



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	10/4/2022	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	10/19/2022	<b>Final action:</b>			
<b>Title:</b>	Consideration of a request for a discretionary two-year extension of time to the expiration date for Vesting Tentative Tract Map No. 6172/UGM pertaining to approximately 14.01 acres of property located on the south side of West Herndon Avenue and the east side of North Riverside Drive (Council District 2).				
	1. APPROVE the request for a discretionary two-year extension of time for the expiration date for Vesting Tentative Tract Map No. 6172/UGM, subject to compliance with the original conditions of approval as contained in Planning Commission Resolution No. 13700, and the attached Development Impact Fees dated October 12, 2022.				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A - Aerial Map, 2. Exhibit B - Vicinity Map, 3. Exhibit C - PC Resolution 13700, 4. Exhibit D - Vesting Tentative Tract Map 6172/UGM [10-5-20], 5. Exhibit E - Subdivider Request for Extension [9-12-22], 6. Exhibit F - Fresno Municipal Code Findings, 7. Exhibit G - Development Impact Fees [10-12-22]				

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

**October 19, 2022**

**FROM:** ISRAEL TREJO, Planning Manager  
Planning and Development Department

**BY:** ROB HOLT, Planner III  
Planning and Development Department

### SUBJECT

Consideration of a request for a discretionary two-year extension of time to the expiration date for Vesting Tentative Tract Map No. 6172/UGM pertaining to approximately 14.01 acres of property located on the south side of West Herndon Avenue and the east side of North Riverside Drive (Council District 2).

**1. APPROVE** the request for a discretionary two-year extension of time for the expiration date for Vesting Tentative Tract Map No. 6172/UGM, subject to compliance with the original conditions

of approval as contained in Planning Commission Resolution No. 13700, and the attached Development Impact Fees dated October 12, 2022.

## EXECUTIVE SUMMARY

Drew Phelps of Granville Homes has filed a request for a discretionary two-year time extension of Vesting Tentative Tract Map No. 6172/UGM pertaining to approximately 14.01 acres of property located on the south side of West Herndon Avenue and the east side of North Riverside Drive.

The requested time extension may only be granted if the required findings codified in Fresno Municipal Code (FMC) Section 15-3316(C)(2) can be made. Based upon the submitted application and the circumstances, staff has determined that the findings required for such an extension can be made (**Exhibit F**).

If the request is approved as recommended by staff, the vesting tentative map expiration date will be extended to December 2, 2024.

## BACKGROUND

### Development Permits

The applicant previously submitted and received approval of Development Permit Application No. D-17-030, which allows for the construction of a 312-unit multi-family complex on the subject property. The multi-family complex includes both two-story and three-story walk-up, garden-style apartments that feature one-, two- and three-bedroom units. Other amenities of the multi-family complex include a clubhouse and leasing office, private recreational areas and two electric vehicle charging stations. The covered parking includes six enclosed, attached garages.

The applicant subsequently submitted and received approval for Development Permit Application No. P20-00756, which is a revised exhibit to the originally approved development under Development Permit Application No. D-17-030, as discussed above. The revisions include the reduction of the total number of dwelling units from 312 to 234 and limiting the building heights to two stories instead of three stories.

### Map Extension Request

Vesting Tentative Tract Map No. 6172/UGM proposes a one-lot subdivision for condominium purposes on approximately 14.01 acres. The density, based on the development approved under Development Permit Application No. P20-00756, is at 16.7 dwelling units per acre. On December 2, 2020, the Fresno City Planning Commission, by a vote of 6-0, approved Vesting Tentative Tract Map No. 6172/UGM, subject to the conditions noted in Planning Commission Resolution No. 13700 (**Exhibit C**). Pursuant to Government Code Section 66452.6(a)(1) and the provisions of the Fresno Municipal Code, an approved or conditionally approved vesting tentative map shall expire 24 months after its approval or conditional approval. Therefore, the original expiration date of the subject tentative map is December 2, 2022. This extension, if granted, would extend the expiration date to December 2, 2024.

Staff recommends an extension as stated above which would preserve vested rights to proceed with

development in substantial compliance with the ordinances, policies, and standards in effect at the date the City originally accepted Vesting Tentative Tract Map No. 6172/UGM, to the extent that the developer shall pay contemporary development fees and charges as necessary, to achieve a fiscal sustainability balance through recuperation of costs for the expansion of the public facilities, services and infrastructure as necessary to support growth (**Exhibit G**).

### Subdivider Request for Time Extension

Staff received a letter from the applicant relating to the subject application dated September 12, 2022 (**Exhibit E**). This letter discusses that market conditions have resulted in a delay of the residential project and from the applicant obtaining a final recorded map.

Planning Department staff has reviewed the above noted letter from the applicant. Based on the information provided within the letter, staff continues to recommend approval of the request for a discretionary two-year extension of time for Vesting Tentative Tract Map No. 6172/UGM.

## **ENVIRONMENTAL FINDINGS**

A Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315/Class 15, as prepared for Environmental Assessment No. T-6172 dated November 6, 2020, was adopted by the Planning Commission on December 2, 2020, relative to the approval of Vesting Tentative Tract Map No. 6172/UGM. No further environmental analysis is required.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the application, staff concludes that the required findings contained within FMC 15-3316(C)(2) (Extensions of Time) can be supported.

The required findings are set forth below and explained within **Exhibit F** attached to this report:

- a) **No Change to General Plan.** There have been no changes to the provisions of the General Plan or any operative plan, or development plan that would cause the map to no longer be in conformity with the General Plan, operative plan, or development plan.
- b) **No Material Change to Development Code.** There have been no changes to the provisions of this Development Code that would cause the map to no longer be in conformity with this Development Code.
- c) **No Changes Affecting Application of the General Plan and Development Code.** There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project.
- d) **No Change Detrimentially Affecting Availability of Public Facilities to Serve Project.** There have been no changes to the capacities of community resources, including roads, schools, sewage treatment or disposal facilities, or water supply, so that there is no longer sufficient remaining capacity to serve the project.

## CONCLUSION

The appropriateness of the proposed request for an extension of time has been examined with respect to its conformity with the goals, objectives, and policies of the Fresno General Plan and the Citywide Development Code; its continued compatibility with surrounding existing or proposed uses and character of the site; and with respect to any changes to capacities of community resources which may have occurred. These factors have been evaluated as described herein above. Upon consideration of this evaluation, it can be concluded that the additional two-year extension of time to the expiration date of Vesting Tentative Tract Map No. 6172/UGM can be supported.

## Attachments:

- Exhibit A - Aerial Map
- Exhibit B - Vicinity Map
- Exhibit C - PC Resolution 13700
- Exhibit D - Vesting Tentative Tract Map 6172/UGM [10-5-20]
- Exhibit E - Subdivider Request for Extension [9-12-22]
- Exhibit F - Fresno Municipal Code Findings
- Exhibit G - Development Impact Fees [10-12-22]