

August 17, 2016

APPROVED BY


DEPARTMENT DIRECTORFROM: MIKE SANCHEZ, Assistant Director
Development Services Division THROUGH: MCKENCIE CONTRERAS, Supervising Planner 
Development Services DivisionBY: PHILLIP SIEGRIST, Planner 
Development Services Division**SUBJECT**

Consideration of Conditional Use Permit Application No. C-16-022 and Environmental Assessment No. C-16-022, filed by Paul Halajian, on behalf of Father Arsany Paul of Archangels Michael and Gabriel Coptic Orthodox Church, and pertaining to 2.3 acres of property located on the west side of North Maple Avenue between East Teague and East Shepherd Avenues in northeast Fresno.

RECOMMENDATIONS

1. **ADOPT** Environmental Assessment No. C-16-022, a determination that the proposed project is exempt from the State of California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption dated August 11, 2016.
2. **APPROVE** Conditional Use Permit Application No. C-16-022 requesting authorization to construct a 13,624 square-foot Coptic Orthodox Church (Archangel Michael and Gabriel Coptic Orthodox Church) with religious educational classrooms, a social hall, and an outdoor plaza.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-16-022 was filed by Paul Halajian, architect, on behalf of Father Arsany Paul of Archangels Michael and Gabriel Coptic Orthodox Church, and pertains to 2.3 acres of property located on the west side of North Maple Avenue between East Teague and East Shepherd Avenues. The applicant requests authorization to construct a 13,624 square-foot Coptic Orthodox Church (Archangel Michael and Gabriel Coptic Orthodox Church) with religious educational classrooms, a social hall, and an outdoor plaza. The subject property is located in the RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*) zone district. Pursuant to Fresno Municipal Code (FMC) Table 15-902, Community and Religious Assembly Facilities (2,000 square feet or greater) are allowed in the RS-4 zone district subject to a Conditional Use Permit and additional regulations for special uses in FMC Section 15-2719. Nine letters of concern and a petition with 24 signatures were received in response to the Notice of Intent to Take Action. The Development and Resource Management Department Director has referred this application to the Planning Commission for action, in accordance with FMC Section 15-4904-M, with a recommendation to approve

Conditional Use Permit Application No. C-16-022, subject to the recommended conditions of approval.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-16-022 is a request to construct a 13,624 square-foot Coptic Orthodox Church (Archangel Michael and Gabriel Coptic Orthodox Church) with religious educational classrooms, a social hall, and an outdoor plaza.
APPLICANT	Paul Halajian, architect, on behalf of Father Arsany Paul of Archangels Michael and Gabriel Coptic Orthodox Church
LOCATION	8669 North Maple Avenue; Located on the west side of North Maple Avenue between East Teague and East Shepherd Avenues (APN: 403-022-09) (Council District 6, Councilmember Brand)
SITE SIZE	Approximately 2.3 acres
LAND USE	Medium Low Density Residential (Vacant/Undeveloped)
ZONING	RS-4/UGM (<i>Residential Single Family, Medium Low Density/Urban Growth Management</i>)
HOUSING ELEMENT SITE	The subject property is designated as a Housing Element (HE) site. The HE designates this site for 3.5 – 6.0 dwelling units per acre, which is a minimum of 8 dwelling units for the subject property. The density on the site falls into the Above Moderate Income category, but the inventory for this category has a surplus of 5,306 units. Therefore, the project is still considered consistent with the HE.
PLAN DESIGNATION AND CONSISTENCY	The proposed religious facility is consistent with the Medium Low Density Residential planned land use designation of the Fresno General Plan and Woodward Park Community Plan.
ENVIRONMENTAL FINDING	This project is exempt under Section 15332/Class 32 of the CEQA Guidelines.
PLAN COMMITTEE RECOMMENDATION	The Council District 6 Plan Implementation Committee reviewed and recommended approval of Conditional Use Permit Application No. C-16-022 at their meeting on March 21, 2016 by a 5-0-2 vote (2 members absent).
STAFF RECOMMENDATION	Staff recommends adoption of Environmental Assessment No. C-16-022 and approval of Conditional Use Permit Application No. C-16-022 subject to compliance with the Conditions of Approval.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Low Density Residential	RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management)	Single Family Residential
East	Medium Low Density Residential	RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management)	Single Family Residential
South	Medium Low Density Residential	RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management)	Single Family Residential
West	Medium Low Density Residential	RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management)	Single Family Residential

ENVIRONMENTAL FINDING

A Section 15332/Class 32 Categorical Exemption was completed on August 11, 2016. A Section 15332/Class 32 exempts from the provisions of CEQA the construction of projects characterized as in-fill development meeting the following conditions: a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acre and is substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services.

This site is located within the City limits and is consistent with the Fresno General Plan designation, policies, and zoning. The existing RS-4/UGM zone district is consistent with the Medium Low Density Residential land use designation approved for this site by the Fresno General Plan and the Woodward Park Community Plan. The proposed development occurs on a project site of approximately 2.3 acres, which is less than the five acre maximum, and is substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species and can be adequately served by all required utilities and public services. 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.

BACKGROUND / ANALYSIS

Project Description

Conditional Use Permit Application No. C-16-022 requests authorization to construct a 13,624 square-foot Coptic Orthodox Church (Archangel Michael and Gabriel Coptic Orthodox Church) with nine religious educational classrooms, a social hall, and an outdoor plaza. The subject property is currently undeveloped and located adjacent to single family residences to the south and west.

The primary use of the proposed Coptic Church will be for worship services complimented with religious educational classes and religious social gatherings immediately following the services. Social gatherings will be held in either the social hall or outdoor plaza. Outdoor related activities will include informal gatherings on the lawn or in the outdoor plaza.

Proposed hours of operation will be Fridays from 8:00 a.m. to 11:00 a.m. with 25 projected visitors, Saturdays from 7:00 a.m. to 9:00 p.m. with 30 – 180 projected visitors, and Sundays from 8:00 a.m. to 2:00 p.m. with 50 – 180 projected visitors.

On occasion, other activities not addressed above will be held at the Coptic Church including the celebration of Coptic holidays and special services such as weddings and funerals. There will be approximately 10 Coptic holiday celebrations per year with 50-180 estimated visitors. The hours for celebrations vary and may include evening or night services not listed above. These types of services will be held within the church and typically do not include social gatherings afterwards. On average, there will be two special services per year with 50-180 estimated visitors and will typically be held on Saturdays or Sundays between 12:00 p.m. and 4:00 p.m.

The subject property is located within the jurisdiction of the Woodward Park Community Plan and the Fresno General Plan and is designated for Medium Low Density Residential planned land uses which is consistent with the RS-4 (*Residential Single Family, Medium Low Density*) zone district. Pursuant to Fresno FMC Table 15-902, Community and Religious Assembly Facilities (2,000 square feet or greater) is a permitted use subject to approval of a conditional use permit and in accordance with additional regulations for special uses in FMC Section 15-2719. Therefore, the proposed church is consistent with the planned land use and zone district.

Fresno Municipal Code

Section 15-2719: Community and Religious Assembly Facilities

Community and Religious Assembly Facilities are subject to the special use regulations of FMC Section 15-2719 and shall be located, developed, and operated in compliance with standards related to the zone district for which the property is located, as well as access, buffers between adjacent residential uses, outdoor recreation, shared parking, and outdoor lighting.

The proposed Coptic Church complies with Section 15-2719 standards for Community and Religious Facilities and with the property development standards of the RS-4 zone district

except for the height. The RS-4 zone district has a maximum height limit of 35 feet. The copper dome of the proposed church has a height of 38 feet, 6 inches. In addition, a cross with an overall height of 45 feet, 6 inches is proposed to be located on top of the copper dome. However, FMC Table 15-2012-B allows an exception for decorative features such as spires, bell towers, domes, cupolas, and monuments to project above the height limit by six feet in residential districts. Therefore, there is an overall height limit of 41 feet for decorative features and the height of the proposed over-height cross will be required to be reduced per the conditions of approval.

Circulation Element Plan Policies and Street System Traffic Capacity

The subject property is located on the west side of North Maple Avenue between East Teague and East Shepherd Avenues. The Public Works Traffic Engineering Division has analyzed the project and has determined that the trips generated by the project are 187 Average Daily Trips (ADT) and has concluded that a Traffic Impact Study is not required for this project. Impacts to the circulation system have been reviewed and conditions have been placed on the project to ensure the site is adequately served by the existing circulation system and has determined that the streets adjacent to the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated.

Public Input

Council District Plan Implementation Committee

The Council District 6 Plan Implementation Committee approved the proposed application on March 21, 2016 by a 5-0-2 vote (two members absent).

Letters of Concern in Response to the Project

The Development and Resource Management Department mailed a Notice of Intent to Take Action to surrounding property owners within 1,000 feet of the subject site on May 27, 2016, in accordance with FMC Section 15-5305. Nine letters of concern and a petition with 24 signatures were received in response to the mailed notice. The majority of the concerns that were raised centered around access, traffic and noise impacts, lack of parking, building height, proximity to adjacent single family neighborhoods, concentration of churches nearby, and compatibility with the surrounding neighborhood.

Neighborhood Meeting

The applicant voluntarily held a neighborhood meeting on August 2, 2016, and noticed property owners within 500 feet of the subject property in accordance with FMC Section 15-5006. The applicant provided an overview of the project, including renderings of the development, followed by a question and answer session. Approximately 12-16 individuals and 20 church members attended the meeting. The majority of comments and concerns that were expressed at the meeting were similar to those raised in the letters of concern.

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 August 5, 2016, pursuant to Section 15-5007 of the FMC.

Analysis of Comments & Concerns

The following is an analysis of the issues raised in the appeal letters, petition, and neighborhood meeting:

Concern #1: Some of the neighbors were concerned about access and whether it would be adequate for the site.

Response: Pursuant to FMC Section 15-2719, Community and religious assembly facilities shall take primary access from a public street that is improved with curbs, gutters, sidewalks, and street lights. If these improvements do not exist on the subject site, they shall be installed prior to operation of the proposed facility.

The project proposes two points of access; one from East Powers and another from North Maple Avenues. Both are public streets. Furthermore, North Maple Avenue is a major collector street and will feature two travel lanes in each direction with a continuous travel lane down the center. In addition, full off-site improvements as required above will be provided.

Concern #2: Many of the neighbors were concerned that the proposed church would have significant traffic impacts on the adjacent and surrounding neighborhoods.

Response: As mentioned above, the subject site is located on Maple which is a major collector street that can accommodate the quantity and kind of traffic which may potentially be generated. In addition, church related traffic is unlikely to enter the neighborhood off of East Powers because it is not a through street.

The Public Works Traffic Engineering Division did not require a Traffic Impact Study for this project. As mentioned above, the project will have adequate access onto public streets in order to accommodate projected traffic volumes.

As proposed, the church would generate 187 Average Daily Trips (ADT). If the property were to be developed with the maximum allowable dwelling units (14 homes) they would generate 133 ADT, 11 a.m. peak hour trips, and 14 p.m. peak hour trips. The proposed church would generate 54 more ADT than if the property were to be developed with 14 single family homes. Staff does not consider the difference in ADT to be significant.

Concern #3: Some of the neighbors had concerns that church services and related religious and special events would create too much noise and be a nuisance on the adjacent single family neighborhood.

Response: An acoustical analysis was not required and the proposed project it is not expected to generate more noise than what a typical church would generate. During construction the project shall comply with the FMC.

To reduce noise, community and religious assembly facilities adjacent to any residential use or district shall include a minimum 20-foot perimeter buffer. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities, however there shall always be a minimum 10-foot landscape setback when abutting a Residential District.

The subject property is located adjacent to single family residential uses along the western and southern property lines. The proposed project includes a 10-foot landscape setback along the aforementioned property lines which will include a combination of southern live oak, sawleaf zelkova, and Chinese pistache trees. Furthermore, the proposed outdoor plaza will be setback approximately 75 feet from the western and southern property lines. In addition, the proposed main building will be setback approximately 110 feet from the western property line and 102 feet from the southern property line; roughly 80 – 90 feet more than the required setback. Therefore, an adequate buffer will be maintained between the adjacent residential uses and the proposed church.

Concern #4: Some neighbors were concerned with the number of parking provided.

Response: The project proposes 80 on-site parking spaces and eight bicycle racks (65 standard/11 compact/4 accessible). The FMC requires 75 on-site parking spaces and 5 bicycle parking spaces. Therefore the project exceeds the minimum code requirements for this type of development.

Concern #5: Some neighbors were concerned that the overall height of the proposed Coptic Church is too high for a residential area.

Response: The RS-4 zone district has a maximum height limit of 35 feet and a maximum allowable vertical projection of six feet above the 35 foot height limit for decorative features.

The majority of the proposed Coptic Church does not exceed 26 feet. The taller portions of the proposed church are decorative features and represent only a small percentage of the entire building and are oriented towards North Maple Avenue. The two towers measure 31.5 feet high and the top of the

dome measures 38.5 feet high. Both of which are within the allowable height limit.

The proposed cross on top of the copper dome measures 45.5 feet high and is the only component of the project that exceeds the allowable height limit. Therefore, the height of the proposed cross will be required to be reduced pursuant to the conditions of approval in order to comply with property development standards; or request a Variance, per Article 55 and meet the required findings of FMC Section 15-5506.

Concern #6: There are approximately five other churches located within a half mile of the subject site; three of which are located near the intersection of Maple and Teague. Some neighbors are concerned that there are too many churches already in the vicinity of the subject property and that the addition of another religious facility is not needed.

Response: The General Plan or FMC do not restrict the number of churches in a particular area. Therefore, there are no concentration regulations.

Concern #7: Neighbors were concerned that the church would be too tall, too close and that the proposed use and scale would not be compatible with the surrounding neighborhood.

Response: Development complies with all the property development standards of the FMC. Furthermore, the proposed project is designed to integrate into the surrounding neighborhood in several ways. The 100+ foot setback and lower building heights of the main assembly components of the building will effectively buffer the neighboring single family residences by orienting the taller decorative components of the building towards North Maple Avenue. In addition, a six foot block wall and trees will provide additional privacy and noise attenuation.

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 Unique Neighborhoods and Infill Development.

The proposed project is consistent with the Medium Low Density Residential planned land use designation of the Fresno General Plan. The addition of a religious facility will enhance the overall character of the neighborhood. Objectives and policies within the Fresno General Plan support efficient and equitable use of resources, and 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-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 Frensnans. 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-8: Provide for the development of civic and institutional land uses to meet the educational, medical, social, economic, cultural, and religious needs of the community.
 - Policy LU-8-c: Zoning for Public Facilities. Allow public facility uses in zoning districts where appropriate.
- Objective D-6: Encourage design that celebrates and supports the cultural and ethnic diversity of Fresno.

The proposed project is consistent with the objectives and policies of the Fresno General Plan, as it would allow development on an existing property within the City of Fresno. The project promotes 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 religious facility will enhance the overall character of the neighborhood by creating a more unique neighborhood that celebrates and supports cultural and ethnic diversity.

Woodward Park Community Plan

The subject property is designated for Medium Low Density Residential 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.

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 August 17, 2016, staff concludes that the following required findings of Section 15-5306 of the FMC can be made.

Findings per Fresno Municipal Code Section 15-5306	
<i>a. 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,</i>	
Finding a:	Conditional Use Permit Application No. C-16-022 complies with the RS-4/UGM zone district and with all applicable codes, given that the special conditions of project approval shall ensure that all conditions are met.
<i>b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,</i>	
Finding b:	Conditional Use Permit Application No. C-16-022 complies with the medium low density residential planned land use designated for the project site and the design guidelines of the Development Code, subject to the conditions of approval dated August 17, 2016.
<i>c. 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,</i>	
Finding c:	The proposed religious facility 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.
<i>d. 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,</i>	

Finding d:	The proposed religious facility will comply with FMC requirements and not have a negative impact on either the subject site or neighboring properties given the conditions of approval.
<i>e. 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.</i>	
Finding e.	The proposed religious facility is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services shall be provided to serve the property and were reviewed for consistency with the requirements of the medium low density residential planned land use and the RS-4/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.

CONCLUSION / RECOMMENDATION

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 15-5306 of the FMC can be made for Conditional Use Permit Application No. C-16-022, and given the project meets all requirements of a Class 32 Categorical Exemption and is thus exempt from CEQA, staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-16-022 as previously described in this staff report.

Action by the Planning Commission is final unless appealed to the City Council in accordance with FMC Section 15-5017.

Attachments:

- Exhibit A – Vicinity Map
- Exhibit B – Aerial Photo
- Exhibit C – Noticing Map
- Exhibit D – Letters of Concern
- Exhibit E – CUP Exhibits: Site Plan, Floor Plan, Elevations & Landscape Plans
- Exhibit F – Conditions of Approval dated August 17, 2016
- Exhibit G – Environmental Assessment dated August 11, 2016