



REPORT TO THE PLANNING COMMISSION

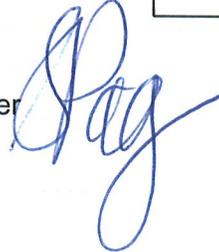
AGENDA ITEM NO. VIII-B
COMMISSION MEETING 2-20-13

APPROVED BY


DEPARTMENT DIRECTOR 

February 20, 2013

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division 

BY: ISRAEL TREJO, Planner
Development Services Division 

SUBJECT: CONSIDERATION OF AN APPEAL OF DIRECTOR ACTION APPROVING VARIANCE APPLICATION NO. V-12-003 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. V-12-003, LOCATED ON WEST DUNN AVENUE BETWEEN SOUTH THORNE AND SOUTH FRUIT AVENUES

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that proposed Variance Application No. V-12-003 is appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. APPROVE the environmental finding of Environmental Assessment No. V-12-003 dated October 19, 2012, a determination that the proposed project is exempt from CEQA through a Class 5 Categorical Exemption.
2. DENY the appeal and UPHOLD the action of the Development and Resource Management Department Director approving Variance Application No. V-12-003 subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval for Variance Application No. V-12-003 dated October 19, 2012.

EXECUTIVE SUMMARY

Variance Application No. V-12-003, filed by Patrick Eller, pertains to property located on West Dunn Avenue between South Thorne and South Fruit Avenues. The application is a request for authorization to allow two residential parcels to have reduced lot width, lot depth, lot area and a reduced setback to the freeway right-of-way. LLA-2012-02 was filed to resolve a property line dispute between the owners of the properties at 348 and 342 West Dunn Avenue; said LLA cannot be approved unless the subject variance application is approved. The Development and Resource Management Department Director approved the variance application on October 19, 2012. In accordance with the Special Permit Procedure of the Fresno Municipal Code (FMC), a notice of granting of the variance application was mailed to property owners within 350 ft. of the subject site. In response to this notice, an appeal letter was received (Exhibit C).

PROJECT INFORMATION

PROJECT	Variance Application No. V-12-003 is a request to allow two residential parcels to have reduced lot width, lot depth, lot area and a reduced setback to the freeway right-of-way
APPLICANT	Patrick Eller
LOCATION	Located on the north side of West Dunn Avenue between South Thorne and South Fruit Avenues
SITE SIZE	Parcels B & C of Lot Line Adjustment No. 2012-02; Parcel B contains ± 5,316 square feet, Parcel C contains ± 6,234 square feet (if LLA is approved)
LAND USE	Existing - Light Industrial Proposed - No Change
ZONING	R-3 (<i>Medium Density Multiple Family Residential District</i>) zone district
PLAN DESIGNATION AND CONSISTENCY	The request to allow two residential parcels to have reduced lot width, lot depth, lot area and a reduced setback to the freeway right-of-way is consistent with both the existing R-3 zone district and the light industrial planned land use designation of the 2025 General Plan and the Edison Community Plan, subject to Section 12-607-A-1 of the Fresno Municipal Code
ENVIRONMENTAL FINDING	Staff has determined that the proposed project is exempt from CEQA through a Class 5 Categorical Exemption, dated October 19, 2012
STAFF RECOMMENDATION	Staff recommends denial of the appeal and to uphold the approval of Variance Application No. V-12-003 subject to the Conditions of Approval dated October 19, 2012

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	SR 99/180	SR 99/180	SR 99/180
East	Light Industrial	R-3 (<i>Medium Density Multiple Family Residential District</i>)	Residential
South	Light Industrial	R-3 (<i>Medium Density Multiple Family Residential District</i>)	Residential
West	Light Industrial	R-3 (<i>Medium Density Multiple Family Residential District</i>)	Residential

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) on October 19, 2012, under a Class 5 Categorical Exemption. Under the 15305/Class 5(a) exemption, minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel, are considered exempt from the provisions of CEQA.

BACKGROUND / ANALYSIS

Variance Application No. V-12-003, filed by Patrick Eller, pertains to property located on West Dunn Avenue between South Thorne and South Fruit Avenues. The application is a request for authorization to allow two residential parcels to have reduced lot width, lot depth, lot area and a reduced setback to the freeway right-of-way. LLA-2012-02 was filed to resolve a property line dispute between the owners of the properties at 348 and 342 West Dunn Avenue; said LLA cannot be approved unless the subject variance application is approved. The Development and Resource Management Department Director approved the subject variance application on October 19, 2012. In accordance with the Special Permit Procedure of the FMC, a notice of granting of the variance application was mailed to property owners within 350 ft. of the subject site. In response to this notice, an appeal letter was received (Exhibit C).

Lot Line Adjustment No. 2012-02 (LLA-2012-02)

The applicant of the subject variance application has also filed LLA-2012-02 (Exhibit E); said LLA cannot be approved unless the subject variance application is approved. The lot line adjustment application is a request to adjust the parcel lines of three existing parcels, namely, 348, 342 and 338 West Dunn Avenue. LLA-2012-02 was filed to resolve a property line dispute between the owners of the properties at 348 and 342 West Dunn Avenue. Said properties were annexed into the city of Fresno in 1980. The residential building at 348 West Dunn Avenue, which was constructed while within the jurisdiction of the County of Fresno, encroaches onto the property at 342 West Dunn Avenue. LLA-2012-02 adjusts the common property line between 348 and 342 West Dunn Avenue, 6 feet to the east, thereby resolving the encroachment issue.

The three parcels associated with the LLA contain the following square footage:

Before the LLA, Parcel A contains 4,183 sq. ft. After the LLA, Parcel A contains 4,852 sq. ft.

Before the LLA, Parcel B contains 2,905 sq. ft. After the LLA, Parcel B contains 5,316 sq. ft.

Before the LLA, Parcel C contains 9,314 sq. ft. After the LLA, Parcel C contains 6,234 sq. ft.

The subject parcels presently have non-conforming lot width, lot depth and lot area. Approval of the LLA resolves a property line issue between the owners of the properties at 348 and 342 West Dunn Avenue.

Variance Application No. V-12-003

The subject parcels at 342 and 338 West Dunn Avenue presently have non-conforming lot width, lot depth and lot area. Said properties have had a portion of the rear removed in order to provide room for the construction of Highway 180. The subject variance application is a request to allow the two parcels at 342 and 338 West Dunn Avenue to have substandard lot width, lot depth, lot area and a reduced setback to freeway right-of-way (it is noted that the parcels presently have substandard lot dimensions and area). As noted previously, LLA-2012-02 was submitted to resolve encroachment/setback issues. Additionally, said LLA has been submitted to make the subject parcels in a more buildable condition by proposing equal widths for the two substandard parcels.

Property Development Standards in the R-3 Zone District

Lot width, depth and area

Pursuant to section 12-213.5.B.1.a of the FMC, interior lots shall have a minimum width of 60 feet. The subject variance application proposes lots with a width of 43 feet.

Pursuant to section 12-213.5.B.2.c of the FMC, lots backing on a freeway right-of-way shall have a minimum depth of 150 feet. The subject variance application proposes the two subject lots, which back onto the freeway right-of-way, to have a depth of 123 feet and 144 feet.

Pursuant to section 12-213.5.A of the FMC, each lot shall have a minimum area of 7,500 square feet. The subject variance application proposes the two subject lots to have areas containing 5,316 and 6,234 square feet.

Setback to Freeway Right-of-Way

Pursuant to section 12-207.5.E.1.b of the FMC, no main building shall be erected within 50 feet of the right-of-way of a freeway. The subject variance application proposes a main building setback of 41 feet.

ANALYSIS OF THE APPEAL LETTER

One appeal letter was received in response to the Notice of Granting issued for the project.

Below is an analysis of the issues raised in the appeal letter dated October 28, 2012 (Exhibit C).

Issue #1: The variance will be in opposition to Fresno Municipal Code (FMC) 12-211.5.B.2, 12-211.5.e.3.b and 12-207.5.e.1.b.

Response:

Sections 12-211.5.B.2 and 12-211.5.e.3.b refer to property in the R-1 (single-family residential district) zone district. The property is zoned R-3 (*Medium Density Multiple Family Residential District*), therefore sections 12-211.5.B.2 and 12-211.5.e.3.b do not apply.

Section 12-207.5.e.1.b of the FMC states: no main building shall be erected within 50 feet of the right-of-way of any railroad line or freeway. The applicant submitted the subject variance requesting authorization to allow a setback of 41 feet. The findings required to approve the variance have been made (refer to the variance findings section of this report).

Issue #2: Most major cities require a greater setback to highway right-of-way. Recent studies by the California Air Resource Board recommend that homes have a setback of 500 feet from freeways.

Response:

The city of Bakersfield requires a 30 foot main building setback from the freeway right-of-way. The city of Clovis, and the County of Fresno, both require a 50 foot main building setback from the freeway right-of-way.

The California Air Resource Board has produced a document titled *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005. Page 10 of said handbook

states "Avoid siting new sensitive land uses within 500 feet of a freeway...". Sensitive land uses are those where sensitive individuals are most likely to spend time, including schools and schoolyards, parks and playgrounds, day care centers, nursing homes, hospitals, and residential communities.

Land use decisions are a local government responsibility. The Air Resources Board's role is advisory and their recommendations do not establish regulatory standards. The Air Resource Board's handbook further states "recommendations are advisory...land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues".

The subject property, and surrounding neighborhood, is currently planned for light industrial planned land uses. However, the upcoming Downtown Development Code, which may be approved in 2013-2014, proposes the neighborhood to have the zoning designation of "Neighborhood General," which generally allows residential uses.

There are numerous existing residences in the subject property neighborhood which are located within 500 feet of the adjacent freeway. Authorizing the subject properties to develop with a reduced setback to freeway right-of-way is consistent with existing development in the neighborhood. Approving the variance application allows an opportunity to develop housing on bypassed parcels which maximizes the use of the land. Additionally, by allowing development on vacant parcels located within an established community, it is anticipated the overall quality of the urban environment may be improved by encouraging a vibrant and livable community.

VARIANCE APPLICATION REVIEW FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-1 of the Fresno Municipal Code. Based upon analysis of the variance application, staff concludes that all of the required findings can be made for this variance application as follows:

Findings per Fresno Municipal Code Section 12-405-A-1	
<p>a. <i>Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical zoning district; and</i></p>	
<p>Finding a:</p>	<p>The applicant is proposing two lots with substandard width, depth, lot area and a reduced setback to freeway right-of-way. There are existing developed lots, located to the east and west of the project site, that have the same features (substandard). Therefore, approving the project would allow the subject properties to enjoy features of nearby parcels.</p>
<p>b. <i>The grant of variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated; and</i></p>	

<p>Finding b:</p>	<p>The applicant is proposing two lots with substandard width, depth, lot area and reduced setback to freeway right-of-way. There are existing undeveloped lots located to the east and west of the project site that have the same features (substandard). The subject property neighborhood is currently planned for light industrial planned land uses. However, the upcoming Downtown Development Code, which may be approved in 2013-2014, proposes this neighborhood to have the zoning designation of "Neighborhood General," which generally allows residential uses. When nearby property develops, many may need a variance for the same reasons as the subject property.</p>
<p><i>c. The grant of variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located; and.</i></p>	
<p>Finding c:</p>	<p>Since the project proposes a relatively minor reduction in the required rear yard building setback, from 50 feet down to 41 feet, a sound study was not required for the subject project. It is noted, however, that a sound study from a similar project was used to prepare conditions of approval for the project.</p> <p>The following items have been set as conditions of approval for the project:</p> <ul style="list-style-type: none"> • A six foot high sound barrier, i.e. wall or fence is required along a portion of the rear and side property lines of the subject parcels (see Site Plan Exhibit dated May 4, 2012). • Air conditioning or mechanical ventilation shall be installed in proposed homes so that windows and doors may remain closed for the required acoustical isolation. • Exterior doors, excluding glass doors, shall be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals. • Acoustic baffles shall be installed on the interior side of attic vents that face north and northeast toward the highway.
<p><i>d. The grant of variance will not be in conflict with established general and specific plans and policies of the city.</i></p>	
<p>Finding d:</p>	<p>The granting of this variance would allow lots with substandard width, depth, lot area and a reduced setback to freeway right-of-way. No general or specific plan policies prohibit such features.</p> <p>The project site is located within the boundaries of the Fresno Chandler Downtown Airport Specific Plan. The policies and requirements of said plan apply to land within the Airport Review Area. The Airport Review Area contains all land within the 60 or greater Community Noise Equivalent Level contours and/or within Safety Compatibility Zones Nos. 1, 2, 3, 4, 5 and 6. The project site is not located within the within the 60 or greater Community Noise Equivalent Level contours or within Safety Compatibility Zones Nos. 1, 2, 3, 4, 5 and 6.</p>
<p><i>e. The grant of variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located; and.</i></p>	
<p>Finding e:</p>	<p>The project site is located in the inner city area. The goals and policies of the 2025 Fresno General Plan encourage the revitalization of established urban neighborhoods by identifying infill areas where there is an opportunity to develop housing in an attempt to maximize efficient use of the land.</p>

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners (and others) within 350 feet of the subject property (Exhibit F).

Conclusion

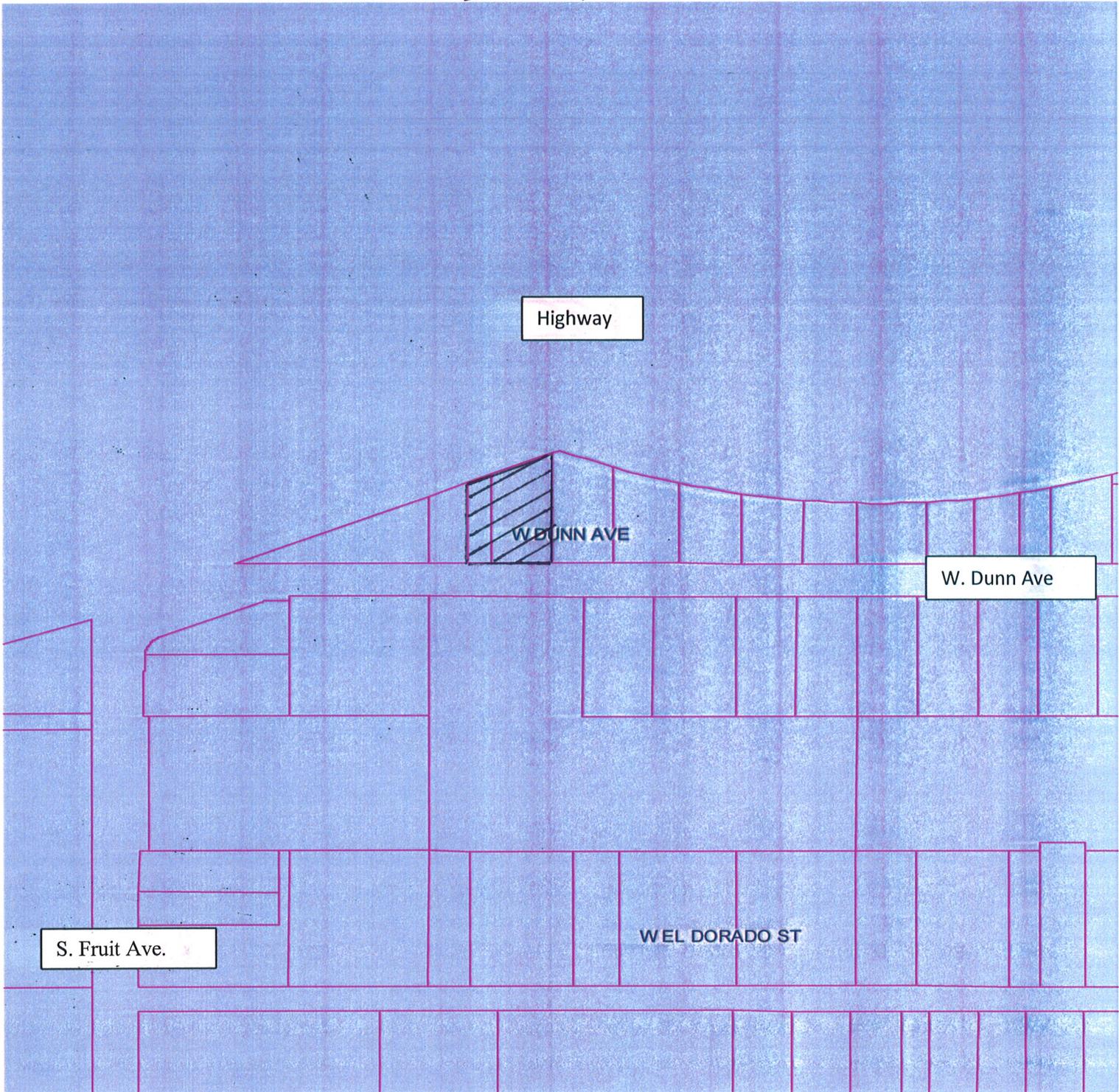
In conclusion, given that all mandated variance findings required pursuant to Section 12-405-A-1 of the Fresno Municipal Code can be made for Variance Application No. V-12-003 and given that the project meets all requirements of a Class 5 Categorical Exemption and is thus exempt from CEQA, staff recommends that the Planning Commission deny the appeal and uphold the action of the Director as described in this staff report.

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: 2012 Aerial Photograph of site
- Exhibit C: Appeal Letter dated October 28, 2012
- Exhibit D: Conditions of Approval dated October 19, 2012 (with attachments)
- Exhibit E: LLA-2012-02
- Exhibit F: Noticing Map (350-foot radius)
- Exhibit G: Environmental Assessment No. V-12-003, dated October 19, 2012

Reference:

California Environmental Protection Agency, California Air Resources Board, Air Quality and Land use Handbook: A Community Health Perspective, 2005



LEGEND

 Subject Property

VICINITY MAP

CONDITIONAL USE PERMIT NO. **V-12-003**



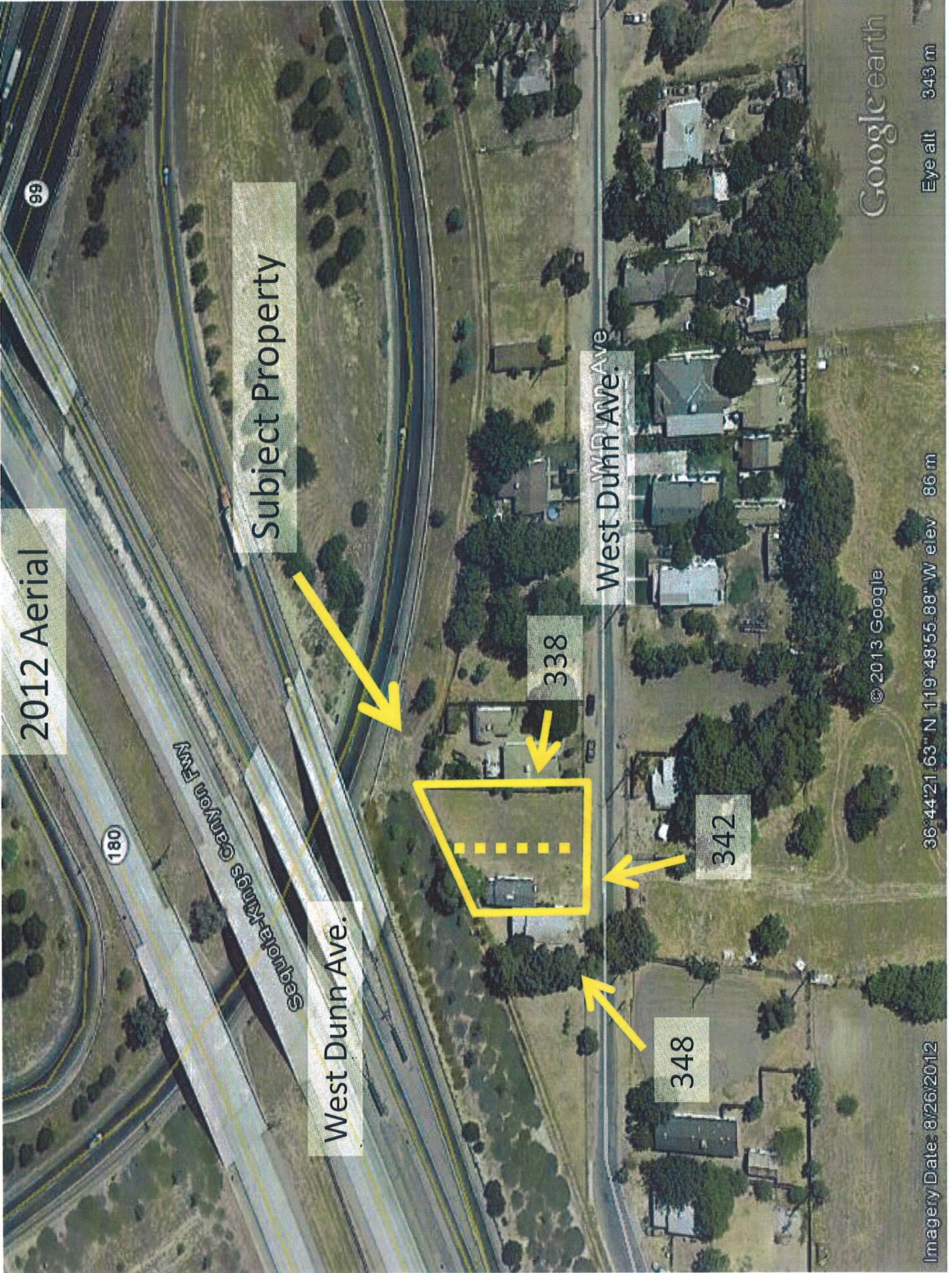
Not To Scale

A.P.N.: 458-211-81 & -83

ZONE DIST.: R-3

BY/DATE: _____

Exhibit B



2012 Aerial

Subject Property

West Dunn Ave.

West Dunn Ave.

338

342

348

Google earth

Eye alt 343 m

© 2013 Google

36°44'21.63" N 119°48'55.88" W elev 86 m

Imagery Date: 8/26/2012



Golden Westside Planning Committee

“Serve the Golden Westside through open communication, whereby our community can achieve greater growth, health, economic stability, and become as prosperous as any other part of the City of Fresno.”

To: Mr. Mark Scott
Director Development Resource Management Department
2600 Fresno St. Rm. 3043
Fresno, Ca. 93721

Date: October 28, 2012

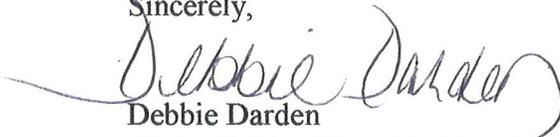
Dear Sir:

Having reviewed variance application No. V-12-003, our committee is filing a written appeal with your office. We as residents of West Fresno take a great interest in proposed projects, which will have an impact on the quality of life of those who will reside in such developments.

The proposed variance would be in opposition to FMC 12-211.5.B.2, 12-211.5.e.3.b, 12-207.5.e.1.b. With the City's approval of this variance request, it would be going in the opposite direction of most major cities which are requiring an even greater setback for future developments, in an effort to ensure greater safety for its residents.

The most recent studies shown by the California Air Resource Board recommends that homes have a setback of 500 feet from freeways. The purpose of setbacks is to limit the exposure of residents to hazardous pollutants, which are associated with homes near freeways. For the city of Fresno not to follow the recommendation of the {CARB} and that of the above listed FMC is truly in comprehensible.

Sincerely,


Debbie Darden

Chair, Golden Westside Planning Committee

Exhibit D



2600 Fresno Street - Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1012

Development and Resource Management Department

Mark Scott
Interim Director

Please reply to:
Israel Trejo
(559) 621-8044

October 19, 2012

Patrick Eller
PO Box 698
Port Hueneme, California 93004

**SUBJECT: VARIANCE APPLICATION NO. V-12-003 FOR PROPERTY LOCATED AT 338 AND 342
WEST DUNN AVENUE
(APNS: 458-211-81 & -83)**

Dear Applicant:

The Development and Resource Management Department on October 19, 2012, approved Variance Application No. V-12-003, subject to the conditions listed below. Notice of approval was mailed to surrounding property owners on October 19, 2012. Approval will not become effective until the mandatory 15-day appeal period has passed with no appeals received in response to the mailed notice. If an appeal is received prior to the close of business on November 3, 2012, the project will be scheduled to be heard by the Planning Commission. Approval does not become effective until the 15-day appeal period has passed and all conditions of approval have been met.

The subject application requests authorization to allow two residential parcels to have substandard lot width, lot depth, lot area and a reduced setback to freeway right-of-way (a reduction from 50' to 41').

CONDITIONS OF APPROVAL

1. Development shall take place in accordance with the enclosed Exhibit A dated May 4, 2012 (including red line corrections). Transfer all red line notes, etc., shown on the site plan exhibit to the final corrected site plan.
2. This application approves the subject lots to have substandard width, depth, lot area and a reduced setback (41') to freeway right-of-way. The location and elevations of any proposed structures are not approved as part of this application. Building location and elevations of all structures must be reviewed and approved prior to building permit. See enclosed Design Guidelines for infill development.
3. The existing parcels must have been created legally pursuant to the requirements of the Subdivision Map Act.
4. A six foot high sound barrier, specifically, a wall or solid wood plank fence, is required along a portion of the rear and side property lines of the subject parcels (see Exhibit A dated May 4, 2012, for locations).
5. Air conditioning or mechanical ventilation shall be installed in proposed homes so that windows and doors may remain closed for the required acoustical isolation.
6. Exterior doors, excluding glass doors, shall be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals. Acoustic baffles shall be installed on the interior side of

attic vents that face north and northeast toward the highway. An example of a suitable attic vent baffle is shown in Exhibit B.

EXPIRATION DATES

In the event you wish to appeal the Department's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the appellant believes the decision or action appealed should not be upheld. Appeals must be filed by November 3, 2012.

The exercise of rights granted by this special permit must be commenced by October 19, 2016 (four years from the date of approval). There is no extension.

If you have any questions regarding this letter, feel free to give me a call at the number listed above or via email at Israel.Trejo@fresno.gov.

Sincerely,
Planning Division



Israel Trejo, Planner
Development and Resource Management Department

Enclosures: Exhibit A, Site Plan dated May 4, 2012
Exhibit B, Example of a suitable attic vent baffle
Infill Design Guidelines

Exhibit A Siteplan
May 4, 2012

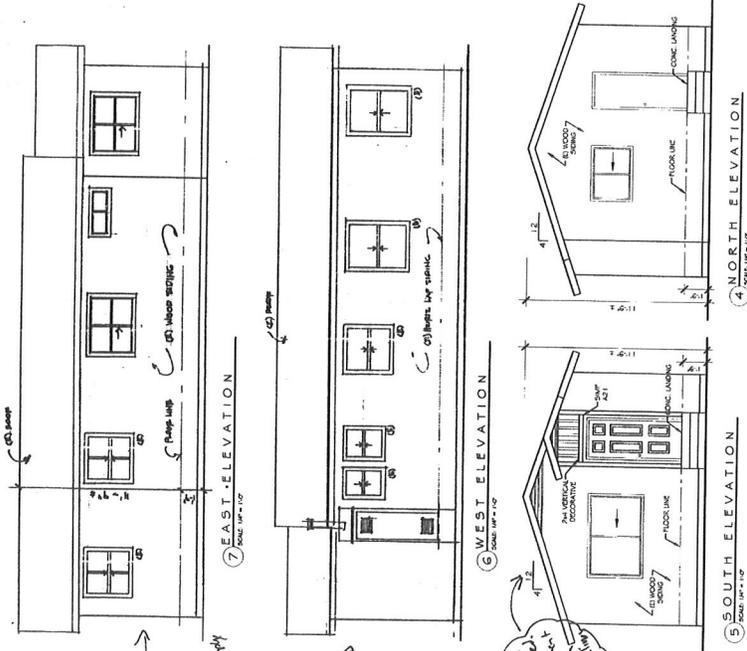
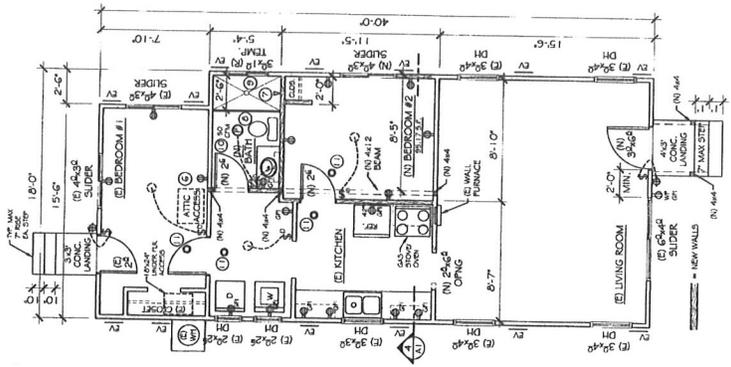
KEY NOTES

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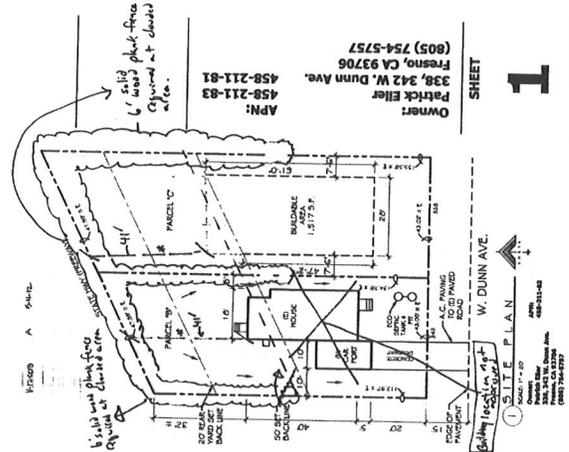
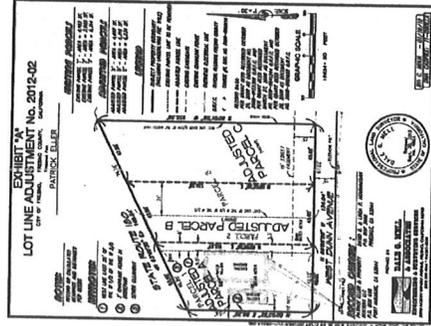
PREPARED BY: WILLIAM E. SYKES
P.O. BOX 8339
FRESNO, CA 93747
Tel (559) 978-1600 Fax (559) 272-6195
www.wes@bcgcyberlink.net

WESKES



Elevations are not approved as they comply with the minimum design - 5/3/12

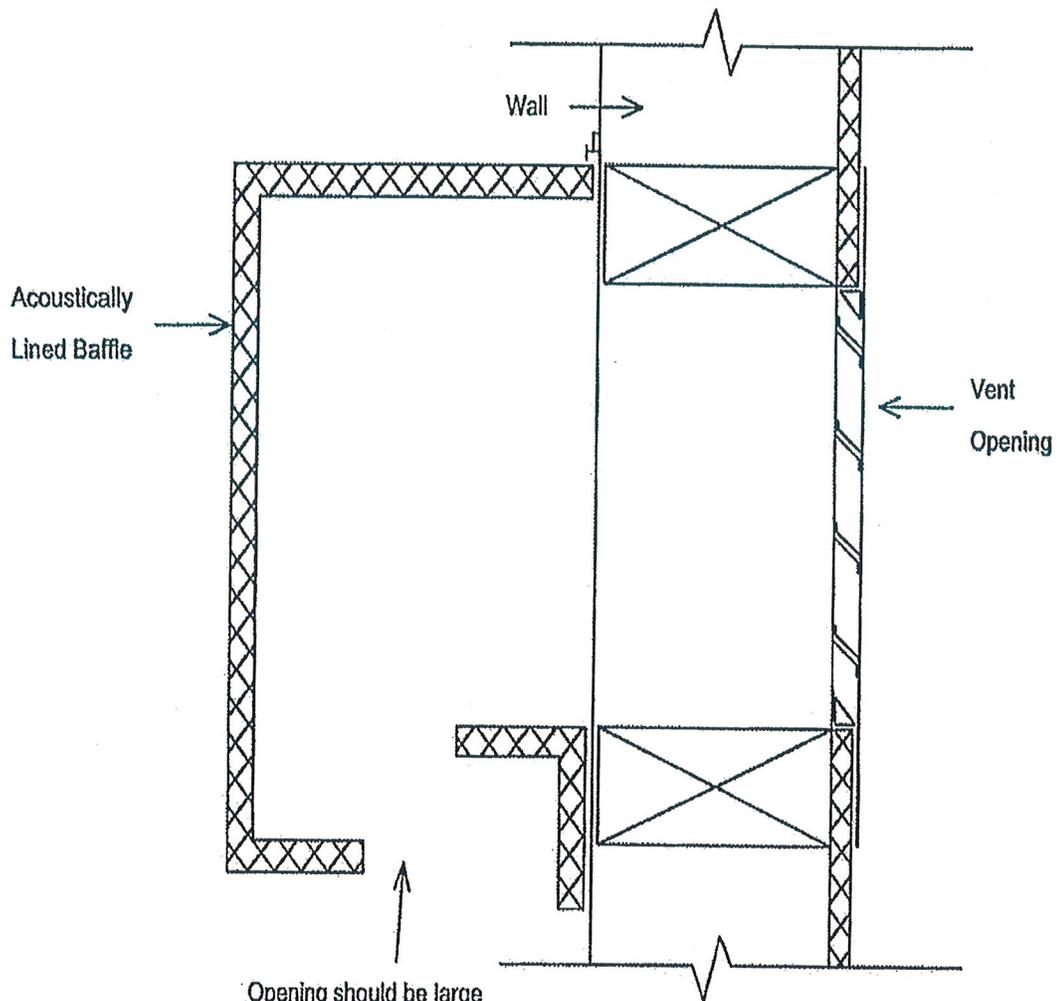
Elevations are not approved as they comply with the minimum design - 5/3/12



SHEET 1

Exhibit B

EXAMPLE OF ATTIC VENT BAFFLE TREATMENT



Opening should be large enough to provide adequate ventilation as required by building codes

City of Fresno, Planning & Development Department

Design Guidelines for "Infill" Parcels of Land

July 14, 2005

The following design guidelines are intended to define the minimum standards for single-family residential homes on "infill" parcels of land. These guidelines apply to all new homes in established neighborhoods on infill parcels. Infill parcels are parcels that have either been bypassed, are vacant, and/or are parcels that are largely surrounded by urban uses.

Overall, design measures should include variations of the building footprints with indentations, projections and offsets. There shall be variations in the exterior walls by utilizing a variety of materials, colors, fenestration and features such as balconies, bay windows, verandas and entryways and varied roof forms with slopes, ridges and valleys. Furthermore, design measures should be utilized to avoid large scale massive and repetitive "institutional" visual appearances, and to provide a more varied, small scale appearance. The following guidelines shall be incorporated, to the extent feasible, into each proposed project, unless determined by the Planning and Development Department Director (Director) to be inappropriate. While these guidelines are intended to provide some flexibility, all other applicable city policies, ordinances, and regulations shall be complied with.

A. All building plans shall provide the following information:

- Property lines & easements
- APN Number
- Utility pole(s)/fire hydrant(s)
- North arrow and scale
- Proposed building area (include all buildings, delineated by first and second floors)
- Legal description
- Sidewalk(s)
- Setbacks (dimensioned)
- Lot area
- Proposed lot coverage
- Address
- Drive approach
- Building height
- Building materials
- Existing and proposed improvements (i.e. paving, curb, gutter & sidewalk dimensioned to the center line of the street)

B. Compatibility Report

The 2025 Fresno General Plan contains goals, objectives and policies that call for the preservation and revitalization of neighborhoods and the improvement of the city's visual image. This will be attained through design standards aimed at site and building design that will avoid massive and repetitive appearances while simultaneously adding visual interest.

I. Submittal Requirements

- a. Review and submit the following information with all infill plans.
 - i) Color photographs of the subject property and the immediate surrounding area taken from each property line. Each photograph shall be clearly labeled (i.e. location and orientation).
 - ii) Itemized list of building materials to be used for the project (i.e. roofing, siding, etc.).

- iii) Any supporting documents from surrounding property owners or community groups (required in some areas and optional in others).

C. Guidelines

I. Building Placement and Scale

- a. Infill development shall reinforce the community character and shall respect the neighborhood pattern, including setbacks, orientation, and scale (i.e. height, mass, etc.).
- b. Two-story homes shall be harmonious with the existing neighborhood and shall be built to "human scale."
- c. On multiple abutting parcels there shall be appropriate variation in elevation style.
- d. On corner parcels, the proposed home shall respect the streetscape and shall be oriented in a similar fashion as neighboring properties. However, the elevation facing the side street shall contain decorative features (i.e. projections) to stimulate visual interest and to add character.

II. Entrances/Front Porches

- a. The main entrance (i.e. front door) shall be visible from the public right-of-way and shall be prominently displayed, unless otherwise approved by the Director.
- b. On a block where there is a prevailing pattern of front porches for existing homes, new homes shall have a front porch.
- c. All porches shall be consistent with the style of the proposed home and the neighborhood.
- d. For parcels greater than 25 feet in width, the porch shall have a minimum dimension of seven feet (width) by five feet (depth).
- e. For parcels 25 feet in width or less, the porch shall have a minimum dimension of five feet by five feet.
- f. Vertical supports (i.e. posts, columns) shall be architecturally compatible with the building and shall be no less than six inches in diameter (see Figure 1). For craftsman style architecture, the lower four feet of the base shall be no less than 12 square inches.

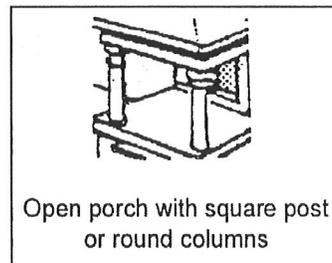
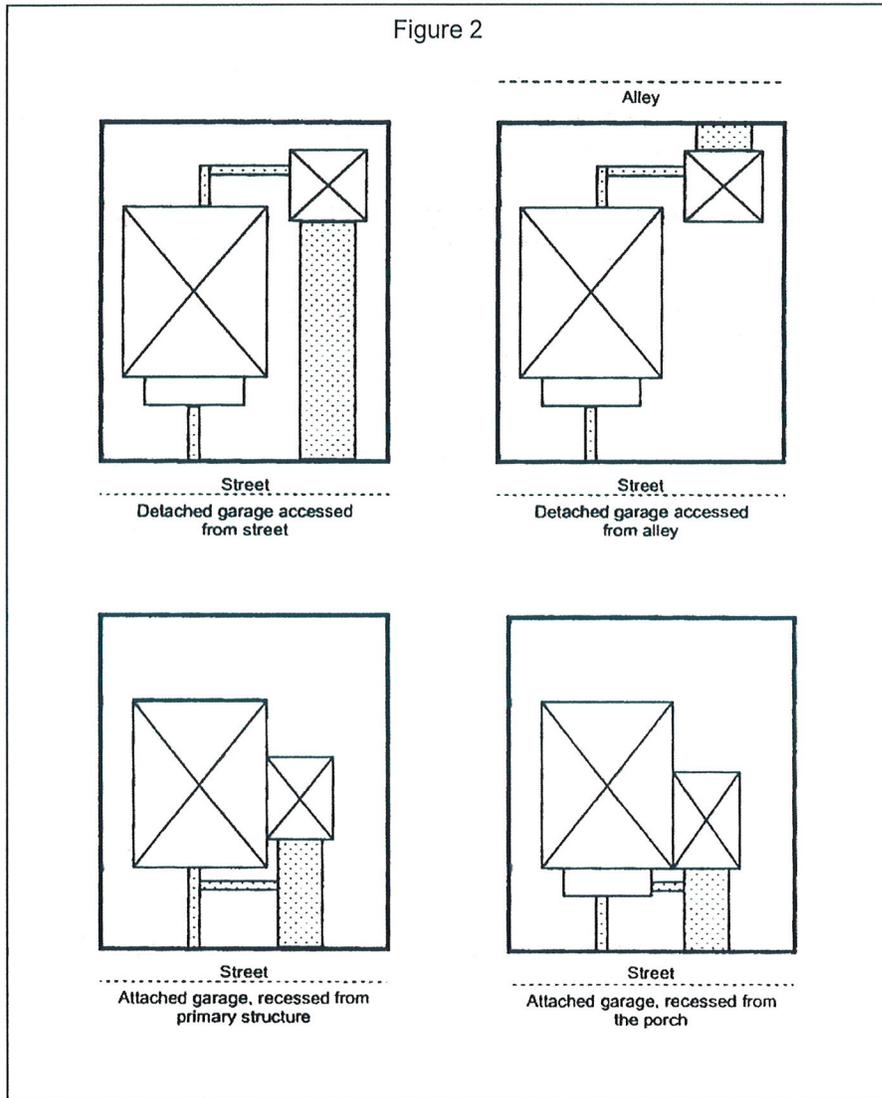


Figure 1

III. Pedestrian and Vehicular Access/Garages

- a. Garages shall not dominate the streetscape.
- b. Should the proposed garage be attached, it shall be recessed a minimum of five feet from main structure. Should a porch be provided, as defined in Section II above, the garage shall be recessed a minimum five feet from the vertical support closest to the front property line (see Figure 2).
- c. On a block where there is a prevailing pattern of residences that access their garage via an alley, new homes shall be required to access their garage from the alley unless otherwise approved by the Director (see Figure 2).
- d. Should the garage be accessed via the alley and no driveway approach/driveway is provided from the front yard, a pedestrian walkway shall be provided from the public right-of-way (i.e. street) to the residence. Pedestrian paths shall be delineated by stamped concrete, paving stones, brick, flagstone, or other paving material to clearly demarcate the path. Identify path and material on the plan (see Figure 2).
- e. Residences fronting on major streets (i.e. collector, arterials, etc.) shall have a detached garage, or an attached garage located at the rear of the lot (see Figure 2).
- f. Garages shall be similar to the home in terms of design, materials and color.
- g. The width of the garage doors (should the garage be attached to the residence) when facing the street are as follows:
 - i. Should a lot be 60 feet or greater in width, the maximum width of the garage door shall not exceed 40 percent of the total width of the structure.
 - ii. Should a lot be between 50 feet but less than 60 feet in width, the maximum width of the garage door shall not exceed 50 percent of the total width of the structure.
 - iii. For lots less than 50 feet in width, the maximum visible garage door shall not be greater than 12 feet in width, unless otherwise approved by the Director.
- h. On corner parcels, drive approaches shall be placed the furthest distance possible from the intersection

Figure 2



- i. Side entry garages (i.e. swing, side loading, etc.) and tandem garages (i.e. one behind the other, however no more than two cars may be parked behind one another) are encouraged. Side entry garages shall not be counted towards the garage door widths described above and shall have walls with decorative features facing the public right-of-way (see Figure 3).

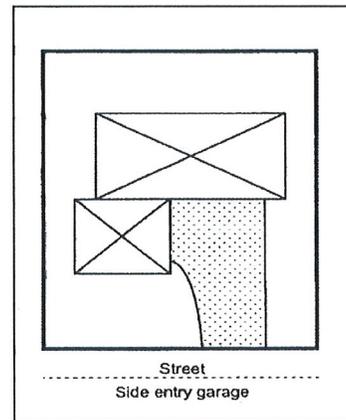


Figure 3

- j. If a carport is proposed it shall be similar to the house in terms of design, materials and color and shall include the following:
 - i. Roof pitch shall be compatible to home.
 - ii. Supports shall be at least six inches in diameter.

IV. Visual Image

- a. More than one roof gable or hip must be visible from the public right-of-way.
- b. Roof-mounted mechanical equipment shall be located below the roof ridge line and shall not be visible from the public right-of-way or shall be placed on the ground outside of required side yard setbacks.
- c. Include color and materials schedule on elevations. A minimum of two colors shall be provided.
- d. Plywood (i.e. T1-11) siding is prohibited.
- e. Exterior lighting fixtures shall be complementary to the architectural style of the house and shall be depicted on elevation plans.
- f. There shall be a minimum of two windows facing the public right-of-way. Credit for up to one of the required windows may be given for decorative windows on doors, garage doors and/or dormers.
- g. There shall be no "blank" walls. All sides shall contain design features and variation.
- h. Roof mounted vents shall be painted to match the color of the roof.
- i. Fascia boards shall be a minimum of two inches by eight inches.

V. Landscaping

- a. Landscaping shall be installed in all front yards prior to final occupancy. Depict landscaping, both existing and proposed on site plan.
- b. A minimum of 10 percent of all front yards (excluding driveways) shall be developed with planter areas other than turf. These areas shall contain shrubs, plants, flowers, ground cover, etc. Depict on the site plan.
- c. Per Section 12-306-N-24 of the Fresno Municipal Code, all single family residences must provide a minimum of two medium size trees (30 to 60 feet at maturity and a minimum of 15-gallons). Depict trees, including species, on the plan.
- d. Should there be an existing park strip, there shall be one medium size tree for every 60 feet of linear street frontage. This tree may count for one tree for the requirement above.

- e. All new single family residences shall provide automatic irrigation systems for the front yard. Depict on the site plan *or* separate landscape plan.
- f. All yards shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the Fresno Municipal Code.

VI. Fencing

- a. Should a fence be proposed, it shall be constructed of one of the following materials (depict location and material on the plan).
 - Wood
 - Masonry
 - Vinyl
 - Wrought iron
 - Stucco
 - Other materials, as approved by the Director
- b. Fence height and location shall comply with Section 12-306-H of the Fresno Municipal Code.
- c. Chain link fences shall not be visible from the public right-of-way.

VII. Menu of features (note: each home must incorporate a minimum of five features from the following list)

- a. Vinyl, wood, and/or rock and brick veneer siding
- b. Garage doors with decorative features (including windows)
- c. Side entry (i.e. swing) garages or tandem garages. Under this scenario, the garage door shall be perpendicular with the public right-of-way.
- d. Window types and styles consistent with the neighborhood
- e. Decorative windows - sidelights, fan windows, bay windows, single and double hung windows (see Figure 4)
- f. Window trim – polyfoam with stucco, shutters, wood and shall not be flush with the pane of the home (minimum of one inch by four inches)
- g. Decorative attic vents
- h. Decorative front doors (see Figure 5)
- i. Dormers (see Figure 6)
- j. Cornices
- k. Verandas (see Figure 7)
- l. Decorative stem walls
- m. Decorative columns
- n. A pedestrian walkway from the public right-of-way (i.e. street) to the residence. Pedestrian paths shall be delineated by stamped concrete, paving stones, brick, flagstone, or other paving material (other than a conventional concrete or painted walkway) to clearly demarcate the path and to provide a safe walking area. Identify path material on the plan.
- o. A decorative driveway made of stamped concrete, paving stones, brick, flagstone, or other paving material (other than conventional concrete driveways or painted driveways).
- p. A porte-cochere over the driveway leading to a detached garage. The structure must comply with all applicable policies.
- q. Rain gutters.

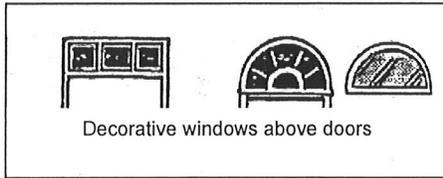


Figure 4

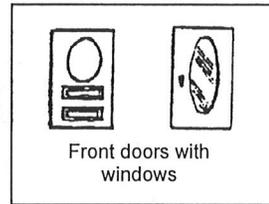


Figure 5

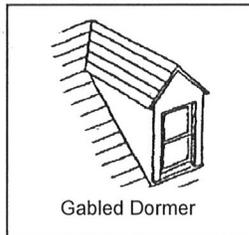


Figure 6

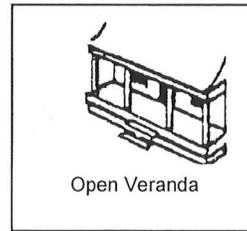


Figure 7

D. No Fee Minor Deviation

A no fee minor deviation shall be granted pursuant to Section 12-407 of the Fresno Municipal Code. A minor deviation allows a *reduction* in the space between buildings and yard space by 10 percent, or an *increase* in height limitations or lot coverage by no more than 10 percent.

Provide the following on the site plan:

Site Summary	
Address:	XXXX XXXXX Street/Avenue/Drive, etc.
APN No.:	XXX-XXX-XXX
Legal description:	XXXXXXXXXXXXXXXXXXXXXX
Lot area:	Gross: XX,XXX square feet (.XX acres) Net: XX,XXX square feet (.XX acres)
Existing Land Use Designation Community Plan/Specific Plan Area	XXXXX Density Residential Planned Land Use XXX Community Plan/XXX Specific Plan Area
Existing Zoning:	R-X <i>(note: include conditions of zoning, if applicable)</i>
Existing use:	Vacant
Proposed use:	Single Family Residence
Proposed no. of buildings	XX buildings
Proposed Building Height (of each proposed structure)	XX Feet
Proposed SFR =	Living Area = X, XXX square feet Garage/carport* = XXX square feet Porch** = XXX square feet Patio** = XXX square feet
Proposed lot coverage =	XX% (XX% permitted) Buildings: XX,XXX square feet Garages/carports: X,XXX square feet Porch/Patio: X,XXX square feet Total: XX,XXX square feet
Landscaping =	Front yard landscape area: XXX square feet Size of planter area: XXX square feet
Building materials & paint colors (i.e. roof, walls, etc.):	
<i>Include a north arrow, scale and a vicinity map on the Site Plan.</i>	

Exhibit E

LOT LINE ADJUSTMENT No. 2012-02

CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA

Prepared For:

PATRICK ELLER

NOTES:

RECORD OR CALCULATED BEARINGS AND DISTANCES PER DEEDS

KEYNOTES:

- ① WEST LINE EAST 25' OF THE W 1/2 OF THE W 2/5
- ② 3' CHAINLINK FENCE IN DISREPAIR
- ③ SEWER CLEANOUT

EXISTING PARCELS

EXISTING PARCEL '1' - AREA = 4,183 SF.
 EXISTING PARCEL '2' - AREA = 2,905 SF.
 EXISTING PARCEL '3' - AREA = 9,314 SF.

ADJUSTED PARCELS

ADJUSTED PARCEL 'A' - AREA = 4,852 SF.
 ADJUSTED PARCEL 'B' - AREA = 5,316 SF.
 ADJUSTED PARCEL 'C' - AREA = 6,234 SF.

LEGEND

- SUBJECT PROPERTY BOUNDARY (INCLUDING UNDERLYING FEE TITLE)
- EXISTING PARCEL LINE TO BE REMOVED
- ADJUSTED PARCEL LINE
- EXISTING EASEMENTS
- EXISTING CHAINLINK FENCE
- OVERHEAD ELECTRICAL LINE
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- < > COURSE #4, DOC. NO. 2000-006916

RECORD DATA:
 PER GRANT DEED RECORDED OCTOBER 29, 2008 AS DOCUMENT NO. 2008-0152306 O.R.F.C. AND PER GRANT DEED RECORDED MARCH 27, 2009 AS DOCUMENT NO. 2009-0041244 O.R.F.C. AND PER GRANT DEED RECORDED OCTOBER 28, 2008 AS DOCUMENT NO. 2008-0151622 O.R.F.C.



1" = 30'

LOT LINE ADJUSTMENT

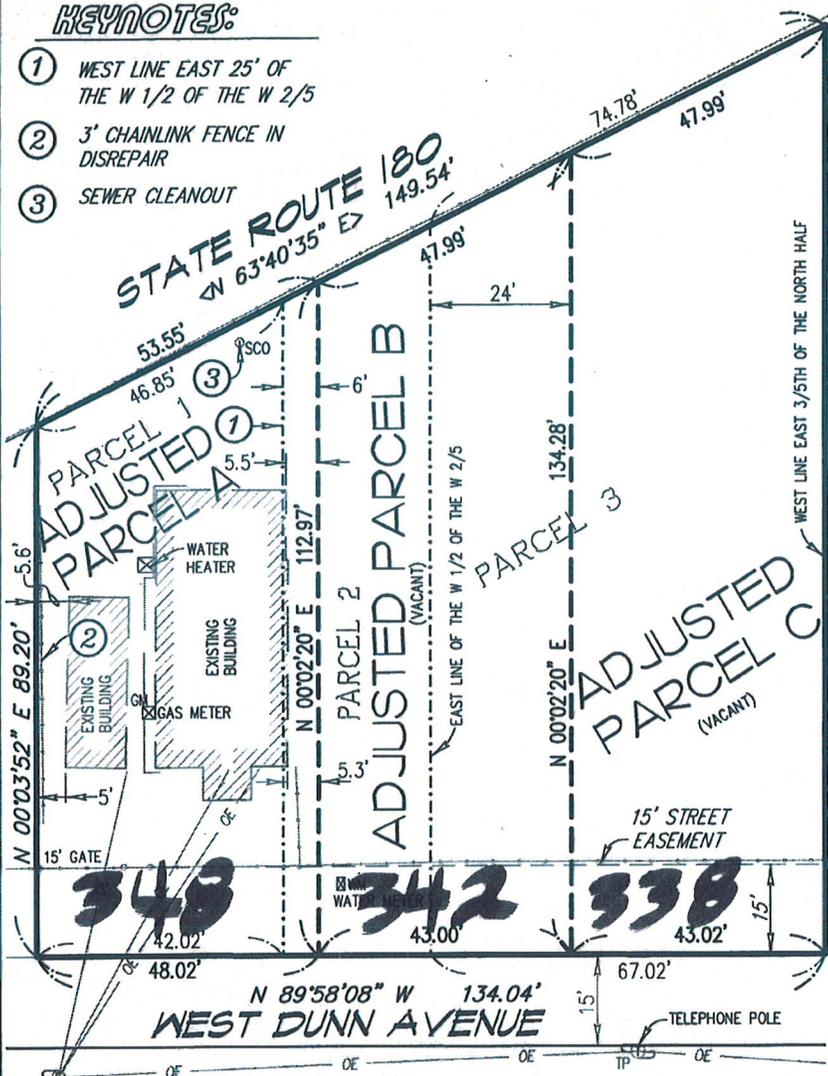
LLA NO. 2012-02

BY _____

DATE _____

**PLANNING AND DEVELOPMENT
DEPARTMENT
CITY OF FRESNO**

BY: C. MOUA - 04/04/12
 DMA CADFILE: 11-090LLA



RECORD OWNERS :

PATRICK ELLER & PROPERTY BUSTERS LLC P.O. BOX 698 PORT HUENEME, CA 93044	DAVID B. & LINDA R. HOVANNISIAN P.O. BOX 3668 PINEDALE, CA 93044
--	--

PREPARED BY:



**DALE G. MELL
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES
 2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
 (559) 292-4046 * FAX 251-9220



PLOTTED BY: ROCIO ESPINOZA - 4/4/2012 4:47:09 PM V:\PROJECTS\2011\PROJECTS\11-090\DWGS\11-090LLA.DWG

Exhibit F

180 FWY

S 99 HWY

Request ID V-12-003

350

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180 FWY

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W EL DORADO ST

Exhibit 5

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. V-12-003**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Patrick Eller
PO Box 698
Port Hueneme, California 93004

PROJECT LOCATION: 338 and 342 West Dunn Avenue
Located on West Dunn Avenue between South Thorne and South Fruit Avenues (APNs: 458-211-81 and -83)

PROJECT DESCRIPTION: Variance Application No. V-12-003 is a request to allow two residential parcels to have substandard lot width, lot depth, lot area and reduced setback to freeway right-of-way

This project is exempt under Section 15305/Class 5(a) of the California Environmental Quality Act (CEQA) Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

EXPLANATION: Under the 15305/Class 5(a) exemption, minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

Date: October 19, 2012

Prepared By: Israel Trejo

Submitted By:


Sophia Pagoulatos
Supervising Planner
City of Fresno
Development & Resource Mgmt. Department
(559) 621-8277