

CONSIDERATION OF AN APPEAL OF TENTATIVE PARCEL MAP NO. 2023-13 AND RELATED ENVIRONMENTAL FINDING

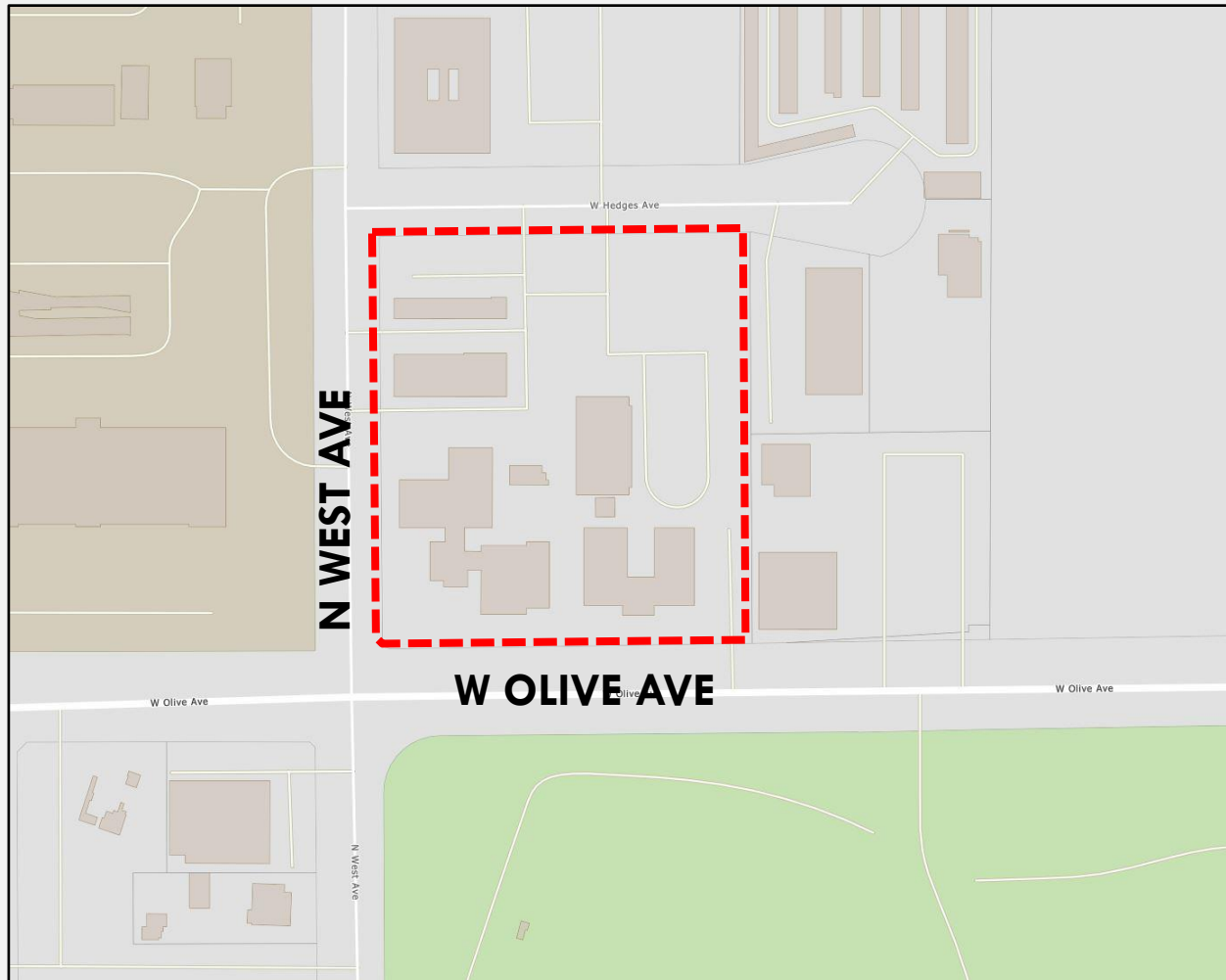


PRESENTATION BY: ROB HOLT, SUPERVISING PLANNER

ID 24-1221

CITY COUNCIL HEARING | OCTOBER 10, 2024

VICINITY MAP



BACKGROUND

- Director approved w/ conditions on February 6, 2024
 - ▣ Applicant appealed on February 14, 2024

- Planning & Public Works staff met w/ applicant more than once
 - ▣ Resulted in removing some non-applicable conditions of approval, some clarification on improvements required upon future development, and remaining required improvements (ADA-compliant sidewalks & two streetlights on Olive)

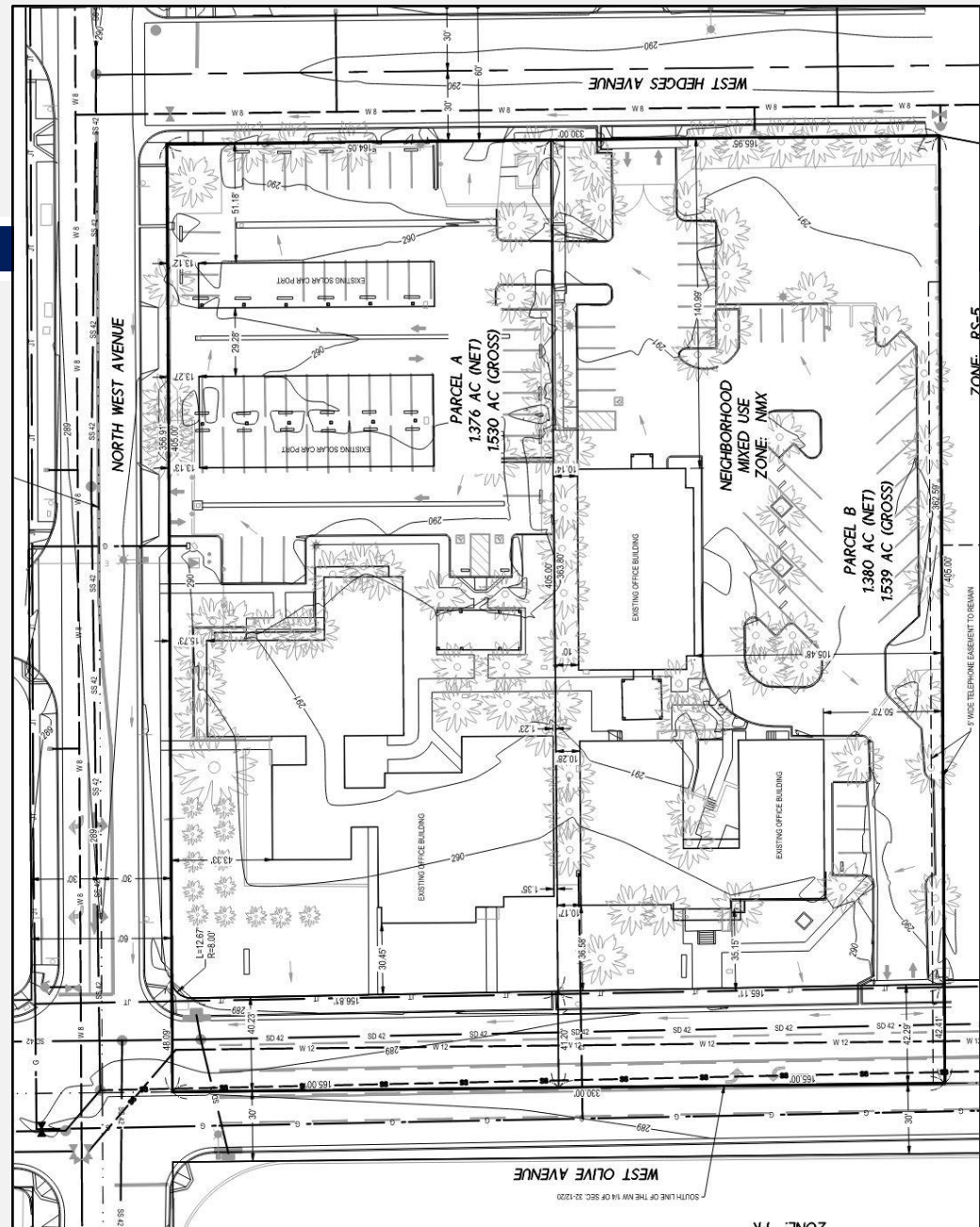
- Planning Commission denied appeal, upheld action of Planning Director

BACKGROUND



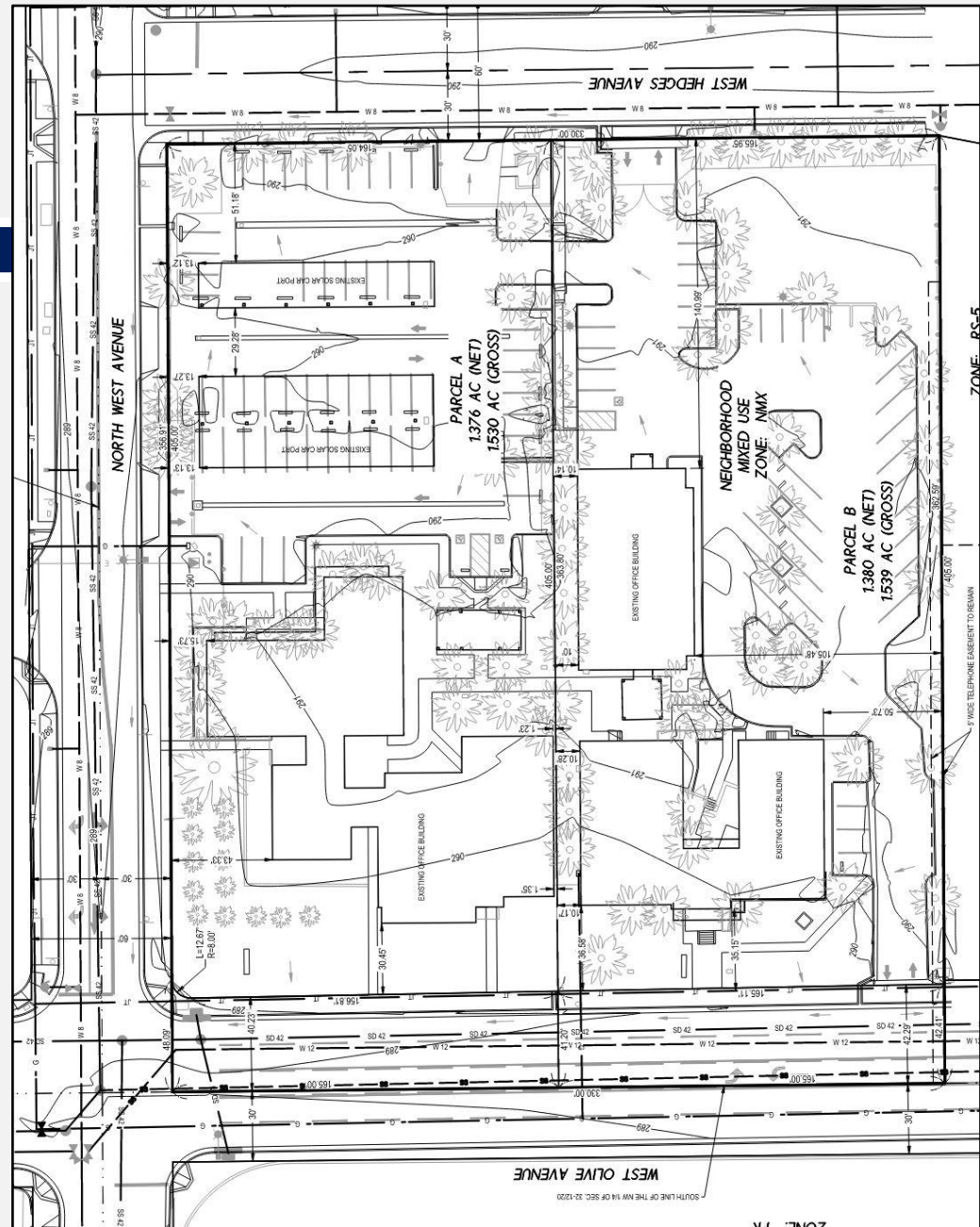
PARCEL MAP

- Definition: Subdivision of land into four or fewer parcels.
- Project Proposal: Subdivision of land from one parcel into two parcels.



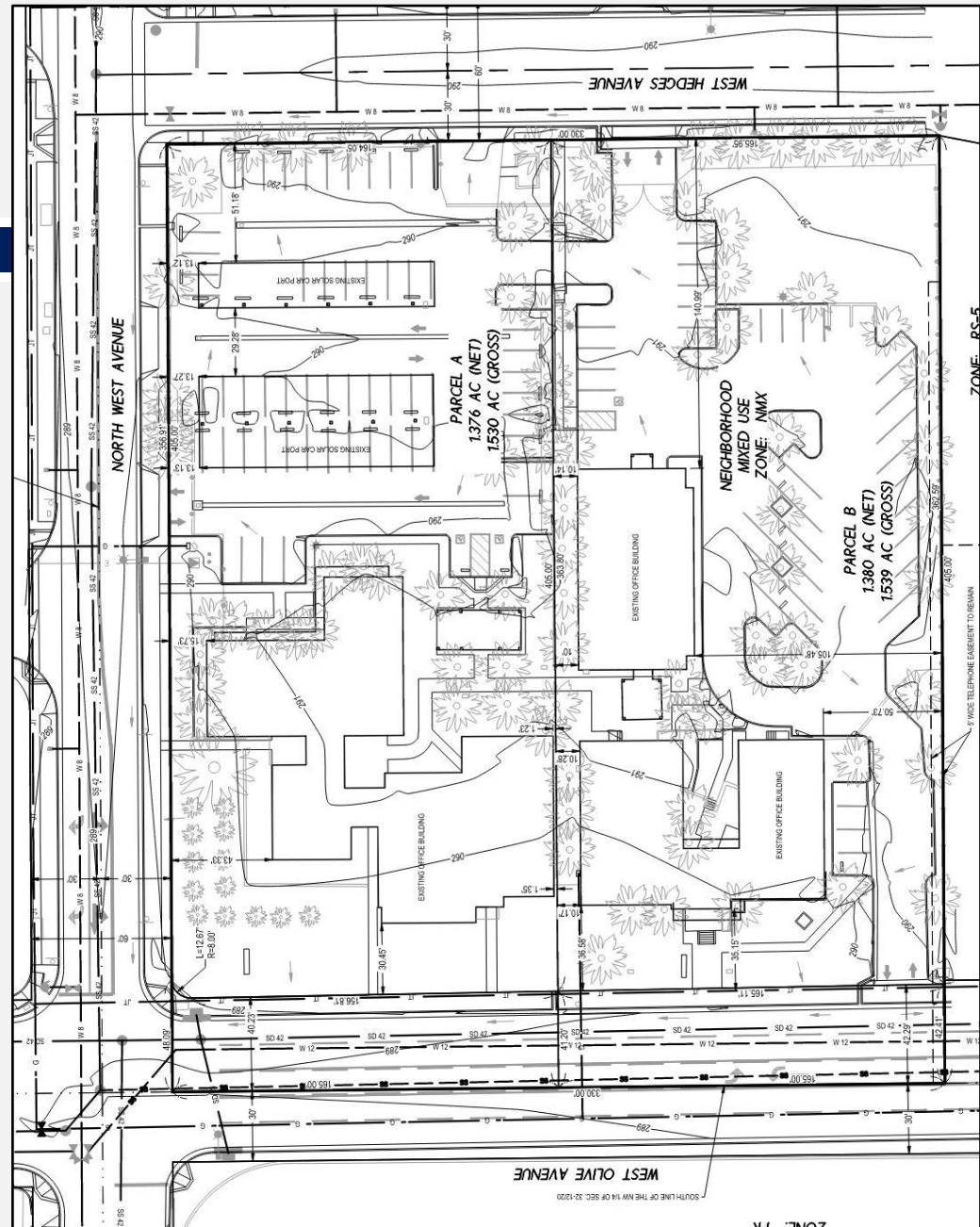
PARCEL MAP

- Subject to Mandatory Conditions (FMC 15-3311)
- Conditions require improvements i.e. ADA sidewalks & streetlights
- Improvement requirements apply to either existing (developed) properties or proposed development.



PARCEL MAP

- Creation of the parcel line is the nexus, not new development (FMC Section 15-3308.A.2).



APPEAL

- Two appeal letters received (Applicant & Councilmember)
- Issue #1: The U.S. Supreme Court ruling on proportionality of a local agency's conditions of approval commensurate with a local agency's authority with land use impacts applies to this project.
- Response: Court ruling was specific to condition of a traffic impact fee for a building permit. This fee came from the County of El Dorado's General Plan. The requirements for parcel map are improvements, not fees, which are codified based on the creation of the parcel line.

APPEAL

- Two appeal letters received (Applicant & Councilmember)
- Issue #2: This is not an active development project and existing property is fully developed with no further improvements, thus the improvement requirement conditions do not apply.
- Response: The improvement requirements come from the Mandatory Conditions of Approval for parcel maps (FMC Section 15-3308). These improvements are required regardless if a property is fully developed, partially developed, or vacant.

STAFF RECOMMENDATION

- 1. **APPROVE** Environmental Assessment No. TPM-2023-13 dated February 6, 2024, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) Guidelines through a Section 15315/Class 15 Categorical Exemption.

- 2. **DENY** the appeal and **UPHOLD** the action of the Planning and Development Department Director in the approval of Tentative Parcel Map No. 2023-13 authorizing the subdivision of approximately 2.67 acres of property into a two-lot subdivision, subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval for Tentative Parcel Map No. 2023-13 dated July 3, 2024.

FINDINGS – PARCEL MAP

The Review Authority may approve or conditionally approve a Tentative Parcel Map or Tentative Map if it makes all of the following findings:

- Finding 1: **Consistency.** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code.
- Finding 2: **Passive and Natural Heating and Cooling.** A subdivision for which a Tentative Map is required shall provide pursuant to the Map Act (Section 66473.1), to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design include:
 - a. Design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes. Consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure.
 - b. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.
 - c. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- Finding 3: **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with the Map Act (Section 66473.7).

FINDINGS – PARCEL MAP

The Review Authority may approve or conditionally approve a Tentative Parcel Map or Tentative Map if it makes all of the following findings:

- **Finding 4: Infrastructure Capacity.** There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision. In cases where existing infrastructure is found to be deficient, plans shall show how sufficient capacity will be provided.
- **Finding 5: Compliance with Floodplain Regulations.** The proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance and the State of California Code of Regulations Title 23, as well as any other applicable State or federal law.

SUPPLEMENTAL FINDINGS – PARCEL MAP

Supplemental Findings. In addition to the findings required for approval of a Tentative Map or Tentative Parcel Map by Subsection A above, the Review Authority shall not approve a Tentative Parcel Map or Tentative Map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.

- Finding 1: **Construction of Improvements.** It is in the interest of public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements within a specified time after recordation of a Parcel Map of four or fewer parcels where improvements are required.
- Finding 2: **Condominiums.** Any applicable findings required by Section 15-3913, Findings, for Condominium Conversions.
- Finding 3: **Dedications or Exactions.** Any applicable findings required by Article 37, Dedications and Reservations, if dedications or exactions are required.
- Finding 4: **Waiver of Parcel Map.** The findings required by Section 15-3503, Waiver of Parcel Map, if waiver of a Parcel Map has been requested with the Tentative Map application.