



Legislation Details (With Text)

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**Title:** Consideration of Conditional Use Permit Application No. P18-03989 and related Environmental Assessment No. P18-03989, filed by Mike de Alba, De Alba Architecture, on behalf of Star Housing Project, Inc and pertains to ±0.22 acre of property located south of West Spruce Avenue between North Fruit and North Thorne Avenues at 267 West Spruce Avenue (Council District 2).

1. ADOPT Environmental Assessment No. P18-03989 dated August 5, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. APPROVE Conditional Use Permit Application No. P18-03989 requesting authorization to construct a 2-unit multi-family residential townhome development in the RS-5/UGM (Single Family Residential, Medium Density/Urban Growth Management) zone district.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Zoning Map, 4. Exhibit D - Noticing Map, 5. Exhibit E - Project Information Tables, 6. Exhibit F - Operational Statement, 7. Exhibit G - Site Plan, 8. Exhibit H - Floor plan, 9. Exhibit I - Elevations, 10. Exhibit J - Notice of Public Hearing, 11. Exhibit K - Fresno Municipal Code Findings, 12. Exhibit L - Conditions Of Approval P18-03989, 13. Exhibit M - Environmental Assessment

Date	Ver.	Action By	Action	Result
9/18/2019	2	Planning Commission	approved	Pass

**REPORT TO THE PLANNING COMMISSION**

**September 18, 2019**

**FROM:** MIKE SANCHEZ, Assistant Director  
Development Services Division

**THROUGH:** WILL TACKETT, Supervising Planner  
Development Services Division

**BY:** KELSEY GEORGE, Planner  
Development Services Division

**SUBJECT**

Consideration of Conditional Use Permit Application No. P18-03989 and related Environmental Assessment No. P18-03989, filed by Mike de Alba, De Alba Architecture, on behalf of Star Housing Project, Inc and pertains to ±0.22 acre of property located south of West Spruce Avenue between North Fruit and North Thorne Avenues at 267 West Spruce Avenue (Council District 2).

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## EXECUTIVE SUMMARY

Mike de Alba of De Alba Architecture, on behalf of Star Housing Project, Inc, has filed Conditional Use Permit No. P18-03989 pertaining to approximately 0.22-acre of property located south of West Spruce Avenue between North Fruit North Thorne Avenues at 267 West Spruce Avenue (APN: 303-121-04). The applicant proposes the construction of an attached townhouse development consisting of two 2-story buildings. Multi-family residential complexes are permitted in the RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*) zone district subject to approval of a Conditional Use Permit. All units are proposed as market rate.

Pursuant to Section 15-906-B of the Fresno Municipal Code, when a Duplex or Multi-Unit Residential use is proposed in the RS-5 zone district, the Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits following a public hearing.

## BACKGROUND/ANALYSIS

The existing zoning surrounding the property to the south, east, and west is RS-5 (*Single Family Residential - Medium Density*). The zoning north of the subject property is zoned PI (*Public Facility*). The subject property is proposed on a developed block with both single-family residential and multi-family residential, which encompass ranch and craftsman architectural styles.

The property is zoned RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*). Multi-family is permitted in the RS-5 zone district subject to a Conditional Use Permit, and projects are subject to the development standards of the RM-1 (*Multiple Family Residential, Medium High Density*) zone district, pursuant to Section 15-906-D of the FMC.

Each unit of the proposed townhouse development will be 2-story with 2,055 square feet of living space. The units will also have a 420 square foot garage, 92 square feet of porch space, and an optional 145 square foot patio. The units will be 4 bedrooms and two and a half bathrooms.

The exterior of the proposed development will consist of wood framed structural exterior walls, concrete smooth stucco finish, stone veneer accents, dual glaze vinyl windows, vinyl doors, and a concrete tile roof. The on-site proposed development will consist of on-site grading preparation for concrete driveways, open space, and building pads. Thirty-eight percent of the development will be

covered in new lawn, trees, plants, shrubs, and ground cover. The sides and rear property lines will be provided with a six foot high masonry block wall with intermediate wood picket fencing between townhouses.

### **Fresno Municipal Code**

In accordance with Table 15-902 of the Fresno Municipal Code, a Conditional Use Permit is required when a Duplex or Multi-Unit Residential use is proposed in the RS-5 zone district. Pursuant to Section 15-906-B the Planning Commission is the Review Authority and shall approve, conditionally approve, or deny applications for Conditional Use Permits following a public hearing.

Multi-Unit Residential development in RS-5 zone districts shall comply with the property development standards of the RM-1 District, unless otherwise stated in FMC Section 15-906 or by the Review Authority.

The project application proposes to construct a 2-unit detached multi-family townhouse development on a vacant parcel. The current density allows for a minimum of 1 unit and a maximum of 3 units. The current parking requirement is 1.5 spaces per unit (i.e., one covered space designated for each unit and one additional uncovered guest parking space for every two units). The proposed development will provide 4 covered parking spaces with 4 uncovered parking spaces. It will also provide landscaping and irrigation for 7 on-site trees and 1 street frontage tree. The applicant will be required to provide off-site improvements, including sidewalk, along the entire frontage of the property.

### ***Density (FMC 15-906-D)***

Pursuant to FMC Section 15-906-D, the minimum number of units per acre for the subject property is 5 and the maximum is 12 units per acre. The subject property is approximately 0.22-acres in size. Therefore, the subject property may be developed with a maximum of two dwelling units.

### ***Site Design Development Standards (FMC 15-1004)***

Pursuant to FMC Section 15-1004, where an RM district abuts an RS District, additional height and setback standards apply.

The RS Transition Standards for height of the subject property is a maximum of 40 feet. The subject property complies with this standard and is proposing 26 feet in height for the town home development.

FMC Section 15-1004 requires the front setback to be a minimum of 13 feet, interior side to be 10 feet total with a minimum of 4 feet on each side. The proposed project complies with all these setback requirements proposing a 20 foot setback in the front, a 5 foot setback for on each interior side, and a 20 foot setback in the rear.

Subject to the attached Conditions of Approval dated September 18, 2019 Conditional Use Permit P18-3989 meets all of the provisions of the FMC and complies with all applicable design guidelines of Multi-Unit Residential Standards in Single Family Residential (RS-5) zone districts.

### **OTHER AGENCIES**

#### **District 2 Plan Implementation Committee**

On June 3, 2019, the Council District 2 Plan Implementation Committee reviewed and recommended approval of Conditional Use Permit Application No. P18-03989 by a vote of 4 - 0 with no conditions.

### **Housing Element**

The subject property is on a site listed in the Housing Element (HE) Sites Inventory (2013-2023 RHNA). The Housing Sites Inventory establishes the minimum capacity of this site to be one unit with an affordability categorization of Above Moderate. This project proposes two units of market rate (Above Moderate) housing. This project is consistent with the Housing Element.

### **Airport Land Use Commission**

The proposed project is located in Precision Approach Zone for Fresno Yosemite International Airport. It was heard by the ALUC on September 9, 2019. ALUC recommended approval of Conditional Use Permit Application No. P18-03989 by a vote of 5-0 with no conditions.

All comments received from the applicable agencies have been incorporated into the Conditions of Approval for Conditional Use Permit Application No. P18-03989. The project will comply with all zoning requirements including setbacks, landscaping and parking requirements, as incorporated into the Conditions of Approval dated September 18, 2019.

### **NOTICE OF PLANNING COMMISSION HEARING**

The Planning and Development Department mailed notices of this Planning Commission hearing to surrounding property owners within 1000 feet of the subject property on September 6, 2019. A neighborhood meeting was required and held on February 21, 2019 per the provisions of Sections 15-906 and 15-5006 of the FMC.

### **LAND USE PLANS AND POLICIES**

The Fresno General Plan designates the subject property for Residential Medium Density planned land uses and provides objectives to guide in the development of this project. Residential - Medium Density is intended to provide a variety of residences, enhance the character of the City's neighborhoods, ensure new development is compatible with existing neighborhoods, provide neighborhood serving amenities, and implement the Medium Density Residential land use classification.

The proposed project will facilitate construction of the site with a two-story attached townhouse development which is the intent of the Fresno General Plan for this property. Objectives and policies within the Fresno General Plan support a successful and competitive housing stock and protect, preserve, and enhance Housing Element Sites. Some of those objectives and policies are outlined below:

Policy LU-2-a promotes 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.

Policy LU-2-b promotes residential infill development of existing vacant lots and underutilized sites within the City as a strategy to help meet the affordable housing needs of the community.

Policy LU-5-d promotes medium-high density residential uses to optimize use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.

Policy LU-5-g recommends to allow new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Policy D-1-A requires all new multi-family residential development along pedestrian-oriented streets (collector and local), to provide direct pedestrian street access and to promote walkable connectivity, individualization, family-friendly development, identity, and street safety to the maximum extent reasonably feasible.

The project would also be consistent with the Bullard Community Plan goals and objectives for the subject property:

Goal 1: provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.

Goal 2: provide for efficient use of land and the public service delivery system while protecting the integrity of established neighborhoods.

Goal 4: provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvements of the subject property, is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan and Bullard Community Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and, (4) to not conflict with any public interests in the subject property or adjacent lands.

## **ENVIRONMENTAL FINDINGS**

The California Environmental Quality Act (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. A determination of a Categorical Exemption from Section 15332/Class 32 was made and Environmental Assessment No. P18-03989 was completed for this project on August 5, 2019.

This project qualifies for a Class 32 Categorical Exemption because:

1. The proposed development will occur within city limits on a project site of less than five acres, and is substantially surrounded by urban uses;
2. The project site is a vacant piece of land and has no value as habitat for endangered, rare or threatened species;
3. The site can be adequately served by all required utilities and public services;

4. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, because:
  - a. The proposed project, located in TIZ III as depicted as Figure MT-4 in the Fresno General Plan, will not generate 100 or more peak hour new vehicle trips which would require a Transportation Impact Study.
  - b. Operational noise of the proposed project, a 2-unit attached townhome development, will not create any significant noise effects.
  - c. Air quality impacts will not exceed the limits imposed by SJVAPCD.
  - d. The proposed project will comply with all water quality and stormwater discharge requirements
5. The project is consistent with the RS-5 planned land use designation, the Pinedale Specific Plan, Bullard Community Plan, and all applicable general plan policies as well as with applicable zoning designation and regulations; and,
6. 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.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5306 of the Fresno Municipal Code can be made. These findings are attached as Exhibit L.

## **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 Downtown Neighborhoods 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. P18-03989 is appropriate for the subject property.

### **Attachments:**

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Zoning Map
- Exhibit D - Noticing Map
- Exhibit E - Project Information Tables
- Exhibit F - Operational Statement
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