehouse |
| South | Agricultural (County) | AE20 <i>Exclusive 20 Acre Agricultural District</i> (County) | Agricultural Orchard |
| West | Medium Low Density Residential | RS-4 <i>Single Family Residential District</i> | Single Family Residential |

ENVIRONMENTAL FINDING

The City of Fresno has conducted an initial study of the above-described 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 Woodward Park 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 conditional use permit has been determined to not be fully within the scope of the recently updated 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, together with project specific mitigation measures 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 PRC, 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 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 of the attached mitigated negative declaration finding for Environmental Assessment No. C-16-001/TPM-2016-02 was published on April 1, 2016 with no comments or appeals received to date.

Project specific mitigation measures include proper well and septic system abandonment, compliance with the Fresno Metropolitan Flood Control District's requirements and construction of Master Plan Facilities, drought tolerant landscaping, compliance with Fresno Irrigation District's pipe treatment requirements regarding the Maupin No. 18 pipeline, sound attenuating construction design, payment of development impact fees, and compliance with San Joaquin Valley Air Pollution Control District requirements for Indirect Source Review, and the Departments of Public Works and Public Utilities' requirements related to street, sewer and water infrastructure.

BACKGROUND / ANALYSIS

Project Description

Conditional Use Permit Application No. C-16-001 is a request to construct a mixed-use commercial and multiple family residential development consisting of 255 dwelling units and 34,800 square feet of commercial/retail uses. The subject site is located adjacent to single family residences to the north and west and to the south and east the project will include an enhanced trail along both street frontages.

The residential component of the project will be gated and feature two multifamily product types with one, two, and three bedroom units. Approximately 80-units will be two-story paired homes (townhomes), designed to provide a buffer and transition from the neighboring single family residences to the north and west of the project site. Approximately 175 units will be three-story, stacked-flat, walk-up units, located in the heart of the project, and adjacent to the Sugar Pine trail along East Shepherd Avenue and proposed commercial uses. The multifamily component of the project will also feature garages, parking, a clubhouse and recreational area (approximately 5,500 square feet) which will include a fitness area, club room, kitchen, business center, swimming pool, and other amenities. Three additional outdoor activity areas including a kid's play area and a dog park will also be included.

The commercial component of the project proposes $\pm 34,800$ square feet of trail-oriented commercial/retail uses to be developed on six building pads, offering several pedestrian access points from the Sugar Pine trail and three connection points to the multifamily uses. There will be several activity areas within the commercial portion including an entry park designed to be a place for residents and patrons, a paseo for outdoor dining between the shop buildings, corner patio area, and drive-through facilities.

The subject property is located within the Fresno General Plan and the Woodward Park Community Plan areas. Both plans designate the 20 acre subject site for Corridor/Center Mixed-Use (CMX) planned land uses, which has a residential density range of 16 to 30

dwelling units per acre with a minimum of 40 percent residential uses, and a maximum Floor Area Ratio (FAR) of 1.5 for non-residential development.

The proposed residential density of the entire project area is 12.75 dwelling units to the acre. However, the residential component consists of approximately 13.24 acres (66 percent) which therefore has an actual residential density of 19.25 dwelling units to the acre. Furthermore, the commercial/retail component consists of approximately 6.79 acres and will have a FAR of 0.12. The CMX zone district allows multiple family dwellings and commercial/retail development "by right". Additionally, the CMX district allows development of drive-through facilities subject to a conditional use permit with specific limitations and additional regulations outlined in Fresno Municipal Code (FMC) Section 15-2728. Therefore, the proposed project includes uses that are permitted in the CMX zone district and planned land use.

Project Design

Transition Standards

The provisions of the CMX zone district of the Development Code determine maximum height and setbacks for the project, subject to its surrounding uses. In this case, the Residential Single Family (RS) district abutting the northern and western property lines limit maximum height and increase the required setbacks. The maximum height is limited to 30 feet within 40 feet of RS district and 40 feet within 50 feet of an RS district. Interior side and rear setbacks abutting an RS district boundary shall be 20 feet. In addition, there are required landscape buffer standards when a mixed-use district abuts RS district. Pursuant to FMC Tables 15-2305-C-1&2, a minimum 15 foot buffer yard is required.

The proposed project is designed to integrate into the surrounding neighborhood in several ways. The multifamily component of the project is designed to effectively buffer the neighboring single family residences by locating the higher density and commercial components in the center of the project and oriented towards East Shepherd and North Willow Avenues. The applicant proposes development of two-story paired homes (townhomes) 30 feet high along the western and northern property lines. Only one unit per building will be adjacent to the property line. Buildings will be setback 20 feet from the property line, and the setback area will be landscaped. Side elevations of the buildings adjacent to single family residential will be designed with higher windows on the second story to prevent line of sight into single family backyards. In addition, the applicant will construct a seven foot ornamental block wall which will provide more privacy and noise attenuation.

Drive-Throughs

As mentioned above, the commercial/retail component of the project includes drive-through facilities. Pursuant to FMC Table 15-1102, drive-through facilities are permitted in the CMX zone district subject to a conditional use permit and specific limitations and additional regulations in FMC Section 15-2728.

While the project complies with the additional regulations outlined in FMC Section 15-2708, Specific Limitation No. 15 of FMC Table 15-1102 specifies that drive-through facilities shall not

be allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.

The applicant proposes drive-through facilities for two buildings along East Shepherd and North Willow Avenues with stacking lanes/aisles located between the rear of the buildings and the Sugar Pine trail. The stacking lanes will be setback from the trail approximately 34 feet along East Shepherd Avenue and approximately 28 feet along North Willow Avenue. As proposed, the drive-through facility configuration is in conflict with the above mentioned specific limitation.

The applicant feels the proposed plan with stacking along the trail provides for the most pedestrian friendly and visually appealing outcome. In addition to the stacking lanes being setback more than 25 feet from the trail, the trail itself is enhanced with landscaping which provides screening. Furthermore, the applicant will provide additional landscaping between the drive-through stacking lane and the trail to ensure better screening.

Staff recommends the applicant reconfigure the drive through configuration to comply with specific limitations mentioned above or request a Variance, per Article 55 and meet the required findings of FMC Section 15-5506.

Circulation Element Plan Policies and Street System Traffic Capacity

The subject site is located on the northwest corner of East Shepherd and North Willow Avenues and includes a small portion of East Yeargin Drive. In the Fresno General Plan Circulation Element, East Shepherd Avenue is designated as a superarterial street, which has a primary purpose of moving multiple modes of travel traffic to and from major traffic generators and among subregions; North Willow Avenue is designated as an arterial street, which has a primary purpose of moving traffic within and between neighborhoods and to and from freeways and expressways; and, East Yeargin Drive is designated as a local street, which is designed to provide direct access to properties, while discouraging excessive speeds and volumes of motor vehicle travel incompatible with neighborhoods being served through the implementation of multiple, well connected routes and traffic calming measures.

There will be two main entry points to the project which will include a traffic signal on East Shepherd Avenue and a modified entry off of East Yeargin Drive, which will be redesigned to alleviate increased traffic levels into the existing single family residential neighborhood to the north. In addition, an emergency access point will be provided off of East Shepherd Avenue on the west side of the project. The project will also be required to construct all necessary street frontage improvements to City Standards.

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed project and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR. Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed project is projected to generate 124 vehicle trips during the morning peak hour travel period (7 to 9 a.m.) and 246 vehicle trips during the evening peak hour travel period (4 to 6 p.m.) on a weekday. The project is also projected to generate 2,787 average daily trips (ADT).

Furthermore, based on the analysis included in the TIS, the intersection of Shepherd and Minnewawa Avenues is currently operating below the City of Clovis' acceptable level of service (LOS) standard of LOS D. The study intersection is projected to continue to operate below the acceptable LOS standard with the addition of the proposed project. According to the TIS, the City of Clovis has plans to construct a traffic signal at the intersection, which will improve the operations. All study intersections in the City of Fresno's jurisdiction are currently operating at an acceptable LOS and are projected to continue to operate acceptably with the addition of the project and cumulative growth.

The City of Fresno Public Works Department, on November 20, 2015, approved the TIS for the proposed mixed use development and required the applicant to make necessary improvements and right-of-way and public easement dedications along adjacent streets and within site boundaries per City of Fresno standards/requirements, pay Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and Regional Transportation Mitigation Fee (RTMF) adopted by the City of Fresno to implement mitigation measures contained in the MEIR SCH No. 2012111015, Fresno General Plan.

Therefore, although an increase in traffic is expected as a result of the project, with project specific mitigation and MEIR mitigation, no significant impacts to traffic or transportation will result from the project.

LAND USE PLANS AND POLICIES

Fresno General Plan

There are several policies in the general plan that support the project. Only the most applicable goals, objectives and policies will be cited here. The major themes are Complete Neighborhoods, Infill, and Multimodal Transportation.

The proposed project is consistent with the Corridor/Center Mixed Use planned land use designation of the Fresno General Plan. The proposed project will facilitate development of the site with a mixed-use project, which is the intent of the Fresno General Plan for this property. Objectives and policies within the Fresno General Plan support economic development, efficient and equitable use of resources, and mixed-use 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.
- 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.
- 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.
 - Policy UF-12-d: **Appropriate Mixed-Use.** Facilitate the development of vertical and horizontal mixed-uses to blend residential, commercial, and public land uses on one or adjacent sites. Ensure land use compatibility between mixed-use districts in Activity Centers and the surrounding residential neighborhoods.
- 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.

The proposed project is consistent with the objectives and policies of the Fresno General Plan, as it would allow development of existing properties within the City of Fresno. The project promotes mixed-use 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 mixed-use development will enhance the overall character of the neighborhood by creating a more complete neighborhood.

Woodward Park Community Plan

The subject property is designated for Corridor/Center Mixed Use planned land uses by the Woodward Park 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.

Public Input

Council District Plan Implementation Committee

The Council District 6 Plan Implementation Committee approved the proposed application on February 18, 2016 by a 5-0-2 vote (two members absent).

Neighborhood Meeting

The applicant held a neighborhood meeting on April 12, 2016, and noticed property owners within 1,000 feet of the subject property. The property owner provided an overview of the project, including renderings of the development, followed by a question and answer session. Approximately 40 individuals attended the meeting. Comments and questions centered on concerns with traffic, crime, and construction impacts. The neighboring property owners expressed interest in a block wall taller than 6 feet.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property on April 22, 2016, pursuant to Section 15-5007 of the FMC. No comments have been received to date

Conditional Use Permit Application Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with the Conditions of Approval dated May 4, 2016, staff concludes that the following required findings of Section 15-5306 of the FMC can be made.

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code; and,

Conditional Use Permit Application No. C-16-001 complies with the CMX/UGM zone district and with all applicable codes, given that the special conditions of project approval shall ensure that all conditions are met.

2. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,

Conditional Use Permit Application No. C-16-001 complies with the Corridor/Center Mixed Use planned land use designated for the project site and the design guidelines of the Development Code., subject to the conditions of approval dated May 4, 2016.

3. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements; and,

The proposed mixed-use development will not have a negative impact on either the subject site or neighboring properties given the conditions of approval. Approval of the special permit would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a conditional use permit for the proposed project.

4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and,

The proposed mixed-use development will not have a negative impact on either the subject site or neighboring properties given the conditions of approval.

5. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required. The subject property can accommodate the proposed project.

The proposed mixed-use development is consistent with the allowable land use and density requirements per the underlying zone district. The development is designed to accommodate both residential and commercial uses. Adequate access, parking, utilities and services shall be provided to serve the property and were reviewed for consistency with the requirements of the corridor/center mixed use planned land use and the CMX/UGM zone district.

The site is vacant and with the adoption of the Fresno General Plan, the city analyzed the impacts of converting vacant land into urban uses and determined that it is beneficial to convert land within the sphere of influence in an attempt to provide housing, growth, and employment opportunities, especially in infill areas. The Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the conditional use permit application review process.

Planning Commission action on the proposed Conditional Use Permit is final, unless appealed to the City Council.

CONCLUSION / RECOMMENDATION

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. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. C-16-001 is appropriate for the project site.

Attachments:

| | |
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| Exhibit A - | Vicinity Map |
| Exhibit B - | Aerial Photo |
| Exhibit C - | Noticing Map |
| Exhibit D - | CUP Exhibits Site Plan, Floor Plan, Elevations & Landscape Plans |
| Exhibit E - | Conditions of Approval |
| Exhibit F - | Environmental Assessment |

Exhibit A:
Vicinity Map



By: P. Siegrist
February 20, 2015

Exhibit B:
Aerial Photograph of Site
(2015)



Exhibit "B": Aerial Photograph of Site



Exhibit C:
Noticing Map

Buffered at:1000 Feet, Legal Notices, Owners
56801020

