



## Legislation Details (With Text)

<b>File #:</b>	ID 22-1400	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	8/30/2022	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	9/7/2022	<b>Final action:</b>			
<b>Title:</b>	<p>Consideration of Plan Amendment and Rezone Application No. P19-05950 and related Environmental Assessment No. P19-05950, for approximately 1.73 acres of property located on the south side of West Nees Avenue, between North Blackstone and North Ingram Avenues. (Council District 2)</p> <p>1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Negative Declaration as prepared for Environmental Assessment No. P19-05950, dated July 29, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).</p> <p>2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. P19-05950 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential (<math>\pm 1.73</math> acres) to Regional Mixed Use (<math>\pm 1.73</math> acres).</p> <p>3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. P19-05950 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/Cz (Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning) zone district to the RMX (Regional Mixed Use) zone district in accordance with Plan Amendment Application No. P19-05950.</p>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A - Operational Statement [August 30, 2022], 2. Exhibit B - Vicinity Map, 3. Exhibit C - 2022 Aerial Photograph of Site, 4. Exhibit D - Existing Fresno General Planned Land Use Map, 5. Exhibit E - Proposed Plan Amendment, 6. Exhibit F - Proposed Rezone, 7. Exhibit G - Fresno Municipal Code Findings, 8. Exhibit H - Noticing Vicinity Map (1000 feet), 9. Exhibit I - Environmental Assessment [July 29, 2022], 10. Exhibit J - Neighborhood Meeting Summary				

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

## REPORT TO THE PLANNING COMMISSION

**September 7, 2022**

**FROM:** JENNIFER CLARK, Director  
Planning and Development Department

**THROUGH:** ISRAEL TREJO, Interim Planning Manager  
Planning and Development Department

BY: CHRIS LANG, Planner III  
Planning and Development Department

## SUBJECT

Consideration of Plan Amendment and Rezone Application No. P19-05950 and related Environmental Assessment No. P19-05950, for approximately 1.73 acres of property located on the south side of West Nees Avenue, between North Blackstone and North Ingram Avenues. (Council District 2)

1. **RECOMMEND APPROVAL** (to the City Council) of the adoption of the Negative Declaration as prepared for Environmental Assessment No. P19-05950, dated July 29, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **RECOMMEND APPROVAL** (to the City Council) of Plan Amendment Application No. P19-05950 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential ( $\pm 1.73$  acres) to Regional Mixed Use ( $\pm 1.73$  acres).
3. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. P19-05950 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/Cz (*Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning*) zone district to the RMX (*Regional Mixed Use*) zone district in accordance with Plan Amendment Application No. P19-05950.

## EXECUTIVE SUMMARY

Dirk Poeschel of Dirk Poeschel Land Development Services, on behalf of David Fansler, has filed Plan Amendment and Rezone Application No. P19-05950, pertaining to a total of  $\pm 1.73$  acres of property located on the southwest corner of West Nees and North San Pablo Avenues.

Plan Amendment Application No. P19-05950 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential ( $\pm 1.73$  acres) to Regional Mixed Use ( $\pm 1.73$  acres).

Rezone Application No. P19-05950 proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/Cz (*Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning*) zone district to the RMX (*Regional Mixed Use*) zone district in accordance with Plan Amendment Application No. P19-05950.

There are no development projects associated with the proposed application at this time. Future applications and development of the subject property shall be consistent with the Fresno General Plan, Bullard Community Plan, and the Fresno Municipal Code (FMC).

## BACKGROUND

The subject property is located within the City of Fresno's General Plan Boundary and the Fresno city limits. The project site is an undeveloped infill lot, as properties in the surrounding area have all been built out, with uses in the immediate vicinity of the subject property being a combination of residential

and commercial uses. Directly to the north, south and west of the project site are existing multi-family residential complexes; the Villaggio Shopping Center is directly to the east of the subject property and has primarily been developed with retail commercial uses. The broader area surrounding the immediate vicinity has a corridor of multi-family residential uses West Nees Avenue, and multiple shopping centers to the east, at the corner of West Nees and North Blackstone Avenues. A business and industrial office park is located in the vicinity as well, located to the southwest of the property just beyond the abutting multi-family residential complex.

In 1988, Plan Amendment Application No. A-88-22 was approved to amend the 1984 Fresno General Plan and the Bullard Community Plan from the Industrial Park Manufacturing planned land use designation to the Administrative & Professional Office land use designation for the subject property. Rezone Application No. R-88-40 was also approved for the subject parcel and amended the official zone map to reclassify the subject property from R-3/UGM/Cz (*High Density Residential/Urban Growth Management/conditions of zoning*) to the C-P/UGM/Cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*). The subject property has since remained vacant, while property to the east has been substantially developed with retail and commercial uses.

The current Fresno General Plan was adopted on December 18, 2014, which updated the City's vision related to land use, environmental preservation, housing, and other planning goals. During the General Plan update process, the subject property was amended from the previously existing Administrative and Professional Office use to the High Density Residential planned land use, as well as subsequently adding the property to the General Plan Housing Element. The Citywide Development Code was adopted on December 3, 2015 and amended the zoning to ensure consistency with the Fresno General Plan, which designated the property as RM-3/UGM/Cz (Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning) zone district.

No development is proposed at this time; however, any future development will be subject to all provisions of development standards of the proposed RMX (*Regional Mixed Use*) zone district and the Fresno Municipal Code (FMC). Further, any future development will be reviewed and may 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.

### **Conditions of Zoning**

Rezone Application No. R-88-40 adopted conditions of zoning for the subject property, which guarantee that:

*Mitigation shall be provided to reduce the pollutants in the runoff prior to discharge to the public drainage system, for that portion of the site draining to Nees Avenue, which will ultimately drain to the San Joaquin River. The method of mitigation shall be determined by the Fresno Metropolitan Flood Control District (FMFCD) and shall be reviewed and approved prior to implementation.*

The existing conditions of zoning were adopted due to concern of potential industrial uses which would be permitted under the C-P zone district, as well as the project site's proximity to the San Joaquin River. As the surrounding area developed further, infrastructure was built out and FMFCD has since constructed permanent drainage facilities. PEIR SCH# 2019050005 identifies Mitigation Measures which require FMFCD to review all new projects and coordinate with the City to implement

the existing Storm Drainage and Flood Control Master Plan for collection systems, and any future development would be subject to FMFCD review.

The proposed Plan Amendment and Rezone application was reviewed by FMFCD, and it was identified that while the district can accommodate the proposed use, should lot coverage of any future development be commensurate with a higher density, mitigation measures may be required. The conditions of zoning ultimately are redundant, and unnecessary to maintain on the project site, as all future development will be reviewed by FMFCD to verify future projects comply with all required mitigation measures.

### **Senate Bill 330**

Senate Bill 330 requires that if a property within the City is downzoned (reduction of residential density), then another property must be concurrently up zoned (increase in residential density). The existing RM-3 zone district requires that residential projects are consistent with the High Density Residential planned land use, which identifies projects are to be between 30 to 45 dwelling units per acre (du/ac). The RMX zone district also requires that residential uses develop at an intensity of 30 to 45 du/ac.

No development is proposed by the applicant at this time, and both zone districts will provide the ability to develop the property at the same residential density and intensity of 30 to 45 du/ac. By amending the land use and zone designation of the property from High Density Residential to Regional Mixed Use, the residential density for the project site remains unchanged, and therefore the project is consistent with SB 330.

### **Council District Plan Implementation Committee**

The proposed project was reviewed by the Council District 2 Project Review Committee on January 11, 2021. The Committee recommended approval with a vote of 4-0 in favor of the project.

### **Neighborhood Meeting**

The applicant conducted a neighborhood meeting on October 14, 2019 and notified surrounding property owners within 1000 feet of the project site. The project applicant provided a summary of the meeting in an email dated August 30, 2022 (**Exhibit J**); approximately 12 individuals attended the meeting, including representatives for the neighboring apartment complex to the west, and for shopping center to the east. All feedback received was favorable and supportive of the project, with no concerns or opposition brought to attention at the meeting.

### **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 property, pursuant to Section 15-5007 of the Fresno Municipal Code.

## **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 mixed-use development and the urban form:

- Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.

- 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.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Supporting Policy LU-1-a of the Fresno General Plan also promotes new development along BRT corridors, established neighborhoods, and vacant infill sites within the City.

The subject property (approximately 1.73 acres) is infill development, as the surrounding properties are located within the City of Fresno and have been substantially developed. 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, future development will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

Implementing Policy UF-12-b of the Fresno General Plan promotes activity centers, where mixed-use designated areas along BRT and/or transit corridors are appropriate for more intensive concentrations of urban uses. Typical uses could include commercial areas; employment centers; schools; compact residential development; religious institutions; parks; and other gathering points where residents may interact, work, and obtain goods and services in the same place.

Policy LU-9-b also recommends planning for future Activity Centers at appropriate locations that avoid competition with Downtown businesses.

Activity centers outside of Downtown include the vicinity of Woodward Park and the Blackstone Avenue corridor as identified in the General Plan, and future development at the project site would be considered an extension of the Villaggio Shopping Center, which is a part of the major activity center at the north end of Blackstone, which also includes several adjacent shopping centers, and is in close proximity to Woodward Park as well.

#### Bullard Community Plan

Upon reviewing the policies contained in the Bullard 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 proposed project meets the goals and objectives of the General Plan and the Bullard Community

Plan by implementing the appropriate regulations of the RMX zone district and ensuring that new development will be compatible with 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 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 Community Plan area, including the Fresno General Plan Program Environmental Impact Report (PEIR SCH No. 2019050005). 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 project has been determined to be a subsequent project that is not fully within the scope of the PEIR SCH No. 2019050005 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 Negative Declaration for the proposed project, which is tiered off the Fresno General Plan Program Environmental Impact Report (MEIR No. 2019050005).

It has been further determined that all applicable mitigation measures of SCH No. 2019050005 have been applied to the project 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 SCH No. 2019050005 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 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 Negative Declaration for this project. A public notice of the attached Negative Declaration for Environmental Assessment Application No. P19-05950 was published on July 29, 2022, with no comments or appeals received to date. The Environmental Assessment No. P19-05950 dated July 29, 2022, is attached as **Exhibit I**.

## FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings contained within Section 15-5812 et seq. of the Fresno Municipal Code can be made. These findings are attached as **Exhibit G** to this report.

## 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 Bullard 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 Plan Amendment and Rezone Application Nos. P19-05950 are appropriate for the project site.

## Attachments:

- Exhibit A: Operational Statement [August 30, 2022]
- Exhibit B: Vicinity Map
- Exhibit C: 2022 Aerial Photograph of Site
- Exhibit D: Existing Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Plan Amendment
- Exhibit F: Proposed Rezone
- Exhibit G: Fresno Municipal Code Findings
- Exhibit H: Noticing Vicinity Map (1000 feet)
- Exhibit I: Environmental Assessment [July 29, 2022]
- Exhibit J: Neighborhood Meeting Summary