



Legislation Details (With Text)

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**Title:** Consideration of Vesting Tentative Tract Map No. T-6295, Planned Development Application No. P20-02759, and related Environmental Assessment No. T-6295/P20-02759 for property located on the northeast corner of East Butler Avenue and South Armstrong Avenue. (Council District 5)

1. ADOPT the Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6295/P20-02759, dated September 30, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. APPROVE Vesting Tentative Tract Map No. T-6295 subject to compliance with the Conditions of Approval dated October 21, 2020.
3. APPROVE Planned Development Application No. P20-02759 proposing to modify the RS-4 (Residential Single-Family, Medium Low Density) zone district development standards to allow for reduced garage setbacks for the proposed detached single-family residences.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6295 dated July 17, 2020, 2. Exhibit A-1 - Planned Development Standard Plan dated, September 23, 2020, 3. Exhibit B - Application for Subject Property, 4. Exhibit C - Current Aerial Protograph of Site, 5. Exhibit D - Fresno General Plan Planned Land Use and Zoning Map, 6. Exhibit E - Noticing Vicinity Map, 7. Exhibit F - Fresno Municipal Code Findings, 8. Exhibit G - Conditions of Approval for Vesting Tentative Tract Map No. 6295 dated October 21, 2020, 9. Exhibit H - Conditions of Approval for Planned Development Permit Application No. P20-02759 dated October 21, 2020, 10. Exhibit I - Comments from Responsible Departments and Agencies, 11. Exhibit J - Mitigated Negative Declaration T-6295.P20-02759 dated September 30, 2020

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

**October 21, 2020**

**FROM:** DAN ZACK, Assistant Director  
Development Services Division

**THROUGH:** ISRAEL TREJO, Supervising Planner  
Development Services Division

**BY:** KELSEY GEORGE, Planner  
Development Services Division

**SUBJECT**

Consideration of Vesting Tentative Tract Map No. T-6295, Planned Development Application No. P20-02759, and related Environmental Assessment No. T-6295/P20-02759 for property located on the northeast corner of East Butler Avenue and South Armstrong Avenue. (Council District 5)

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**EXECUTIVE SUMMARY**

Ara Chekerdemian, on behalf of Lennar Homes of California, has filed Vesting Tentative Tract Map No. 6295 and Planned Development Application No. P20-02759 pertaining to approximately 18.49 net acres of property located on the northeast corner of East Butler Avenue and South Armstrong Avenue. Vesting Tentative Tract Map No. 6295 is a proposal to subdivide the subject property into a 110-lot single-family residential subdivision. Planned Development Application No. is a proposal to modify the RS-4 zone district development standards to allow for reduced garage setbacks. The subject property is located within the Fresno General Plan and Roosevelt Community Plan, both plans designate the subject property for Medium Low Density Residential (3.5 to 6 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6295 proposes a 110-lot single-family residential subdivision on approximately 18.49 net acres at a density of 5.9 dwelling units per acre. Thus, the proposed subdivision is consistent with the noted planned land use and zoning approved for the subject property and will implement the goals, objectives, and policies of the Roosevelt Community Plan and Fresno General Plan.

**BACKGROUND/ANALYSIS**

**Project Setting/Details**

The subject property is located on the northeast corner of East Butler and South Armstrong Avenues. The subject property was previously planned for agricultural uses but currently the land is fallow and planned for Medium Low Density Residential. The site is located within an area that has been substantially developed with single-family residences. Directly north, south and part of east of the site has been developed as single-family residential within the City of Fresno. The west and other part of east of the site has also been developed with single-family residential, though located within Fresno County.

**Planned Development Permit Application**

### Setbacks

Planned Development Permit Application No. P20-02759 requests authorization to reduce the minimum setback requirements for the garage from the primary house facade. Of the proposed floor plans, only one of the four proposes less than 4 feet garage setbacks (4-foot typical per FMC Table 15-903). Per the operational statement provided by Lennar Homes, the proposed modified setbacks are a proven design that meets current market demand and conforms to other Lennar Communities under construction within the City. No other development standards are proposed to be modified.

### Zoning and Planned Land Use

The subject property is zoned RS-4 and planned for Medium Low Density residential land uses. The proposed project will be required to comply with the standards within Section 15-903 of the Fresno Municipal Code, with the exception of the garage setback from the primary façade, for setback and lot size requirements.

The setback requirements for the RS-4 zone districts are as follows: front yard is 13', side yard is 4' minimum with a total of 10', rear yard is 10'.

### Landscaping/Walls/Open Space

In accordance with Section 12-4.705 of the FMC, residential subdivisions with tentative maps containing more than 50 parcels (inclusive of Outlots), the subdivider shall pay in-lieu fees and dedicate 0.6 acres per 1,000 residents for a pocket park within the overall tentative map. The project proposes approximately 0.27 acre of open space and 0.21 acre is required by the Fresno Municipal Code.

The applicant is required to provide a 15' landscape setback along South Armstrong Avenue. A sound wall or earth berm (or combination) with a minimum height of 6' above finished lot grade is required for sound attenuation purposes along South Armstrong Avenue.

The applicant is required to provide a 10' landscape setback along East Butler Avenue. A sound wall or earth berm (or combination) with a minimum height of 6' above finished lot grade is required for sound attenuation purposes along South Armstrong Avenue.

### **Streets and access points**

The Fresno General Plan designates South Armstrong Avenue as a modified 4-lane collector street and East Butler Avenue as a local collector street. Primary vehicular access to the development will be to the west from South Armstrong Avenue. There will also be vehicular connectivity to the subdivision to the north via South Filbert Avenue and to the south via South Apricot Avenue.

The developer of this project will be required to dedicate and construct improvements along all major street frontages, and East Butler Avenue, and on all interior local streets within the subdivision. Direct vehicular access will be relinquished along all major street frontages of single-family residential lots.

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.

Traffic Operations and Planning staff has reviewed the Traffic Impact Study (TIS) prepared by Peters Engineering Group for the proposed Tract 6295. The TIS evaluated the impacts of the project by analyzing two (2) intersections in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 10th Edition. The two intersections evaluated include the following:

- Butler Avenue and Temperance Avenue
- Butler Avenue and Armstrong Avenue

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the SOI as of December 31, 2012. In accordance with Policy MT-2-i of the Fresno General Plan, when a project within TIZ III is projected to generate 100 or more peak hour trips, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets. This project is expected to generate 109 peak hour vehicle trips; therefore, a Traffic Impact Study was prepared to assess the impacts of the new development on existing and planned streets.

Based on the analyses included in the TIS, the study intersections are currently operating at or above the adopted Traffic Impact Zone (TIZ) III level of service (LOS) standard of LOS D beginning in the identified scenarios and all subsequent scenarios.

- Butler Avenue and Temperance Ave (Existing Plus Project)

In addition to operational analyses, the TIA also reviewed collisions and prepared traffic signal warrants at all study locations. Traffic Signal Warrant 1 - Eight Hour Volumes and Traffic Signal Warrant 2 - Four Hour Vehicular Volumes as defined in the California Manual of Uniform Traffic Control Devices (MUTCD) was prepared for all unsignalized study intersections in the Page 2 of 3 Existing Scenario. Traffic Signal Warrant 3 - Peak Hour Vehicular Volumes was prepared for all unsignalized intersections in all scenarios. The following study intersections currently meet or are projected to meet Warrant 1, Warrant 2, and/or Warrant 3 in the identified scenario and all subsequent scenarios.

- Butler Avenue and Temperance Ave (Existing Plus Project)

The City of Fresno General Plan includes multiple policies related to transportation funding and regional level coordination. These policies are crafted so that new development pays the proportional share of the developments impacts. These policies identify continued support for the implementation of metropolitan-wide and region-wide transportation impact fees to cover the proportional share of the developments impacts and need for a comprehensive multi-modal transportation system that are not funded by other sources.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project 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 outlined within the memoranda from the Traffic Engineering Division dated August 10, 2020. 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) Major and local street dedications; (3) Dedications of bicycle, pedestrian and landscape easements for trail purposes; (4) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (5) 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).

The project has also been conditioned to comply with mitigation measure requirements of the Traffic Engineer Manager outlined in the memoranda dated August 10, 2020, for review of the traffic impact analysis for TIS 20-019. Mitigation measures, in addition to payment of required fees, include the installation of one traffic signal prior to the 101 building permit. The intersection which must have an installed traffic signal is Temperance at Butler Avenue.

Therefore, the Public Works Department/Traffic Engineering Division has determined that, based upon the proposed traffic yield from and the expected traffic generation of the proposed project for the subject property, the proposed project will not adversely impact the existing and projected circulation system based upon implementation of the mitigation measures included within the MEIR and based upon compliance with the project specific mitigation measures referenced herein.

## **Public Services**

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the subject property subject to implementation of the Fresno General Plan policies and the mitigation 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. The project shall comply with the requirements from the Public Utilities Department, Water Division, Public Utilities Department, Solid Waste Management and Planning & Engineering Division requirements.

### Sewer

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in East Butler Avenue and a 10-inch sewer main located in South Armstrong Avenue. Infrastructure improvements and facilities include requirements for installation of sanitary sewer house branches. The project will also be required to submit a preliminary sewer design layout prior to submittal of the final map. The proposed project will also be required to provide payment of sewer connection charges. Other sewer requirements are outlined in the memoranda dated August 11, 2020.

### Water

An existing 14-inch water main exists the easterly boundary of the proposed project from Pump Station 1355 south to East Butler. Infrastructure improvements and facilities include the installation of water meter boxes, water main and water main extensions for each lot. Required infrastructure improvements and facilities include installation of water mains within the interior of the proposed tract, providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. All water requirements are outlined in the memoranda

dated August 11, 2020.

### Solid Waste

The subdivision will be serviced as Single-Family Residential properties with Basic Container service as outlined in the memoranda dated August 11, 2020.

### Fire

The Fresno Fire Department reviewed the proposed project for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Fire safety requirements are outlined in the memoranda dated August 7, 2020.

### FMFCD

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the subject site does not appear to be located within a flood prone area. This project will be required to construct and/or dedicate Storm Drainage and Master Plan facilities located within the project or necessitated by any required off-site improvements. The project must also comply with all other FMFCD requirements as detailed in its memorandum dated August 13, 2020.

The comments and conditions from all departments and responsible agencies have been incorporated into the Conditions of Approval, dated October 21, 2020. These conditions are attached as **Exhibit G**. Compliance with these conditions will be required to be demonstrated prior to issuance of permits and prior to final approvals for inspections and occupancy.

## **Land Use Plans and Policies**

### Fresno General Plan

The Fresno General Plan puts a strong emphasis on infill development, complete neighborhoods and mobility and multimodal connectivity.

Goals of the Fresno General Plan include providing for a diversity of districts, neighborhoods, housing types, and residential densities through 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.

The supporting Objectives and Policies of the Fresno General Plan include emphasizing compatible infill development opportunities which provide for a diversity of districts, neighborhoods, and housing types in order to afford a range of housing stock within the City of Fresno that will support balanced urban growth and make efficient use of resources and public facilities.

Encouraging infill development on vacant lands within predominantly urbanized areas is necessary in order to meet the Fresno General Plan's objective to locate roughly one-half of future residential development in infill areas-defined as being within the City on December 31, 2012-including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented

development along major BRT corridors, other non-corridor infill areas, and vacant land.

The subject property is approximately 18.49 net acres of vacant land, which is substantially surrounded by urban development. The proposed project makes the most efficient use of land and existing public improvements, infrastructure and services by taking advantage of the opportunity to develop in an area that is already developed and accommodated by City services.

The Fresno General Plan provides goals, objectives, and policies to guide development. The proposed project aligns with many objectives and policies found in the Fresno General Plan. The following are applicable goals, objectives and policies:

*Goal 7: Provide for a diversity of districts, neighborhoods, housing types, residential densities, job opportunities, recreation, open space, and education that appeal to a broad range of people throughout the city.*

*Goal 8: 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.*

*Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.*

- *Policy UF-1-d promotes diversity and variations of building types, densities, and scales of development to reinforce the identity of individual neighborhoods, and further affordable housing opportunities.*
- *Policy UF-1-f promotes complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.*

*Objective UF-12 : Locate roughly one-half of future residential development in infill areas-defined as being within the City on December 31, 2012-including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.*

*Objective LU-2: Plan 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.*

- *Policy LU-2-a promotes infill development in areas where urban services are available*

*Objective LU-4: Enhance existing residential neighborhoods through regulations, code enforcement, and compatible infill development.*

*Objective LU-5: Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.*

- *Policy LU-5-g supports development adjacent to established neighborhoods that is compatible in scale and character with the surrounding area.*

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

### Roosevelt Community Plan

Upon reviewing the policies contained in the Roosevelt 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 Roosevelt Community Plan by implementing the appropriate regulations of the RS-4 zone district and ensuring that new development is compatible to the existing structures in relation to scale, mass, and character.

### **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 Roosevelt Community Plan area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). 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 Planning and Development 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 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-6295/P20-02759 was published in the Fresno Bee on September 30, 2020 with no comments received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

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

## **GROUND 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 Planned Development and has determined that none of the findings above apply to the project and, therefore, has recommended

approval subject to the conditions of approval.

### **District 5 Project Review Committee**

The Council District 5 Project Review Committee reviewed the project on September 14, 2020 and unanimously voted to recommended approval of the project to the Planning Commission.

### **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 (**Exhibit E**).

### **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 Roosevelt Community Plan; compliance with the provisions of the Fresno Municipal Code; 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. Upon consideration of this evaluation, it can be concluded that Vesting Tentative Tract Map Application No. T-6295 and Planned Development Application No. P20-02759 is appropriate for the subject property.

### **Attachments:**

- Exhibit A: Vesting Tentative Tract Map No. 6295 dated July 17, 2020
- Exhibit A-1: Planned Development Standard Plan, dated September 23, 2020
- Exhibit B: Application for Subject Project
- Exhibit C: Current Aerial Photograph of Site
- Exhibit D: Fresno General Plan Planned Land Use and Zoning Map
- Exhibit E: Noticing Vicinity Map
- Exhibit F: Fresno Municipal Code Findings
- Exhibit G: Conditions of Approval for Vesting Tentative Tract Map No. 6295 dated October 21, 2020
- Exhibit H: Conditions of Approval for Planned Development Permit Application No. P20-02759 dated October 21, 2020
- Exhibit I: Comments from Responsible Departments and Agencies
- Exhibit J: Mitigated Negative Declaration T-6295/P20-01732 dated September 30, 2020