



## Legislation Details (With Text)

**File #:** ID 23-153      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 1/18/2023      **In control:** Planning Commission  
**On agenda:** 2/15/2023      **Final action:**  
**Title:** Consideration of Vesting Tentative Tract Map 6385, Planned Development Permit Application P22-04278, and related Environmental Assessment T-6385/P22-04278 for approximately 11.10 acres of property located on the northwest corner of North Alicante Drive and North Willow Avenue (Council District 6).

1. ADOPT Environmental Assessment T-6385/P22-04278 dated January 25, 2023, an Addendum to the Final Subsequent Environmental Impact Report State Clearinghouse 200021003 ("SEIR") for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. APPROVE Vesting Tentative Tract Map 6385 dated December 19, 2022, proposing to subdivide approximately 11.10 acres of the subject property into a 39-lot single-family residential subdivision, subject to compliance with the Conditions of Approval dated February 15, 2023.
3. APPROVE Planned Development Permit Application P22-04278 proposing to modify the RS-4 (Single-Family Residential, Medium Low Density) zone district development standards to allow for a reduction in the front yard setback to living façade, increase of maximum lot coverage, and gated private streets.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vesting Tentative Tract Map 6385 [12-19-2022], 2. Exhibit A-1 - Planned Development Site Plan [12-19-2022], 3. Exhibit B - Operational Statement [12-19-2022], 4. Exhibit C - Aerial Map, 5. Exhibit D - Vicinity Map, 6. Exhibit E - Fresno General Plan Land Use & Zoning Map, 7. Exhibit F - Fresno Municipal Code Findings, 8. Exhibit G - Public Hearing Notice Radius Map (1000 feet), 9. Exhibit H - Conditions of Approval for Vesting Tentative Tract Map 6385 [2-15-2023], 10. Exhibit I - Conditions of Approval for Planned Development Permit Application P22-04278 [2-15-2023], 11. Exhibit J - Comments & Requirements from Responsible Agencies, 12. Exhibit K - Acoustical Analysis prepared by WJV Acoustics [9-20-2022], 13. Exhibit L - Environmental Assessment T-6385/P22-04278 [1-25-2023]

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

## REPORT TO THE PLANNING COMMISSION

**February 15, 2023**

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

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

## SUBJECT

Consideration of Vesting Tentative Tract Map 6385, Planned Development Permit Application P22-04278, and related Environmental Assessment T-6385/P22-04278 for approximately 11.10 acres of property located on the northwest corner of North Alicante Drive and North Willow Avenue (Council District 6).

1. **ADOPT** Environmental Assessment T-6385/P22-04278 dated January 25, 2023, an Addendum to the Final Subsequent Environmental Impact Report State Clearinghouse 200021003 ("SEIR") for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **APPROVE** Vesting Tentative Tract Map 6385 dated December 19, 2022, proposing to subdivide approximately 11.10 acres of the subject property into a 39-lot single-family residential subdivision, subject to compliance with the Conditions of Approval dated February 15, 2023.
3. **APPROVE** Planned Development Permit Application P22-04278 proposing to modify the RS-4 (*Single-Family Residential, Medium Low Density*) zone district development standards to allow for a reduction in the front yard setback to living façade, increase of maximum lot coverage, and gated private streets.

## EXECUTIVE SUMMARY

Bret Giannetta of Giannetta Engineering, Inc., on behalf of McDonald Homes, has filed Vesting Tentative Tract Map 6385 and Planned Development Permit Application P22-04278, pertaining to approximately 11.10 acres of property located on the northwest corner of North Alicante Drive and North Willow Avenue.

Vesting Tentative Tract Map 6385 proposes to subdivide the property into a 39-lot single-family residential subdivision with public and private streets at a density of 3.51 dwelling units per acre (du./ac.).

Planned Development Permit Application P22-04278 is a proposal to modify the RS-4 (*Single-Family Residential, Medium Low Density*) zone district development standards to allow for a reduction in the front yard setback to living façade, increase of maximum lot coverage, and gated private streets.

The subject property is located within the boundaries of the Fresno General Plan which designates the subject property for the Residential - Medium Low Density planned land use (3.5 to 6 du./ac.). Based upon the submitted subdivision design and Planned Development findings, and conditions of approval, the proposed subdivision can be found consistent with the Residential - Medium Low Density planned land use for the subject property as designated by the Fresno General Plan.

## BACKGROUND / ANALYSIS

The subject property is located on the northwest corner of North Alicante Drive and North Willow Avenue. The immediate surrounding area includes vacant single-family residential properties to the

north and south, a portion of the Copper River Country Club golf course to the west, and the County of Fresno to the east. A recently approved single-family residential subdivision with 272 lots is located immediately south of the subject property. A subsequent EIR was approved for the entire Copper River Ranch development area, which the proposed subdivision is located.

Planned Development Permit Application P22-04278 requests authorization to reduce the minimum setback requirement for the front yard to living façade from 13 feet to 10 feet to accommodate swing garages. Additionally, the Planned Development Permit also requests authorization to increase the maximum lot coverage from 50 percent to 60 percent and provide private gates and streets for 31 of the 39 lots (lots 9 through 39 of Vesting Tentative Tract Map 6385). The remaining 8 lots front onto a public street (Portofino Drive). It should be noted that the requested 10 percent increase to a 60 percent lot coverage shall only be allowed so long as it does not exceed any maximum requirements determined by the Fresno Metropolitan Flood Control District.

The subject property is zoned RS-4 and is planned for Medium Low Density Residential uses. The proposed project is required to comply with the development standards within Section 15-903 of the Fresno Municipal Code (FMC), except for the required modifications through the Planned Development Permit.

#### Copper River Ranch History - EIR

The Copper River Ranch Development was originally submitted to and approved by the County of Fresno Board of Supervisors in 2000. The project was designated and zoned for a mixture of uses including commercial, multi-family residential, and single-family residential. In 2001, the City of Fresno initiated the update of the General Plan and included the Copper River Ranch area. The Copper River Ranch Project was approved in 2003 by the Fresno City Council. The Copper River Ranch area has been in a state of development since 2004 and today, there are commercial and residential uses within the area.

The City of Fresno prepared and certified an Environmental Impact Report (10126) for the Copper River Ranch Project (State Clearinghouse 2000021003), adopted in 2003. Said EIR analyzed the following impacts:

- 2,837 residential units on 706 acres
- 250,000 sq. ft. of office/commercial (60 acres)

#### Copper River Ranch History - SEIR

The Copper River Ranch Project has been building out/developing since 2003 in general conformance to what was analyzed in the 2003 EIR. However, as development has occurred there have been some changes regarding subdivision layouts, number of units, and some changes to locations of commercial/office. In addition, there are approximately 170.77 acres that were not studied as part of the 2003 EIR and which the project applicant proposes to eventually develop approximately 109 acres of the 170.77 acres.

As such, those areas required additional environmental evaluation, and a Subsequent Environmental Impact Report (SEIR) was prepared and included a full evaluation of the “new” project areas as well as all proposed land use changes and associated maps (including subject tentative tract map).

The SEIR consisted of adding approximately 109 acres to the Copper River Ranch development that was not included in the original 2003 Copper River Ranch EIR and included land use and zoning

designation changes within the existing 706.5-acre Copper River Ranch development. The subject property of the proposed subdivision map was included within the SEIR for Medium Low Density Residential uses. On December 9, 2021, the Fresno City Council certified Final SEIR SCH 2000021003 relative to the overall Copper River Ranch Project.

The proposed project will require dedications for public street rights-of-way as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

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

### Trail

The proposed subdivision is located adjacent to and abutting a super arterial (North Willow Avenue) and a collector street (North Alicante Drive). A proposed Class I bicycle/pedestrian trail is to be constructed along the rear of lots with frontage along North Willow Avenue located within a minimum 26-foot wide outlet.

Pursuant to FMC Section 15-4107.G.4 (Pedestrian and Bicycle Paths), for subdivisions adjacent to a major street, a pedestrian path (including sidewalks and trails) to the major street shall be spaced no more than 600 feet apart. The proposed subdivision map will be required to provide one pedestrian paseo connecting the proposed gated subdivision to the trail.

### Walls

An Acoustical Study was completed for the project dated September 20, 2022 (**Exhibit K**), and the recommendations that will be included as conditions of approval are as follows:

- Sound wall constructed to a minimum height of six feet along the entire project site frontage adjacent to North Willow Avenue. Additionally, the sound wall shall be constructed toward the west, at the southern lot line of Lot 17 of Vesting Tentative Tract Map 6385 dated December 19, 2022.

### Landscaping/Open Space

The developer is required to provide street trees on all public street frontages per FMC Section 15-4308-N 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 60 feet 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 Assembly Bill (AB) 1881.

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 11.

Pursuant to Section 12-4.705 of the FMC, residential subdivisions with tentative maps containing 50 parcels or less are required to pay in-lieu fees for open space/park facility purposes; no on-site open space is required due to the limited number of proposed lots. A minimum of 28.8 acres of park space

is required within the overall Copper River Ranch project, pursuant to Mitigation Measure REC-1 of the Subsequent Environmental Impact Report prepared for said project. This park space will be required on future subdivisions as they are processed by the Planning and Development Department.

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

For water services, required infrastructure improvements and facilities include extension of water mains within the interior of the proposed tract to individual lots, providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

Installation of these services with meters to proposed residential lots along with payment of applicable Water Capacity Charges comprise this project's obligations toward implementation of the Fresno General Plan policies (including the mitigation measures of the associated SEIR). Implementation of the Water Resources Management Plan and the identified project-related conditions of approval 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

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project has permanent drainage service and can be accommodated by the district, upon construction of facilities to be constructed by the developer. The project applicant shall comply with the FMFCD requirements as detailed in their memoranda dated January 18, 2023.

### Fire Department

The subject property is located within the boundaries of the Fire Station 17 Service Area. 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. Internal access to the tract is acceptable, and compliance with the provision of two means of emergency access during all phases of construction is required. Emergency vehicle access (EVA) will be located from North Willow Avenue to the proposed private gated development and will be used for emergency services only and not for public use.

### Streets and Access Points

The Fresno General Plan designates North Willow Avenue as a super arterial, North Alicante Drive as a collector street, and North Portofino Drive as a local street. The project will provide access from North Portofino Drive for the lots with frontage on a public street, and from a gated entrance connecting to North Portofino Drive for lots with frontage on private streets. The developer of this project will be required to dedicate and construct improvements along all major street frontages and on all interior local streets within the subdivision. Direct vehicular access will be relinquished along all major street frontages.

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 which are attached to the conditions of approval. 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) Street improvements, (including but not limited to, construction of concrete curbs, gutters, and pavement, underground street lighting systems); and (3) 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.

#### 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 52 above moderate units for this site. The 2013-2023 RHNA obligation for above moderate is 10,116 and the existing surplus capacity is 5,525 for a total existing capacity of 15,641 units. 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.

#### Council District 6 Project Review Committee

The Council District 6 Project Review Committee reviewed the proposed project at their regular meeting on January 9, 2023, and voted to recommend approval of the project, 9 votes to 1.

#### Notice of Planning Commission Hearing

The Planning and Development Department mailed notices of this Planning Commission hearing to all surrounding property owners within 1,000 feet of the subject properties, pursuant to Section 15-5007 of the FMC (**Exhibit H**).

#### California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49<sup>th</sup> 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 seven years in order for prices and rents to decline. Approval of the subject project, including the tentative tract map, would help contribute to fulfilling the housing needs of the region.

## **LAND USE PLANS AND POLICIES**

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.

This goal contributes 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.

Objective LU-5 calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

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

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.

The proposed subdivision is surrounded on three sides by two major streets and one local street, and the remaining side is vacant single-family residential land. The proposed subdivision has been designed to promote connectivity to the major street with a trail. Pedestrian and bicycle access will be provided for more direct access to the greater community area.

The project supports the above-mentioned policies in that the density and intensity of the proposed development conform to the applicable Medium Low Density Residential land use designation of the Fresno General Plan.

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 FINDINGS

An environmental assessment was prepared for each project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

Preparation of the environmental assessments necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies, specifically the Final Subsequent Environmental Impact Report State Clearinghouse (SCH) 2000021003 (SEIR). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and student generation projections and school facility site location identification.

The proposed projects have been determined to be subsequent projects that are fully within the scope of the SEIR 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 the addendum to the SEIR.

It has been further determined that all applicable mitigation measures of the SEIR 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 SEIR as provided by CEQA Section 15178(a). In addition, pursuant to PRC Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the SEIR was certified and that no new information, which was not known and could not have been known at the time that the SEIR 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 the addendum is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15164.

Based upon the attached environmental assessment (**Exhibit L**) 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 an addendum for this project.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the application, staff concludes that the required findings contained within Section 15-3309 (Vesting Tentative Tract Map Findings) and 15-5905 (Planned Development Permit Findings) of the FMC can be made. These findings are attached as **Exhibit F**.

## **GROUNDINGS FOR DENIAL OF TENTATIVE MAP**

The Subdivision Map Act (California Government Code §§ 66400, *et seq.*) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made:

1. The proposed map is not consistent with applicable general and specific plans, as specified in Section 65451 of the Subdivision Map Act.
2. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. The site is not physically suitable for the proposed development.
4. The site is not physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or improvements is likely to cause serious public health problems.
7. The design of the subdivision or 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 or use of, will be provided, and that these will be substantially equivalent to those previously acquired by the public. This subsection shall only apply to easements of record or



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 planned development 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; 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. Upon consideration of this evaluation, it can be concluded that Vesting Tentative Tract Map 6385 and Planned Development Permit Application P22-04278 are appropriate for the subject property. Planning Commission action of the proposed Vesting Tentative Tract Map and Planned Development Permit, unless appealed to the Council, is final.

## Attachments:

- Exhibit A - Vesting Tentative Tract Map 6385 [12-19-2022]
- Exhibit A-1 - Planned Development Site Plan [12-19-2022]
- Exhibit B - Operational Statement [12-19-2022]
- 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 (1000 feet)
- Exhibit H - Conditions of Approval for Vesting Tentative Tract Map 6385 [2-15-2023]
- Exhibit I - Conditions of Approval for Planned Development Permit Application P22-04278 [2-15-2023]
- Exhibit J - Comments & Requirements from Responsible Agencies
- Exhibit K - Acoustical Analysis prepared by WJV Acoustics [9-20-2022]
- Exhibit L - Environmental Assessment T-6385/P22-04278 [1-25-2023]