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Title:	<p>Consideration of Rezone Application No. P22-00451, pertaining to ±5.57 acres of property located on the southwest corner of West Bullard Avenue and North Del Mar Avenue (Council District 4).</p> <p>1. ADOPT Environmental Assessment No. P22-00451, dated May 18, 2022, a determination that the proposed project is in compliance with Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the California Environmental Quality Act.</p> <p>2. BILL (for introduction and adoption) Approving Rezone Application No. P22-00451 proposing to rezone the subject property from the PI/cz (Public and Institutional/with conditions of zoning) zone district to the PI/cz (Public and Institutional/with conditions of zoning) zone district in order to modify the conditions of zoning tied to the ±5.57 acres of property located at 255 West Bullard Avenue.</p>				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	<p>1. Exhibit A- Vicinity Map, 2. Exhibit B – Aerial Photograph, 3. Exhibit C – Planned Land Use, 4. Exhibit D – Zoning Map, 5. Exhibit E – Noticing Map, 6. Exhibit F – Master Application, 7. Exhibit G – Operational Statement, 8. Exhibit H – Exhibits (Site Plans and Operational Statement), 9. Exhibit I – Public and Institutional Use Table, 10. Exhibit J – Ordinance and Zoning Contract for Rezone Application No. R-00-041, 11. Exhibit K- Public Hearing Notice & Notcing Map, 12. Exhibit L- Public Comments, 13. Exhibit M– Fresno Municipal Code Findings, 14. Exhibit N- Environmental Assesment, 15. Exhibit O – Ordinance for P22-00451, 16. Exhibit P- PowerPoint Presentation, 17. Exhibit Q- Planning Commission Resolution</p>				

Date	Ver.	Action By	Action	Result
8/11/2022	1	City Council	APPROVED AS AMENDED	Pass

REPORT TO THE CITY COUNCIL

FROM: JENNIFER K. CLARK, Director
Planning and Development Department

THROUGH: MCKENCIE PEREZ, Interim Planning Manager
Development Services Division

BY: AUBRIE RICHARDSON, Planner II
Development Services Division

SUBJECT

Consideration of Rezone Application No. P22-00451, pertaining to ±5.57 acres of property located on the southwest corner of West Bullard Avenue and North Del Mar Avenue (Council District 4).

1. ADOPT Environmental Assessment No. P22-00451, dated May 18, 2022, a determination that the proposed project is in compliance with Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the California Environmental Quality Act.

2. BILL (for introduction and adoption) Approving Rezone Application No. P22-00451 proposing to rezone the subject property from the PI/cz (Public and Institutional/with conditions of zoning) zone district to the PI/cz (Public and Institutional/with conditions of zoning) zone district in order to modify the conditions of zoning tied to the ±5.57 acres of property located at 255 West Bullard Avenue.

RECOMMENDATIONS

Staff Recommends that the City Council take the following actions:

1. ADOPT Environmental Assessment No. P22-00451, dated May 18, 2022, a determination that the proposed project is in compliance with Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the California Environmental Quality Act.
2. BILL (for introduction and adoption) Approving Rezone Application No. P22-00451 proposing to rezone the subject property from the PI/cz (Public and Institutional/with conditions of zoning) zone district to the PI/cz (Public and Institutional/with conditions of zoning) zone district in order to modify the conditions of zoning tied to the ±5.57 acres of property located at 255 West Bullard Avenue.

EXECUTIVE SUMMARY

Rezone Application No. P22-00451 was filed by Jennifer Clark, on behalf of the City of Fresno, and pertains to approximately ±5.57 acres located at 255 West Bullard Avenue. The subject property is planned for Public/Quasi-public Facility uses and is currently zoned PI/cz (Public and Institutional/with conditions of zoning). The request is for authorization to rezone the subject property from the PI/cz (Public and Institutional/with conditions of zoning) zone district to the PI/cz (Public and Institutional/with conditions of zoning) zone district in order to modify the conditions of zoning to the following:

The Planning Commission considered the item on July 6, 2022 and recommended approval with the following conditions:

1. A wall with a minimum height of six feet shall be installed along the southern property line.
2. Vehicular access to Del Mar Avenue is limited to emergency access.
3. Allowed uses include:
 - a. Public or Private School or College
 - b. Emergency Shelters
 - c. Social Service Facilities

The existing condition of zoning on the property limits the development of the site to a school or college. Table 15-1402 (**Exhibit I**) of the Fresno Municipal Code (FMC) prescribes the proposed land use regulations for Public and Semi-Public District; specifically, the permissibility of land uses. Modifying the existing condition of zoning limiting the use of the subject property to a school or college will allow the subject property to be utilized for other uses as outlined in the staff recommendation or developed for those land uses identified as being permissible in the base PI (*Public and Institutional*) zone district.

BACKGROUND/ANALYSIS

The subject property is located within the boundaries of the Fresno General Plan, Bullard Community Plan, and the Fresno County Airport Land Use Compatibility Plan. These plans designate the subject ±5.57-acre property for Public/Quasi-public Facility planned land uses. The underlying PI (*Public and Institutional*) zone district is consistent with Public/Quasi-public Facility planned land use designation.

The subject property is currently developed with an existing building, which is currently occupied. The site was constructed prior to annexation into the City of Fresno in 1980. The surrounding property to the north is developed with multifamily residences, to the west with professional office uses, and to the south and east with single family residences.

Based upon the existing condition of zoning tied to the property, only schools and colleges are permitted. Therefore, the subject rezone application was filed to remove the condition of zoning and allow for limited uses permitted in the PI zone district.

Conditions of Zoning

Rezone Application No. R-00-041 approved by the Fresno City Council on January 23, 2001 by Ordinance No. 2001-4 (**Exhibit J**), rezoned 5.66 acres of property located on the southwest corner of North Del Mar and West Bullard Avenues from the R-1-C (Single-Family Residential) zone district to the C-P/cz (Administrative and Professional Office/conditions of zoning) zone district for purposes of facilitating commercial office development. Prior to approval of the proposed C-P zone district a condition of zoning was added. On May 10, 2001 a Zoning Contract was recorded on the subject property, pursuant to the requirements of Rezone Application No. R-00-041. The ordinance specified one condition of zoning, outlined below:

- 1) The use of the subject property described here-in-above shall be limited to the development of a school or a college.

Rezone Application No. R-00-041 was submitted by a non-profit organization, Heald Colleges of California, for the purposes of establishing a school at the location. The primary purpose of the condition of zoning was based on the proposed use and the residential properties located in the surrounding area.

City Council adopted a citywide rezone on December 3, 2015, through Ordinance No. 2015-39. The citywide rezone application rezoned the subject property from C-P/cz (*Administrative and Professional Office/ with conditions of zoning*) to the PI/cz (*Public and Institutional/with conditions of zoning*).

Fresno Municipal Code

Future development of the site or use of the existing building shall comply with the provisions of the FMC, including but not limited to setbacks, transition standards, parking, and landscaping, and shall comply with all applicable design guidelines and development standards for the PI (Public and Institutional) zone district.

Public Notice and Input

Council District Project Committee Review

The Council District 4 Project Review Committee does not have an active committee at this time.

Council District 4 Neighborhood Meeting

The District 4 Councilmember held a neighborhood meeting on June 21, 2022.

Property Owner Neighborhood Meeting

A second neighborhood meeting was held on June 29, 2022 by the property owner via Zoom. At the meeting the property owner provided additional information relative to a prospective buyer and future tenant for the subject property. Members of the community as well as the Fresno Police Department were there to speak in favor of the proposed buyer and use. The public had the opportunity to ask questions that were answered directly by the property owner and the interested buyer.

Neighboring property owners raised questions and/or shared concerns relative to security, the height of the existing wall developed along the southerly shared property line with single family homes, the nature and form of potential future development, and the potential impact to residential property values.

With respect to the existing screening wall along the south property line shared with adjacent to the single-family residences, it should be noted that the following provision of the FMC applies:

Section. 15-2008. B Screening Between Differing Land Uses.

Common Property Lines. A six-foot-high screen wall shall be provided on the interior lot lines where any non-residential use abuts a residential district and where multi-family development of four or more units abuts a single-family residential district. Walls shall step down to three feet in height along interior property lines within front yards.

When measuring the height of fences, the FMC provides that the height is measured as the vertical distance from the ground level immediately under the structure to the top of the structure; and, where a grade differential exists, from the ground level on the highest side of the fence or wall. As a grade differential does appear to exist between the subject property and the adjacent single-family residential properties (with the grade of the subject property being the highest side), the height of the existing wall may need to be raised in order to comply with the requirements of the FMC.

A six-foot high screening wall is the minimum required. However, outside of the front or street side yards, the maximum height for fences or walls in the PI District is seven feet.

Fresno City Planning Commission Action

The Planning Commission considered the item on July 6, 2022, and recommended approval with the following conditions:

1. A wall with a minimum height of six feet shall be installed along the southern property line.
2. Vehicular access to Del Mar Avenue is limited to emergency access.
3. Allowed uses include:
 - a. Public or Private School or College
 - b. Emergency Shelters

c. Social Service Facilities

Notice of City Council Hearing

On July 27, 2022, the Planning and Development Department mailed notices of the August 11, 2022 City Council Hearing to surrounding property owners within 1,000 feet of the subject site in accordance with Section 15-5007 of the FMC. See (**Exhibit K**) for Notice of City Council Hearing.

Public Input

Substantial correspondence and/or testimony from nearby residences were received, which opposed the proposed rezone application. Residents' concerns were the following and are attached as (**Exhibit L**):

- Lack of transparency
- Height of wall on the south property line
- Use of the subject property for a homeless shelter
- Use of the subject property for a Substance Abuse Clinic

LAND USE PLANS AND POLICIES

Fresno General Plan

The Fresno General Plan designates the subject property for Public/Quasi-public Facilities planned land use and provides objectives to guide in the development of this project. The planned land use designation is intended for public facilities, such as city hall, county buildings, schools, colleges, the municipal airports, and hospitals. It also includes public facilities, such as fire and police stations, city-operated recycling centers, sewage treatment plants, neighborhood, community and regional parks, recreational centers, and golf courses. Finally, it applies to multi-purpose trails that serve both regional and neighborhood needs.

The purposes of the public and semi-public zone districts are:

Provide areas for a wide range of public facilities, including parks and open space, educational facilities, cultural and institutional uses, health services, municipal offices, general government operations, utility and public service needs, and other public or quasi-public facilities.

Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas.

Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life standard.

Implement and provide appropriate regulations for General Plan classifications of "Open Space," and "Public and Institutional."

The Fresno General Plan provides objectives and policies to guide development. The following are applicable objectives and policies from the Fresno General Plan that apply to the project:

Objective ED-1 supports economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.

- o Policy ED-1-a Ensure the City of Fresno has appropriate resources in place to implement its economic development strategy and work in close coordination with other public agencies, private entities, the nonprofit-sector, and multicultural communities to coordinate of economic development efforts on a region-wide basis.

Objective LU-1 promotes the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

- o Policy LU-1-c Promotes orderly land use development in pace with public facilities and services needed to serve development.

Objective LU-8- Provides for the development of civic and institutional land uses to meet the educational, medical, social, economic, cultural, and religious needs of the community.

- o Policy LU-8-a Protects civic and institutional areas from incompatible uses that could affect their vitality and contributions to the city.
- o Policy LU-8-c Allows public facility uses in zoning districts where appropriate.

The proposed project would allow development on an existing property within the City of Fresno. The project promotes public facility development and reinvestment within the City and preserves and protects resources within the City by expanding opportunities for development on infill properties. Infill development conserves resources and takes advantage of existing infrastructure. Furthermore, the proposed public facility development promotes opportunities for investment into the community to meet educational, medical, social, economic and cultural needs.

Bullard Community Plan

The subject property is designated for Public/Quasi-public Facility planned land uses by the Bullard Community. Upon reviewing the policies contained in the Plan staff has determined that there are no policies that are applicable or are no more restrictive than those contained in the Fresno General Plan or the FMC. However, should there be a conflict the FMC shall control pursuant to Section 15-104-D-4 of the FMC.

Fresno County Airport Land Use Compatibility Plan

The proposed project is located within the Airport Influence Area under the Fresno Yosemite International Specific Plan and the Fresno County Airport Land Use Compatibility Plan. The project site is located within the Fresno Yosemite International Airport's (FYIA) Safety Zone 7 - Precision Approach Zone and Noise Contour 60-64 Community Noise Equivalent Level (CNEL) boundaries. The project has been deemed consistent with the plan given that the existing base zone district of PI is not changing. The proposed removal and addition of the conditions of zoning maintains

consistency with the Public/Quasi-public Facility planned land use.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the application, staff concludes that the required findings of Section 15-5812 (Rezone Findings) of the FMC can be made to support approval of the proposed rezone application. These draft findings are attached as **(Exhibit M)**.

ENVIRONMENTAL FINDINGS

Staff has determined that the project is consistent with the California Environmental Quality Act Section 15183, which mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Environmental Assessment No. P22-00451 dated May 18, 2022 **(Exhibit N)** was prepared for this project.

As described above, the removal of conditions of zoning is consistent with the land use designation and development intensities assigned to the project site by the City of Fresno General Plan. Since the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan, the site would not result in any new or altered cumulative impacts beyond those addressed in the Environmental Assessment.

FISCAL IMPACT

Affirmative action by the City Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application in as much as the applicant has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, Bullard Community Plan, and the Fresno County Airport Land Use Compatibility 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 Rezone Application No. P22-00451 is appropriate for the subject property.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Noticing Map

Exhibit F - Master Application
Exhibit G - Operational Statement
Exhibit H - Exhibits (Site Plans and Operational Statement)
Exhibit I - Public and Institutional Use Table
Exhibit J - Ordinance and Zoning Contract for Rezone Application No. R-00-041
Exhibit K - Public Hearing Notice & Noticing Map
Exhibit L - Public Comments
Exhibit M - Fresno Municipal Code Findings
Exhibit N - Environmental Assessment
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Exhibit P - PowerPoint Presentation
Exhibit Q - Planning Commission Resolution