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**Title:** Consideration of Vesting Tentative Tract Map No. 6106, Conditional Use Permit Application No. C-18-003 and related Environmental Assessment No. T-6106/C-18-003, for property located on the northeast corner of North Chestnut and East Copper Avenues, within the Copper River Ranch planned community (Council District 6)

1. ADOPT the Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6106/C-18-003 dated October 5, 2018.
2. APPROVE Conditional Use Permit No. C-18-003 subject to compliance with the Conditions of Approval dated November 7, 2018.
3. APPROVE Vesting Tentative Tract Map No. T-6106 subject to compliance with the Conditions of Approval dated November 7, 2018.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A Vesting Tentative Tract Map # 6106, 2. Exhibit A-1 Site Plan, 3. Exhibit A-2 Entry Plan, 4. Exhibit B Operational Statement, 5. Exhibit C Application for Subject Project, 6. Exhibit D 2018 Aerial Photograph of Site, 7. Exhibit E Vicinity Map, 8. Exhibit F Fresno General Plan Planned Use Map, 9. Exhibit G Fresno Municipal Code Findings, 10. Exhibit H Noticing Vicinity Map, 11. Exhibit I Conditions of Approval for Vesting Tentative Tract map, 12. Exhibit J Conditions of Approval for CUP Applic, 13. Exhibit K Comments and Requirement from Responsible Agencies, 14. Exhibit L Environmental Assessment # T-6106/C-18-003

Date	Ver.	Action By	Action	Result
11/7/2018	1	Planning Commission		

**REPORT TO THE PLANNING COMMISSION**

**November 7, 2018**

**FROM:** MIKE SANCHEZ, Assistant Director  
Development Services Division

**THROUGH:** WILL TACKETT, Supervising Planner  
Development Services Division

**BY:** ISRAEL TREJO, Planner

Development Services Division

**SUBJECT**

Consideration of Vesting Tentative Tract Map No. 6106, Conditional Use Permit Application No. C-18-003 and related Environmental Assessment No. T-6106/C-18-003, for property located on the northeast corner of North Chestnut and East Copper Avenues, within the Copper River Ranch planned community  
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3. **APPROVE** Vesting Tentative Tract Map No. T-6106 subject to compliance with the Conditions of Approval dated November 7, 2018.

**EXECUTIVE SUMMARY**

Gary Giannetta, on behalf of Copper and Chestnut Development, Inc., has filed Vesting Tentative Tract Map No. 6106 and Conditional Use Permit No. C-18-003, pertaining to approximately 16.26 acres of property located on the northeast corner of North Chestnut and East Copper Avenues, within the Copper River Ranch planned community. Vesting Tentative Tract Map No. 6106 is a proposal to subdivide the property into a 65 lot single-family residential subdivision. Conditional Use Permit No. C-18-003 proposes a gated development with private streets and modified property development standards. The subject property is located within the Fresno General Plan and the Woodward Park Community Plan, both plans designate the subject site for Medium Density Residential (5.00 to 12.00 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6106 proposes a 65 lot single-family residential subdivision on approximately 16.26 acres at a density of 3.99 dwelling units per acre. Pursuant to previously approved Conditional Use Permit Application No. C-04-153, the Copper River Ranch Planned Community was approved with blended densities, that involved both single and multiple family residential development with an overall residential unit restriction of 2837 units. Based upon the submitted subdivision design, the proposed project can be found consistent with the medium density residential planned land use designation for the subject property pursuant to Section 15-310.C of the Fresno Municipal Code and which allows density transfers. Thus, the subject applications are consistent with the planned land uses and zoning approved for the project site and will implement goals, objectives, and policies of the Fresno General Plan and the Woodward Park Community Plan.

**ENVIRONMENTAL FINDING**

An environmental assessment initial study was 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.

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 Woodward Park Community Plan area and the Copper River Ranch planned

community, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015) and Program EIR No. 10126 prepared for the Copper River Ranch Project. 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.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for the proposed project, which is tiered off the Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015)

It has been further determined that all applicable mitigation measures of SCH No. 2012111015, and Program EIR No. 10126 prepared for the Copper River Ranch Project, 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, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Mitigated Negative Declaration for this project. A public notice of the attached Mitigated Negative Declaration for Environmental Assessment Application No. T-6106/C-18-003 was published on October 5, 2018, there have been no comments received to date.

## **BACKGROUND / ANALYSIS**

Gary Giannetta, on behalf of Copper and Chestnut Development, Inc., has filed Vesting Tentative Tract Map No. 6106 and Conditional Use Permit No. C-18-003, pertaining to approximately 16.26 acres of property located on the northeast corner of North Chestnut and East Copper Avenues, within the Copper River Ranch planned community. Vesting Tentative Tract Map No. 6106 is a proposal to subdivide the property into a 65 lot single-family residential subdivision. Conditional Use Permit No. C-18-003 proposes a gated development with private streets and modified property development standards. The subject property is located within the Fresno General Plan and the Woodward Park Community Plan, both plans designate the subject site for Medium Density Residential (5.00 to 12.00 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6106 proposes a 65 lot single-family residential subdivision on approximately 16.26 acres at a density of 3.99 dwelling units per acre. Pursuant to previously approved Conditional Use Permit Application No. C-04-153, the Copper River Ranch Planned Community was approved with blended densities, that involved both

single and multiple family residential development with an overall residential unit restriction of 2837 units. Based upon the submitted subdivision design, the proposed project can be found consistent with the medium density residential planned land use designation for the subject property pursuant to Section 15-310.C of the Fresno Municipal Code and which allows density transfers. Thus, the subject applications are consistent with the planned land uses and zoning approved for the project site and will implement goals, objectives, and policies of the Fresno General Plan and the Woodward Park Community Plan.

### **Conditional Use Permit Application (CUP)**

In addition to submitting a vesting tentative tract map, the applicant has submitted Conditional Use Permit Application No. C-18-003. Pursuant to Chapter 15, Article 59 of the FMC, a CUP is required in order to create a planned development.

The proposed planned development features private gated streets. As part of the CUP process, an applicant may request a modification of development standards. Conditional Use Permit No. C-18-003 proposes modified property development standards, including reduced setbacks.

### **Reduced Yard Setbacks**

#### Front Yard

The applicant is proposing a 10 foot front yard setback. The standard minimum front yard setback in the RS-5 (*Residential Single-Family District*) zone district is 13 feet.

#### Street Side Yard

The applicant is proposing 5 foot street side yard setbacks; the standard is 10 feet.

### **Landscaping/Walls/Open Space**

#### Pedestrian Access/Trail

The subject property abuts a bicycle/pedestrian trail which is designated along East Copper Avenue. The project has been conditioned to provide a pedestrian paseo, between lots 5 and 6, which would connect the subdivision to the adjacent trail; the pedestrian paseo location is subject to approval by the Fresno Metropolitan Flood Control District. Additionally, the applicant is proposing a pedestrian gate into the subdivision, along North Chestnut Avenue, which is in close proximity to the designated trail.

It is also noted that the project has been conditioned to provide a pedestrian passageway linking the proposed subdivision to a future subdivision to the east which will help promote walking throughout the Copper River Ranch project.

#### Lot Size

The proposed lot sizes start at approximately 6,600 sq. ft. and, as such, provide room for open space activities on each individual lot.

A minimum of 24 acres of park space was required to be provided within the entire Copper River Ranch project area as noted within the mitigation measures established by Environmental Impact Report No. 10126. The subject project has been conditioned to provide an exhibit/plan, approved by the Development and Resource Management Department, depicting how said mitigation measure will be met prior to recordation of the final map.

### Wall

A 6 foot block wall is proposed along East Copper Avenue which will help mitigate the traffic noise coming from said street which is designated as a super arterial.

### **Streets and Access Points**

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed applications 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 September 24, 2018. These requirements generally include: (1) The provision of a minimum two points of vehicular access to major streets for any phase of the development; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (3) 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.

Additionally, the proposed project shall install a traffic signal at the intersection of Copper and Chestnut Avenues prior to occupancy of the first dwelling unit within the subdivision. If the intersection meets signal warrants at the time of occupancy of the first unit, then the full traffic signal shall be signalized. If the intersection does not meet warrants, then the traffic signal installation can be limited to the following equipment: poles, safety lights, oversize street name sign, conduits, controller cabinet, etc.

### **Public Services**

The Public Utilities Department has identified water and sewer requirements for this project. These conditions are listed in the memoranda both dated June 21, 2018 and July 2, 2018, respectively. It is noted that a tertiary wastewater treatment facility within the Copper River Ranch project will accommodate the wastewater flow from this project.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project has permanent drainage service and can be accommodated by the district. The project applicant shall comply with the FMFCD requirements as detailed in its memoranda dated February 16, 2018.

### **Council District Plan Implementation Committee**

The Council District 6 Plan Implementation Committee recommended approval of the project on August 6, 2018, by a vote of 4 to 0.

## **Notice of Planning Commission Hearing**

The Development and Resource Management 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 E).

### **LAND USE PLANS AND POLICIES**

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

Goal No. 7 of the Fresno General Plan encourages the City to 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.

Goal No. 8 of the Fresno General Plan encourages the development of 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.

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.

Similarly, supporting Objective LU-2 of the General Plan calls for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

Likewise, 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.

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.

### **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within Sections 15-5905 (Planned Development), 15-5306 (Conditional Use Permit Findings) and 15-3309 (Vesting Tentative Tract Map Findings) of the Fresno Municipal Code can be made. These findings are attached as Exhibit G.

### **HOUSING ELEMENT FINDINGS**

This proposed project is on a site listed in the Housing Element Sites Inventory. The Housing Sites Inventory establishes the minimum capacity of the subject site to be 83 units and with an affordability

categorization of Above Moderate; the proposed project includes 65 housing units, and is therefore a reduction of 18 units.

State law requires that when a jurisdiction permits development on a Housing Element Site at less than the established minimum residential capacity, the following findings must be made at the time of approval: (a) the reduction is consistent with the adopted general plan and (b) the remaining sites identified in the Housing Element are adequate to accommodate the City of Fresno's share of the Regional Housing Needs Allocation (RHNA).

As noted above, the Copper River Ranch Planned Community was approved with blended densities, that involved both single and multiple family residential development with an overall residential unit restriction of 2837 units. Based upon the submitted subdivision design, the proposed project can be found consistent with the medium density residential planned land use designation for the subject property pursuant to Section 15-310.C of the Fresno Municipal Code and which allows density transfers. As such, the proposed project is consistent with the adopted general plan.

Secondly, the remaining sites identified in the Housing Element are adequate to accommodate the City of Fresno's share of the RHNA, since the City has a capacity of 3,590 units in excess of what is required.

## **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.

## CONCLUSION / RECOMMENDATION

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 Woodward Park 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. 6106 and Conditional Use Permit No. C-18-003 are appropriate for the project site. Planning Commission action of the proposed Vesting Tentative Tract Map and Conditional Use Permit, unless appealed to the Council, is final.

### Attachments:

- Exhibit A: Vesting Tentative Tract Map No. 6106 dated September 28, 2018
- Exhibit A-1: Site plan dated September 28, 2018
- Exhibit A-2: Entry Plan dated September 28, 2018
- Exhibit B: Operational Statement
- Exhibit C: Application for Subject Project
- Exhibit D: 2018 Aerial Photograph of Site
- Exhibit E: Vicinity Map
- Exhibit F: Fresno General Plan Planned Land Use Map
- Exhibit G: Fresno Municipal Code Findings
- Exhibit H: Noticing Vicinity Map (1000 feet)
- Exhibit I: Conditions of Approval for Vesting Tentative Tract Map No. 6106 dated November 7, 2018
- Exhibit J: Conditions of Approval for CUP Application No. C-18-003 dated November 7, 2018
- Exhibit K: Comments and Requirements from Responsible Agencies
- Exhibit L: Environmental Assessment No. T-6106/C-18-003, Mitigated Negative Declaration, dated October 5, 2018