



## Legislation Details (With Text)

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**Title:** Consideration of Conditional Use Permit Application No. C-17-091 and the related Environmental Assessment No. C-17-091, for property located on the north side of West San Jose Avenue, between North Nantucket and North Colonial Avenues (Council District 2 - Brandau).

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR), as prepared for the Environmental Assessment (EA) No. C-17-091 dated August 11, 2017.

2. APPROVE Conditional Use Permit Application No. C-17-091 which proposes the construction of a multi-family development of nine-duplex buildings and one-single unit building, contingent upon the related environmental assessment and subject to the Conditions of Approval dated September 20, 2017.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Vicinity Map, 2. B - Aerial Photo, 3. C - Land Use, 4. D - Zoning Map, 5. E - Noticing Map, 6. F - Project Information Tables, 7. G - Operational Statement, 8. H - Site Plan, 9. I - Floor Plan, 10. J - Elevations, 11. K - Conditions of Approval C-17-091 PC (1), 12. L - FMC Findings, 13. M - EA Finding of Conformity Filed

Date	Ver.	Action By	Action	Result
9/20/2017	1	Planning Commission	approved	Pass

## REPORT TO THE PLANNING COMMISSION

**SEPTEMBER 20, 2017**

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

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

**BY:** ANDREINA AGUILAR, Planner  
Development Services Division

## SUBJECT

Consideration of Conditional Use Permit Application No. C-17-091 and the related Environmental Assessment No. C-17-091, for property located on the north side of West San Jose Avenue, between

North Nantucket and North Colonial Avenues (Council District 2 - Brandau).

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## **EXECUTIVE SUMMARY**

Giorgio Russo of Ginder Development has filed Conditional Use Permit Application No. C-17-091. The proposed project pertains to  $\pm 1.66$  acres of property located on the north side of West San Jose Avenue, between North Nantucket and North Colonial Avenues.

Conditional Use Permit Application No. C-17-091 proposes the construction of a multi-family development of nine-duplex buildings and one-single unit building for a total of 19 units, each unit will have a private patio and an attached two-car garage. Each unit is approximately 1,500 square feet in floor area and single story in height. The property is zoned RS-5 (*Residential Single Family, Medium Density*).

The proposed project will require dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno.

The existing RS-5 (*Residential Single-Family, Medium Density*) zoning for the subject property and the proposed density of approximately 11.45 dwelling units per acre, is consistent with the Medium Density Residential (5.0-12.0 dwelling units/acre) planned land use designation for the subject property as designated by the Fresno General Plan and Bullard Community Plan. A multi-unit residential development is permitted with a conditional use permit in the RS-5 zone district, per the Fresno Municipal Code (FMC).

## **BACKGROUND**

Giorgio Russo of Ginder Development has filed Conditional Use Permit Application No. C-17-091. The proposed project pertains to  $\pm 1.66$  acres of property located on the north side of West San Jose Avenue, between North Nantucket and North Colonial Avenues.

The project site consists of two parcels and is currently vacant, but was previously developed as a single family residence. As part of the conditions of approval the applicant will be required to file for a lot merger of the current lots. The single family residence was demolished in September 2012 by the property owners. The site is surrounded by single-family and multi-family residential uses. Property located to the east is County of Fresno, while property to the west, north, and south are in the City of Fresno limits.

The RS-5 zone district permits the property to be developed as multi-unit residential through the approval of a Conditional Use Permit and Section 15-906 Duplex and Multi-Unit Residential Standards of the FMC. The subject property is designated by the Fresno General Plan for Medium Density Residential (5.0-12.0 dwelling units/acre). The multi-unit residential development is proposed

with a density of approximately 11.45 dwelling units per acre. Therefore, the proposed project is consistent with the Medium Density Residential planned land use and will implement the goals, objectives, and policies of the Bullard Community Plan and the Fresno General Plan.

### **Conditional Use Permit Application (CUP)**

Pursuant to Chapter 15, Article 9, Section 15-906 of the FMC, a CUP is required in order to create a multi-unit residential development in the RS-5 zone district. The applicant has submitted Conditional Use Permit Application No. C-17-091 which proposes the construction of a multi-family development of nine-duplex buildings and one-single unit building for a total of 19 units, each unit will have a private patio and an attached two-car garage.

Pursuant to the provisions of Section 15-906-B of the FMC, the Planning Commission shall approve, conditionally approve, or deny the CUP following a public hearing. As part of the CUP, an applicant must comply with the following standards and the standards of the RM-1(Residential Multi-Family, Medium High Density) zone district.

#### **Neighborhood Meeting**

Prior to submittal of the project, the applicant shall conduct a Neighborhood Meeting per Section 15-5006 of the FMC. The applicant held a neighborhood meeting on June 1, 2017 at Baird Middle School, approximately 40 neighbors attended the meeting. Majority of the attendees were in support of the project, while a couple of attendees requested the following modifications: screen wall on the perimeter, a 20-foot setback along San Jose Avenue, the filing of a condo map, a limitation to only single story buildings, and no access on San Bruno Avenue.

#### **Density**

The development density shall be within the residential medium density (5.0-12.0 dwelling units per acre) land use. The applicant proposes 19 units on a ±1.66 acre site, which is a density of 11.45 dwelling units per acre.

#### **Front Setbacks**

The front setback for new structures shall match the front setbacks of the adjacent sites where improved with buildings, as determined by the Review Authority. The setbacks currently range from 10 feet to approximately 34 feet along San Jose Avenue; with an average setback of 20 feet. The applicant is proposing 14 foot front setbacks along San Jose Avenue. Since the property to the west has an approximately 14-foot setback, staff believes it is reasonable to allow the 14-foot setback and has included this setback in the conditions of approval. Given that Planning Commission is the Review Authority, Planning Commission will make the final determination on this condition.

#### **Façade Compatibility**

Materials and finishes shall be similar to adjacent single-family homes along San Jose Avenue. The residential façades along San Jose Avenue are primarily a combination of stucco and brick. The site directly west of the project site is vertical wood siding.

The applicant proposes a combination of stucco and brick finishing. As part of the conditions of

approval, additional brick is being required along the building façades visible from the street along San Jose Avenue.

### Landscaping

Article 23 of the FMC, requires a buffer to be installed along the east and west property lines, where the multi-unit residential development abuts single-family residential development. The buffer shall include a six foot masonry wall placed on the east and west property line, which will be reduced to a maximum height of three feet within the 14-foot front setback. Each landscape buffer shall consist of a minimum of 7 large trees, 7 medium trees, 21 large shrubs, and 28 medium shrubs evenly dispersed along the property line. The project will also be conditioned to provide planters along 20 percent of the street facing building facades. All required setbacks will be landscaped.

### Trash Enclosures

The proposed project is providing a two-cell trash enclosure. The applicant is proposing the trash enclosure to be placed nine feet from the rear (northern) property line. The FMC does not permit a trash enclosure to be placed within the rear 20 foot setback. The proposed project is conditioned to relocate the trash enclosure.

### **Streets and Access Points**

The Fresno General Plan designates West San Jose Avenue and San Bruno Avenue as local streets. The developer of this project will be required to construct improvements along the local street frontages.

The proposed project did not require a Traffic Impact Study (TIS). Traffic Impact Studies assess the impacts of new development on existing and planned streets. In the City of Fresno, there are four Traffic Impact Zones; the proposed project is within Traffic Impact Zone (TIZ) II. In TIZ II, a TIS shall be required for all development projected to generate 200 or more peak hour new vehicle trips. The proposed 19 unit project is projected to generate 10 trips in the a.m. peak hour (7 a.m.-9 a.m.) and 12 trips in the p.m. peak hour (4 p.m. and 6 p.m.). Therefore, a TIS was not required. The addition of vehicle trips generated by the proposed project are not considered to be significant to this project area.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and has provided conditions of approval within the memoranda from the Traffic Engineering Division dated August 2, 2017. These requirements generally include: (1) Street improvements, both public and private, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (2) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, the Regional Transportation Mitigation Fee (RTMF), and the Fresno Major Street Impact (FMSI) Fee.

### **Public Services**

Sewer and water facilities are available to provide service to the site subject to the mitigation measures of the related MEIR and the conditions listed in the memoranda dated August 4, 2016 and July 31, 2017 from the Department of Public Utilities. The Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project will be required to mitigate the impacts of the increase runoff from the proposed density to a rate that would be expected if developed to medium-low density

residential. This requirement is part of the mitigating measures of the MEIR completed for the Fresno General Plan and the applicant is subject to implementation of the policies and the mitigation measures that are related to reduction of runoff impacts. The MEIR has provided mitigation measures that the proposed project must implement and comply with to mitigate drainage in the area. The project applicant shall comply with the FMFCD requirements as detailed in its memorandum dated July 24, 2017. Development of the property requires compliance with grading and drainage standards of the City of Fresno and FMFCD.

## **Public Input**

### **Neighborhood Meeting**

The applicant held a neighborhood meeting on June 1, 2017 at Baird Middle School, approximately 40 neighbors attended the meeting. Majority of the attendees were in support of the project, while a couple of attendees requested the following modifications: screen wall on the perimeter, a 20-foot setback along San Jose Avenue, the filing of a condo map, a limitation to only single story buildings, and no access on San Bruno Avenue.

### **Community Plan Citizen Committee**

The Council District 2 Plan Implementation Committee is scheduled to meet on September 18, 2017 to provide a recommendation. The committee received proper and regular notice time to the scheduled meeting. Any recommendations of the Committee will be presented to the Commission at the scheduled public hearing.

### **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 (see attached Noticing Vicinity Map) and neighbors that requested noticing.

### **Support and Opposition to the Project**

The Development and Resource Management Department has not received response letters either in support or opposition to the proposed project. In response to previous projects proposed within the vicinity, the neighborhood has expressed concerns with multi-story residential development; in this case the applicant is proposing single-story buildings.

- One email was received requesting a site plan.
- One email was received requesting a copy of the Environmental Assessment No. C-17-091.
- One call was received requesting information on whether the buildings were single or multi story.

## **LAND USE PLANS AND POLICIES**

## **Fresno General Plan**

As proposed, the project would be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form. The proposed project would support the following goals and objectives:

- Provide for a diversity of districts, neighborhoods, housing types, residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.
  - Policy UF-1-a: Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
- Encourage the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.
  - Policy UF-1-f: 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 LU-1: Establish 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.
  - 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.
- 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: Promote development of vacant, undeveloped, 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.
  - Policy LU-5-c: Promote medium density residential uses to maximize efficient use of residential property through a wide range of densities.
- Objective LU-11: Encourage coordination with adjacent jurisdictions in providing public services, infrastructure and cooperative economic development.

## **Bullard Community Plan**

The Bullard Community Plan lists goals that can help develop the area, such as the following:

- 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 3: Encourages mixed use, i.e. residential/office development along major transportation corridors in order to minimize vehicular trips, promote innovative design and allow for flexibility to meet changing market needs.
- Goal 4: Provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise.
- Goal 5: Provide for a compatible relationship between differing housing types and densities.

The proposed project promotes a diversity of housing types and densities to maximize the residential use and it preserves and protects resources within the City by promoting development on an infill site. 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.

## ENVIRONMENTAL FINDINGS

The Development and Resource Management Department staff has prepared an Initial Study (See Attached "Appendix G to Analyze Subsequent Project Identified in MEIR No. SCH No.2012111015/Initial Study") to evaluate the proposed application in accordance with the land use and environmental policies and provisions of the lead agency City of Fresno General Plan and the related Master Environmental Impact Report (MEIR) SCH No. 2012111015.

The subject property is proposed to be developed at intensity and scale that is permitted by the Medium Density Residential (5.00 to 12.00 dwelling units per acre) planned land use designation for the subject site. Therefore, the development of the proposed site, in accordance with the Conditional Use Permit Application No. C-17-091, will not facilitate an additional intensification of uses beyond those which already exist or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or significantly impact the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of the MEIR have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by California Environmental Quality Act (CEQA) Guidelines Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to the specific project proposal, the environmental impacts noted in the MEIR, pursuant to the Fresno General Plan land use designation, include impacts associated with the Medium Density Residential planned land use designation specified for the subject property. Based on the initial study prepared, the following findings are

made: (1) The proposed project was identified as a Subsequent Project in the MEIR because its land use designation and permissible densities and intensities are allowed as set forth in the Fresno General Plan; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR for the reasons discussed within the environmental assessment for the subject project; and, (3) No new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR.

Therefore, the project proposal has been determined to be within the scope of the MEIR as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR SCH No. 2012111015 dated August 11, 2017. In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds 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.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5306 of the FMC 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 Bullard 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-17-091 is appropriate for the subject site.

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

### **Attachments:**

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Noticing Vicinity Map
- Exhibit F - Project Information Tables
- Exhibit G - Operational Statement
- Exhibit H - Site Plan
- Exhibit I - Floor Plan
- Exhibit J - Elevations
- Exhibit K - Conditions of Approval for C-17-091 dated September 20, 2017; including associated memoranda from responsible departments and agencies.
- Exhibit L - Fresno Municipal Code Findings



Exhibit M - Environmental Assessment No. C-17-091 dated August 11, 2017