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**Title:** Consideration of Vesting Tentative Tract Map No. 6391 and related Environmental Assessment No. T-6391 dated July 13, 2022, an addendum to Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290 pertaining to approximately 19.75 acres of property located on the west side of South Martin Luther King, Jr. Boulevard, between East Church and East Jensen Avenues (Council District 3).

1. ADOPT Environmental Assessment No. T-6391 dated July 13, 2022, an Addendum to Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. APPROVE Vesting Tentative Tract Map No. 6391, proposing to subdivide approximately 19.75 acres of property into a 136-lot single-family residential development, subject to compliance with the Conditions of Approval dated August 3, 2022.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6391 [March 29, 2022], 2. Exhibit B - Operational Statement [March 29, 2022], 3. Exhibit C - Aerial Map, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Fresno General Plan Land Use & Zoning Map, 6. Exhibit F - Fresno Municipal Code Findings, 7. Exhibit G - Public Hearing Notice Radius Map, 8. Exhibit H - Conditions of Approval for Vesting Tentative Tract Map No. 6391 [August 3, 2022], 9. Exhibit I - Comments and Requirements from Responsible Agencies, 10. Exhibit J - Environmental Assessment No. T-6391 [July 13, 2022]

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

**August 3, 2022**

**FROM:** MCKENCIE PEREZ, Planning Manager  
Planning and Development Department

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

**BY:** ROB HOLT, Planner III  
Planning and Development Department

## **SUBJECT**

Consideration of Vesting Tentative Tract Map No. 6391 and related Environmental Assessment No. T-6391 dated July 13, 2022, an addendum to Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290 pertaining to approximately 19.75 acres of property located on the west side of South Martin Luther King, Jr. Boulevard, between East Church and East Jensen Avenues (Council District 3).

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2. **APPROVE** Vesting Tentative Tract Map No. 6391, proposing to subdivide approximately 19.75 acres of property into a 136-lot single-family residential development, subject to compliance with the Conditions of Approval dated August 3, 2022.

## **EXECUTIVE SUMMARY**

Gateway Engineering, Inc., on behalf of D. R. Horton, has filed Vesting Tentative Tract Map No. 6391 pertaining to approximately 19.75 acres of property located on the west side of South Martin Luther King, Jr. Boulevard, between East Church and East Jensen Avenues.

Vesting Tentative Tract Map No. 6391 proposes to subdivide the subject property into a 136-lot conventional single-family residential subdivision with public streets at a density of 9.20 dwelling units per acre (“du/ac”).

The subject property is located within the boundaries of the Fresno General Plan, Southwest Fresno Specific Plan, and the Development Agreement by and between the City of Fresno and 2500 MLK LLC (“West Creek Village Development Agreement”).

The subject application is consistent with the Development Agreement, planned land use and zoning for the project site, and will implement the goals, objectives and policies of the Fresno General Plan and Southwest Fresno Specific Plan.

## **BACKGROUND/PROJECT ANALYSIS**

The project site is located within an area that has been significantly developed with single-family residential neighborhoods to the north, southeast, and southwest. Other vacant land planned for single-family residential, and neighborhood mixed-use land uses, and rural residential properties are located west of the project area. An existing middle school is located immediately east of the project area.

### West Creek Village Project Area

The proposed subdivision is a portion of a larger master plan area described as The West Creek Village Project Area (“West Creek Village”). A Development Agreement was adopted by City Council on February 13, 2020. The Development Agreement was subsequently amended on June 29, 2022, to remove a portion of Section 3.9, which specified the number of types of residential uses to be developed within West Creek Village, i.e., 92 single-family detached, 25 single-family attached, 264 multi-family, and 100 lofts over retail. This amendment allows for further flexibility of residential

development within West Creek Village, without going over the maximum number of dwelling units (481).

West Creek Village encompasses a total of approximately 115.95 acres of property. The first development project for this area is currently under construction, which is the Fresno City College - West Fresno Satellite Campus located at the northwest corner of West Creek Village. Vesting Tentative Tract Map No. 6391 ("T-6391") is the second proposed development for West Creek Village, and the first proposed residential development within West Creek Village, which will include 136 single-family residential lots and an approximately 18,342 sq. ft. open space area to be dedicated to the City as park space. It should be noted that a large approximately 9-acre open space area will be developed at the center of West Creek Village in the future. All houses as part of this proposed subdivision that are adjacent across the street from this larger open space will have houses face the open space area. Houses will also face the other smaller proposed park space. Future development within West Creek Village may include an elementary school, additional residential uses, Commercial - Community planned land uses and Commercial - Regional planned land uses.

#### Landscaping/Walls/Open Space

Given the proposed subdivision is located along a major street (South Martin Luther King, Jr. Boulevard), the developer is proposing a 10-foot-wide landscape and irrigation setback along South Martin Luther King, Jr. Boulevard, consistent with the Fresno Municipal Code (FMC). A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the major street.

The developer is required to provide street trees on all public street frontages per the FMC. 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.

#### Lot Area and Dimensions

The minimum lot size of the RS-5 zone district is 4,000 square feet and the maximum is 6,500 square feet. Every lot within the proposed subdivision complies with the minimum lot size range of the RS-5 zone district.

Additionally, the minimum lot width requirement of the RS-5 zone district is 35 feet for interior lots and 40 feet for corner lots, and the minimum lot depth requirement is 70 feet. All lots within the proposed subdivision comply with these requirements.

This project is required to comply with the setback requirements of the RS-5 zone district, which are as follows:

- Front: 13 feet to living façade, 18 feet to garage
- Garage to primary façade: 4 feet
- Interior sides: 8 feet total, minimum 3 feet per side
- Street sides: 10 feet
- Rear: 10 feet

#### Pocket Park

Section 12-4. 705.a.ii of the FMC requires, for residential subdivisions with tentative maps containing more than fifty parcels, the dedication of 0.6 acres per 1,000 residents for a pocket park.

The project proposes an approximately 18,342 sq. ft. open space area centrally located along the eastern subdivision boundary adjacent to South Martin Luther King, Jr. Boulevard. All proposed houses across the street in three different directions will be facing the open space. For 136 lots, the minimum open space requirement is 11,161 sq. ft. pursuant to FMC Section 12-4.705. The proposed open space area exceeds the minimum open space requirement for the proposed subdivision.

## **Public Services**

### Fire Department

The Fire Department offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search, and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District and the City of Clovis Fire Departments.

Based on the conditions received from the Fire Department dated April 15, 2022, the subdivision will be served by Fire Station 7, which is located at 2571 South Cherry Avenue (approximately 1.3 miles away).

### Public Utilities

The Department of Public Utilities (DPU) has determined 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 mitigation measures of the related Program Environmental Impact Report, and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications, and policies.

The nearest sanitary sewer main to serve the proposed tract map are (2) 30-inch sewer trunk lines in East Church Avenue and a 48-inch sewer trunk located in East Jensen Avenue. The proposed project will be required to provide a lift station design at East Jensen Avenue, east of South Knight Avenue, to service the entire West Creek Village development. The proposed project will also require the construction of an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in the proposed road perpendicular to East Jensen Avenue from the proposed lift station by way of a 48-inch main located in East Jensen Avenue northerly towards East Church Avenue.

### Fresno Metropolitan Flood Control District

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area. Master Plan Facilities are required to be constructed in East Grove Avenue. Non-Master Plan Facilities are required to be constructed in a portion of West Creek Village Way.

## **Streets and Access Points**

### Vehicle Miles Traveled (VMT)

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on

California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that “[a] lead agency has discretion to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, pursuant to Senate Bill 743 to be effective of July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor's Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

The previous Environmental Assessment that included an Initial Study and Mitigated Negative Declaration was adopted on August 2, 2017. The addendum to this environmental assessment that changed acreage of specific planned land uses from the original entitlement and updated its Traffic Impact Study based on the proposed changes was approved on January 13, 2020. The transportation impacts were analyzed, and the environmental assessments were adopted prior to the implementation of VMT analysis requirements. With that, VMT analysis is not required for any subsequent projects within the West Creek Village project area in compliance with the Development Agreement, Development Agreement Amendment, mitigation measures from the Environmental Assessment, and conditions of approval for the project.

Traffic Impacts Analyzed in EA Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290  
Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and P18-03290 analyzed the traffic impacts of the entire West Creek Village project area, which included the anticipated development of the subject property consistent with the Medium Density Residential and Urban Neighborhood Density Residential planned land use designations. The Traffic Impact Study (“TIS”) completed as a component of Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 and the revised TIS completed as a component of Environmental Assessment No. P18-03290 analyzed the West Creek Village project area. The number of residential dwelling units analyzed within the revised TIS is consistent with the maximum number allowed within the Development Agreement (481 dwelling units). If the residential areas within the West Creek Village project area are fully developed with less than 481 residential dwelling units (consistent with the minimum number of dwelling units pursuant to the Fresno General Plan), then it would create a

lesser impact than analyzed.

## Land Use Plans and Policies

The project is consistent with the following Fresno General Plan goals and objectives related to 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.
- Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.
- Promote a city of healthy communities and improve quality of life in established neighborhoods.
- 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-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale 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-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities; and Implementing Policy LU-5-c promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include Parks and public schools within or near the neighborhood, public plaza/civic space; access to public transit, neighborhood-serving retail, and a range of employment opportunities.

The project proposes an approximately 18,342 sq. ft. open space area centrally located along the eastern subdivision boundary adjacent to South Martin Luther King, Jr. Boulevard. All proposed houses across the street in three different directions will be facing the open space.

Future development may include uses allowed in the Commercial - Community planned land use designation to the north, Commercial - Regional planned land use designation to the south, and a college campus and elementary school to the west.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies as supported by the above-described General Plan goals, policies, and objectives, and will not conflict with any applicable land use plan, policy, or regulation of the City of Fresno.

#### Council District Project Review Committee

The Council District 3 Project Review Committee reviewed the proposed project at their regular meeting on April 26, 2022, and voted unanimously to recommend approval of the project, 3 votes to 0.

#### Notice of Planning Commission Hearing

The Planning and Development Department mailed notices of this Planning Commission hearing to all surrounding property owners within 1,000 feet of the subject property, pursuant to Section 15-5007 of the FMC (**Exhibit G**).

### **ENVIRONMENTAL FINDING**

An environmental assessment was prepared for the 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 Fresno General Plan Program Environmental Impact Report SCH No. 2019050005 ("PEIR"). 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; and student generation projections and school facility site location identification.

A Mitigated Negative Declaration and two addendums were previously prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

The approved Environmental Assessment Nos. A-17-007/R-17-010/TPM-17-06/ANX-17-005 dated August 24, 2017, and P18-03290 dated February 13, 2020, anticipated single-family residential uses at a density consistent with the Development Agreement, Development Agreement Amendment, Medium Density Residential, and Urban Neighborhood Density Residential planned land use designations. Because a specific number of lots was not specified in the aforementioned Mitigated Negative Declaration and addendums, an addendum dated July 13, 2022, 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 Section 15-3309 et seq. of the FMC. These findings are attached as **Exhibit F**.

## **GROUNDINGS 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; compliance with the provisions of the FMC; 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 and exhibits. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code 66400, *et seq.*) and staff concludes that the required findings contained within Section 15-3309 *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed project is appropriate for the project site.

## Attachments:

- Exhibit A: Vesting Tentative Tract Map T-6391 [March 29, 2022]
- Exhibit B: Operational Statement [March 29, 2022]
- Exhibit C: Aerial Map
- Exhibit D: Vicinity Map
- Exhibit E: Fresno General Plan Land Use & Zoning Map
- Exhibit F: Fresno Municipal Code Findings
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