



## Legislation Details (With Text)

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**Title:** (CONTINUED TO JULY 20, 2022)  
Consideration of Vesting Tentative Tract Map No. 6410; and related Environmental Assessment No. T-6410 for approximately 11.23 acres of property located on the north side of East Church Avenue, east of South Peach Avenue (Council District 5).

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. P22-00958/T-6410 dated May 20, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.

2. APPROVE Planned Development Permit Application No. P22-00958, proposing to allow for a density transfer and the entirety of the proposed subdivision to be developed consistent to the RS-5 zone district development standards.

3. APPROVE Vesting Tentative Tract Map No. 6410, proposing to subdivide approximately 11.23 acres of the subject property into a 73-lot single-family residential development subject to compliance with the Conditions of Approval dated July 6, 2022.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map No. 6410 [April 19, 2022], 2. Exhibit B - Operational Statement [April 19, 2022], 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. 6410 [July 6, 2022], 9. Exhibit I - Comments and Requirements from Responsible Agencies, 10. Exhibit J - Environmental Assessment No. P22-00958/T-6410 [May 20, 2022]

Date	Ver.	Action By	Action	Result
7/6/2022	1	Planning Commission	CONTINUED AS NOTED	

## REPORT TO THE PLANNING COMMISSION

**July 6, 2022**

**FROM:** WILL TACKETT, Planning Manager  
Development Services Division

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

**BY:** ROB HOLT, Planner III

Development Services Division

**SUBJECT**

(CONTINUED TO JULY 20, 2022)

Consideration of Vesting Tentative Tract Map No. 6410; and related Environmental Assessment No. T-6410 for approximately 11.23 acres of property located on the north side of East Church Avenue, east of South Peach Avenue (Council District 5).

1. **ADOPT** the Mitigated Negative Declaration prepared for Environmental Assessment No. P22-00958/T-6410 dated May 20, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
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**EXECUTIVE SUMMARY**

Jerome Keene of Century Communities, Inc. has filed Vesting Tentative Tract Map No. 6410 pertaining to approximately 11.23 acres of property located on the north side of East Church Avenue, east of South Peach Avenue.

Planned Development Permit Application No. P22-00958 proposes to allow for a density transfer and the entirety of the proposed subdivision to be developed consistent to the RS-5 zone district development standards.

Vesting Tentative Tract Map No. 6410 proposes to subdivide the property into a 73-lot single-family residential subdivision with public streets at a density of 6.50 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 property for Medium Low Density Residential (3.5 to 6 du/ac) and Medium Density Residential (5 to 12 du/ac) land use. Based upon the submitted subdivision design, and conditions of approval, the proposed subdivision can be found consistent with the Medium Low Density Residential and Medium Density Residential planned land uses for the subject property designated by both the Fresno General Plan and Roosevelt Community Plan.

**BACKGROUND / ANALYSIS**

The subject property is a vacant site located on the north side of East Church Avenue, just east of its intersection with South Peach Avenue. The general vicinity surrounding the subject property include primarily single-family residential neighborhoods, an elementary school, and a few vacant properties. A City well site is located adjacent to the west of the subject property, which upon its finished development, will incorporate future connectivity to the planned trail within the proposed subdivision design. The subject property is zoned RS-4/RS-5/UGM (*Single-Family Residential, Medium Low*

*Density/Single-Family Residential, Medium Density/Urban Growth Management*) and is planned for Medium Low Density Residential and Medium Density Residential uses.

## **Planned Development**

### *Development Standards*

In addition to submitting a vesting tentative tract map, the applicant has submitted a Planned Development Permit application. Pursuant to Chapter 15, Article 59 of the FMC, a Planned Development Permit is required in order to create a planned development (PD).

As part of the PD process, an applicant may request a modification of development standards. Planned Development Permit No. P22-00958 proposes modified property development standards, specifically, the RS-5 zone district development standards for the entirety of the subdivision. The RS-5 zone district development standards include the following:

#### Minimum Setbacks

- Front: 13 feet
- Interior Side: 10 feet total/4 feet per side
- Street Side: 10 feet
- Rear: 10 feet
- Garage from primary façade: 4 feet

Generally, the difference between the RS-4 and RS-5 zone district development standards, is that many of the minimum setback standards are slightly greater in the RS-4 district.

### *Density Transfer*

Density transfers are permitted through the processing of a Planned Development Permit pursuant to Section Sec. 15-310.c of the FMC. There are approximately 5.49 acres of Medium Low Density Residential land planned density and 6.40 acres of Medium Density Residential land planned within the subject property. The low end of the allowed “blended” density is approximately 51 lots. The high end of the allowed “blended” density is approximately 110 lots. As noted above the project is proposing 73 lots, which is within the allowed “blended” density.

### California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing and needs to quadruple the current rate of housing production over the next 7 years for prices and rents to decline. Approval of the vesting tentative tract map would help contribute to fulfilling the housing needs of the region.

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

Given the proposed subdivision is located along a major street (East Church Avenue) and within the boundaries of the Roosevelt Community Plan, the development will be required to install landscaping and irrigation within a minimum 15-foot-wide landscape strip along East Church Avenue. A trail is also proposed with a general northeast-southwest alignment adjacent to the canal located along the northern boundary line of the subject property. This trail segment is identified as a Class I Bike Path of the Fresno General Plan (Figure MT-2). The trail will provide connectivity for residents to the existing trail alignment east of the subdivision and a future trail connection adjacent to the City well site west of the proposed subdivision. All homes will either side onto the trail (if adjacent to the trail) or front onto the trail (if separated by a street). The Class I Bike Path will provide eventual connectivity to the schools within the immediate area, especially along East Church Avenue.

A minimum six-foot tall masonry block wall will be required along the rear of all lots adjacent to the major street (East Church Avenue). Major street entryways into the subdivision will incorporate enhanced 10-foot wide landscaped Outlots along the street side yards of adjacent lots. Interior end-blocks will incorporate a minimum 5-foot landscape strip with six-foot high concrete/masonry wall 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, an approximate 6,000 sq. ft. open space area is proposed at the northwest corner of the proposed subdivision, adjacent to the trail. The minimum requirement of open space for a pocket park within the proposed subdivision, pursuant to FMC Section 12-4.705, is 5,991 sq. ft. The proposal of 6,000 sq. ft. provides consistency with the FMC.

## **Public Services**

### **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 Program Environmental Impact Report, and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications, and policies.

For sanitary sewer service, these infrastructure improvements and facilities include extension of all sewer mains within the proposed tract to provide service to each lot connecting to the existing 54-inch sanitary sewer main located in East Church Avenue, as well as typical requirements including the construction and extension of sanitary sewer branches within the interior of future proposed tract. The proposed project will also be required to provide payment of sewer connection charges.

For water service, 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.

### **Fresno Metropolitan Flood Control District**

According to the Fresno Metropolitan Flood Control District (“FMFCD”), the subject site is located within a 100-year flood prone area as designated on the latest Flood Insurance Rate Maps, necessitating appropriate floodplain management action. The subject property also contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

### 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 May 3, 2022, the subject property will be served by Fire Station 15, which is located at 5630 East Park Circle Drive.

### **Streets and Access Points**

The Fresno General Plan designates East Church Avenue as a collector street. The proposed project will take access from two access points from East Church Avenue. 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.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed application 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 May 5, 2022. These requirements include: (1) Street dedications and improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and (2) 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.

### Vehicle Miles Traveled (VMT)

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as Vehicle Miles Traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project’s effect on automobile delay shall not constitute a significant environmental impact. Therefore,

LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that “[a] lead agency has discretion to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, pursuant to Senate Bill 743 to be effective of July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor’s Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

The City of Fresno VMT Thresholds adopted a screening standard and criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis.

The City of Fresno VMT Thresholds Section 3.0 regarding Project Screening discusses a variety of projects that may be screened out of a VMT analysis including specific development and transportation projects. For development projects, conditions may exist that would presume that a development project has a less than significant impact. These may be size, location, proximity to transit, or trip making potential.

One of the eligible screening criteria to whether a project is located within an area with low VMT, as designated in the screening map for residential uses (Figure 6) in the City of Fresno’s CEQA Guidelines for Vehicle Miles Traveled Thresholds Technical Advisory. These low VMT areas were calculated using Fresno County as the region. The Fresno County average VMT per capita is 16.10.

The proposed project is eligible to screen out because it is located in a low VMT zone, as designated by the Fresno COG screening map and Figure 6 of the City of Fresno CEQA Guidelines for VMT Thresholds. The VMT screen out exhibit can be found in Appendix H of Environmental Assessment No. P22-00958/T-6410 dated May 20, 2022 (**Exhibit J**).

## Housing Element

This project is located on a parcel listed in the 2013-2023 RHNA Housing Element Sites Inventory, which anticipates a minimum capacity of 51 above moderate units for this site. The 2013-2023 RHNA obligation for above moderate is 10,116 and the existing surplus capacity is 5,568 for a total existing capacity of 15,684 units. This project proposes 73 units of above moderate housing thus it will increase the surplus capacity to 5,590. As the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to

accommodate the City's share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.

## 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:

- 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.
- Promote a city of healthy communities and improve quality of life in established neighborhoods.
- 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.

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.

Policy UF-1-f promotes the use of 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-14 promotes development that facilitates multi-modal connectivity.

Policy UF-14-b promotes the design of local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development, and the ability to create access for pedestrians 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.

Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

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

Objective D-4 supports that the City preserve and strengthen Fresno's overall image through design review and create a safe, walkable, and attractive urban environment for the current and future generations of residents.

Policy D-4-e promotes innovative lot designs and patterns to enhance community livability in residential neighborhoods through new zoning provisions, with flexible development standards.

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 daily 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.

An approximate 6,000 sq. ft. open space area is proposed at the northwest area of the proposed subdivision connecting to the proposed trail.

Approximately one and one-half miles away to the north is an established commercial use corridor along East Kings Canyon Road providing employment opportunities for all new residents of the neighborhood.

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.

### **Council District Project Review Committee**

The Council District 5 Project Review Committee reviewed the proposed project at their regular meeting on May 23, 2022, and voted to recommend approval of the project, 3 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

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 Program Environmental Impact Report SCH No. 2019050005 ("PEIR"). 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.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the PEIR 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 PEIR.

It has been further determined that all applicable mitigation measures of the PEIR 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 the PEIR 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 PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR 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. P22-00958/T-6410 (**Exhibit J**) was published in the Fresno Bee on May 20, 2022, 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 15-3309 and 15-5905 et seq. of the Fresno Municipal Code. These findings are attached as

## Exhibit F.

### GROUNDINGS FOR DENIAL OF A 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 Sections 15-3309 and 15-5905 *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:**

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