



Legislation Details (With Text)

File #: ID 23-712 **Version:** 1 **Name:**

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

File created: 4/27/2023 **In control:** Pending Approval

On agenda: 5/3/2023 **Final action:** 5/3/2023

Title: CONTINUED FROM MARCH 15, 2023
 Consideration of Development Permit Application No. P22-01346 and related Environmental Assessment No. P22-01346 for approximately ±0.69 acres of property located on the northwest corner of East McKinley and North Fine Avenues. (Council District 4) - Planning and Development Department.

1. CONSIDER Categorical Exemption Class 32 (In-Fill Development Project) prepared for Environmental Assessment (EA) No. P21-01346, dated December 8, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. DENY the appellant’s appeal and UPHOLD the action of the Planning and Development Department Director to approve Development Permit Application No. P22-01346, a request to construct a carwash, subject to Conditions of Approval dated December 8, 2022.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Map, 3. Exhibit C - Public Hearing Notice & Map, 4. Exhibit D - Existing Planned Land Use Map, 5. Exhibit E - Existing Zone Map, 6. Exhibit F - Exhibits, 7. Exhibit G - Operational Statement, 8. Exhibit H - Project Information Tables, 9. Exhibit I - Environmental Assessment P22-01346 [12-8-22], 10. Exhibit J - Conditions of Approval, 11. Exhibit K - Fresno Municipal Code Findings, 12. Exhibit L - Protest Letters, 13. Exhibit M - Notice of Action, 14. Exhibit N - Appeal Letter, 15. Exhibit O - Noise Assessment, 16. Exhibit P - Cross Access Agreement, 17. Exhibit Q - Parcel Map No. 81-27, 18. Exhibit R - Responses to Notice of Public Hearing, 19. Exhibit S – Letters of Opposition from 3/10 to 3/14/2023, 20. Exhibit T – Letters from the Applicant [03-14-2023], 21. Supplemental Exhibit U - Letter of Opposition [04-04-23], 22. Supplemental Exhibit V - Letter of Support [05-01-2023], 23. Supplemental Exhibit W - Summaries of Outreach by Applicant & Appellant

Date	Ver.	Action By	Action	Result
5/3/2023	1	Planning Commission	APPROVED AS AMENDED	Pass

REPORT TO THE PLANNING COMMISSION

May 3, 2023

FROM: PHILLIP SIEGRIST, Planning Manager
Planning & Development Department

BY: JOSE VALENZUELA, Supervising Planner
Planning & Development Department

SUBJECT

CONTINUED FROM MARCH 15, 2023

Consideration of Development Permit Application No. P22-01346 and related Environmental Assessment No. P22-01346 for approximately ±0.69 acres of property located on the northwest corner of East McKinley and North Fine Avenues. (Council District 4) - Planning and Development Department.

1. **CONSIDER** Categorical Exemption Class 32 (In-Fill Development Project) prepared for Environmental Assessment (EA) No. P21-01346, dated December 8, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **DENY** the appellant's appeal and **UPHOLD** the action of the Planning and Development Department Director to approve Development Permit Application No. P22-01346, a request to construct a carwash, subject to Conditions of Approval dated December 8, 2022.

EXECUTIVE SUMMARY

Development Permit Application No. P22-01346 and the related Environmental Assessment was filed by Orlando Ramirez of Ramirez Planning, on behalf of Xpress Carwash, and pertains to ±0.69 acres of property located on the northwest corner of East McKinley and North Fine Avenues.

Development Permit Application No. P22-01346 proposes to construct a drive-through carwash. The proposed project will include 16 self-service vacuum stalls, one new solid-waste enclosure and new landscaping. The subject property is zoned IL (*Light Industrial*).

The project was approved by the Planning and Development Director on December 8, 2022, and is being considered by the Planning Commission based on an appeal received from Council District 4 Councilmember's Office (**Exhibit N - Appeal Letter**).

Staff recommends upholding the Planning and Development Director's approval based on evidence detailed in this staff report and that specific findings made by the Director in approving the Development Permit in Sections 15-5206 of the FMC remain valid.

BACKGROUND

Orlando Ramirez of Ramirez Development, on behalf of Xpress Carwash, filed Development Permit Application No. P22-01346 pertaining to ±0.69 acres of vacant property located on the northwest corner of East McKinley and North Fine Avenues.

The subject property is planned and zoned for Light Industrial uses. Further, the properties to the north and east are zoned light industrial, to the west community commercial, and to the south single-family residential.

The project site is currently underdeveloped and is comprised of a vacant, undeveloped building pad and an existing shared parking lot. Properties immediately to the north, east and west have been substantially developed with offices and small-scale commercial developments comprised of drive-

through restaurants (KFC & Triangle Burger), and offices (Rivendell Community Day Care, Prestige Life Insurance, and Freedom Equity Group). South of the subject project (across East McKinley Avenue) consists of an irrigation canal, railroad track and single-family residences.

The subject development permit was filed for purposes of facilitating physical development of the site and to establish a by-right permitted use (Automobile/Vehicle Washing) on the site. The project proposes construction of a ±4,400 square-foot carwash building with a 120-foot drive-through tunnel and 16 vehicle-vacuum stations.

The overall development will also include the installation of on and off-site improvements including but not limited to curbs, gutters, sidewalks, and landscaping. In addition, the development will include one (1) modified drive approach at North Fine Avenue and the removal of several parking spaces from within the existing shared parking lot. For informational purposes, the Fresno General Plan designates East McKinley Avenue as an Arterial (4-lanes) street and North Fine Avenue as a Local Street. The building is placed in an east-west orientation, where the carwash openings face the adjacent parking lot and public street. A 20-foot landscape setback and tree wells will be provided on East McKinley and North Fine Avenues. The placement of the building is as close to the McKinley and Fine corner as permitted by the Fresno Municipal Code.

The project will require dedications and/or acquisitions for public street rights-of-way and utility easements as well as incorporation of existing easements for construction and/or retention of public facilities and infrastructure in accordance with all applicable standards, specifications and policies of the City of Fresno and interested agencies in order to facilitate the proposed development of the subject property.

Land Use and Zoning

The subject property is located within the Fresno General Plan and McLane Community Plan areas and is designated for Light Industrial planned land uses which is consistent with the properties underlying zone district classification of IL (*Light Industrial*). Pursuant to Table 15-1302 (Land Use Regulations - Employment Districts) of the Fresno Municipal Code (FMC), the use of Automobile Vehicle Washing, is permitted “by right” in the IL zone district subject to an approved development permit application and additional regulations for special uses pursuant to FMC Section 15-2711 (Automobile/Vehicle Washing).

Fresno Municipal Code

Parking

The proposed project is subject to the parking requirements of FMC Table 15-2409 (Required On-Site Parking Spaces) and any additional regulations listed in FMC Section 15-2711 (Automobile/Vehicle Washing). Table 15-2409 requires automobile/vehicle washing (automated) uses to provide one (1) vehicular parking space per 250 square feet of any indoor sales, office, or lounge areas. No additional parking is required per FMC 15-2711 (Automotive/Vehicle Washing).

The proposed carwash facility does not propose any indoor sales or lounge areas and the office space is less than the 250 square feet requirement. Therefore, the minimum number of parking spaces to be provided is one (1).

Approximately 42 parking spaces from within the existing shared parking lot will be removed in order

to accommodate the proposed building, modified drive approach and interior drive aisle. Even with the removal of existing parking spaces, the project meets the minimum parking requirements.

For informational purposes, a cross access agreement between the project site (APN: 494-291-05) and the adjacent property (APN: 494-291-10) has been in effect since 1981 and attached as **Exhibit P**. The agreement allows for shared parking, vehicular and pedestrian access (ingress and egress) between the two parcels which were created by Parcel Map Application (PM) No. 81-27 (**Exhibit Q**). The shared parking agreement does not require the subject property (APN: 494-291-05, Parcel B of PM No. 81-27) to provide parking for uses on the adjoining property (APN: 494-291-10, Parcel A of PM No. 81-27).

As previously mentioned, the proposed carwash development conforms with the parking requirements of the FMC and further conforms to the recorded cross access agreement.

Landscaping and Screening

As previously mentioned, a 20-foot landscape setback and tree wells will be provided along East McKinley and North Fine Avenues.

Shrubs and small trees are proposed between the 25-foot drive-aisle and the vacuum stalls which are situated to the north of the project parcel, providing some internal screening from the adjacent office spaces to the carwash.

Per FMC 15-2711-C, vehicle lanes for a carwash shall be screened from public streets to a height of 30 inches, which can be achieved by walls and/or berms with supplemental plant material. As such, the proposed project has been conditioned to provide drive-through lane screening, situated along the west, south, and east areas of the project parcel. The drive-through lane includes two (2) pay aisles and a total storage (que) capacity of eight (8) vehicles.

Given the conditions of approval, Development Permit Application No. P22-01346 will: meet all provisions of the FMC, including but not limited to setbacks, transition standards, parking, landscaping, screening, buffers, and connectivity; comply with all applicable design guidelines and development standards for commercial uses in the IL (*Light Industrial*); comply with additional regulations for specific uses including but not limited to FMC Sections 15-2711 (Automobile/Vehicle Washing).

Public Services

Sewer

The nearest sanitary sewer main to serve the proposed project is a 10-inch sewer main located in North Fine Avenue and a 27-inch sewer main located in East McKinley Avenue. The applicant will be required to install sewer house branches to the property, abandon any existing on-site private septic systems, and pay applicable sewer connection charges and fees. The requirements listed above, and additional requirements have been listed in the Department of Public Utilities memo dated August 19, 2022.

Water

Water facilities are available to provide service to the site subject to the conditions listed in the Department of Public Utilities memo dated August 19, 2022.

FMFCD

The subject property is located in the Fresno Metropolitan Flood Control District's (FMFCD) Drainage Area "V." The FMFCD has indicated that the proposed development is not located within a flood prone area. Permanent drainage facility service is available, and the developer shall be required to demonstrate to the satisfaction of the City that runoff can be safely conveyed to the Flood Control Master Plan inlets. These as well as additional requirements are listed in the memorandum from FMFCD dated August 26, 2022.

Fire

The City of Fresno Fire Department reviewed the proposed project and has determined that adequate Fire service will be available subject to future requirements for development which will include installation of public fire hydrants and the provision of adequate fire apparatus access to the buildings on site.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

Other Agencies

All comments received from the applicable agencies have been incorporated into the conditions of approval for Development Permit Application No. P22-01346. Given the conditions of approval, the project will comply with all department comments and conditions and all zoning requirements as incorporated into the conditions of approval dated December 8, 2022.

LAND USE PLANS AND POLICIES

Fresno General Plan

As demonstrated above, the subject property is planned and zoned for Light Industrial uses. According to the Fresno General Plan, the Light Industrial planned land use designation is intended to provide areas, as identified by the General Plan, for a diverse range of light industrial uses, including limited manufacturing and processing, research and development, fabrication, utility equipment and service yards, wholesaling, warehousing, and distribution activities. Small-scale retail and ancillary office uses are also permitted. Light Industrial areas may serve as buffers between Heavy Industrial Districts and other land uses and otherwise are generally located in areas with good transportation access, such as along railroads and freeways.

The Fresno General Plan provides goals, objectives, and policies to guide development. As proposed, the project will be consistent with the following Fresno General Plan goals:

Goals

1. Increase opportunity, economic development, business, and job creation.
2. 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.
3. Promote a city of healthy communities and improve quality of life in established

neighborhoods.

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

These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

The following are applicable objectives and policies from the Land Use & Design and Noise and Safety elements of the Fresno General Plan:

Objectives

- 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.
- Objective LU-6: Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.
- Objective NS-1: Protect the citizens of the city from the harmful and annoying effects of exposure to excessive noise.

Implementing Policies

- Policy LU-1-a: 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.
- Policy LU-6-d Plan for neighborhood mixed use and community commercial uses to implement the Urban Form concepts of this Plan, promote the stability and identity of neighborhoods and community shopping areas, and allow efficient access without compromising the operational effectiveness of the street system.
 - Neighborhoods will be anchored by community commercial centers with a mix of uses that meet the area's needs and create a sense of place; and
 - Community commercial centers will be located within Activity Centers.
- Policy NS1-a: Establish 65 dBA Ldn or CNEL as the standard for the desirable maximum average exterior noise levels for defined usable exterior areas of residential and noise sensitive uses for noise but designate 60 dBA Ldn or CNEL (measured at the property line) for noise generated by stationary sources impinging upon residential and noise sensitive uses. Maintain 65 dBA Ldn or CNEL as the maximum average exterior noise levels for non-sensitive commercial land uses and maintain 70 dBA Ldn or CNEL as maximum average exterior noise level for industrial land uses, both to be measured at the property line of parcels where noise is generated which may impinge on neighboring properties.

McLane Community Plan

The subject property is designated for Light Industrial planned land uses by the McLane Community Plan. Upon reviewing the policies contained in the McLane Community Plan, staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC or the Fresno General Plan. However, should there be a conflict between the FMC and the McLane Community Plan, pursuant to Section 15-104-D-4 of the FMC, the FMC shall control.

This project supports the above-mentioned policies in that the intensity of the proposed development conforms to the applicable land use designation of the Fresno General Plan and the McLane Community Plan.

In conclusion, the proposed project is consistent with many or all goals and policies of the Fresno General Plan and McLane Community Plan. The proposed project promotes reinvestment by proposing a quality development near existing and commercial neighborhoods and the opportunity to continue development in the future and protects property values by constructing a compatible infill development on a currently underdeveloped site.

Public Notice and Input

Council District Plan Implementation Committee

Council District 4 does not have an active Project Review Committee.

Notice of Intent to Take Action

In accordance with FMC Sections 15-5205, a public notice is not required. However, prior to approval of this project, three (3) letters of protest were received which cited noise, traffic, lack of screening and visual impacts, crime, and economic impacts induced by the proposed carwash use. These protest letters are attached as **Exhibit L**.

Notice of Action

On December 8, 2022, the Planning and Development Department mailed the Notice of Action (**Exhibit M - Notice of Action**) to individuals who filed a written request for such notification pursuant to FMC Section 15-5009.

Appeal

On December 23, 2022, a timely appeal was submitted to the Planning and Development Department by the District 4 Councilmember's Office (**Exhibit N - Appeal Letter**). The letter expressed concerns with noise and traffic impacts on the adjacent daycare use and echoed the viewpoints within the protest letters (**Exhibit L**).

Staff Analysis of Concerns

Noise

A recent noise assessment was prepared which modeled the worst-case stationary noise levels for the proposed use (all equipment on at the same time). Sound level data for the various stationary on-site sources (vacuums, vacuum turbine motors and carwash blowers) were all incorporated into the model's inputs. **Exhibit O** provides further details on the model's methodology, assumptions, and results on noise levels relating to the proposed project. The Fresno Municipal Code has a maximum sound level of 70 dBA, for daytime (7 a.m. - 10 p.m.) and 60 dBA for nighttime (10 p.m. - 7 a.m.). The noise level contours in the attached assessment illustrate that noise levels at the edge of the

adjacent building are approximately at 55 - 60 dBA and 60-65 dBA at the shared property line which is below the 70 dBA maximum level threshold.

Reduced Parking

As stated previously, a cross access agreement (**Exhibit P**) remains in effect between subject and adjoining properties for parking, vehicular and pedestrian ingress, and egress. The agreement identifies that the owner of the project parcel is not required to provide parking stalls for the use of owners of the adjoining property. The agreement identifies that the project parcel is limited in size and that providing additional parking would be infeasible and gives rights for the use of existing parking spaces.

For informational purposes, FMC 15-2409 (Required Parking) requires a Day Care use to provide one (1) parking space per employee and an Office use is required one (1) parking space per 400 square feet of building area. The adjacent day care center has 25 employees and would therefore need 25 parking spaces per the FMC. The existing office spaces amount to approximately 2,770 square feet; therefore, requiring seven (7) parking spaces per the FMC.

The proposed development will remove parking spaces within its parcel boundary which would leave approximately 38 parking spaces total on the adjacent parcel. In conclusion, all uses within the two parcels will be in compliance with applicable parking regulations outlined in the FMC and cross access agreement.

Traffic

It is understood that new vehicular trips will be directed to the project site. Trip generation rates for the proposed project were gathered through analysis of the 10th Edition Trip Generation Manual published by the Institute of Transportation Engineers (ITE). Subsequently, the project includes site improvements to the one-acre commercial parcel that upon full buildout, the carwash is anticipated to be used at most by 300-400 vehicles per day. According to the operational statement provided by the applicant, carwash facilities experience most traffic on Saturdays and peak periods can vary between 10 a.m. to 1 p.m. and 3 p.m. to 5 p.m., respectively.

The Fresno General Plan identifies the subject project site within Traffic Impact Zone II. Peak hour trips in excess of 200 would require a detailed Traffic Impact Study. Based on the ITE peak rate number of 14.2 peak trips per 1,000 sf gross floor area (4,400 sf. building), anticipated peak trips will not exceed 62 vehicle peak hour demand rate and is anticipated to generally occur between 3 p.m. and 4:15 pm.

As stated previously, the entrance of the drive-through lane consists of two lanes for payment, with a queuing capacity of eight (8) vehicles. It is anticipated that the eight (8) vehicle queuing capacity and automated washing time will prevent impacts to the public street, internal drive-aisles, and pedestrian walkways.

Crime and Economic Impacts

During the review phase of the proposed carwash project, the Fresno Police Department provided that the applicant considers combating crimes through implementation of the Crime Prevention through Environmental Design (CPTED) concept. Examples include sufficient lighting which helps deter crime and allow officers to properly evaluate the area of any potential criminal activities. Surveillance cameras should be installed at all entry/exit points, points of sales locations, locations where groups of people would congregate and parking lots. Surveillance systems should be digital

HD format; hold a minimum of fourteen days (14) of recordings, have the ability to play back and files are downloadable. Further criminal concerns related to the use and location were not raised by the Fresno Police Department.

To suggest that the proposed project will result in increased crime and/or decreased property values is speculative and there is no factual data or evidence to support such claims.

Notice of Planning Commission Hearing

On March 3, 2023, the Planning and Development Department mailed notices of this Planning Commission hearing to all surrounding property owners within 1,000 feet of the subject property, pursuant to Section 15-5007 of the Fresno Municipal Code (**Exhibit C - Notice of Public Hearing**).

ENVIRONMENTAL FINDINGS

The CEQA (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a project is exempt from CEQA. A determination of a Categorical Exemption from Section 15332/Class 32 (Infill Development) was made, and Environmental Assessment No. P22-01346, dated December 8, 2022, was prepared for this project, which is attached as Exhibit M.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the application, staff concludes that the required findings contained within Section 15-5206 et seq. of the Fresno Municipal Code can be made. These findings are attached as **Exhibit K** to this report.

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 McLane 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 and concludes that the required findings contained within Section 15-5206 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed conditional use permit application is appropriate for the project site.

ATTACHMENTS:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Public Hearing Notice & Map
- Exhibit D - Existing Planned Land Use Map
- Exhibit E - Existing Zone Map
- Exhibit F - Exhibits
- Exhibit G - Operation Statement

- Exhibit H - Project Information Tables
- Exhibit I - Environmental Assessment P22-01346 [12-8-22]
- Exhibit J - Conditions of Approval
- Exhibit K - Fresno Municipal Code Findings
- Exhibit L - Protest Letters
- Exhibit M - Notice of Action
- Exhibit N - Appeal Letter
- Exhibit O - Noise Assessment
- Exhibit P - Cross Access Agreement
- Exhibit Q - Parcel Map No. 81-27
- Exhibit R - Responses to Notice of Public Hearing
- Exhibit S - Letters of Opposition from 3/10 to 3/14/2023
- Exhibit T - Letter from the Applicant [03-14-2023]
- Supplemental Exhibit U - Letter of Opposition [04-04-23]
- Supplemental Exhibit V - Letter of Support [05-01-2023]
- Supplemental Exhibit W - Summaries of Outreach by Applicant & Appellant