



Legislation Details (With Text)

File #:	ID18-0885	Version:	1	Name:	
Type:	Action Item	Status:		Agenda Ready	
File created:	7/10/2018	In control:		Planning Commission	
On agenda:	7/18/2018	Final action:		7/18/2018	
Title:	Consideration of Vesting Tentative Tract Map No. 6207, Conditional Use Permit Application No. C-18-031 and related Environmental Assessment No. T-6207/C-18-031, for property located north of the intersection of North Friant Road and East Copper Avenue, within the Copper River Ranch planned community (Council District 6)				
	1. ADOPT the Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6207/C-18-031 dated June 28, 2018.				
	2. APPROVE Conditional Use Permit No. C-18-031 subject to compliance with the Conditions of Approval dated July 18, 2018.				
	3. APPROVE Vesting Tentative Tract Map No. T-6207 subject to compliance with the Conditions of Approval dated July 18, 2018.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Exhibit A Vesting Tentative Tract Map No. 6207 dated March 1, 2018, 2. Exhibit A-1 Site Plan Dated April 24, 2018, 3. Exhibit A-2 Entry Plan/Typical Lot Plan dated April 24, 2018, 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 Land Use Map, 9. Exhibit G Fresno Municipal Code Findings, 10. Exhibit H Noticing Vicinity Map (1000 feet), 11. Exhibit I Conditions of Approval for Vesting Tentative Tract Map No. 6207/July18, 2018, 12. Exhibit J Condition of Approval for CUP Application No. C-18-031, 13. Exhibit K Comments and Requirements for Responsible, 14. Exhibit L Acoustical Analysis Prepared by WJV Acoustics/September 26, 2017, 15. Exhibit M Environmental Assessment No. T-6207/C-18-031, Mitigated Neg Declar/June 28 2018				

Date	Ver.	Action By	Action	Result
7/18/2018	1	Planning Commission		

REPORT TO THE PLANNING COMMISSION

July 18, 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. 6207, Conditional Use Permit Application No. C-18-031 and related Environmental Assessment No. T-6207/C-18-031, for property located north of the intersection of North Friant Road and East Copper Avenue, within the Copper River Ranch planned community
(Council District 6)

1. **ADOPT** the Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6207/C-18-031 dated June 28, 2018.
2. **APPROVE** Conditional Use Permit No. C-18-031 subject to compliance with the Conditions of Approval dated July 18, 2018.
3. **APPROVE** Vesting Tentative Tract Map No. T-6207 subject to compliance with the Conditions of Approval dated July 18, 2018.

EXECUTIVE SUMMARY

Gary Giannetta, on behalf of Copper River Southwest, LLC, has filed Vesting Tentative Tract Map No. 6207 and Conditional Use Permit No. C-18-031, pertaining to approximately 9.88 acres of property located north of the intersection of North Friant Road and East Copper Avenue, within the Copper River Ranch planned community. Vesting Tentative Tract Map No. 6207 is a proposal to subdivide the property into a 44 lot single-family residential subdivision. Conditional Use Permit No. C-18-031 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 High Density Residential (12.00 to 16.00 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6207 proposes a 44 lot single-family residential subdivision on approximately 9.88 acres at a density of 4.45 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 high 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-6207/C-18-031 was published on June 28, 2018, there have been no comments received to date.

BACKGROUND / ANALYSIS

Gary Giannetta, on behalf of Copper River Southwest, LLC, has filed Vesting Tentative Tract Map No. 6207 and Conditional Use Permit No. C-18-031, pertaining to approximately 9.88 acres of property located north of the intersection of North Friant Road and East Copper Avenue, within the Copper River Ranch planned community. Vesting Tentative Tract Map No. 6207 is a proposal to subdivide the property into a 44 lot single-family residential subdivision. Conditional Use Permit No. C-18-031 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 High Density Residential (12.00 to 16.00 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6207 proposes a 44 lot single-family residential subdivision on approximately 9.88 acres at a density of 4.45 dwelling units per acre. Pursuant to 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 high density residential planned land use designation for the subject property pursuant to Section 15-310.C of the FMC 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-18-031. 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-18-031 proposes modified property development standards, including reduced setbacks.

Reduced Yard Setbacks

Front Yard

The applicant is proposing a minimum 10 foot front yard setback for a majority of the proposed lots. The front yards of the lots (lots 33-44) which front onto and are visible from the public street (North Alicante Drive) will have an 18 foot front yard setback. The standard minimum front yard setback in the RM-1 (*Residential Multi-Family District*) zone district is 10 feet.

Rear Yard

The applicant is proposing 6 foot rear yard setbacks for a majority of the lots. The standard minimum rear yard setback in the RM-1 (*Residential Multi-Family District*) zone district is 20 feet.

It is noted that lots 1-17 shall have a minimum of rear yard setback of 33 feet (along North Friant Road) to meet the Expressway Area Development Standards within Section 15-1604 of the FMC; said section requires a minimum 75 foot building setback feet from the center line of the nearest moving traffic lane of the abutting roadway.

Side Yard

The applicant is proposing 3 foot interior side yard setbacks. The standard minimum side yard setback is 4 feet with a total of 10 feet.

The applicant is proposing 5 foot street yard setbacks, the standard minimum is 10 feet.

Summary of Reduced Setbacks

The front yards of the lots which are visible from a public street (North Alicante Drive) will have an 18 foot front yard setback. The remaining lots, which only propose reduced side and rear yards, are not visible from a public street.

Landscaping/Walls/Open Space

The applicant is required to provide a 20 foot landscape (existing) setback along North Friant Road. A sound wall or earth berm (or combination) with a minimum height of 6 feet above finished lot grade is required for sound attenuation purposes along North Friant Road.

Pedestrian Accessway/Trail

The applicant is proposing to provide two pedestrian access gates from within the subdivision to connect to the internal pedestrian trail located within the Copper River Ranch development. The access points will promote walking in and around the neighborhood and provide connectivity to the 2.6 acre park located across the street from the subject site.

Acoustical Analysis

The City of Fresno Noise Element of the Fresno General Plan identifies the maximum appropriate noise level exposure for outdoor activity areas to be 65 dB DNL, and for interior living areas a noise level exposure of not more than 45 dB DNL. The project applicant has provided an acoustical analysis prepared by WJV Acoustics dated September 26, 2017 (Exhibit K). As noted within the acoustical analysis, the proposed development will comply with the sound requirements of the General Plan provided that: (a) a sound wall or earth berm (or combination) with a minimum height of 6 feet above finished lot grade constructed along North Friant Road, (b) exterior second-floor balconies shall not be constructed facing North Friant Road along the first row of houses along said road and (c) air conditioning or mechanical ventilation be installed in the houses so that it will be possible for windows and doors to remain closed for sound insulation purposes. The requirements of the acoustical analysis have been made a condition of approval for the project.

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 April 12, 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.

Council District Plan Implementation Committee

The Council District 6 Plan Implementation Committee recommended approval of the project on March 19, 2018, by a vote of 4 to 0.

Public Services

The Public Utilities Department has identified water and sewer requirements for this project. These conditions are listed in the memoranda both dated March 21, 2018 and April 23, 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 April 10, 2018.

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 G).

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 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.

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. 6207 and Conditional Use Permit No. C-18-031 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. 6207 dated March 1, 2018
Exhibit A-1 Site Plan Dated April 24, 2018

Exhibit A-2	Entry Plan/Typical Lot Plan dated April 24, 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. 6207/July18, 2018
Exhibit J	Condition of Approval for CUP Application No. C-18-031
Exhibit K	Comments and Requirements for Responsible Agencies
Exhibit L	Acoustical Analysis Prepared by WJV Acoustics/September 26, 2017
Exhibit M	Environmental Assessment No. T-6207/C-18-031, Mitigated Neg Declar/June 28 2018