



## Legislation Details (With Text)

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**Title:** HEARING to consider Development Permit Application No. P19-02013 and related Environmental Assessment No. P19-02013 filed by Brian Wright of Orchards II, LLC. This application pertains to approximately 3.73 acres located at the northeast corner of North Dante and West Bullard Avenues. (Council District 2)

1. ADOPT Environmental Assessment for P19-02013, a determination the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption dated May 31, 2019.
2. ADOPT findings pursuant to Government Code Section 65863(b)(2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. APPROVE Development Permit Application No. P19-02013 requesting authorization to construct a 64-unit multi-family development in a RM-2/UGM/cz (Residential Multi-Family - Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, on the subject property.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Zoning Map, 4. Exhibit D - Master Application, 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 - Landscape Plan, 11. Exhibit K - Conditions of Approval dated September 19, 2019, 12. Exhibit L - Fresno Municipal Code Findings, 13. Exhibit M - Environmental Assessment, 14. Exhibit N - Public Hearing Notice, 15. Exhibit O - Noticing Map, 16. Exhibit P - Conditions of Zoning, 17. Exhibit Q - Presentation

Date	Ver.	Action By	Action	Result
9/19/2019	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**September 19, 2019**

**FROM:** JENNIFER K. CLARK, AICP, Director  
Planning and Development Department

**THROUGH:** MIKE SANCHEZ, AICP, Assistant Director  
Planning and Development Department

BONIQUE EMERSON, AICP, Planning Manager  
Planning and Development Department

**BY:** CHERYL AANONSON, Planner

Planning and Development Department

**SUBJECT**

HEARING to consider Development Permit Application No. P19-02013 and related Environmental Assessment No. P19-02013 filed by Brian Wright of Orchards II, LLC. This application pertains to approximately 3.73 acres located at the northeast corner of North Dante and West Bullard Avenues. (Council District 2)

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**RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. **ADOPT** Environmental Assessment for P19-02013, a determination the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption dated May 31, 2019.
2. **ADOPT** findings pursuant to Government Code Section 65863(b)(2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
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**EXECUTIVE SUMMARY**

The proposed project is being considered by City Council because of a condition of zoning that exists on the site that requires that "Applications for site plan review submitted for the subject property shall be referred to the City Council for final approval".

The proposed project pertains to approximately 3.73 acres located at the northeast corner of North Dante and West Bullard Avenues. The applicant proposes construction of a gated 64-unit multi-family development, the Orchards II, consisting of eight (8) two-story apartment buildings with private garages, covered parking, on-site guest parking, and ample landscaping and open space. The development will be contiguous with the adjacent existing 96-unit gated multifamily residential development known as the Orchards.

The subject property is located in the RM-2 (Residential Multi-Family - Urban Neighborhood) zone district and designates density at 16-30 dwelling units/acre. The proposed project is proposing a density of 17.25 dwelling units, which is consistent with the General Plan and compatible with the adjacent development and surrounding neighborhood.

The construction of the proposed project will be uniform with the existing adjacent development including stucco exteriors with accent stucco variations and trim. The proposed project will include a new 80-foot Fresno Area Express (FAX) Bus Bay on Dante Avenue providing future access to public transportation. A cross access covenant will be recorded across both properties providing shared access, parking, utilities, and solid waste services between the properties. There will be a total of three (3) emergency vehicle access points servicing the overall project.

## **BACKGROUND**

### Site Development History

The subject property is vacant undeveloped land.

### Conditions of Zoning

Statement of Covenants Affecting Land Development were adopted previously by Rezone Application No. R-7983 under Ordinance No. 87-74 (see Exhibit P). The Ordinance specified two (2) conditions of zoning:

1. Development of the subject property shall be limited to not more than eighteen (18) units per acres.
  - a. The proposed development proposes 17.25 units per acre, which satisfies this condition of zoning, as well as, meeting the goals of the current General Plan density designation of 16-30 dwelling units/acre.
2. Applications for site plan review submitted for the subject property shall be referred to the City Council for final approval.

### Project Information

Information such as applicant, property owners, project location, site size, land use and zoning, and general project information, including bordering property information such as the existing and planned land use designations, the existing zoning districts surrounding the subject properties and the operational statement can be found in Exhibit F. In general, the subject properties are surrounded by multi-family residential to the north and east, single-family residences to the west and south.

### Land Use Plans and Policies

The proposed development project aligns with objectives and policies found in the Fresno General Plan, Bullard Community Plan, ALUCP, and Housing Element.

### *Fresno General Plan*

The Fresno General Plan designates the subject site for Residential Multi-Family - Urban Development. The proposed project is compatible with goals, objectives, and policies included in the Fresno General Plan, including:

- **Goal 7 states:** 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.
- **Objective UF-1-d states: Range of Housing Types.** Provide for diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.
- **Implementing Policy LU-1-a states:** Promote Development within the Existing City Limits as of December 31, 2012. Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.
- **Implementing 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.
- **Implementing Policy LU-5-e states:** Urban Neighborhood Residential Uses. Promote urban neighborhood residential uses to support compact communities and Complete Neighborhoods that include community facilities, walkable access to parkland and commercial services, and transit stops.

The subject properties are currently undeveloped. The properties are vacant infill sites with local street frontage and are adjacent to both multi-family and single-family residential uses. The property owner is proposing a multi-family development that will be similar to other existing sites throughout the neighborhood and at a scale that will be consistent with the surrounding area.

#### *Bullard Community Plan*

Upon reviewing the policies contained in the 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 Bullard Community Plan.

#### *Airport Land use Compatibility Plan (ALUCP)*

The proposed project is located within the Airport Influence Area. The Fresno County Airport Land Use Consistency Committee reviewed the project as submitted at their April 8, 2019 regular meeting and approved a Finding of Consistency with the ALUCP. No conditions were attached to the finding.

#### *Housing Element Site*

The proposed subject property is designated as a Housing Element (HE) site as it is located on a site listed in the Housing Sites Inventory (2013-2023 RHNA). Ordinance 2018-63 rezoned this site from RM-1 to RM-2, and the Housing Sites Inventory (2013-2023 RHNA) establishes the minimum capacity of this site to be 60 units with an affordability categorization of Low/ Very Low. The proposed project includes 64 units of market rate (Above Moderate) housing.

State law requires that when a jurisdiction permits development on a HE site with fewer units by income category than identified in the jurisdiction's housing element, the following findings (supported by substantial written evidence) must be made at the time of approval: the reduction is consistent with the adopted general plan, including the HE and that the remaining sites identified in the HE are adequate to accommodate the City of Fresno's share of the RHNA.

As of the date of this analysis, the remaining sites identified in the HE are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584. Approval of this project will reduce the 2013-2023 RHNA capacity for Very Low/Low units by 60 units, which will reduce the excess capacity from 4,799 units to 4,739 units, and increase the capacity for Above Moderate by 64 units, which will increase the excess capacity for Above Moderate units from 4,464 units to 4,528 units. The 2013-2023 RHNA obligation for Very Low/Low is 8,834 units, and the total capacity remaining after the proposed decrease is 13,573 units, the 2013-2023 RHNA obligation for Above Moderate is 10,116 units, and the total capacity remaining after the proposed increase is 14,644.

In summary, the HE designates this site for a minimum of 60 dwelling units for the subject property with an affordability categorization of Low/ Very Low. The density on the site falls into the Above Moderate Income category, but the inventory for this category has a surplus of 4,528 units. Therefore, the project is still considered consistent with the HE.

### Public Resources

The site is currently served by all City services. The site is currently vacant land but is substantially surrounded by developed urban uses. The proposed project will increase the availability of housing in the area. The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use is conducted 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.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the subject site is not located within a flood prone or hazard area and that permanent drainage service is available.

The Public Works Department/Traffic Engineering Division has determined that, based upon the proposed traffic yield from and the expected traffic generation of the proposed project for the subject property, the proposed project will not adversely impact the existing circulation system.

The project will be required to comply with the standard requirements, policies, and procedures of the Public Works Department, which generally include: (1) Adjacent public street improvements, and right-of-way dedications (including, but not limited to, construction and/or modification of curbs, sidewalks,

ramps and driveway approaches on interior local streets) and (2) Payment of applicable impact fees (including, but not limited to, the water and sewer connection fees, Citywide Park Facility Impact Fee New Growth Area Major Street Charge, Citywide Traffic Signal Charge, etc.).

## **Public Notice and Input**

### District 2 Review Committee

Pursuant to FMC Section 15-5807, Committee Review is not required for Development Permits when the proposed use is permitted by right, such as the proposed project, which use is Multi-Family Residential in the RM-2 zone district. Furthermore pursuant to Section 15-1005 the proposed project meets the Certainty Option Development Standards, therefore no referral for review was required by the Review Committee.

### Neighborhood Meeting

Pursuant to FMC Section 15-5006 and Chapter 15, Article 10 a neighborhood meeting is not required for the proposed use, Multi-Family Residential, permitted by right in the RM-2 zone district, therefore no meeting was held.

### Fresno City Planning Commission

Pursuant to the Statement of Covenants Affecting Land Development relating to Rezone Application No. R-7983 and Ordinance No. 87-74 “Applications for site plan review submitted for the subject property shall be referred to the City Council for final approval.” Therefore the project was not reviewed by the Planning Commission.

### Notice of City Council Hearing

The Planning and Development Department mailed notices of this City Council hearing to surrounding property owners within 1,000 feet of the subject property on September 6, 2019 (Exhibit N), pursuant to Section 15-5007-B-2 of the FMC.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the application, staff concludes the required findings of Section 15-5206 of the FMC for the Development Permit can be made. These findings are attached as Exhibit L.

## **ENVIRONMENTAL FINDINGS**

The California Environmental Quality Act ([CEQA] Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. A determination of Categorical Exemption, Section 15332/Class 32, was made and Environmental Assessment No. P19-02013 was completed for this project on May 31, 2019.

Section 15332 (Class 32 In-Fill Development Projects) consists of projects characterized as in-fill development meeting the following conditions: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (2) The proposed development occurs within city limits on a project site

of no more than five acres substantially surrounded by urban uses. (3) The project has no value as habitat for endangered, rare or threatened species. (4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (5) The site can be adequately served by all required utilities and public services.

The proposed project consists of the construction of two-story multifamily units with detached garages and carports adjacent to and is also contiguous to an existing multifamily complex. The proposed project complies with all conditions described in Section 15332/Class 32, California CEQA Guidelines: (1) the project is consistent with the Fresno General Plan, Bullard Community Plan, and ALUCP; (2) the project is located within the city limits, consists of 3.73± acres, and is surrounded by existing single and multifamily developments; (3) the project is not located in an area known to have value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality over and above the existing conditions. 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 negatively impact the characteristics of the area nor will it have a significant effect on the environment. Accordingly, as the area is not environmentally sensitive, as noted above, a categorical exemption has been prepared for the project.

## **LOCAL PREFERENCE**

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

### **Attachments:**

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
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