



Legislation Details (With Text)

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**Title:** Consideration of Vesting Tentative Tract Map No. 6371, and related Environmental Assessment No. T-6371, for property located on East Floradora between North Armstrong and North Temperance Avenues (Council District 7).

1. ADOPT Environmental Assessment No. T-6371, dated July 20, 2022, an Addendum to Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

2. APPROVE Vesting Tentative Tract Map No. T-6371 proposing to subdivide the approximate 4.18 net acres property into a 27-lot single-family residential development, subject to compliance with the Conditions of Approval dated July 20, 2022, and the related environmental assessment.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6371 [05-12 2022], 2. Exhibit B - Operational Statement, 3. Exhibit C - Aerial, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Fresno General Plan Planned Land Use Map, 6. Exhibit F - Fresno Municipal Code Findings, 7. Exhibit G - Noticing Vicinity Map, 8. Exhibit H - Conditions of Approval for Vesting Tentative Tract Map No. 6371 [07-20- 2022], 9. Exhibit I - Comments/Requirements from Responsible Agencies, 10. Exhibit J - Environmental Assessment No T-6371 [7-20-2022] & MND Addendum to EA [12-23-2019]

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

**July 20, 2022**

**FROM:** WILL TACKET, Planning Manager  
Planning & Development Department

**THROUGH:** ISRAEL TREJO, Supervising Planner  
Planning & Development Department

**BY:** JUAN LARA, Planner  
Planning & Development Department

**SUBJECT**

Consideration of Vesting Tentative Tract Map No. 6371, and related Environmental Assessment No.

T-6371, for property located on East Floradora between North Armstrong and North Temperance Avenues (Council District 7).

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## EXECUTIVE SUMMARY

Lorren Smith, on behalf of Tri-Wilson L.P., has filed Vesting Tentative Tract Map No. 6371 pertaining to approximately 4.18 net acres of property located on East Floradora between North Armstrong and North Temperance Avenues. Vesting Tentative Tract Map No. 6371 is a proposal to subdivide the property into a 27-lot single-family residential subdivision residential subdivision on 4.18 acres with a 3-acre designated remainder. The proposed density of the subdivision is approximately 6.45 dwelling units per acre (du/ac).

The subject property is located within the Fresno General Plan and the McLane Community Plan, and both plans designate the subject site for Medium Density Residential (5 to 12 dwelling units per acre) planned land uses. Therefore, the subject application is consistent with the planned land use for the project site, and will implement goals, objectives, and policies of the Fresno General Plan and the McLane Community Plan.

The existing RS-5 (*Single Family Residential, Medium Density*) zoning for the subject property and the proposed residential density of approximately 6.45 dwelling units per acre is consistent with the Medium Density Residential (5-12 du/ac) planned land use designation for the subject property.

## BACKGROUND / ANALYSIS

The subject property is located on East Floradora between North Armstrong and North Temperance Avenues. The adjacent properties to the west and southwest are currently in the process of being developed with single-family residential uses.

*Previously approved Tract 6201, Rezone Application No. P19-00801 and Annexation Application No. P19-00843*

The proposed subdivision will abut Tract 6201 which was approved on January 16, 2020, and is located directly to the east, west and north of the proposed subdivision. Tract 6201 will provide stub streets for the proposed subdivision and will be developed and constructed prior to Vesting Tentative Tract 6371 to allow for street contiguity and connectivity.

On January 16, 2020, the Fresno City Council approved Rezone Application No. P19-00801 and Annexation Application No. P19-00843 which were filed to facilitate subdivision and development of the adjacent Vesting Tentative Tract Map Nos. 6201/UGM & 6235/UGM. The subject property was

included within the boundary of said rezone and annexation applications and was included within the scope of the related Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235.

### Development Standards

The subject property is zoned RS-5 and is planned for Medium Density Residential uses. The proposed project is required to comply with the standards within Section 15-903 of the Fresno Municipal Code (FMC). The RS-5 zone district development standards include the following:

#### Minimum Setbacks

- Front: 13 feet
- Interior Side: 10 feet total/4 feet per side
- Street Side: 10 feet
- Rear: 10 feet
- Garage (to the rear) from primary façade: 4 feet

### Landscaping

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 40' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309, Irrigation Specifications and AB1881.

The long-term maintenance and operating costs, including repair and replacement, of certain required public improvements ("Services") associated with all new single-family developments (e.g., landscaped areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of these "Services" either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 11 ("CFD No. 11").

Pursuant to Section 12-4.705 of the FMC, residential subdivisions with tentative maps containing 50 parcels or less are required to pay in-lieu fees for open space/park facility purposes; no on-site open space is required due to the limited number of proposed lots.

### Public Services

#### *Public Utilities*

The Department of Public Utilities (DPU) has identified that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the migration measures of the related Master Environmental Impact Report, and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works Standards, specifications, and policies.

For sanitary sewer service these infrastructure improvements and facilities include typical

requirements for construction and extension of sanitary sewer mains and branches, including the connection to an existing sewer main located in East Floradora Avenue. The proposed project will also be required to provide payment of sewer connection charges.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within the interior of the proposed tract to service each lot, and payment of water capacity fee charges. Installation of these services with meters to proposed residential lots will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

#### *Fresno Metropolitan Flood Control District (FMFCD)*

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area. Permanent drainage service for the project is not currently available. The FMFCD recommends temporary facilities until permanent service is available.

#### *Fire Department*

The Fresno Fire Department reviewed the proposed project for requirements related to water supply, fire hydrants, and fire apparatus access to the buildings on site. Additional Fire service requirements for development of the proposed project will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources of water. The project has been conditioned to provide acceptable access, and compliance with the provision of two means of emergency access during all phases of construction is required.

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

#### **Streets and Access Points**

The project will take access from two access points one located on East Pine Avenue, and a second entrance located on North McKelvey Avenues. Development of East Pine and North McKelvey avenues will be finalized with the development of Tract Map No.6201 directly to the east and west of the of the subject property. As indicated in the operation statement provided with the project application, the subject site is proposed to be developed after Tract 6201 which surrounds the proposed tract. This will be necessary in order to provide fire access and two sources of water.

The project will require dedications and/or acquisitions for public street rights-of-way and utility easements as well as incorporation of existing easements for construction and/or retention of public facilities and infrastructure in accordance with all applicable standards, specifications and policies of the City of Fresno and responsible agencies in order to facilitate the future proposed development of the subject property.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed application and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division dated June 9, 2022. These requirements include: (1) Street

dedications and improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (2) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, and the Fresno Major Street Impact (FMSI) Fee.

#### Housing Element

The proposed project is not located on a site listed in the 2013-2023 RHNA Housing Sites Inventory.

#### Council District Plan Implementation Committee

The Council District 7 Project Review Committee is currently inactive and did not review the project.

#### Notice of Planning Commission Hearing

The Planning and Development Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (see attached Noticing Vicinity Map - Exhibit G).

#### Public Response

At the time of publication, no comments have been received by the public for the proposed project.

#### California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing and needs to quadruple the current rate of housing production over the next 7 years in order for prices and rents to decline. Approval of the subject project, including tentative tract map, would help contribute to fulfilling the housing needs of the region.

## **LAND USE PLANS AND POLICIES**

#### Fresno General Plan

As proposed, the project will be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form:

- 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.
- Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to

serve development.

- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Policy UF-1-d further emphasizes provisions for a 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.

Evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the area to serve existing development within the vicinity as well as future development on the subject property. Water mains and sewer mains have been developed in the subject quarter section to provide service for the proposed development. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

#### McLane Community Plan

Upon reviewing the policies contained in the McLane Community Plan, staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC or the Fresno General Plan.

The purpose of these goals and objectives are to provide a variety of housing types for individual lifestyles and space needs. The proposed project meets the goals and objectives of the General Plan and the McLane Community Plan by implementing the appropriate regulations of the RS-5 zone district and ensuring that new development is compatible to the existing structures in relation to scale, mass, and character.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy, or regulation of the City of Fresno.

## **ENVIRONMENTAL FINDINGS**

An Addendum was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019 . These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum

alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system.

It has been further determined that all applicable mitigation measures of Environmental Assessment (EA) No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019, have been applied to the project, together with project specific mitigation measures, as necessary to assure that the project will not cause significant adverse cumulative impacts.

The approved Mitigated Negative Declaration for Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 adopted by Council on January 16, 2020, anticipated single-family residential uses at a density consistent with the Medium Density Residential planned land use designation. Because a specific number of lots was not specified in the aforementioned Mitigated Negative Declaration, an addendum has been prepared to incorporate this change. This addendum is a minor technical change. Per Section 15164 of the CEQA Guidelines, the addendum will not introduce any new significant environmental effects or substantially increase the severity of previously identified environmental effects (**Exhibit J**).

## FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings contained within 15-3309 (Vesting Tentative Tract Map Findings) of the Fresno Municipal Code can be made. These findings are attached as **Exhibit F**.

### Grounds For Denial of Tentative Map

The Subdivision Map Act (California Government Code §§ 66410, *et seq.*) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made.

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed

subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff has reviewed the proposed vesting tentative tract map and has determined that none of the findings above apply to the project and, therefore, has recommended approval subject to the conditions of approval.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the McLane 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 Vesting Tentative Tract Map No. T-6371 is appropriate for the project site. Planning Commission action on the proposed Vesting Tentative Tract Map, unless appealed to the Council, is final.

## **ATTACHMENTS:**

- Exhibit A: Vesting Tentative Tract Map No. 6371 [05-12 2022]
- Exhibit B: Operational Statement
- Exhibit C: Aerial
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