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Title:	<p>Consideration of Conditional Use Permit Application No. P20-04902 and related Environmental Assessment No. P20-04902, for property located on the north side of East Tulare Street, between North Fowler and North Claremont Avenues. (Council District 5)</p> <p>1. ADOPT Environmental Assessment No. P20-04902, dated April 7, 2021, a Class 32 Categorical Exemption (In-fill development projects) for the proposed project pursuant to the California Environmental Quality Act (CEQA).</p> <p>2. APPROVE Conditional Use Permit Application No. P20-04902 subject to compliance with the Conditions of Approval dated April 7, 2021, authorizing construction of a multi-unit residential development consisting of 42, detached, single-story single-family homes and a ten percent reduction (Minor Deviation) to the minimum off-street parking requirement.</p>				
Sponsors:	Planning and Development Department				
Indexes:					
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Attachments:	1. Exhibit A - Vicinity Map, Aerial Photograph, Zoning Map, 2. Exhibit B - Project Information Tables, 3. Exhibit C - Master Application (including Operational statement), 4. Exhibit D - Neighborhood Meeting Summary, 5. Exhibit E - Plan Exhibits (Site Plan, Floor Plan, Elevations), 6. Exhibit F - Notice of Public Hearing, 7. Exhibit G - Conditions of Approval dated April 7, 2021, 8. Exhibit H - Environmental Assessment, 9. Exhibit I - Fresno Municipal Code Findings, 10. Exhibit J - Additional Comments Received, 11. Exhibit G - Conditions of Approval with memos				

Date	Ver.	Action By	Action	Result
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REPORT TO THE PLANNING COMMISSION

April 7, 2021

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

THROUGH: PHILLIP SIEGRIST, Supervising Planner
Development Services Division

BY: THOMAS VEATCH, Planner
Development Services Division

SUBJECT

Consideration of Conditional Use Permit Application No. P20-04902 and related Environmental Assessment No. P20-04902, for property located on the north side of East Tulare Street, between North Fowler and North Claremont Avenues. (Council District 5)

1. **ADOPT** Environmental Assessment No. P20-04902, dated April 7, 2021, a Class 32 Categorical Exemption (In-fill development projects) for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **APPROVE** Conditional Use Permit Application No. P20-04902 subject to compliance with the Conditions of Approval dated April 7, 2021, authorizing construction of a multi-unit residential development consisting of 42, detached, single-story single-family homes and a ten percent reduction (Minor Deviation) to the minimum off-street parking requirement.

EXECUTIVE SUMMARY

Jenna Chilingirian, of Precision Civil Engineering, on behalf of Ted Moon, has filed Conditional Use Permit Application No. P20-04902 pertaining to an approximately ± 4.05 acre parcel of property located on the north side of East Tulare Street, between North Fowler and North Claremont Avenues.

The subject application proposes to construct a multi-unit residential development consisting of 42, detached, single-story single-family homes. Each home will be manufactured and will include three bedrooms and two bathrooms. In addition, the project proposes on and off-site improvements including but not limited to on-site resident and guest parking; a combination of private and common open space; on and off-site trees and landscaping; three two-cell trash enclosures; installation of two new drive approaches; and the dedication and construction of a multi-purpose bicycle and pedestrian trail. The subject property is 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 scheduled for consideration by the Planning Commission.

BACKGROUND/ANALYSIS

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 FMC Section 15-906.

The subject property is currently vacant and located on a partially developed block. Existing single family homes are located east of the project site. An existing single family residential neighborhood and Fancher Creek Elementary School are located to the south. Property immediately to the west of the project site is currently vacant. The Fancher Creek Canal is located along the north side of the property. In addition, a Class I Bike and Pedestrian Trail is planned along the north side the project site. The property on the opposite side of the canal is zoned PR (*Parks and Recreation*).

The subject application proposes to construct a multi-unit residential development consisting of 42, detached, single-story single-family homes. In addition, the project proposes on and off-site

improvements including but not limited to on-site resident and guest parking; a combination of private and common open space; on and off-site trees and landscaping; three two-cell trash enclosures; installation of two new drive approaches; and the dedication and construction of a multi-purpose bicycle and pedestrian trail.

Vehicular access and parking will be provided via two new driveway approaches along East Tulare. 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.

Design

Each home will be manufactured and include three bedrooms and two bathrooms. The installation and use of manufactured homes is subject to the requirements of FMC Section 15-2738 (Manufactured Homes) to ensure the project will be compatible in design and appearance with existing and future residential structures in the vicinity. There will be variations in color and materials while maintaining a consistent design style throughout the entire development. The homes will feature gabled and valley shingled roofs, horizontal and vertical siding, and single hung vertical sliding windows.

The majority of the homes throughout the development will be oriented towards the public street and/or internal vehicular access aisle to provide connectivity between primary entrances and adjacent pedestrian paths along East Tulare Street and within the interior circulation network. The remaining homes not directly oriented towards the street are provided connectivity by way of central paths that connect building entrances to interior parking areas, the sidewalk along East Tulare Street, and the proposed trail that runs along the north side of the project site. Five of the thirteen homes adjacent to the trail will be oriented towards the trail with entrances facing directly onto the trail. The project will also provide two points of access to the planned trail.

Density

The subject application proposes the development of a 42-unit residential development on ± 4.05 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 42-unit project would result in a density of 11.1 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 20 - 48 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.

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 April 7, 2021, Conditional Use Permit Application No. P20-04902 meets all of the provisions of the FMC, including but not limited to setbacks, transition standards, parking, landscaping and trails, and complies with all applicable design guidelines and development standards for manufactured homes

and Multi-Unit Residential in the RS-5 (*Single Family Residential, Medium Density*) zone district.

Parking

The project proposes 42 three bedroom residential units. Pursuant to FMC Table 15-2409, dwelling units with three or more bedrooms within a Multi-Unit Residential development shall provide 1.5 spaces per unit, plus an additional uncovered guest parking space for every 2 units. Each unit shall have a designated covered parking space. Therefore, the project would be required to provide 84 off-street parking spaces. However, the applicant has requested a minor deviation to grant relief from the minimum parking requirements. The request was reviewed under the provisions of Section 15-5601 of the FMC, which allows a decrease in the minimum required parking spaces up to 10 percent. Therefore, the request is to decrease the minimum parking requirement from 84 parking spaces to 76.

The project proposes 76 off-street parking spaces (42 covered, 34 uncovered) which meets the Minor Deviation request. The required findings of FMC Section 15-5607-B are included in the attached **Exhibit I**.

Traffic and Circulation

The project is located on the north side of East Tulare Street, between North Fowler and North Claremont Avenues. The section of Tulare Street adjacent to the project is classified as a Collector street by the Fresno General Plan Circulation Element. The project proposes two drive approaches to be constructed to allow circulation into the proposed residential development.

A Class I Bicycle and Pedestrian Path is planned to run along the north side of the project site. The project proposes one access point to the trail and will be required to comply with any applicable regulations in regard to projects adjacent to trails.

Staff conducted a search using the Fresno Council of Governments (COG) Vehicle Miles Traveled (VMT) Screening Tool to determine the VMT for this residential project (42 dwelling units). The City of Fresno's adopted thresholds, effective on July 1, 2020, for development projects correspond to the regional thresholds set by the Fresno COG. For residential projects, the adopted threshold of significance is a 13% reduction, which means that projects that generate VMT in excess of a 13% reduction than the existing regional VMT per capita or per employee would have a significant environmental impact. Projects that reduce VMT by more than 13%, are less than significant. The proposed project is eligible to screen out because the proposed project site is designated as a Low (Less than 13%) Vehicle Miles Traveled Zone per the Fresno Council of Governments COG screening map and would be considered to have a less than significant impact on regional VMT.

Public Services

Public Utilities (Sewer, Water, and Solid Waste)

The Department of Public utilities has noted that the project is anticipated to be served by the Bakman Water Company for water services, otherwise additional fees and requirements will be required if a connection to the City public water system is needed. DPU has also specified the requirements for the project to utilize city sewer systems. Additional requirements have also been specified in regard to solid waste enclosures and which are included in the conditions of approval.

Fire

The City of Fresno Fire Department reviewed the proposed project and determined adequate Fire service will be available to serve the development provided all Fire related corrections and conditions have been satisfied prior to development. The project is required to provide fire sprinklers at each unit and hydrants at the site. In addition, project is also required to accommodate the passage of fire trucks through to the interior of the property.

Fresno Irrigation District

The Fresno Irrigation District has reviewed the project and has provided comments in relation to the canal that runs along the north of the project site and specified requirements for the project and trail as it relates to the canal. The department has specified that improvements to the canal will be required by the project so that the canal and residential use will not conflict. They have also described their requirements so that the trail easements do not conflict with their easement for the canal so they can ensure they have access to the canal from their easement.

Drainage

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the project regarding storm water runoff and has identified their requirements for the project. The project is not located in a flood prone area. An existing storm drain easement runs along the west property boundary. While existing Master Plan Facilities are available to serve the site, FMFCD indicated that the District's Master Plan is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the density of the proposed project. Project approval has been conditioned to comply with the requirements identified in the FMFCD memorandum to the Planning and Development Department dated February 19, 2021, which requires the developer to either make improvements to the existing pipeline system to provide additional capacity or use a permanent peak reducing facility to eliminate adverse impacts on the existing system.

Other Agencies

All comments received from the applicable agencies have been incorporated into the conditions of approval for Conditional Use Permit Application No. P20-04902. Given the conditions of approval, the project will comply with all department comments and conditions and all zoning requirements as incorporated into the conditions of approval dated April 7, 2021 (**Exhibit G**).

Public Notice and Input

Neighborhood Meeting

Prior to project submittal, the applicant held a neighborhood meeting on January 12, 2021, 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. Six individuals from within the neighborhood attended the meeting and four individuals responded to the mailed notice. Questions ranged from layout, vehicular access, and impact to schools. A summary of the neighborhood meeting (**Exhibit D**) was prepared and submitted by the applicant. A letter received in response to the notice expressing opposition to the project is also attached to the summary exhibit. The letter expressed concern about the project's impact upon the Fancher Creek Parkway and stated the project is inconsistent with the surrounding neighborhood.

Council District Project Review Committee

The Council District 5 Project Review Committee recommended approval of the proposed project on February 8, 2021 by a vote of 3-0 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 March 26, 2021 (**Exhibit F**). 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 multi-unit residential project consisting of 42-unit, detached single family residences 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 Frensans. 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-unit 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-unit residential development promotes a city of healthy communities and will enhance the overall character of the neighborhood by providing multi-unit residential development that is compatible with the surrounding established neighborhood.

Roosevelt Community Plan

The subject property is designated for Medium Density Residential planned uses by the Roosevelt Community Plan. Upon reviewing the policies contained in the Plan, staff has determined that no policies that are applicable or are more restrictive than those contained in the Fresno General Plan or Citywide Development Code. However, should there be a conflict between the FMC and the Roosevelt Community Plan, pursuant to Section 15-104-B-4 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. P20-04902, dated April 7, 2021, was prepared for this project and attached as **Exhibit H**.

FRESNO MUNICIPAL CODE & HOUSING ELEMENT FINDINGS

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5306 of the Fresno Municipal Code and the Housing Element per California Government Code Section 65583 can be made. These findings are attached as **Exhibit I**.

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 Roosevelt 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. P20-04902 is appropriate for the subject property.

Attachments:

- Exhibit A - Vicinity Map, Aerial Photograph, Zoning Map
- Exhibit B - Project Information Tables
- Exhibit C - Master Application (including Operational Statement)
- Exhibit D - Neighborhood Meeting Summary
- Exhibit E - Plan Exhibits (Site Plan, Floor Plan, Elevations)
- Exhibit F - Notice of Public Hearing
- Exhibit G - Conditions of Approval dated April 7, 2021
- Exhibit H - Environmental Assessment
- Exhibit I - Fresno Municipal Code Findings