



## Legislation Details (With Text)

<b>File #:</b>	ID 20-00231	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	2/10/2020	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	2/19/2020	<b>Final action:</b>			
<b>Title:</b>	Consideration of Vesting Tentative Tract Map No. T-6280, Planned Development Permit No. P19-03951, and related Environmental Assessment No. T-6280/P19-03951 for property located on the southeast corner of North Dante and North Polk Avenues (Council District 2)				
	<ol style="list-style-type: none"><li>1. ADOPT Environmental Assessment No. T-6280/P19-03951, dated January 30, 2020, a Mitigated Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA).</li><li>2. APPROVE Vesting Tentative Tract Map No. T6280 subject to compliance with the Conditions of Approval dated February 19, 2020.</li><li>3. APPROVE Planned Development Permit No. P19-03951 subject to compliance with the Conditions of Approval dated February 19, 2020.</li></ol>				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A - Tentative Tract Map dated November 15, 2019, 2. Exhibit A-1 - Site Plan dated November 15, 2019, 3. Exhibit A-2 - Elevations dated August 8, 2019, 4. Exhibit B - Application Information, 5. Exhibit C - Current Aerial Photograph of Site 1, 6. Exhibit D - Fresno General Plan Planned Land Use, 7. Exhibit E - Notice of Public Hearing Vicinity Map, 8. Exhibit F - Fresno Municipal Code Findings, 9. Exhibit G - Conditions of Approval for Vesting Tentative Tract Map No. 6280 dated February 19, 2020, 10. Exhibit H - Conditions of Approval for Planned Development Permit No. P19-03951 dated February 19, 2020, 11. Exhibit I - Comments from Responsible Agencies, 12. Exhibit J - Mitigated Negative Declaration P19-03951 dated January 30, 2020				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## REPORT TO THE PLANNING COMMISSION

**February 19, 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-6280, Planned Development Permit No. P19-03951, and related Environmental Assessment No. T-6280/P19-03951 for property located on the southeast corner of North Dante and North Polk Avenues (Council District 2)

1. **ADOPT** Environmental Assessment No. T-6280/P19-03951, dated January 30, 2020, a Mitigated Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **APPROVE** Vesting Tentative Tract Map No. T6280 subject to compliance with the Conditions of Approval dated February 19, 2020.
3. **APPROVE** Planned Development Permit No. P19-03951 subject to compliance with the Conditions of Approval dated February 19, 2020.

**EXECUTIVE SUMMARY**

Daniel Bond, on behalf of Gateway Engineering, has filed Vesting Tentative Tract Map No. 6280 and Planned Development Permit No. P19-03951 pertaining to approximately 9.18 net acres of property located on the southeast corner North Dante and North Polk Avenues. Vesting Tentative Tract Map No. 6280 is a proposal to subdivide the property into a 90-lot single-family residential subdivision. Planned Development Permit No. P19-03951 proposes a gated development with private streets and modified property development standards. The subject property is located within the Fresno General Plan and the Bullard 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. 6280 proposes a 90lot single-family residential subdivision on approximately 9.18 acres at a density of 9.8 dwelling units per acre. Thus, the subject applications are consistent with the noted planned land uses and zoning approved for the project site and will implement the goals, objectives, and policies of the Bullard Community Plan and the Fresno General 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 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. P19-03951 was published on January 30, 2020 with no comments or appeals received to date.

## **BACKGROUND/ANALYSIS**

### **Project Setting/Details**

Daniel Bond, on behalf of Gateway Engineering, has filed Vesting Tentative Tract Map No. 6280 and Planned Development Permit No. P19-03951 pertaining to approximately 9.18 net acres of property located on the southeast corner North Dante and North Polk Avenues. Vesting Tentative Tract Map No. 6280 is a proposal to subdivide the property into a 90-lot single-family residential subdivision. Planned Development Permit No. P19-03951 proposes a gated development with private streets and modified property development standards. The subject property is located within the Fresno General Plan and the Bullard 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. 6280 proposes a 90 lot single-family residential subdivision on approximately 9.18 acres at a density of 9.8 dwelling units per acre. Thus, the subject applications are consistent with the noted planned land uses and zoning approved for the project site and will implement the goals, objectives, and policies of the Bullard Community Plan and the Fresno General Plan.

### **Planned Development Permit Application**

#### **Setbacks**

Planned Development Permit Application No. P19-03951 requests authorization to reduce the minimum setback requirements to accommodate smaller lots. The project proposes 5-foot front yard

setbacks (13-foot typical) and 8-foot rear yard setbacks (10-foot typical). The modified setbacks are intended to meet density standards as well as give the home buyer the option of purchasing an affordable home with less annual expense on yard maintenance and water consumption.

### Reduced Lot Size

The smallest proposed lots measure 36' x 65' and contain 2,340sq. ft. The standard minimum lot size in the RS-5 (*Single-Family Residential, Medium Density*) zone district is 4000 sq. ft.

It is noted that all of the proposed lots (lots 26-43), adjacent to the existing single family residential development to the east of the site, will not have a reduction of the rear yard setback. Rather, the applicant is proposing a 20' setback to living space at this location. The standard setback is 10'.

### **Sidewalks, streets, and access points**

The Public Works Department, Traffic Engineering Division has reviewed the proposed project for on- and off-site circulation and potential traffic impacts. The Mobility and Transportation element of the City of Fresno General Plan breaks down the City into four Traffic Impact Zones (TIZ). The subject site lies within TIZ III, which represents areas near or outside City Limits. Pursuant to Figure MT-4 of the Mobility and Transportation Element of the Fresno General Plan, the trigger for requiring a Traffic Impact Study (TIS) in TIZ III is when a project is anticipated to generate 100 or more new peak hour trips. City of Fresno, Department of Public Works, Traffic Engineering Division, uses the Institute of Transportation Engineers Trip Generation Manual (10<sup>th</sup> edition) to determine the number of new trips generated by development. It was determined that a 90-lot subdivision would generate 67 AM peak hour trips and 89 PM peak hour trips. Because a 90-lot subdivision is not anticipated to generate over 100 more new peak hour trips, a TIS was not required per the provisions of the Fresno General Plan.

It was determined the streets adjacent to and near the subject property will be able to accommodate the change in traffic generated from the development subject to the conditions within the memoranda from the Department of Public Works, Traffic Engineering Division dated December 6, 2019. These conditions include: (1) Dedication of public streets and right-of-way; (2) Street improvements (including but not limited to construction of concrete curbs, gutters, pavements, underground street lighting systems); (3) Payment of any applicable impact fees (including but not limited to Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and Regional Transportation Mitigation (RTMF) Fee.

The project proposes primary access on North Polk Avenue, which is designated by the Fresno General Plan Circulation Element as a collector street. There is emergency vehicle access only on West Corona Avenue. The project will be required to dedicate and construct improvements on all street frontages per City of Fresno Department of Public Works Standards.

### **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 as detailed in the Comments from Responsible Agencies dated December 11, 2019 (**Exhibit I**).

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located in West Polk Avenue. Infrastructure improvements and facilities include requirements for construction of sanitary sewer mains and separate sewer house branches for each lot. The proposed project will also be required to provide payment of sewer connection charges.

There is an existing 14-inch water main on North Dante and North Polk Avenue to serve the project. Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions and installation of services with meters will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. The proposed project will also be required to provide payment of water connection charges and fees.

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. The proposed project was reviewed for compliance with fire and life safety requirements for the building interior. Its intended use is reviewed by both the Fire Department and the Building and Safety Section of Planning and Development when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

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 can be accommodated by existing permanent drainage service provided the project complies with FMFCD requirements as detailed in its memorandum dated December 3, 2019.

### **Landscaping**

Per Public Works Engineering, the project is required to plant street trees at the rate of one tree per 40 linear feet of street frontage. The project will be required to comply with all conditions outlined in the attached memorandum from Public Works Engineering Division dated November 4, 2019.

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements ("Services") associated with all new developments are the ultimate responsibility of the Developer. The proposed project shall provide these services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 11 ("CFD No. 11"). All other maintenance requirements are outlined in the memoranda dated November 19, 2019.

The proposed project will be required to comply with FMC Section 15 Article 23 for all landscaping requirements. The proposed project is required to landscape all required setbacks and building perimeters. A Hold on Occupancy will be placed on the proposed project until an approved landscape plan is submitted for review and approved pursuant to the provisions of the FMC for all required landscaped areas.

The comments and conditions from all departments and responsible agencies have been incorporated into the Conditions of Approval, dated February 19, 2020. These conditions are attached as **Exhibit I**. 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 9.18 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.*

*Goal 11: Emphasize increased land use intensity and mixed use development at densities supportive of greater use of transit in Fresno.*

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

- Policy UF-1-f promotes diversity and variations of building types, densities, and scales of development to reinforce the identity of individual neighborhoods, and further affordable housing opportunities.*

*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-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.*

### Bullard Community Plan

Upon reviewing the policies contained in the Bullard 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. Further, it is to provide opportunities of higher densities in neighborhoods throughout the City. The proposed project meets the goals and objectives of the General Plan and the Bullard Community Plan by implementing the appropriate regulations of the RS-5 zone district and ensuring that new development is compatible to the existing structures in relation to scale, mass, and character.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within Sections 15-5905 (Planned Development) 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.

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.

### **District 2 Project Review Committee**

The Council District 2 Project Review Committee recommended approval of the project on January 27, 2020, by a vote of 3 to 0, with one member being absent.

### **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 F**).

### **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 Bullard 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-6280 and Planned Development Permit Application No. P19-03951 are appropriate for the subject property.

### **Attachments:**

- Exhibit A - Vesting Tentative Tract Map No. 6280 dated November 15, 2019
- Exhibit A-1- Site Plan dated November 15, 2019
- Exhibit A-2- Elevations dated August 8, 2019
- Exhibit B - Application for Subject Project
- Exhibit C - Current Aerial Photograph of Site
- Exhibit D - Fresno General Plan Planned Land Use Map
- Exhibit E - Noticing Vicinity Map
- Exhibit F - Fresno Municipal Code Findings
- Exhibit G - Conditions of Approval for Vesting Tentative Tract Map No. 6280 dated February 19, 2020
- Exhibit H - Conditions of Approval for Planned Development Permit No. P19-03951 dated February 19, 2020



- Exhibit I - Comments from Responsible Agencies Conditions of Approval for Planned Development Permit Application No. P19- 03951 dated February 19, 2020
- Exhibit J - Mitigated Negative Declaration T-6280/P19-03951 dated January 30, 2020