



## Legislation Details (With Text)

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**Title:** Consideration of Vesting Tentative Tract Map No. 6338/UGM and related addendum to Environmental Assessment No. A-16-014/R-16-013/T-6165 pertaining to ±11.34 acres of property located on the north side of East Church Avenue and the east side of South Sunnyside Avenue (Council District 5).

1. ADOPT an Addendum to Environmental Assessment No. A-16-014/R-16-013/T-6165 dated March 12, 2021, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

2. APPROVE Vesting Tentative Tract Map No. 6338/UGM, proposing to subdivide ±11.34 acres of property into a 66-lot single-family residential development, subject to compliance with the Conditions of Approval dated April 7, 2021.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6338/UGM dated March 5, 2021, 2. Exhibit B - Operational Statement dated February 19, 2021, 3. Exhibit C - Aerial Map, 4. Exhibit D - Vicinity Map, 5. Exhibit E - Fresno General Plan Land Use & Zoning Map, 6. Exhibit F - Fresno Municipal Code Findings, 7. Exhibit G - Public Hearing Notice Radius Map, 8. Exhibit H - Conditions of Approval for Vesting Tentative Tract Map No. 6338/UGM dated April 7, 2021, 9. Exhibit I - Comments and Requirements from Responsible Agencies, 10. Exhibit J - Second Addendum to Environmental Assessment No. A-16-014/R-16-013/T-6165 dated March 12, 2021, 11. Supplemental Material 1

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

**April 7, 2021**

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

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

**BY:** ROB HOLT, Planner III  
Development Services Division

**SUBJECT**

Consideration of Vesting Tentative Tract Map No. 6338/UGM and related addendum to Environmental Assessment No. A-16-014/R-16-013/T-6165 pertaining to  $\pm 11.34$  acres of property located on the north side of East Church Avenue and the east side of South Sunnyside Avenue (Council District 5).

1. **ADOPT** an Addendum to Environmental Assessment No. A-16-014/R-16-013/T-6165 dated March 12, 2021, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. **APPROVE** Vesting Tentative Tract Map No. 6338/UGM, proposing to subdivide  $\pm 11.34$  acres of property into a 66-lot single-family residential development, subject to compliance with the Conditions of Approval dated April 7, 2021.

## EXECUTIVE SUMMARY

Brian Yengoyan, of Citadel Development Group, Inc. has filed Vesting Tentative Tract Map No. 6338/UGM pertaining to  $\pm 11.34$  acres of property located on the north side of East Church Avenue and the east side of South Sunnyside Avenue. Vesting Tentative Tract Map No. 6338/UGM proposes to subdivide  $\pm 11.34$  acres of property into a 66-lot single-family residential development, subject to compliance with the Conditions of Approval dated April 7, 2021. The proposed density of the subdivision is 5.82 dwelling units per acre ("du/ac").

The subject property is located within the boundaries of the Fresno General Plan and Roosevelt Community Plan, and both plans designate the subject site for Medium Density Residential (5 to 12 du/ac) planned land uses. Approximately 25 lots are proposed to be less than 4,000 square feet in lot area, which requires compliance with Section 15-904.B of the FMC, respective to the provision of an Enhanced Streetscape. However, the proposed lot sizes and the provision of an Enhanced Streetscape do not otherwise alter the overall density of the proposed development.

Therefore, the subject application is consistent with the planned land use and zoning for the project site, and will implement the goals, objectives and policies of the Fresno General Plan and Roosevelt Community Plan.

## BACKGROUND/PROJECT ANALYSIS

The project site is located within an area that has been significantly developed with single-family residential neighborhoods to the north, south, and west, and rural residences to the east.

### The Oaks Master Plan Area

The proposed subdivision is a portion of a larger master plan area described as The Oaks Master Plan Area ("The Oaks"). A Development Agreement was adopted by the Fresno City Council on June 8, 2017 for The Oaks.

The Oaks encompasses a total of  $\pm 78$  acres of property. Vesting Tentative Tract Map No. 6165 ("T-6165") was the first phase of The Oaks that was approved and developed; consisting of a 208-lot conventional single-family residential development on  $\pm 22$  acres of land located to the north of the subject property. Vesting Tentative Tract Map No. 6338/UGM ("T-6338") is the second proposed single-family residential development for The Oaks, and is proposed to include 66 single-family

residential lots and a trail (providing a connection between East Church Avenue and the existing centralized park and linear open space/trail within T-6165) on  $\pm 11.34$  acres of property. Future development within The Oaks will include assisted living to the southwest on  $\pm 4.28$  acres of property, single-family residential (medium density) adjacent to the east of T-6338 on  $\pm 12.32$  acres of property, and community commercial further east at the northwest corner of East Church and South Fowler Avenues on  $\pm 7.11$  acres of property.

The Mitigated Negative Declaration for Environmental Assessment No. A-16-014/R-16-013/T-6165 reviewed environmental impacts of The Oaks. The Planning Commission recommended a change to the proposed zoning of the subject property from RM-2 (*Multi-Family Residential, Urban Neighborhood*) to RS-5 (*Single-Family Residential, Medium Density*) through an addendum to the Environmental Assessment dated May 10, 2017 ("First Addendum"), the Mitigated Negative Declaration and First Addendum were adopted by the City Council on May 25, 2017. Although the proposed density complies with the density range of the medium density residential planned land use designation, there were no specifics in the environmental assessment as to the number of lots to be developed on the subject property. This results in a requirement for a Second Addendum to Environmental Assessment No. A-16-014/R-16-013/T-6165 which will specify the number of lots for the subject property and which has been prepared for this project dated March 12, 2021.

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

Given the proposed subdivision is located along major streets, including East Church and South Sunnyside Avenues, and within the boundaries of the Roosevelt Community Plan, the developer is proposing a 15-foot wide landscape setback along South Sunnyside Avenue and a 20-foot landscape setback along East Church Avenue, consistent with the FMC. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the major streets. Major street entryways into the subdivisions will incorporate enhanced 10-foot wide landscaped buffer along the street side yards of adjacent lots. Interior end-blocks will incorporate a minimum 5-foot landscape strip in accordance with Section 15-4105-G-2-b of the Fresno Municipal Code.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. Furthermore, the developer is required to provide irrigation for all street trees.

Additionally, as referenced herein above, a trail connecting East Church Avenue to the centralized park and linear open space within Tract 6165 to the north will be installed. This is not a planned trail within the Paths and Trails exhibit, Figure MT-2 of the Fresno General Plan, rather it is proposed by the applicant.

### **Lot Area and Dimensions**

The minimum lot size of the RS-5 zone district is 4,000 square feet and the maximum is 6,500 square feet. The proposed subdivision proposes 25 lots that fall below the minimum lot area of 4,000 square feet. This will require compliance with Section 15-904-B of the FMC, respective to the provision of an Enhanced Streetscape. Enhanced Streetscapes require developers to construct houses with enhanced exterior and site features that offset the proposal of smaller lots. However, the proposed lot sizes, which will comply with the provision of an Enhanced Streetscape, do not otherwise alter the overall density of the proposed development beyond the permitted range of 5 to 12 du/ac.

Additionally, the minimum lot width requirement of the RS-5 zone district is 35 feet for interior lots and 40 feet for corner lots, and the minimum lot depth requirement is 70 feet. All lots within the proposed subdivision comply with these requirements.

As otherwise noted with the Enhanced Streetscape requirement, this project will comply with the setback requirements of the RS-5 zone district, which are as follows:

- Front: 13 feet to living façade, 18 feet to garage
- Garage to living façade: 4 feet
- Interior sides: 8 feet total, minimum 3 feet per side
- Street sides: 10 feet
- Rear: 10 feet

### Pocket Park

Section 12-4.705.a.ii of the FMC requires, for residential subdivisions with tentative maps containing more than fifty parcels the dedication of 0.6 acres per 1,000 residents for a pocket park...”

However, within Section 5.2(c) of the recorded Development Agreement for The Oaks (“Development Agreement”), a Community Park Amenity and Trail Amenity is required to be developed. The Community Park Amenity was developed along with the development of T-6165, prior to the proposed project, and is located directly north of the subject property. The Trail Amenity is proposed to be developed in conjunction with the proposed T-6338. Section 5.3 of the Development Agreement states, “In consideration of the development and dedication of the Community Park and related amenities, City waives the application of any Open Space Standards upon the development of the Oaks Tract Map (T-6165) and upon development of Vested Uses for Parcels A, B, and C.” Although the project proposes more than 50 parcels, the required open space for the subject property was already considered under the Development Agreement, thus complying with the open space requirements.

### **Land Use Plans and Policies**

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

- Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land, buildings, natural resources, and fiscal resources required for the long-term sustainability of Fresno.
- 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.
- 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.

- Emphasize and plan for all modes of travel on local and Major Streets in Fresno.
- Resolve existing public infrastructure and service deficiencies, make full use of existing infrastructure, and invest in improvements to increase competitiveness and promote economic growth.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

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.

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

Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Objective UF-14 emphasizes an urban form that facilitates multi-modal connectivity.

Policy UF-14-b emphasizes local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development and the creation of access for pedestrian and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.

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; and, Implementing Policy LU-5-c promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy

lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include: Parks and public schools within or near the neighborhood, public plaza/civic space; access to public transit, neighborhood-serving retail and a range of employment opportunities.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies as supported by the above-described General Plan goals, policies and objectives, and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

## **Housing Element Site**

The subject property is designated as a Housing Element site, and it is a site listed in the 2013-2023 RHNA Housing Sites Inventory. The Housing Sites Inventory establishes the total minimum capacity of this site to be 33 units with an affordability categorization of Above Moderate. The proposed project includes 66 units of Above Moderate housing, 49 of which are located in the area designated in the Inventory, providing consistency with the Housing Element of the Fresno General Plan and the RHNA Housing Sites Inventory. As such, findings are not required to be made under Government Code Section 65863(b)(2).

## **Public Services**

### *Fire Department*

The Fire Department offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District and the City of Clovis Fire Departments.

Based on the conditions received from the Fire Department dated March 11 2021, the subdivision will be served by Fire Station 15, which is located at 5630 East Park Circle Drive (approximately 1.6 miles away).

### *Public Utilities*

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site 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 nearest sanitary sewer main to serve the proposed tract map is a 15-inch sewer main located in South Sunnyside Avenue. The proposed project will be required to provide payment of sewer connection charges.

According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area. Permanent drainage service is available provided the developer

can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s) and will, therefore, not create flooding.

## **Mobility and Transportation**

The Fresno General Plan designates East Church and South Sunnyside Avenues as collector streets. The proposed project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within future subdivisions. Direct vehicular access will be relinquished along all major street frontages of single-family residential lots. The subdivision design for T-6338 includes two major street entryways to the interior of the subdivision: one providing access to East Church Avenue and the other providing access to South Sunnyside Avenue. Interior local streets are proposed to be dedicated in accordance with the City Standard 50-foot right-of-way which will provide for parking and sidewalks on both sides of all streets. There is one street ("Street A") that is proposed to be dedicated as a non-standard 44-foot right-of-way with sidewalk on the south side along the proposed lots, but no sidewalk on the north side since it abuts the existing trail.

Environmental Assessment No. A-16-014/R-16-013/T-6165 and the First Addendum analyzed the traffic impacts of the entire Oaks project area, which included the anticipated development of the subject property consistent with the Medium Density Residential planned land use designation. The Traffic Impact Study ("TIS") completed as a component of Environmental Assessment No. A-16-014/R-16-013/T-6165 and the First Addendum analyzed The Oaks in two project phases. Phase I includes T-6165 (previously approved), T-6338 (subject application), and the future senior assisted living complex southwest of T-6338. Phase II includes single-family residential development adjacent east of T-6338, and future Commercial Community development at the northwest corner of East Church and South Fowler Avenues. Future installation of one traffic signal at the intersection of East Church and South Fowler Avenues, and the modification of the existing traffic signal at the intersection of East Jensen and South Fowler Avenues, to include left-turn phasing on the northbound and southbound approaches, will occur prior to occupancy of any development of Phase II. It should be noted that, as a component of the development of T-6338, installation of a signal pole will be required at the intersection of Sunnyside and Church Avenues. A signal pole is similar to a street light, except the pole type is consistent with the pole type of a traffic signal. Also, the intersection of East Church and South Fordham Avenues is required to be designed with a full median opening to allow for left turn-ins and left turn-outs.

## **Council District Project Review Committee**

The Council District 5 Project Review Committee reviewed the proposed project at their regular meeting on March 8, 2021 and voted unanimously to recommend approval of the project with the condition that a drinking fountain be installed along the proposed trail as close to the neighborhood park in T-6165 as possible, 4 votes to 0.

## **Notice of Planning Commission Hearing**

The Planning and Development Department mailed notices of this Planning Commission hearing to all surrounding property owners within 1000 feet of the subject property, pursuant to Section 15-5007 of the FMC (**Exhibit G**).

## **ENVIRONMENTAL FINDINGS**

A Mitigated Negative Declaration and First Addendum was previously 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 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.

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).

The approved Mitigated Negative Declaration and First Addendum for Environmental Assessment No. A-16-014/R-16-013/T-6165 adopted by Council on May 25, 2017, anticipated single-family residential uses at a density consistent with the Medium Density Residential planned land use designation. Because a specific number of lots was not specified in the aforementioned Mitigated Negative Declaration, a second addendum dated March 12, 2021 has been prepared to incorporate this change. This addendum is a minor technical change. Per Section 15164 of the CEQA Guidelines, the addendum will not introduce any new significant environmental effects or substantially increase the severity of previously identified environmental effects (**Exhibit J**).

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings contained within Section 15-3309 et seq. of the Fresno Municipal Code. 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.

## 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 FMC; 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. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code 66400, *et seq.*) and staff concludes that the required findings contained within Section 15-3309 *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed project is appropriate for the project site.

### Attachments:

Exhibit A:	Vesting Tentative Tract Map No. 6338/UGM dated March 5, 2021
Exhibit B:	Operational Statement dated February 19, 2021
Exhibit C:	Aerial Map
Exhibit D:	Vicinity Map
Exhibit E:	Fresno General Plan Land Use & Zoning Map
Exhibit F:	Fresno Municipal Code Findings
Exhibit G:	Public Hearing Notice Radius Map
Exhibit H:	Conditions of Approval for Vesting Tentative Tract Map No. 6338/UGM dated April 7, 2021
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