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On agenda:	10/3/2018	Final action:			
Title:	<p>Consider Environmental Assessment No. A-17-009/R-17-013/C-17-101, Plan Amendment Application No. A-17-009, Rezone Application No. R-17-013, and Conditional Use Permit Application No. C-17-101 filed by Gary Giannetta of Gary Giannetta Consulting Civil Engineers on behalf of Russ Nakata for approximately 2.5 acres of a 22.81-acre parcel located on the northeast corner of East Nees Avenue and North Bond Street. (Council District 6 - Bredefeld)</p> <p>1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Negative Declaration prepared for Environmental Assessment No. A-17-009/R-17-013/C-17-101 dated June 19, 2018.</p> <p>2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-17-009 proposing to amend the Fresno General Plan and the Woodward Park Community Plan planned land use for approximately 2.5 acres from Commercial Recreation to Community Commercial.</p> <p>3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-17-013 requesting authorization to rezone approximately 2.5 acres from the CRC/UGM/cz (Commercial-Recreation/Urban Growth Management/conditions of zoning) to the CC/UGM/cz (Commercial-Community/Urban Growth Management/conditions of zoning) zone district.</p> <p>4. RECOMMEND APPROVAL (to the City Council) of Conditional Use Permit Application No. C-17-101 requesting authorization to construct an approximately 9,175-square-foot funeral home to include a chapel with 190 seat capacity. No crematory or body preparations are proposed as part of this use. The project also proposes site improvements such as landscaping, and on-site parking for approximately 73 vehicles, in addition to 28 proposed stacked parking spaces. The building would be a maximum of 28 feet in height. The project is being proposed under the use classification Funeral Parlors and Internment Services.</p>				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	<p>1. Exhibit_A_Location Map, 2. Exhibit_B_Proposed Land Use and Zoning Map, 3. Exhibit_C_Conditions of Approval.pdf, 4. Exhibit_D_Project Information, 5. Exhibit_E_Bordering Property Information, 6. Exhibit_F_Proposed Plans, 7. Exhibit_M_FMC Findings, 8. Exhibit_G_Operational Statement, 9. Exhibit_H_Trip Generation Analysis and City Response, 10. Exhibit_I_Conditions of Zoning Analysis, 11. Exhibit_J_District 6 Project Review Committee, 12. Exhibit_K_Public Outreach Materials, 13. Exhibit_L_Planning Commission Notice, 14. Exhibit_N_Environmental Assessment</p>				

Date	Ver.	Action By	Action	Result
10/3/2018	1	Planning Commission		

REPORT TO THE PLANNING COMMISSION

October 3, 2018

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

THROUGH: McKENCIE PEREZ, Supervising Planner
Development Services Division

BY: RICKY CAPERTON, Planner III
Development Services Division

SUBJECT

Consider Environmental Assessment No. A-17-009/R-17-013/C-17-101, Plan Amendment Application No. A-17-009, Rezone Application No. R-17-013, and Conditional Use Permit Application No. C-17-101 filed by Gary Giannetta of Gary Giannetta Consulting Civil Engineers on behalf of Russ Nakata for approximately 2.5 acres of a 22.81-acre parcel located on the northeast corner of East Nees Avenue and North Bond Street. (Council District 6 - Bredefeld)

1. **RECOMMEND APPROVAL** (to the City Council) of the adoption of the Negative Declaration prepared for Environmental Assessment No. A-17-009/R-17-013/C-17-101 dated June 19, 2018.
2. **RECOMMEND APPROVAL** (to the City Council) of Plan Amendment Application No. A-17-009 proposing to amend the Fresno General Plan and the Woodward Park Community Plan planned land use for approximately 2.5 acres from Commercial Recreation to Community Commercial.
3. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. R-17-013 requesting authorization to rezone approximately 2.5 acres from the CRC/UGM/cz (*Commercial-Recreation/Urban Growth Management/conditions of zoning*) to the CC/UGM/cz (*Commercial-Community/Urban Growth Management/conditions of zoning*) zone district.
4. **RECOMMEND APPROVAL** (to the City Council) of Conditional Use Permit Application No. C-17-101 requesting authorization to construct an approximately 9,175-square-foot funeral home to include a chapel with 190 seat capacity. No crematory or body preparations are proposed as part of this use. The project also proposes site improvements such as landscaping, and on-site parking for approximately 73 vehicles, in addition to 28 proposed stacked parking spaces. The building would be a maximum of 28 feet in height. The project is being proposed under the use classification Funeral Parlors and Internment Services.

EXECUTIVE SUMMARY

Gary Giannetta of Gary Giannetta Consulting Civil Engineers on behalf of Russ Nakata has filed Plan Amendment Application No. A-17-009, Rezone Application No. R-17-013, and Conditional Use Permit Application No. C-17-101 pertaining to a ±2.5-acre portion of a 22.81-acre parcel located on the northeast corner of East Nees Avenue and North Bond Street, as described above (see Exhibit A, Location Map, and Exhibit B, Proposed Land Use and Zoning Map).

The Plan Amendment and Rezone application have been filed in order to consider the proposed

funeral home in accordance with Conditional Use Permit Application No. C-17-101. Under the current planned and use and zone district of Commercial Recreation, the proposed use as a funeral parlor would be prohibited. Under the Commercial Community planned land use and zone district, the proposed use would be a conditionally permitted use.

Staff supports approval of these applications subject to conditions of approval dated October 3, 2018 (see Exhibit C).

Project Information

Project information such as applicant, project location, site size, land use and zoning information, and other general project information can be found in Exhibit D.

Bordering Property Information

Bordering property information such as the existing and planned land use designations, as well as the existing zoning districts surrounding the subject property can be found in Exhibit E. In general, the subject property is surrounded by single-family residences to the north and east, and commercial uses to the south and west.

BACKGROUND

Project Description

Plan Amendment Application No. A-17-009 proposes to amend the Fresno General Plan and the Woodward Park Community Plan to re-designate the subject property from Commercial-Recreation to Commercial-Community. **Rezone Application No. R-17-013** proposes to amend the Official Zone Map to reclassify the subject property from CRC/UGM/cz (*Commercial-Recreation/Urban Growth Management/conditions of zoning*) zone district to the CC/UGM/cz (*Commercial-Community/Urban Growth Management/conditions of zoning*) zone district. As noted above, the plan amendment and rezone applications are required to facilitate the development of a funeral home facility. No crematory or body preparation is proposed as part of the use.

Conditional Use Permit Application No. C-17-101 proposes the construction of an approximately 9,175 square foot funeral home to include a chapel with 190 seat capacity. Again, no crematory or body preparation is proposed as part of this use.

The project design consists of an approximately 9,175 square-foot building located at the center of the site away from adjacent residential uses. The design would include a porte-cochere along the western edge of the building, as well as stacked parking for approximately 28 vehicles in addition to 73 on-site surface parking spaces. The project also includes landscape surrounding the perimeter of the site, throughout the parking lot, and surrounding the building. The proposed height of the building would be a maximum of 28 feet. The applicant has indicated that no body preparation and/or crematory will be part of the proposed use and that they have no intentions in the future of providing either of these services at this particular location. The site plan, conceptual elevations, and proposed landscape plan are included in Exhibit F.

The proposed project Operational Statement (Exhibit G) specifies the business Hours of Operation to be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday and Sunday from 9:00

a.m. until 2:00 p.m. It is anticipated that approximately four to seven services will be held per week and will generally occur between the hours of 10:00 a.m. and 3:30 p.m. However, some services, at the request of the clients, will occur after that time lasting until approximately 8:00 PM on occasions where families request visitation. Although the chapel will have capacity for approximately 190 seats, visitations and services typically have approximately 50 people.

Traffic Analysis

The project will include frontage improvements (i.e. curb, gutter, and sidewalk) along East Nees Avenue and North Bond Street, and will be served by one proposed driveway along East Nees Avenue and two proposed driveways along North Bond Street.

A Trip Generation Analysis performed by JLB Traffic Engineering, Inc. dated June 27, 2017 (Exhibit H). The Trip Generation Analysis projected the proposed funeral home use would generate 22 (19 inbound, 3 outbound) vehicle trips during the morning peak hour travel period (7 to 9 a.m.), 54 (46 inbound, 8 outbound) vehicle trips during the evening peak hour travel period (4 to 6 p.m.) on a weekday, and 532 average daily trips (ADT).

The project site is located in Traffic Impact Zone (TIZ) III which allows for 100 peak hour trips to be generated by a project before a Traffic Impact Study is required. However, upon evaluation of the Trip Generation Analysis, the City of Fresno Public Works Department, Traffic and Engineering Services Division determined that the project did not exceed this threshold and therefore would not represent a significant change in traffic beyond the existing planned land use designation. Further, the proposed project would result in a decrease in overall traffic from the existing planned land use designation. Under the existing planned land use designation the project site could result in approximately 1,274 ADT's, and the project would result in a total of 532 ADT's which results in a decrease in 742 ADT's.

The project would also be required to pay a Traffic Signal Mitigation Impact (TSMI) fee based on the amount of average daily trips produced by the project, a Fresno Major Street Impact (FMSI) fee, and a Regional Transportation Mitigation Fee (RTMF). These fees are collected and used to offset the cost for traffic infrastructure improvements.

Noise

Potential noise sources at the project site would occur primarily from the roadway noise from East Nees Avenue along the respective frontage of the subject site, and from stationary noise sources which could potentially emanate from future uses developed on the site, in this case, a funeral home.

For purposes of City analyses of noise impacts, and for determining appropriate noise mitigation, a significant increase in ambient noise levels is assumed if the project causes ambient noise levels to exceed the following: (1) The ambient noise level is less than 60 db Ldn and the project increase noise levels by 5 dB or more; (2) The ambient noise level is 60-65 dB Ldn and the project increases noise levels by 3 dB or more; or, (3) The ambient noise level is greater than 65 dB Ldn and the project increases noise levels by 1.5 dB or more.

The subject property is located on East Nees Avenue an area which is noted in the Fresno General Plan (Figure NS-2 of the General Plan) as having an existing noise contour of 65 to 70 dB abutting East Nees Avenue, with a noise level of 60 to 65 dB extending beyond the immediate roadway area.

It is anticipated that the operation of the proposed funeral parlor would generally not produce sounds beyond what already exists. Although some new traffic would occur as a result of the proposed use, such noise would primarily be from vehicle traffic as part of funeral procession's and would only occur during times of arrival at the site and departure to the burial site. During times where no funeral services occur, the site would be occupied by a small staff of workers.

Further, the project proposes to construct a 6-foot high block wall along its eastern property line, as well as install landscape, which will help to minimize potential noise impacts. The project will be required to provide landscape along the perimeter of the site, also serving as a buffer to minimize potential noise impacts.

Additionally, it should be noted that Title 24 of the California Building Code sets out energy conservation requirements, which have also greatly helped mitigate indoor noise levels by requiring dual-pane windows and additional insulation in buildings. The location of the proposed building is also set back a greater distance than what is required which will further reduce any potential for noise impacts related to operation of the business.

Based upon the above described conditions, the noise levels for the proposed project constitute a negligible to less than significant increase to the City's applicable exterior noise level standard for commercial uses. Although not required to submit an acoustical study, the project will be required to comply with all noise policies and mitigation measures identified within the Fresno General Plan and Master Environmental Impact Report (MEIR) as well as the noise ordinance of the FMC. Additional mitigation is not required.

Conditions of Zoning

Conditions of zoning were adopted for the subject property in Ordinance 98-2 (see Exhibit I). Several of the conditions have already been met or are not applicable to the proposed project. Those that are applicable include neighborhood outreach, flood control requirements, DARM Director review for any commercial recreation project, use and design limitations for an athletic club, minimum setbacks to adjacent residential property and along East Nees Avenue, and general use restrictions on the property. Specifically, a car wash, cocktail lounge, bar and liquor store are prohibited on the property.

The proposed project, as a funeral home, meets all of the conditions of zoning that apply to the project, such as setbacks and use restrictions. For an analysis of the proposed project and applicable conditions of zoning, please see Exhibit I. These conditions of zoning will remain in effect for the subject property.

Land Use Plans and Policies

The proposed project aligns with objectives and policies found in the Fresno General Plan and the Woodward Park Community Plan.

Fresno General Plan

The Fresno General Plan generally puts a strong emphasis on infill development, complete neighborhoods and multimodal connectivity. The proposed project is compatible with goals, objectives, and policies included in the Fresno General Plan.

According to the Fresno General Plan, commercial land use designations allow a wide range of retail and service establishments intended to serve local and regional needs. Specifically, the General Plan states that the Community Commercial land use designation is intended for commercial development that primarily serves local needs such as convenience shopping and small offices. Specific uses allowed include medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores and supporting uses.

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.

Policy LU-5-g: Scale and Character of New Development. 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 LU-6-a: Design of Commercial Development. Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

Objective ED-1: Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.

Policy ED-1-d: Strategic Land Regulation. Explore increasing the amount of land properly zoned, consistent with the General Plan, and ready to be expeditiously developed, redeveloped, and/or revitalized for economic development and job creation purposes. Establish a priority infill development program for sites and districts.

Approval of the plan amendment and rezone would help facilitate and achieve the above stated objectives and policies of the General Plan. The subject property is currently undeveloped and surrounded by urban development; therefore the property is an appropriate infill site as it has existing infrastructure and is adjacent to built-out urban uses, including commercial, residential, retail, and service. The project also proposes a building of high quality design and at a scale consistent to the surrounding area; therefore, the project fosters a high quality design and would contribute to the mix of amenities in the surrounding area. The project includes a landscape plan that will not only help to minimize potential noise, but enhance an otherwise undeveloped vacant piece of land which will serve to enhance to overall character of the area. Lastly, the project facilitates supporting economic development by adding to a diverse mix of uses to the general area.

Woodward Park Community Plan

The Woodward Park Community Plan was adopted in 1989. At that time, its primary goals were to ensure development stayed within the capacity limits of existing infrastructure and to evenly distribute commercial development.

Upon reviewing the policies contained in the Woodward Park Community Plan, staff has determined

that there are no policies that are more restrictive than those contained in the FMC. The proposed project is compatible with goals and policies included in the Woodward Park Community Plan, including:

Goal 1-4: Plan for the appropriate location, size, and intensity of office and commercial developments necessary to meet metropolitan, community, and neighborhood needs in a manner consistent with the plan's concept of urban form and function with the objective of efficiently managing public facilities and resources.

Policy 1-4.4-c: A landscaped setback 20-feet wide containing deciduous and evergreen trees shall be planted and maintained along the property line between commercial and office uses and abutting properties zoned or planned for residential uses and along abutting local streets provided, however, that this requirement shall not apply to those parcels of land which are one acre or less in size or to parcels larger than one acre subject to Director review and approval of landscape plans.

Policy 1-4.4-d: No commercial or office building shall be constructed within 50 feet of the property line of abutting properties zoned or planned for residential uses.

The project's proposed design complies with the above policies and is a project that is of appropriate size and intensity for the area.

PUBLIC INPUT AND NOTICING

District 6 Plan Implementation Committee

The District 6 Project Review Committee reviewed the proposed project at their regular meeting on March 19, 2018 and voted 5-0 to recommend approval of the project (see Exhibit J).

Public Noticing and Outreach

The applicant and operator of the proposed project conducted a neighborhood meeting required for the Plan Amendment pursuant to FMC Sections 15-5805 and 15-5006. In addition, the operator of the project has conducted additional neighborhood outreach, including a flyer clarifying project information to residents within 1,000 feet of the project site, as well as a second neighborhood meeting, also noticed to residents within 1,000 feet of the project site. These outreach efforts are summarized below. A copy of the neighborhood meeting notice, summary of the meeting, neighborhood flyer, and notice for the additional neighborhood meeting are provided in Exhibit K.

Neighborhood Meeting - May 31, 2017

A neighborhood meeting was held on Wednesday, May 31, 2017 at Kastner Intermediate School located at 7676 North First Street in the multi-purpose room, approximately ¼ -mile from the subject property. The meeting commenced at 6:00 p.m. and concluded around 8:00 p.m.

Neighborhood Flyer - September 2018

To address concerns raised at the neighborhood meeting and to provide additional project information, Dann Narveson (Director of Real Estate, SCI Resources, LLC), operator of the proposed project, mailed a flyer to residents within a 1,000 foot radius of the subject property clarifying

operational information, as well as showing the conceptual design of the project and its landscape. The meeting commenced at 5:30 p.m. and concluded around 8:00 p.m.

Neighborhood Meeting - September 12, 2018

As a result of community concern for the proposed project, the applicant held an additional neighborhood meeting on September 12, 2018. Notices were mailed to property owners within 1,000 feet of the subject property. The intent of this meeting was to provide a forum for presenting the proposed project to the neighbors, as well as be available to clarify any project information, and to address any concerns and questions.

Neighborhood Concerns

At the neighborhood meetings, concerns were raised regarding surrounding property values, travel, religious beliefs, and the potential for mental harm to children and others as a result of close proximity to a funeral home were raised.

Property Values

Concern for property values were raised during both neighborhood meetings. However, the Department and Resource Management (DARM) Department does not analyze property values during review of planning applications. In general, some members of the surrounding neighborhood are concerned with the possible negative effects of home values as a result of being near a funeral home; however, the neighborhood has not provided substantial evidence to substantiate these claims. Although staff recognizes the concerns, the DARM department does not analyze property values during review of land use projects.

Body Preparation and Cremation

Concern was raised regarding proximity to body preparation and/or crematory activities that would be possibly take place at the funeral home; however, the project applicant and operator of the funeral home has stated that they will not include body preparation and/or cremation at this particular facility. A condition of approval has been added stating that cremation and body preparation shall not be established as part of this use at this location. Therefore, there will be no body preparation and/or crematory activities at this location as part of the proposed project.

Religious Beliefs and Mental Health

Concern for the effects of religious beliefs of some groups was raised. In general, the concern surrounded proximity to death and the negative effects it could have to the practice of certain religions. Additional concern was raised regarding the potential for mental health of children and others as a result of being in proximity to a funeral home.

Although the staff recognizes the concerns, the DARM department does not analyze specific religious beliefs or mental health effects during review of land use projects. Rather, DARM's review centers around providing an objective and unbiased review of projects compared to consistency with the Fresno Municipal Code (FMC), Fresno General Plan, and other relevant laws and regulations.

As such, staff finds that the project proposes several measures to minimize potential exposure of

business operations by setting the main building back a distance that exceeds the minimum required setback, landscaping along the perimeter of the project site, and a six foot high block wall along the eastern property line. In addition, when a body is brought to the facility for a service, the vehicle would enter into a gated and fully screened area of the building (i.e. service area/garage). As a result of these measures (i.e. greater setback, landscaping, block wall, and fully enclosed delivery area), the potential for exposure to bodies is highly limited.

Notice of Planning Commission Hearing

DARM staff mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit L) on Friday, September 21, 2018, pursuant to Section 15-5007-B-2 of the FMC. Please note that there was a minor typographical error in the notice. The public notice indicated that a Mitigated Negative Declaration was prepared; however, the environmental assessment was a Negative Declaration. This minor typographical error does not have any implications on the adequacy of the noticing, project information, or staff's recommendation.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5812 for the Plan Amendment and Rezone, and Section 15-5306 for the Conditional Use Permit of the FMC can be made. These findings are attached as Exhibit M.

ENVIRONMENTAL FINDINGS

An environmental assessment was prepared (see Exhibit N) for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the area, including the Fresno General Plan MEIR SCH No. 2012111015 (MEIR).

The City of Fresno has conducted an initial study of the above-described project, and it has been determined to be a subsequent project that is not fully within the scope of the MEIR prepared for the Fresno General Plan as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, DARM proposes to adopt a Negative Declaration for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan MEIR have been applied to the project, together with specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by CEQA Section 15178(a). In addition, pursuant to PRC Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have significant impact on the environment and that the filing of a negative declaration is appropriate in accordance with the

provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment, staff has determined that there is no substantial evidence in the record that the project may have a significant direct, indirect, or cumulative effect on the environment and has prepared a negative declaration for this project. A public notice of the attached negative declaration finding for Environmental Assessment No. A-17-009/R-17-013/C-17-101 was published on June 19, 2018 for review and comment. During the 30-day public review period, no comments were received.

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 Woodward Park Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-17-009, Rezone Application No. R-17-013, and Conditional Use Permit Application No. C-17-101 are appropriate for the subject property. Action by the Planning Commission on each of these entitlements will be a recommendation to the City Council.

Attachments:

- Exhibit A - Location Map
- Exhibit B - Proposed Land Use and Zoning Map
- Exhibit C - Conditions of Approval
- Exhibit D - Project Information
- Exhibit E - Bordering Property Information
- Exhibit F - Proposed Plans
- Exhibit G - Operational Statement
- Exhibit H - Trip Generation Analysis and City Response
- Exhibit I - Conditions of Zoning Analysis
- Exhibit J - District 6 Project Review Committee
- Exhibit K - Public Outreach Materials
- Exhibit L - Planning Commission Notice
- Exhibit M - FMC Findings
- Exhibit N - Environmental Assessment