



Legislation Details (With Text)

**File #:** ID 24-449      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Agenda Ready

**File created:** 3/25/2024      **In control:** Planning Commission

**On agenda:** 4/3/2024      **Final action:**

**Title:** Hearing to Consider Tentative Tract Map No. 6411 and related Environmental Assessment No. T-6411 for approximately 7.95 acres of property located on the northwest corner of West Church and South Thorne Avenues (Council District 3) - Planning and Development Department.

1. ADOPTION of the Mitigated Negative Declaration prepared for Environmental Assessment No. T-6411 dated February 16, 2024, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. APPROVAL of Tentative Tract Map No. 6411 proposing to subdivide approximately 7.95 acres of the subject property into a 58-lot single-family residential conventional development, subject to compliance with the Conditions of Approval dated April 3, 2024.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Tentative Tract Map 6411 [8-21-2023], 2. Exhibit B - Operational Statement [8-21-2023], 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 Tentative Tract Map 6411 [4-3-24], 9. Exhibit I - Comments & Requirements from Responsible Agencies, 10. Exhibit J - Environmental Assessment T-6411 [2-16-2024]

| Date     | Ver. | Action By           | Action | Result             |
|----------|------|---------------------|--------|--------------------|
| 4/3/2024 | 1    | Planning Commission |        | CONTINUED AS NOTED |

**REPORT TO THE PLANNING COMMISSION**

**April 3, 2024**

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

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

**SUBJECT**

Hearing to Consider Tentative Tract Map No. 6411 and related Environmental Assessment No. T-6411 for approximately 7.95 acres of property located on the northwest corner of West Church and South Thorne Avenues (Council District 3) - Planning and Development Department.

1. ADOPTION of the Mitigated Negative Declaration prepared for Environmental Assessment No. T-6411 dated February 16, 2024, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. APPROVAL of Tentative Tract Map No. 6411 proposing to subdivide approximately 7.95 acres of the subject property into a 58-lot single-family residential conventional development, subject to compliance with the Conditions of Approval dated April 3, 2024.

## EXECUTIVE SUMMARY

Central Valley Engineering and Surveying, Inc., on behalf of DS Chouhan, LLC, has filed Tentative Tract Map No. 6411 pertaining to approximately 7.95 acres of property located on the northwest corner of West Church and South Thorne Avenues.

The subject property is located within the boundaries of the Fresno General Plan and Southwest Fresno Specific Plan, and both plans designate the subject property for Medium Density Residential (5 to 12 du/ac). Based upon the submitted subdivision design, and conditions of approval, the proposed subdivision can be found consistent with the Medium Density Residential planned land use for the subject property.

## BACKGROUND

The subject property is a vacant site located on the northwest corner of West Church and South Thorne Avenues. The general vicinity surrounding the subject property include a former landfill site adjacent to the north, single-family and rural residential to the east, disturbed vacant land planned for Medium Density Residential uses to the south, and undisturbed vacant land planned for Employment - Office uses to the west.

### Dual Designation (Open Space & Medium Density Residential)

All property planned for new parks, open space, and public facilities (such as school sites) carry dual land use designations, so that if that facility is not needed, private and public development consistent with zoning and development standards may be approved. These dual land use designations are shown in Figure LU-2: Dual Designation of the Fresno General Plan.

The subject property is a dual designation property planned for Open Space - Community Park and Medium Density Residential. Planning staff consulted with the PARCS staff to determine if the subject property would be developed as a park. On November 14, 2022, the PARCS Director recommended the City not pursue a purchase of the subject property for purposes of developing a park, and it was indicated that the City Manager's Office reviewed and agreed with this recommendation. Thus, the subject property can be developed consistent with the Medium Density Residential planned land use designation and RS-5 zone district development standards.

### Property located directly north of the subject property - Former Landfill Site

According to the Fresno County Environmental Health Division ("FCEH"), the subject site is located within 1,000 feet from the boundary of a closed disposal site that is located directly north of the subject property. FCEH recommended that prior to any future development, the developer be required to comply with the following: 1) The provisions set forth within the Post Closure Land Use Plan Elements of the California Code of Regulations Title 27, Section 21190 et. seq.: 2) A Phase II

Environmental Site Assessment (ESA) be performed to determine if landfill gases are present; and, 3) A landfill mitigation plan be required.

The requirement for consistency with the Post Closure Land Use Plan Elements and the landfill mitigation plan are conditioned with Tentative Tract Map No. 6411 and provided as project-specific mitigation measures within Environmental Assessment No. T-6411. A Phase II ESA was performed and did not identify any landfill gases.

The subject application was referred to the State of California Department of Toxic Substances Control (DTSC) for review and comment. The DTSC conducted a review using EnviroStor and other online resources to find any potential concerns regarding the subject property. The DTSC did not find any record of potential contamination nor any land use restrictions on the subject property. Additionally, the DTSC did not have any recommendations or requirements for the proposed project.

### 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 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 (West Church Avenue), the development will be required to install landscaping and irrigation within a minimum 10-foot-wide landscape strip abutting all property lines with frontage along West Church Avenue.

The developer is required to provide street trees on all public street frontages per Fresno Municipal Code (FMC) Section 15-4108. 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.

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 site is within the existing Community Facilities District No. 11 and shall provide their fair share of funding for maintenance of public improvements within the area.

### Walls

Major street entryways into the subdivision will incorporate enhanced 10-foot wide landscaped Outlots along the street side yards of adjacent lots. All rear property lines along the east, west, and south subdivision boundary are required to install a six-foot high concrete/masonry wall.

### Open Space

Based on the requirements of FMC Section 12-4.705, the proposal of 58 single-family residential lots

requires a minimum of 4,760 square feet of open space. The amount of open space provided within the tract map is 5,056 square feet, which meets the minimum requirement identified in FMC Section 12-4.705.

## **Public Services**

### Public Utilities

The Department of Public Utilities 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 sanitary sewer service, these infrastructure improvements and facilities include construction of a new 8-inch sanitary sewer main in South Thorne Avenue from the existing 8-inch sewer main in South Thorne Avenue to the north property line of the subdivision. Other typical requirements include the construction and extension of sanitary sewer mains and branches within the interior of the proposed tract, including the connection to the existing 30-inch sewer main in West Church Avenue and existing 8-inch sewer main in South Thorne Avenue. 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 an 8-inch water main in South Thorne Avenue from the existing 8-inch water main located in South Thorne Avenue north across the subdivision boundary. Other typical requirements include the construction and extensions 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, the subject property is not located within a flood prone or hazard area. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s). Drainage from the site shall be directed to West Church Avenue. The developer is required to construct a channel and provide openings in the proposed block wall to allow storm water runoff conveyance from the area north of the proposed subdivision to reach West Church Avenue.

### 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 September 7, 2023, the subject property will be served by Fire Station 3, which is located at 1406 Fresno Street (approximately 1.4 miles away).

## **Streets and Access Points**

The Fresno General Plan designates West Church Avenue as a collector street. The proposed

project will take access from one access point on West Church Avenue and one access point on South Thorne Avenue via a public street entrance for both. Pursuant to the conditions of approval for the subject application, the applicant is required to construct curb, gutter, sidewalk, curb ramps, undergrounding of street lighting along the western frontage of South Thorne Avenue, and 18 feet of permanent paving within the limits of the subdivision along South Thorne 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 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 October 23, 2023. 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 as 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 3.1 regarding Development Projects states that if a project constitutes a General Plan Amendment or a Rezone, none of the screening criteria may apply, and that the City must evaluate such projects on a case-by-case basis. In this case, the Project includes both a General Plan Amendment and a Rezone. Accordingly, a quantitative VMT analysis is required.

The thresholds of significance were developed using the County of Fresno as the applicable region, and the required reduction of VMT (as adopted in the Fresno VMT Thresholds) corresponds to Fresno County's contribution to the statewide GHG emission reduction target. In order to reach the statewide GHG reduction target of 15%, Fresno County must reduce its GHG emissions by 13%. The method of reducing GHG by 13% is to reduce VMT by 13% as well.

The City's adopted thresholds for development projects correspond to the regional thresholds set by the Fresno Council of Governments (COG). For residential projects, the adopted threshold of significance is a 13% reduction, which means that projects that do not result in at least a 13% reduction from the existing regional VMT per capita would have a significant environmental impact. Projects that reduce VMT by 13% or more are considered to have a less than significant impact.

Quantitative assessments of the VMT generated by residential projects having 500 or fewer dwelling units, including the proposed Project, are determined using the COG VMT Calculator Tool (see sections 4.3.1 and 4.3.2 on page 26 of the Fresno CEQA Guidelines for Vehicle Miles Traveled dated June 25, 2020).

The Fresno COG VMT Calculator Tool indicated the Transportation Analysis Zone in which this Project is located would generate 8.41 VMT per capita. As the City's established VMT threshold is 14.01 VMT per capita, the Project's impact to vehicle miles traveled is less than the 13% minimum threshold, resulting in a less than significant impact.

## **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.

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.

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-c promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities.

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.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most of all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities.

An approximate 5,065 sq. ft. open space area is proposed in the central area of the proposed subdivision providing recreational opportunities for the residents of the subdivision.

Approximately one-quarter mile away east of the subject property is a high-quality transit bus route (Bus Route 38) which is a bus route that provides 15-minute frequency service during peak-hour intervals at bus stops along the route. This route travels through the center of Downtown as well as Cedar and Nees Avenues which provide plenty of shopping and recreational opportunities.

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 3 Project Review Committee reviewed the proposed project at their regular meeting on September 26, 2023, and voted to recommend approval of the project with the condition that the applicant work with the Southwest Fresno Development Corporation (SFDC) to host a neighborhood meeting for the nearby residents, 3 votes to 0.

The applicant wishes to move forward with the proposed tentative tract map application without holding a neighborhood meeting. It should be noted that neighborhood meetings are not a requirement for filing and/or processing an application for a tentative tract map pursuant to FMC Chapter 15, Article 33 (Tentative Parcel and Tentative Map Filing and Processing).

### **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 Southwest Fresno Specific 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. T-6411 (**Exhibit J**) was published in the Fresno Bee on February 16, 2024, with no comments received to date.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, Staff concludes that the required findings contained within Section 15-3309 et seq. of the Fresno Municipal Code can be made. These findings are attached as **Exhibit H**.

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

The Subdivision Map Act (California Government Code §§ 66410, et seq.) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made.

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

Staff has reviewed the proposed 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 Southwest Fresno Specific 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 SMA and staff concludes that the required findings contained within Section 15-3309 of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed projects are appropriate for the project site.

## **ATTACHMENTS:**

- Exhibit A - Tentative Tract Map 6411 [8-21-2023]
- Exhibit B - Operational Statement [8-21-2023]
- Exhibit C - Aerial Map
- Exhibit D - Vicinity Map
- Exhibit E - Fresno General Plan Land Use & Zoning Map
- Exhibit F - Fresno Municipal Code Findings
- Exhibit G - Public Hearing Notice Radius Map
- Exhibit H - Conditions of Approval for Tentative Tract Map 6411 [4-3-2024]
- Exhibit I - Comments & Requirements from Responsible Agencies
- Exhibit J - Environmental Assessment T-6411 [2-16-2024]