



## Legislation Details (With Text)

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<b>Title:</b>	<p>Consideration of Vesting Tentative Tract Map No. 6400/UGM, Planned Development Permit Application No. P22-01515 and related Environmental Assessment No. T-6400/P22-01515, for property located on the southwest corner of East Clinton and North Armstrong Avenues (Council District 7).</p> <p>1. APPROVE the adoption of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6400/P22-01515 dated July 14, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines</p> <p>2. APPROVE Planned Development Permit Application No. P22-01515 proposing to modify the RS-5 (Single Family Residential, Medium Density) zone district development standards to allow for modification of garage setbacks.</p> <p>3. APPROVE Vesting Tentative Tract Map No. T-6400/UGM proposing to subdivide the approximate 11.65 net acre property into a 72-lot single-family residential development subject to compliance with the Conditions of Approval dated August 3, 2022, and the related environmental assessment.</p>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A: Vesting Tentative Tract Map No. 6400/UGM [04-07-22], 2. Exhibit B: Operational Statement, 3. Exhibit C: Aerial, 4. Exhibit D: Vicinity Map, 5. Exhibit E: Fresno General Plan Planned Land Use Map, 6. Exhibit F: Fresno Municipal Code Findings, 7. Exhibit G: Noticing Vicinity Map, 8. Exhibit H: Conditions of Approval for Vesting Tentative Tract Map T-6400 [08-03-22], 9. Exhibit I: Conditions of Approval for Development Permit P22-01515 [08-03-22], 10. Exhibit J: Comments & Requirements from Responsible Agencies, 11. Exhibit K: Environmental Assessment, Mitigated Negative Declaration [07-14-22]				

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

**August 3, 2022**

**FROM:** McKencie Perez, Planning Manager  
Development Services Division

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

**BY:** JUAN LARA, Planner  
Development Services Division

## **SUBJECT**

Consideration of Vesting Tentative Tract Map No. 6400/UGM, Planned Development Permit Application No. P22-01515 and related Environmental Assessment No. T-6400/P22-01515, for property located on the southwest corner of East Clinton and North Armstrong Avenues (Council District 7).

1. **APPROVE** the adoption of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6400/P22-01515 dated July 14, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines
2. **APPROVE** Planned Development Permit Application No. P22-01515 proposing to modify the RS-5 (*Single Family Residential, Medium Density*) zone district development standards to allow for modification of garage setbacks.
3. **APPROVE** Vesting Tentative Tract Map No. T-6400/UGM proposing to subdivide the approximate 11.65 net acre property into a 72-lot single-family residential development subject to compliance with the Conditions of Approval dated August 3, 2022, and the related environmental assessment.

## **EXECUTIVE SUMMARY**

Brandon De Young of De Young Properties, on behalf of De Young Properties, has filed Vesting Tentative Tract Map No. 6400/UGM and Planned Development Permit Application No. P22-01515 pertaining to approximately 11.65 net acres of property located on the southwest corner of East Clinton and North Armstrong Avenues.

Vesting Tentative Tract Map No. 6400/UGM is a proposal to subdivide the property into a 72-lot single-family residential subdivision with public streets. The proposed density of the subdivision is approximately 6.18 dwelling units per acre (du/ac).

The subject property is located within the Fresno General Plan and the McLane Community Plan, and both plans designate the subject site for Medium Density Residential (5 to 12 dwelling units per acre) planned land uses. Therefore, the subject application is consistent with the planned land use for the project site, and will implement goals, objectives, and policies of the Fresno General Plan and the McLane Community Plan.

The existing RS-5/ANX/UGM (*Single Family Residential, Medium Density/Annexation Overlay/Urban Growth Management*) zoning for the subject property and the proposed residential density of approximately 6.18 dwelling units per acre is consistent with the Medium Density Residential (5-12 du/ac) planned land use designation for the subject property.

## **BACKGROUND / ANALYSIS**

The subject property is located on the southwest corner of East Clinton and North Armstrong

Avenues and was previously developed with rural residences and agricultural uses. The adjacent properties to the north and south are currently in the process of being developed with single family residential uses properties to the west have been substantially developed with rural residential and single family residential uses, and properties to the east of the project site contain rural residences and agricultural 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 Application No. P22-01515 proposes modified property development standards. Planned Development Permit Application No. P22-01515 requests authorization to reduce the 4'-minium garage setbacks from primary façade requirement. A minimum of 18 of the 72 dwelling units will meet the 4-foot recessed garage standard. Fifty-four of the dwelling units propose a reduction of the 4-foot recessed garage standard based upon De Young Properties desired models for the community. The 54 dwelling units with the proposed reduction will have no recessed garage and will be directly even with the primary façade or will be protruding approximately 5-7 feet from primary façade.

The subject properties are zoned RS-5/ANX/UGM and are planned for Medium Density Residential planned land uses. The proposed project is required to comply with the standards within Section 15-903 of the Fresno Municipal Code (FMC), with exception of the required modifications through the Planned Development Permit.

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

The proposed subdivision is located adjacent and abutting to East Clinton and North Armstrong Avenues, which are both major streets and will be required to install landscaping and irrigation adjacent to the major streets. Outlots "A" and "B" propose to provide a 10-foot wide landscape strip along East Clinton Avenue. Outlot "C", which runs along North Armstrong Avenue, is proposing to provide a landscape strip, ranging from 16-24 foot wide, with sidewalk adjacent to existing PG&E power lines. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along the major streets. Proposed Outlots "E" and "F," which is approximately 0.63 acres in area, will serve as a public trail, open space, and landscaping purposes. Outlot "F" will serve as a joint trail connecting with future development to the west.

The developer is required to provide street trees on all public street frontages per the FMC and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 40' 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. The irrigation system shall comply with FMC Section 15-2309, Irrigation Specifications and AB1881.

The long-term maintenance and operating costs, including repair and replacement, of certain

required public improvements (“Services”) associated with all new single-family developments (e.g., landscaped areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of 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”).

## **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.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated Program 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 within the interior of the proposed tract to service each lot, and payment of water capacity fee charges. Installation of these services with meters to proposed residential lots will provide 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 not located within a flood prone or hazard area. Permanent drainage facilities are available pursuant to the requirements with the Fresno Metropolitan Flood Control District letter dated May 9, 2022

### **Fire Department**

The Fresno Fire Department reviewed the proposed project for requirements related to water supply, fire hydrants, and fire apparatus access to the buildings on site. Additional Fire service requirements for development of the proposed project will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources of water. The project has been conditioned to provide acceptable access, and compliance with the provision of two means of emergency access during all phases of construction is required.

## **Streets and Access Points**

The Fresno General Plan designates East Clinton and North Armstrong Avenues as collector streets. The project will take access from two access points one located on East Clinton Avenue, and a second entrance located on North Armstrong Avenues. The developer will also construct public

interior streets which are consistent with City of Fresno Public Works standard P-56A.

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 April 29, 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 baseline project VMT per capita using the Fresno COG VMT Analysis tool is 16.5 and is greater than the County VMT per capita 14% using the 13% threshold which warrens a VMT reductions of 15.67%. In order to further analyze the project's impacts, the site plan's components entered to conduct a project-specific VMT analysis using the City of Fresno Urban Form VMT Calculator. The City's VMT Threshold of significance is 13% which means that a project must reduce the VMT below existing by at least 13% in order to avoid exceeding the threshold of significance.

Project features that will contribute to the reduction of VMT while utilizing the City of Fresno Urban form Calculator include but are not limited to the following components: sidewalk width/length, the number of street trees within and along the project perimeter, the overall street tree canopy, the addition of walking trail along the southern end of the development and located recessed garages on 18 of the 72 proposed units.

Therefore, the project is projected to reduce VMT by 15.67 % below the existing. This is a reduction of more than 13% below existing baseline. Therefore, the VMT is below the threshold of significance. After analysis of the project using the City of Fresno Urban Form Calculator there are no impacts associated with VMT.

The VMT screen out exhibit can be found in Environmental Assessment No.T-6400/P22-01515 dated July 14, 2022 (**Table 17-2 VMT results**) on page 85.

## **Housing Element**

The proposed project is not located on a site listed in the 2013-2023 RHNA Housing Sites Inventory.

## **Council District Plan Implementation Committee**

The Council District 7 Project Review Committee is currently inactive and did not review the project.

## **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 (see attached Noticing Vicinity Map - **Exhibit G**).

## LAND USE PLANS AND POLICIES

### Fresno General Plan

As proposed, the project will be consistent with the Fresno General Plan goals and objectives related to residential 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.
- Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- 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-d further emphasizes provisions for a diversity and variation of building types, densities, and scales 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.

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; and, Implementing Policy LU-5-b promotes medium-low density residential uses to preserve existing uses of that nature or provide a transition between low and medium density residential areas.

Evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the area to serve existing development within the vicinity as well as future development on the subject property. Water mains and sewer mains have been developed in the subject quarter section to provide service for the proposed development. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

### McLane Community Plan

Upon reviewing the policies contained in the McLane Community Plan, staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC or the Fresno General Plan.

The purpose of these goals and objectives are to provide a variety of housing types for individual lifestyles and space needs. The proposed project meets the goals and objectives of the General Plan and the McLane 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.

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.

## 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 McLane 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.

All applicable mitigation measures have been applied to the project to ensure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects, and that all identified impacts can be mitigated to a level of less than significant.

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 and unavoidable 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-6400/P22-01515 was published on July 14, 2022 (**Exhibit K**).

## FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings contained within FMC Section 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**.

## GROUND FOR DENIAL OF TENTATIVE MAP

The Subdivision Map Act (California Government Code §§ 66410, *et seq.*) provides that approval of a



proposed subdivision map shall be denied if any of the following findings are made.

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff has reviewed the proposed vesting tentative tract map and has determined that none of the findings above apply to the project and, therefore, has recommended approval subject to the conditions of approval.

## **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 McLane 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. T-6400/UGM and Planned Development Permit Application No. P22-01515 are appropriate for the project site. Planning Commission action on the proposed Vesting Tentative Tract Map and Planned Development Permit, unless appealed to the Council, is final.

## **Attachments:**

- Exhibit A: Vesting Tentative Tract Map No. 6400/UGM [04-07-22]
- Exhibit B: Operational Statement
- Exhibit C: Aerial
- Exhibit D: Vicinity Map

Exhibit E:	Fresno General Plan Planned Land Use Map
Exhibit F:	Fresno Municipal Code Findings
Exhibit G:	Noticing Vicinity Map
Exhibit H:	Conditions of Approval for Vesting Tentative Tract Map T-6400 [08-03-22]
Exhibit I:	Conditions of Approval for Development Permit P22-01515 [08-03-22]
Exhibit J:	Comments & Requirements from Responsible Agencies
Exhibit K:	Environmental Assessment, Mitigated Negative Declaration [07-14-22]