



## Legislation Details (With Text)

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**Title:** Consideration of Conditional Use Permit Application No. P19-02037 and related Environmental Assessment No. P19-02037, located on the south side of North State Street between West Mission Avenue and North Golden State Boulevard, in Highway City (Council District 2) - Planning & Development Department.

1. ADOPT the Class 32 Categorical Exemption as prepared for California Environmental Quality Act (CEQA) Environmental Assessment No. P19-02037 dated September 18, 2019.

2. APPROVE Conditional Use Permit Application No. P19-02037 subject to compliance with the Conditions of Approval dated September 18, 2019.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Planned Land Use, 4. Exhibit D - Zoning Map, 5. Exhibit E - Project Information Tables, 6. Exhibit F - Noticing Map, 7. Exhibit G - Master Application, 8. Exhibit H - Operational Statement, 9. Exhibit I - Site Plan, 10. Exhibit J - Floor Plan & Elevations, 11. Exhibit K - Conditions of Approval, 12. Exhibit L - Neighborhood Meeting Summary, 13. Exhibit M - Notice Of Public Hearing, 14. Exhibit N - Environmental Assessment, 15. Exhibit O - Fresno Municipal Code Findings, 16. Text File

Date	Ver.	Action By	Action	Result
9/18/2019	1	Planning Commission	referred to staff	Pass

### ❖ REPORT TO THE PLANNING COMMISSION

**September 18, 2019**

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

**THROUGH:** RALPH KACHADOURIAN, Supervising Planner  
Development Services Division

**BY:** PHILLIP SIEGRIST, Planner  
Development Services Division

### **SUBJECT**

Consideration of Conditional Use Permit Application No. P19-02037 and related Environmental Assessment No. P19-02037, located on the south side of North State Street between West Mission

Avenue and North Golden State Boulevard, in Highway City (Council District 2) - Planning & Development Department.

1. **ADOPT** the Class 32 Categorical Exemption as prepared for California Environmental Quality Act (CEQA) Environmental Assessment No. P19-02037 dated September 18, 2019.
2. **APPROVE** Conditional Use Permit Application No. P19-02037 subject to compliance with the Conditions of Approval dated September 18, 2019.

## EXECUTIVE SUMMARY

Mike de Alba, of De Alba Architecture, on behalf of Star Housing Project, Inc., has filed Conditional Use Permit Application No. P19-02037 pertaining to an approximately  $\pm 0.78$  acre parcel of property located on the south side of North State Street between West Mission Avenue and North Golden State Boulevard, in Highway City.

The applicant requests authorization to construct a multiple family residential development consisting of six dwelling units located in two-story, detached townhouse buildings with private garages. In addition, the project proposes on and off-site improvements including but not limited to on-site guest parking; on and off-site trees and landscaping; a two-cell trash enclosure; and installation of curbs, gutters, and sidewalks. All units are proposed as market rate and the subject property is not located on a site listed in the Housing Element Sites Inventory (2013-2023 RHNA). The subject property is zoned RS-5 (*Single Family Residential, Medium Density*) which permits Multi-Unit Residential with an approved Conditional Use Permit.

Pursuant to Section 15-906-B of the Fresno Municipal Code (FMC), 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. Therefore, the subject application is being considered by the Planning Commission.

## BACKGROUND

Pursuant to FMC Table 15-902, Multi-Unit Residential is permitted in the RS-5 zone district subject to an approved Conditional Use Permit and subject to the development standards of the RM-1 (*Multiple Family Residential, Medium High Density*) zone district, pursuant to §15-906 of the FMC.

The subject property is currently vacant and located on a partially developed block, surrounded by vacant property to the east and existing single family residential homes to the south, west, and across the street to the north. Furthermore, the adjacent vacant properties immediately to the east are currently planned and zoned for General Commercial uses. The existing homes on the same blockface and along the street do not have a consistent architectural style. In addition, curbs, gutters, and sidewalks have not been constructed.

The applicant proposes the development of a 6-unit multiple family residential development consisting of two-story, detached townhouse buildings. Each unit will include four bedrooms, two and a half bathrooms, two car private garages, covered front porches, and rear patios. The proposed development will also include three uncovered guest parking spaces, on and off-site landscaping; including 37 percent open space, a two-cell trash enclosure, and a six foot high perimeter block wall.

The exterior facades of the proposed townhomes will consist of concrete smooth stucco finish, stone veneer accents, dual glaze vinyl windows with wood shutters, vinyl doors, attic vents, and concrete tile roofs.

Vehicular access and parking will be provided via a new driveway approach along North State Street. In addition, the project will require dedications, vacations, and/or acquisitions for public street rights-of-way as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno in order to facilitate the proposed development of the subject property.

## **Density**

The subject application proposes the development of a 6-unit multiple family residential, detached townhouse, apartment complex on  $\pm 0.78$  acres of property designated for Medium Density Residential planned land uses, which has an allowable density range of 5 to 12 units per acres. As proposed, the 6-unit project would result in a density of 7.7 dwelling units per acre. Based upon the residentially planned land use density and acreage allocations currently designated by the Fresno General Plan, the subject property is expected to yield approximately 4 - 9 dwelling units. Therefore, these figures demonstrate that development in accordance with the subject application is consistent with the planned land use and allowable density for the subject property.

Pursuant to Policy W-5-b of the West Area Community Plan, for multiple-family apartments on sites not greater than one acre, the minimum site area per dwelling unit shall not be less than 3,500 square feet. The  $\pm 0.78$  acre (approximately 33,977 square feet) of property to be developed with 6 multiple family dwelling units will yield approximately 5,663 square feet per dwelling unit. Therefore, development of the proposed project is in accordance with applicable density criteria contained in the West Area Community Plan.

## **Fresno Municipal Code**

Pursuant to FMC Section 15-906-D, the property development standards of the RM-1 (*Multiple family Residential, Medium High Density Residential*) zone district shall apply to the underlying RS-5 (*Single Family Residential, Medium Density*) zone district. Given the conditions of approval dated September 18, 2019, Conditional Use Permit Application No. P19-02037 meets all of the provisions of the FMC, including but not limited to setbacks, transition standards, parking, and landscaping, and complies with all applicable design guidelines and development standards for Multi-Unit Residential in the RS-5 (*Single Family Residential, Medium Density*) zone district.

## **Other Agencies**

All comments received from the applicable agencies have been incorporated into the conditions of approval for Conditional Use Permit Application No. P19-02037 (Exhibit K).

## **Public Notice and Input**

### Neighborhood Meeting

Prior to project submittal, the applicant held a neighborhood meeting on February 8, 2019, and noticed property owners within 500 feet of the subject property. The property owner provided an

overview of the project, including exhibits of the proposed development. Only two individuals from within the neighborhood attended the meeting. The two attendees expressed excitement for new development in the area. A summary of the neighborhood meeting (Exhibit L) was prepared and submitted by the applicant.

### Council District Project Review Committee

The Council District 2 Project Review Committee recommended approval of the proposed project on June 3, 2019 by a vote of 4-0 with no additional comments or recommendations.

### Notice of Planning Commission Hearing

In accordance with Section 15-5007 of the FMC, 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 (Exhibit M). No comments have been received to date.

## **LAND USE PLANS AND POLICIES**

The Fresno General Plan designates the subject property for Medium Density Residential planned land uses and provides objectives to guide in the development of this project. Medium Density Residential covers developments of 5 to 12 units per acre and is intended for areas with predominantly single-family residential development, but can also accommodate a mix of housing types, including small-lot starter homes, zero-lot line developments, duplexes, and townhouses. The proposed project will facilitate development of the site with a 6-unit, detached townhouse multi-family residential project which is the intent of the Fresno General Plan for this property. Objectives and policies within the Fresno General Plan support diverse housing types, efficient and equitable use of resources, and multi-family residential infill development. Some of those objectives and policies are outlined below:

- ❖ Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.
  - Policy UF-1-a: **Diverse Neighborhoods.** Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
  - Policy UF-1-d: **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.
  - Policy UF-1-e: **Unique Neighborhoods.** Promote and protect unique neighborhoods and mixed use areas throughout Fresno that respect and support various ethnic, cultural and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and lifestyle attractive to Frenshans. Support unique areas through more specific planning processes that directly engage community members in creative and innovative design efforts.
- ❖ Objective UF-12: Locate roughly one-half of future residential development in infill areas-defined as being within the City on December 31, 2012-including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along

major BRT corridors, and other non-corridor infill areas, and vacant land.

- ❖ 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.
  - Policy LU-1-a: **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.
- ❖ 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.
- ❖ 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: **Medium Density Residential Uses.** Promote medium density residential uses to maximize efficient use of residential property through a wide range of densities.
  - 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.

The proposed project would allow development on existing properties within the City of Fresno. The project promotes multi-family residential development and reinvestment within the City and preserves and protects resources within the City by expanding opportunities for development on infill properties. Infill development conserves resources and takes advantage of existing infrastructure. Furthermore, the proposed multi-family development promotes a city of healthy communities and will enhance the overall character of the neighborhood by providing multi-family residential development that is compatible with the surrounding established neighborhood.

## West Area Community Plan

The subject property is designated for Medium Density Residential planned uses by the West Area Community Plan. Upon reviewing the policies contained in the Plan staff has determined that the following policies apply.

- ❖ Objective W-5: Provide for the appropriate distribution and design of multiple-family and clustered residential uses, to establish and maintain safe, attractive, and stable residential

neighborhoods and to preserve long-term integrity of the West Area Community.

- Policy W-5-b: sites not more than one acre in size, the minimum site area per dwelling unit shall not be less than 3,500 square feet.
  
- ❖ Objective W-6: Establish compatible relationships between housing types and densities, and provide standards for interfaces between urban and rural residential land uses and between single-family and multiple-family residential projects.
  
- Policy W-6-d: The following design guidelines shall be considered for application to all multiple-family residential development entitlements adjacent to land that is planned for single-family and/or rural residential use:
  - Locate common use outdoor recreational areas, game courts, swimming pools, and solid waste collection areas on portions of the development site away from existing or planned single-family and rural residential uses.
  
  - Separate parking areas, carports, garages, and access drives other than main access drives from abutting properties zoned or planned for single-family or rural residential use with a protected landscape setback at least 5 feet wide, and with a solid masonry wall 6 feet high, along the property line.

### **Highway City Neighborhood Specific Plan**

The subject property is designated for Medium Density Residential planned land uses by the Highway City Neighborhood Specific Plan. Upon reviewing the policies contained in the Plan staff has determined that there is some conflict between the FMC and the Highway City Neighborhood Specific Plan regarding property development standards; however, pursuant to Section 15-104-B-4-a of the FMC, the FMC shall control.

### **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. P18-02321, dated September 18, 2019 (Exhibit N), was prepared for this project. A Section 15332/Class 32 exempts from the provisions of CEQA the construction of projects characterized as in-fill development meeting the following conditions: a) 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, b) the proposed development occurs within city limits on a project site of

no more than five acre and is substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services.

This site is located within the City limits and is consistent with the Fresno General Plan designation, policies, and zoning. The existing RS-5 zone district is consistent with the Medium Density Residential land use designation approved for this site by the Fresno General Plan, West Area Community Plan, and the Highway City Neighborhood Specific Plan. The proposed development occurs on a project site of approximately  $\pm 0.78$  acres, which is less than the five acre maximum, and is substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species and can be adequately served by all required utilities and public services. No adverse environmental impacts will occur as a result of the proposed project. 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. Accordingly, a categorical exemption, as noted above, has been prepared for the project.

## **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 O.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, West Area Community Plan, and the Highway City Neighborhood Specific 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. P18-02321 is appropriate for the subject property.

### **Attachments:**

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Project Information Tables
- Exhibit F - Noticing Map
- Exhibit G - Master Application
- Exhibit H - Operational Statement
- Exhibit I - Site Plan
- Exhibit J - Floor Plan & Elevations
- Exhibit K - Conditions of Approval dated September 18, 2019
- Exhibit L - Neighborhood Meeting Summary
- Exhibit M - Notice of Planning Commission Hearing
- Exhibit N - Environmental Assessment
- Exhibit O - Fresno Municipal Code Findings

