

RECEIVED

Agenda Item: ID16-1002 (5:00 P.M.)

Date: 9/1/16

2016 SEP 29 AM 10 21



## Supplemental Information Packet

Agenda Related Item(s) – ID16-1002

Contents of Supplement: Letter from Jeffrey Reid with attachments.

### Item(s)

CONTINUED HEARING to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Development Code Text Amendment Application No. TA-16-001 and related environmental finding filed by the Development and Resource Management Department Director

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



**McCORMICK  
BARSTOW LLP**  
ATTORNEYS AT LAW

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and District of Columbia)  
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August 25, 2016

City Council President Paul Caprioglio  
City Council Vice President Sal Quintero  
Councilmember Oliver L. Baines, III  
Councilmember Lee Brand  
Councilmember Steve Brandau  
Councilmember Clinton J. Olivier  
Councilmember Esmeralda Z. Soria  
✓ City Clerk Yvonne Spence, CMC  
Fresno City Hall  
2600 Fresno Street  
Fresno, California 93721

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AUG 26 PM 2 51

CITY CLERK, FRESNO CA

**Re: General Plan Land Use Amendment Application No. A-15-006  
Rezone Application No. R-15-007**

Dear Councilmembers:

I represent Robertson Properties Group, the owner of approximately 20 acres of land in the vicinity of the southwest corner of Clovis Avenue and Olive Avenue (APN 456-030-15).

I am writing to request that the plan amendment and rezoning that was publicly noticed for this property as part of the Planning Commission hearing on the above applications, be reinstated into the adoption. My client's property was originally identified as item 5 of the materials noticed by the City Staff. For reasons that we have not been advised about, at that Planning Commission Hearing the City Staff, without prior consultation, pulled the amendments concerning my client's parcel on the basis that they were a mistake.

The amendments that had been initiated by the City were in fact consistent with requests we had made to the City. If the City initiated them by mistake, they were a mistake that had enjoyed the benefit of full public notice, which property owners citywide (including the actual property owner) should have been entitled to rely upon. We request that they be reincorporated into the adoption materials you are considering at the Public Hearing Scheduled for September 1, 2016. We also ask that this letter be incorporated into the Record of Proceedings concerning the above matter.

I previously appeared before you concerning this property on February 4, 2016, the date where you adopted the initial form of the updated Citywide Zoning Map. At that time I was objecting to the Staff's proposal to establish industrial land use designations for the site. Your Council agreed and accommodated our request that we not be rezoned for industrial uses. I advised at that hearing that our goal was ultimately to establish General Commercial land use entitlements for the site.

City Councilmembers  
August 25, 2016  
Page 2

It was at that hearing where you directed the City staff to establish a process of allowing property owners an opportunity, on a no-fee basis, to seek to retain the originally established zoning for their properties, provided they made their interests known within 6 months of that hearing.

In April the City published a public notice for a package of General Plan and Zoning Amendments that included my client's property. I wrote to the City asking for clarifications about those materials as the newspaper notice was illegible. When I received the materials I confirmed that the General Plan Amendment and Rezonings, which we had stated to you and the staff were the goal for this property, were included in that public notice.

Enclosed is a chain of emails I have conducted with the staff about this matter since last April. In April, after having noticed various amendments, the Staff put the matter on hold. Mr. Zak advised me that when the City reinitiated the rezoning, they did not intend to include my client's parcel. I asked for an explanation and an opportunity to have dialogue about that. Mr. Zak never responded.

However, when the City did reinitiate the General Plan Amendment and Rezonings, they did, for a second time, include my client's requested rezonings. The property APN, the property acreage, the existing and intended general plan amendments and rezonings, were all part of the materials included in the public notice, which we received, evaluated, and relied upon.

We were shocked to thereafter learn that the City Staff advised the Planning Commission that the Plan Amendment and Rezoning benefitting my client's parcel was a "mistake". They claimed that some diagram materials that were in the agenda materials (but which were not included in the actual published public notice) overrode the more specific information that was actually included in the published public notice. Staff took this action after there had been citywide notice concerning the changes to my client's property. Staff took this action after six separate Advisory Committees reviewed these matters. Staff took this action without any direct advice to me or my client, even though we had contacted the staff and previously asked for specific communication and coordination about the matter.

Staff advised the Planning Commission that their intent was to provide the rezoning and general plan amendment for a one acre parcel immediately adjacent to my client's parcel. I want to be clear that we support the Staff's stated desire to change the entitlements for that parcel. If the Staff believes they can, without further notice, insert that one acre parcel into the process, we have no objections. But, we do object to the determination by the staff to, without prior notice, drop my client's parcel from the process. If a prior mistake had occurred, it seems it would be obviously easier and more supportable to add a one acre parcel rather than remove a 20.3 acre parcel.

I am also enclosing a copy of the materials that the staff advised the Planning Commission was the public notice that was issued concerning the Planning Commission and City Council consideration of this matter. Perhaps the Staff is

City Councilmembers  
August 25, 2016  
Page 3

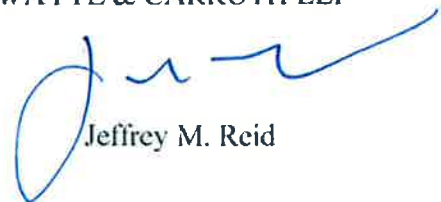
updating that notice and is now renoticing the entire community about this matter to clear up their "mistake". However, such a retroactive renoticing does not address any prior omissions in the notice relied upon for the Planning Commission deliberations. More importantly, the notice, as it relates to my client's parcel, was not a mistake as far as my client was concerned. Common courtesy and standards of due process should require more specific notice from the City about their changing directions concerning my client's parcel, particularly since we wrote and asked for an opportunity to be part of those dialogues so we could be part of the no-fee clean-up process.

As stated above, we do not want to slow down or adversely affect the City's consideration of the matters concerning our neighbors property, or any of the other parcels that were included in the prior noticed materials. We simply want to be treated equitably, and to have the entitlements affecting my client's parcel considered as part of the current no fee application process. If the staff could simply delete it from consideration, we assume the Council can thereupon simply add it back for consideration.

We appreciate your courtesies and cooperation in this matter.

Sincerely,

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP



Jeffrey M. Reid

Enc. Email Chain with enclosures  
August 2, Public Notice

cc: Ms. Jennifer K. Clark, Director, DARM  
Mr. Bruce Rudd, City Manager  
Mr. Douglas Sloan, City Attorney

## Jeff Reid

---

**From:** Jeff Reid  
**Sent:** Thursday, August 25, 2016 1:39 PM  
**To:** 'Daniel Zack'  
**Cc:** Jennifer Clark; Sophia Pagoulatos; Francine.Kanne@fresno.gov  
**Subject:** RE: Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development Code Text Amendment No. TA- 16-001

Dan:

I am writing again about the matter referenced below.

I understand that at the Planning Commission hearing held on August 17 concerning the reinstituted effort on this matter that you handed out n errata materials to the Planning Commission. I could not find those on-line. Please send me a copy of the errata information distributed to the Commission.

As noted in my prior communications to you below, I have been following this set of amendments on behalf of my client, the owner of the property that is APN 456-03-015.

We saw the public notice of the hearing for August 17, 2016, and the materials that were included as part of the Planning Commissions Package. I reviewed those matters with my client, wherein we confirmed that it included our requested plan amendment and rezoning for APN 456-03-015 (a 20.3 acre parcel). While you never did respond to my below request for further dialogues, we did assume, as should be our legal right, that the public notice that was provided for this matter was intended to be an effective and accurate notice. Our parcel was listed on the diagrams, and on the table. We therefore reasonably, and with every legal basis, assumed my client's property was obtaining the general plan amendment and rezone that we had requested.

I was therefore surprised that at the meeting, the City somewhat blithely suggested that, never mind, it intended a different property. Mistakes get made and corrections need to sometimes be made. But, for the City to have taken this action, without even bothering to contact us, after having provided public notice concerning the amendments we had requested (not once but twice), seems very troubling. I can assure you that it creates real concerns in the minds of real estate investors throughout the state and nation as to how the City handles its public notice and land owner coordinations.

I want to be clear that we support the decision to change the zoning for the 1 acre parcel that is adjacent to ours. But, we do not support the last minute, uncoordinated and unnoticed change, to delete my client's parcel from the proposal.

We will be communicating to the Council about our request to add our clients parcel back into the materials.

I am also copying Francine Kanne on this because she handled the initial response to my inquiry back in April wherein I asked Sophia to send me a copy of what had then been publicly noticed in the newspaper (consistent with the directions in that published notice, but which was responded to in the manner of a public records act request).

Jeff Reid  
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T (559) 433-2310  
C (559) 908-3897

www.mccormickbarstow.com  
Jeff.Reid@mccormickbarstow.com

-----Original Message-----

From: Jeff Reid  
Sent: Monday, May 02, 2016 12:41 PM  
To: Daniel Zack  
Cc: Jennifer Clark; Sophia Pagoulatos  
Subject: RE: Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development Code Text Amendment No. TA- 16-001

Dan:

Last week the City Attorney's office provided me the attached materials in response to my email requesting copies of the documents referenced in the original published notice. I did not intend to initiate a formal PRA and simply wanted copies of what the published notice says was available. So, I apologize if my email triggered more substantial efforts than I had intended.

However, in reviewing these materials I do note that APN 456-03-015 was in fact included in that notice to change the designation from cmx to cgh, and from CMX to CG. Those, of course, are modifications my client supports. Below you state that this parcel is not part of the current proposal. I assume that this means a decision was made to take it out of the previously developed proposal. Can you give me any insight into why it is being removed, whether we can have a discussion about keeping it in, and when the further meetings on this packet of revisions is currently scheduled?

Jeff Reid  
Attorney  
McCormick Barstow et al LLP  
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Fresno, CA 93720  
T (559) 433-2310 |  
www.mccormickbarstow.com  
Jeff.Reid@mccormickbarstow.com

-----Original Message-----

From: Daniel Zack [mailto:Daniel.Zack@fresno.gov]  
Sent: Wednesday, April 13, 2016 3:24 PM  
To: Jeff Reid  
Cc: Jennifer Clark; Sophia Pagoulatos  
Subject: RE: Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development Code Text Amendment No. TA- 16-001

Mr. Reid,

The City has elected to conduct further internal discussion and review on Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development Code Text Amendment No. TA- 16-001. As such, this matter will not be placed on the Planning Commission and Council agendas on April 20th and 21st respectively. When the City selects a new date,

the matter will be re-noticed consistent with FMC requirements. Please note, at this time, the 20 acre property at Clovis and Olive (APN 456-030-15) will not be included in the above item.

Dan

-----Original Message-----

From: Jeff Reid [mailto:Jeff.Reid@mccormickbarstow.com]

Sent: Saturday, April 09, 2016 8:11 AM

To: Sophia Pagoulatos

Cc: Jennifer Clark

Subject: Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development Code Text Amendment No. TA- 16-001

Ms. Pagoulatos:

I am writing to request copies of the Plan Amendments map and table that was referenced in the Notice published in yesterday's Fresno Bee. That notice is below. The map and table were very difficult to read so I would like to receive an electronic version of those documents via return email. I would also like to receive copies of the proposed environmental finding and any other additional information on the proposed project that is presently available. Again, please forward me electronic versions of those materials, via return email.

Also, I have previously corresponded with the Department and the City Council regarding property owned by my client, Robertson Properties Group, which owns 20 acres of land in the vicinity of the southwest corner of Clovis Avenue and Olive Avenue (APN 456-030-15). Can you advise me of that property is intended to be affected by Plan Amendment Application No. A-16-006 or Rezone No. R-16-007?

**CITY OF FRESNO NOTICE OF PUBLIC HEARINGS NOTICE IS HEREBY GIVEN THAT the Fresno City Planning Commission and the Fresno City Council, in accordance with Sections 65090 and 65091 (Planning and Zoning Law) of the Government Code and in accordance with the procedures of Chapter 15, Sections 5007 and 5801- 5812 of the Fresno Municipal Code, will conduct public hearings to consider Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development Code Text Amendment No. TA- 16-001. These applications have been filed by the City of Fresno Development and Resource Management Director. At this hearing, the following will be considered: Plan Amendment Application No. A-16-006 proposes to amend the Fresno General Plan, the Bullard, Edison, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan, and the Sierra Sky Park Land Use Policy Plan, as noted in the Plan Amendments map and table below. The Plan Amendment application was filed for consideration of additional general plan modifications and clean-up items. Rezone Application No. R-16-007 proposes to update the zoning map of the City of Fresno to be consistent with Plan Amendment Application No. A-16-006. Development Code Text Amendment No. TA-16-001 makes minor changes to procedural, setback, fencing, open space, and signage standards in order to improve consistency and clarity. FRESNO CITY PLANNING COMMISSION Date: Wednesday, April 20, 2016 Time: 6:00 p.m., or thereafter Place: City Hall Council Chamber, Second Floor, 2600 Fresno Street, Fresno, CA 93721 FRESNO CITY COUNCIL Date: Thursday, April 21, 2016 Time: 5:00 p.m., or thereafter Place: City Hall Council Chamber, Second Floor, 2600 Fresno Street, Fresno, CA 93721 Any interested person may appear at the public hearings and present written testimony, or speak in favor or against the project proposal. However, all documents submitted to the City Council for its consideration prior to or at the hearing shall be submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard, pursuant to the City Council's meeting rules and procedures, or they may be excluded from the administrative record of proceedings. If you challenge the above applications in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. The Planning Commission's recommendations pertaining to the environmental assessment, plan amendment, and rezone applications will be considered by the City Council. Note: This**

public hearing notice is being posted pursuant to the requirements of the Fresno Municipal Code Section 15-5007-D. For additional information on the proposed project, including copies of the proposed environmental finding, contact the City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721, or contact Sophia Pagoulatos at (559) 621-8062. Para informaci3n en espa3ol, comuniquense con Sophia Pagoulatos (al n3mero de tel3fono 559-621-8062). Publish Dates: 4/8/2016 1-4/15/2016

Jeff Reid  
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[Jeff.Reid@mccormickbarstow.com](mailto:Jeff.Reid@mccormickbarstow.com)



1 DOUGLAS T. SLOAN, City Attorney  
CITY OF FRESNO  
2 By: Francine M. Kanne, Chief Assistant City Attorney (#139028)  
2600 Fresno Street, Room 2031  
3 Fresno, California 93721-3602  
4 Telephone: (559) 621-7500  
Facsimile: (559) 488-1084

5 Attorneys for CITY OF FRESNO  
6  
7  
8  
9

10 RE:

11 COPIES OF THE PLAN  
12 AMENDMENT APPLICATION  
13 NO. A-16-006, REZONE NO. R-16-  
14 007, AND DEVELOPMENT  
CODE TEXT AMENDMENT NO.  
TA-16-001

RESPONSE TO PUBLIC RECORDS ACT  
REQUEST FOR DOCUMENTS (Govt.  
Code §6250, et seq.)

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16  
17 The City of Fresno ("City") responds to a request pursuant to the California Public Records  
18 Act (Govt. Code §6250, et seq.) by Jeff Reid, McCormick Barstow, et al. LLP, seeking copies of  
19 the Plan Amendment Application No. A-16-006, Rezone No. R-16-007, and Development  
20 Code Text Amendment No. TA-16-001, as follows:

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1       **Request No. 1 - Copies of the Plan Amendments map and table:** After a diligent  
2 search and reasonable inquiry of the City's records, the City produces responsive documents that  
3 had been prepared at the time the notice was published in the Fresno Bee on April 8, 2016,  
4 attached hereto, as Exhibit "A." Please note the City has elected to conduct further internal  
5 discussion and review on Plan Amendment Application No. A-16-006, Rezone Application No.  
6 R-16-007, and Text Amendment TA-16-001. Moreover, at the time the notice was published the  
7 environmental studies were not complete. As such, this matter was not placed on the Planning  
8 Commission and Council agendas on April 20<sup>th</sup> and 21<sup>st</sup> respectively. When the City selects a  
9 new date, the matter will be re-noticed consistent with FMC requirements. In addition, at this  
10 time, the 20 acre property at Clovis and Olive (APN: 456-030-15) will not be included in the  
11 above item.

12       **Request No. 2 - Copies of the proposed environmental finding:** After a diligent search  
13 and reasonable inquiry of the City's records, the City did not locate any responsive documents,  
14 such as a proposed environmental finding, for Plan Amendment Application No. A-16-006,  
15 Rezone Application No. R-16-007, and Text Amendment TA-16-001. Please note at the time the  
16 notice was published in the Fresno on April 8, 2016, the environmental studies were not  
17 complete.

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1       **Request No. 3 - Copies of any other additional information on the proposed project**  
2 **that is presently available:** After a diligent search and reasonable inquiry of the City's records,  
3 the City produces responsive documents that had been prepared at the time the notice was  
4 published in the Fresno Bee on April 8, 2016, attached hereto, as Exhibit "A." Please note the  
5 City has elected to conduct further internal discussion and review on Plan Amendment  
6 Application No. A-16-006, Rezone Application No. R-16-007, and Text Amendment TA-16-  
7 001. Moreover, at the time the notice was published the environmental studies were not  
8 complete. As such, this matter was not placed on the Planning Commission and Council agendas  
9 on April 20<sup>th</sup> and 21<sup>st</sup> respectively. When the City selects a new date, the matter will be re-  
10 noticed consistent with FMC requirements. In addition, at this time, the 20 acre property at  
11 Clovis and Olive (APN: 456-030-15) will not be included in the above item.

12 DATED: April 26, 2016.

Respectfully submitted,

13 DOUGLAS T. SLOAN,  
14 City Attorney

15 By: 

16 FRANCINE M. KANNE  
17 Chief Assistant City Attorney  
18 Attorneys for CITY OF FRESNO

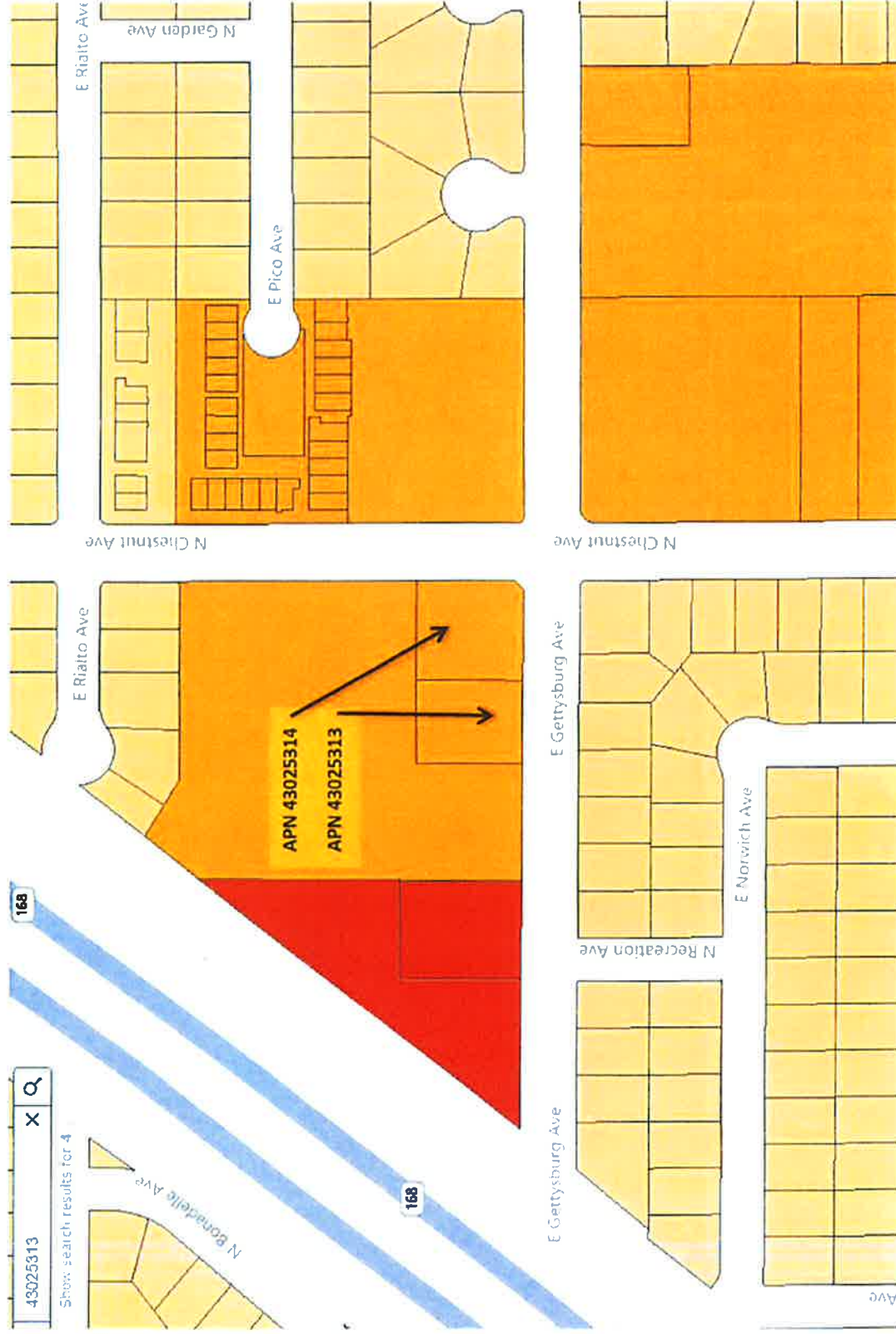
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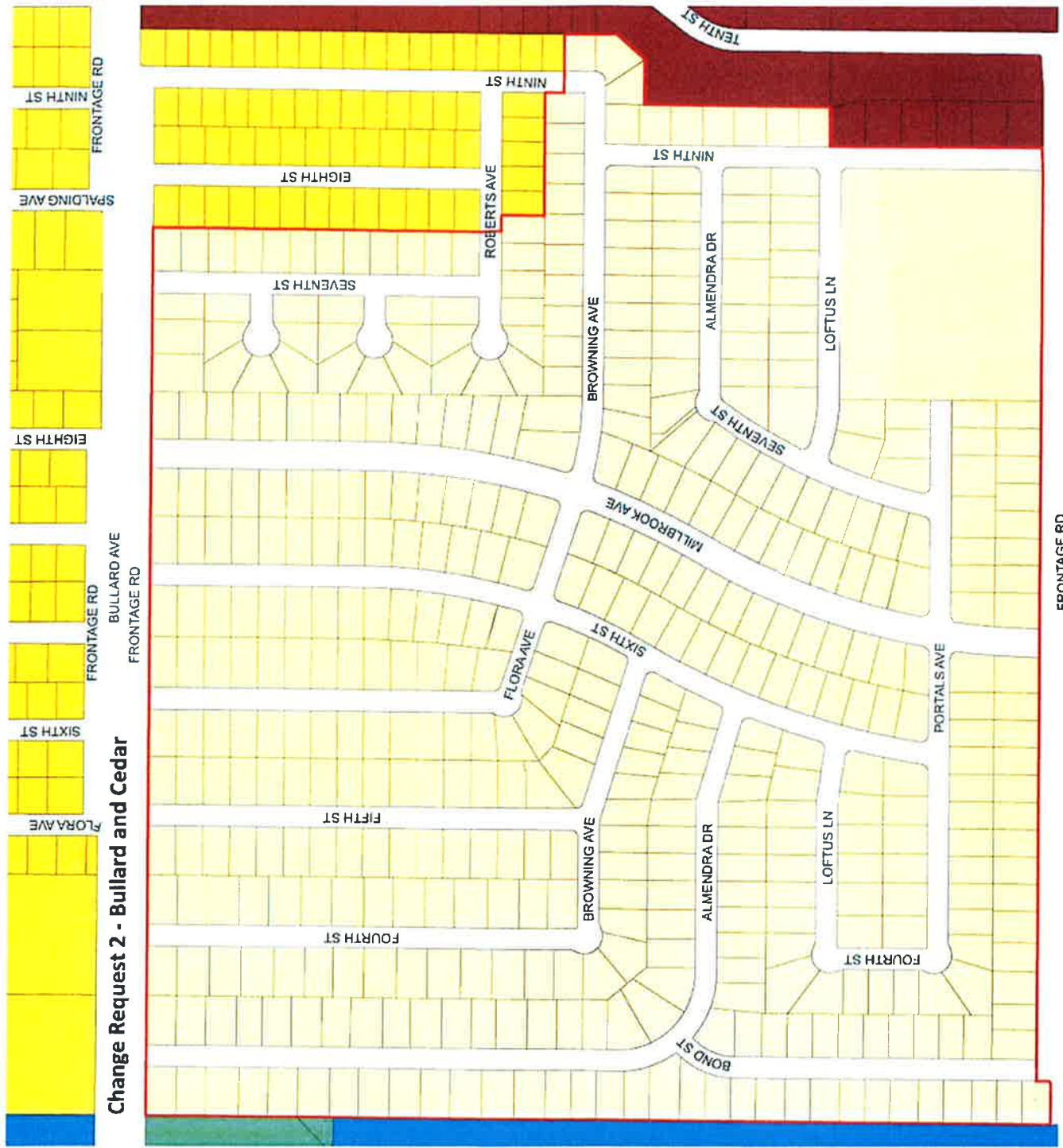


Change Request 1 – Chestnut and Gettysburg (APNs 43025313 and 14)





Change Request 2 - Bullard and Cedar



FRONTAGE RD

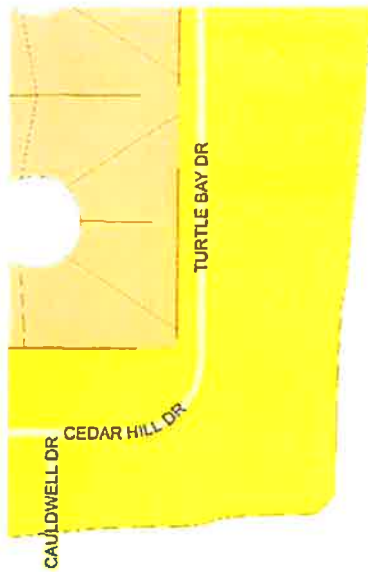
BARSTOW AVE

FOURTH ST

BOND ST

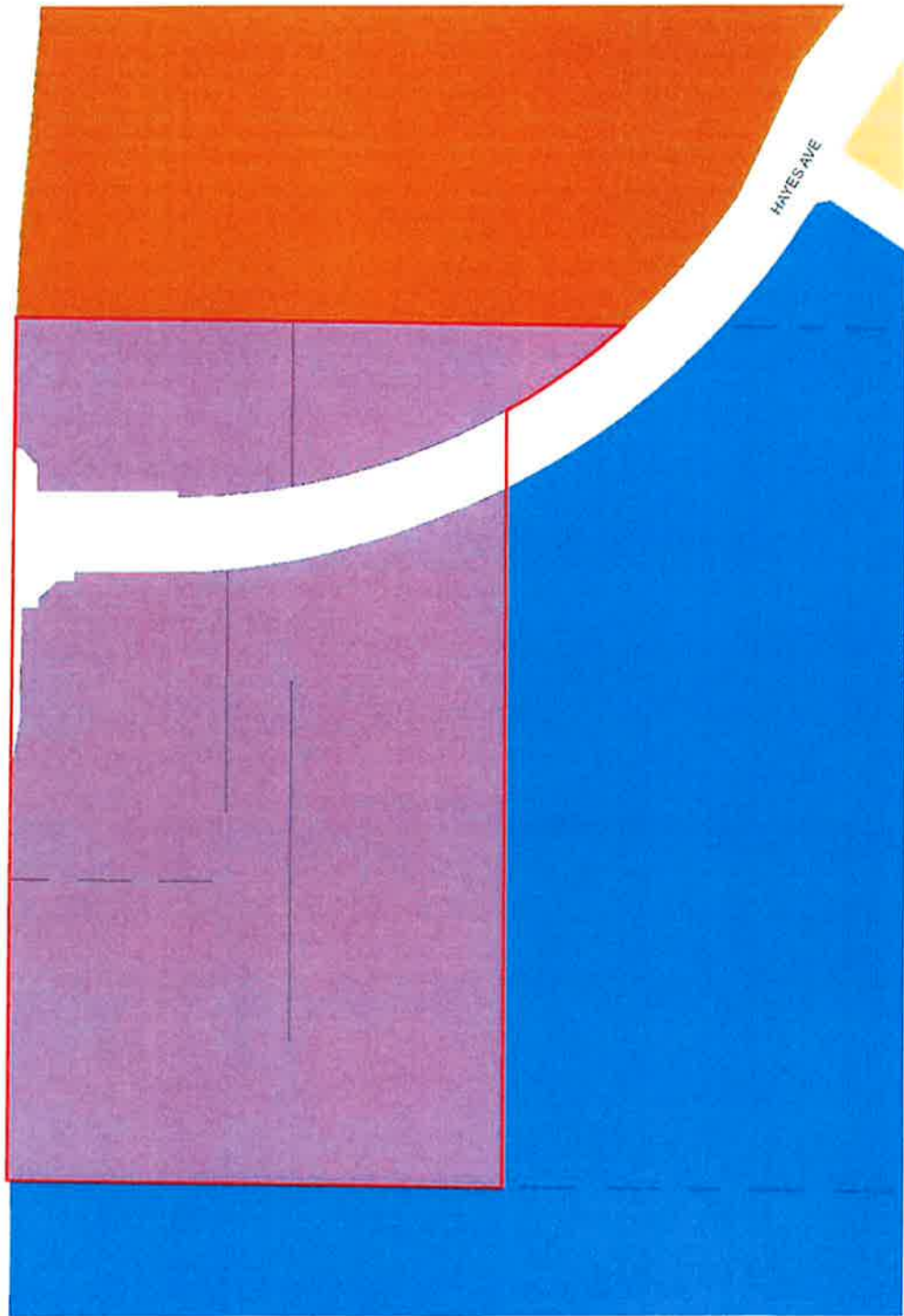
FRONTAGE RD

EXHIBIT A



**Change Request 3 - Herndon and Hayes**

HERNDON AVE



ENR-ETA



Change Request 4 - Fresno and Keats

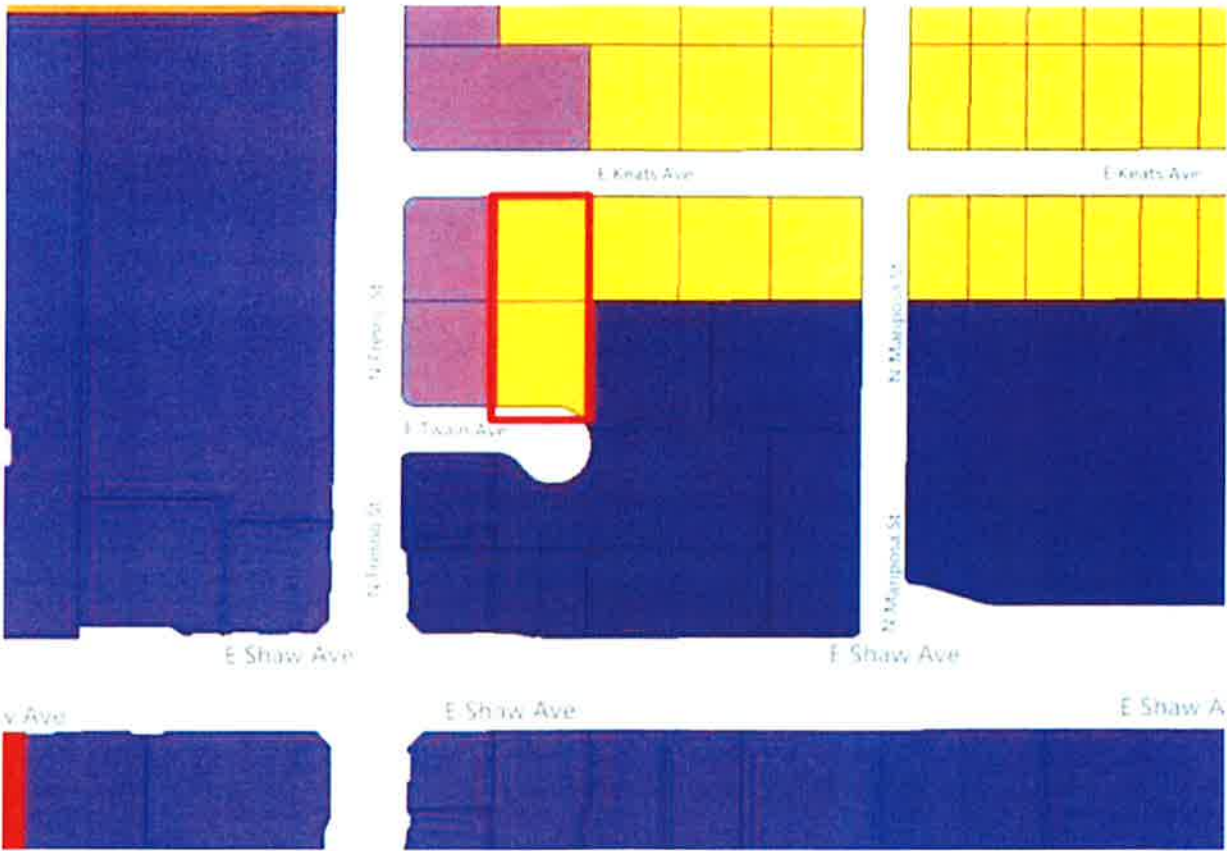


EXHIBIT A

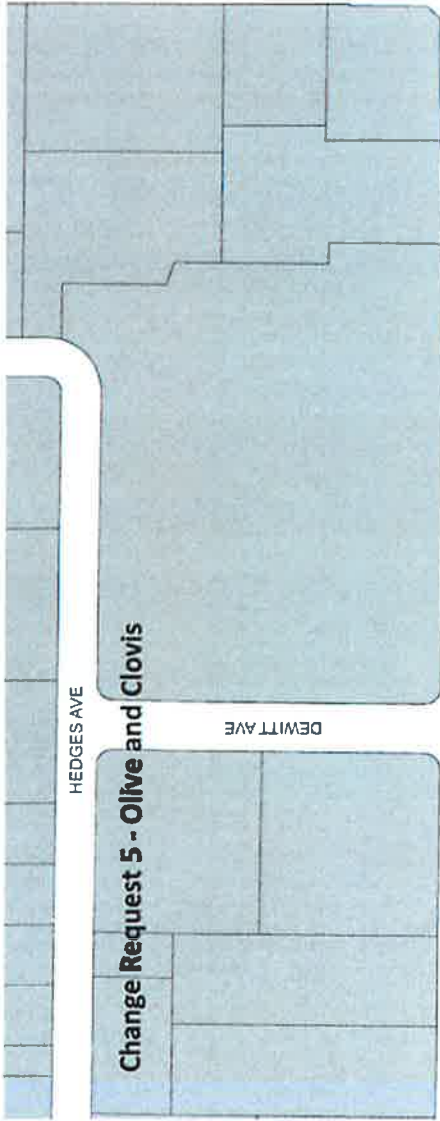


HARVEY AVE

180 FWY

180 FWY

CLOVIS AVE



HEDGES AVE

Change Request 5 - Olive and Clovis

DEWITT AVE

OLIVE AVE

APN 45603015

180 FWY

EXHIBIT A

180 FWY

**Change Request 6 -  
Shaw and Brawley**

PRIVATE DR

SHAW AVE

APN 42402118

MARTY AVE

EXHIBIT A

BRAWLEY AVE





Change Request 14 - H Street and SR 41

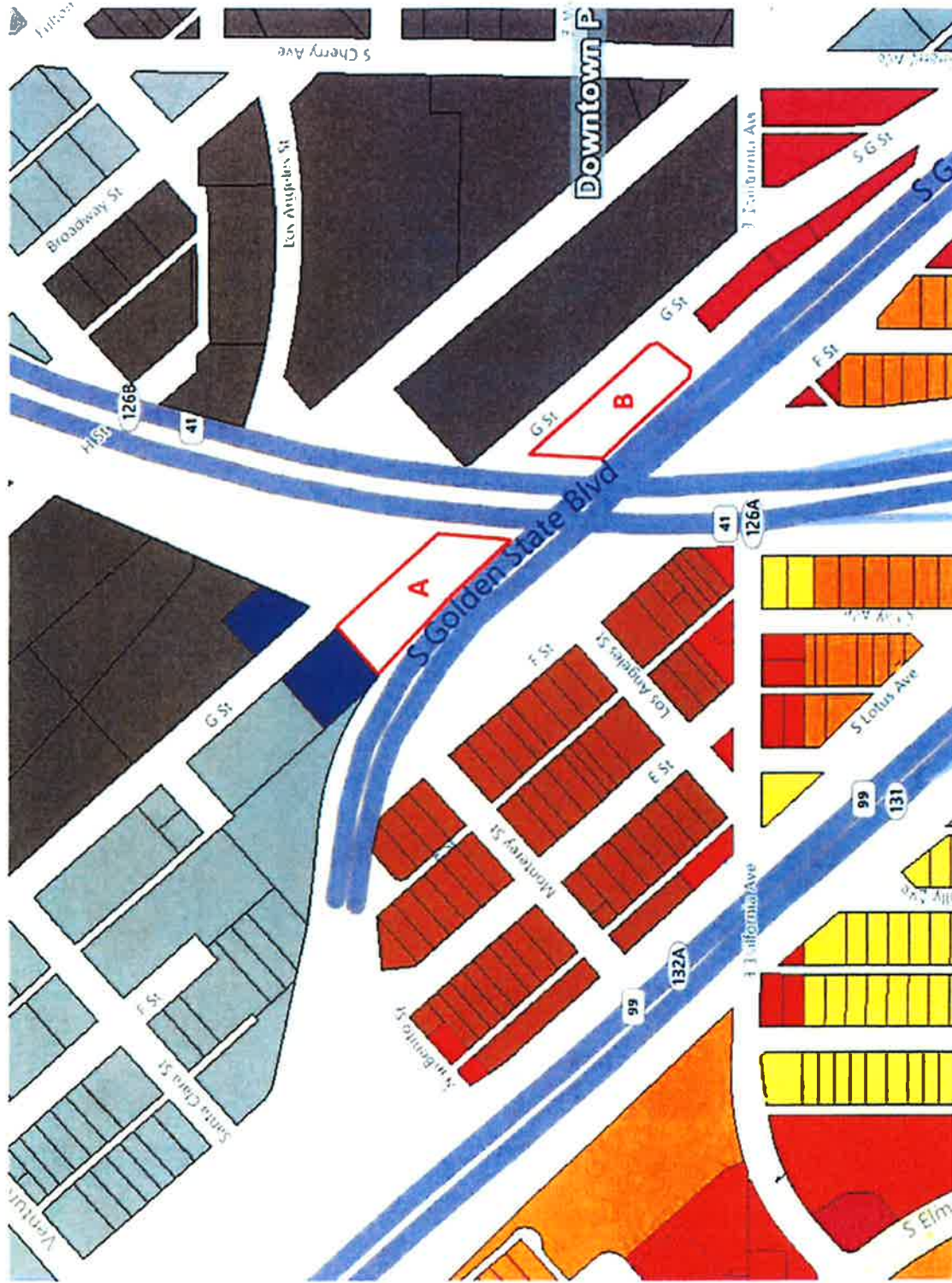
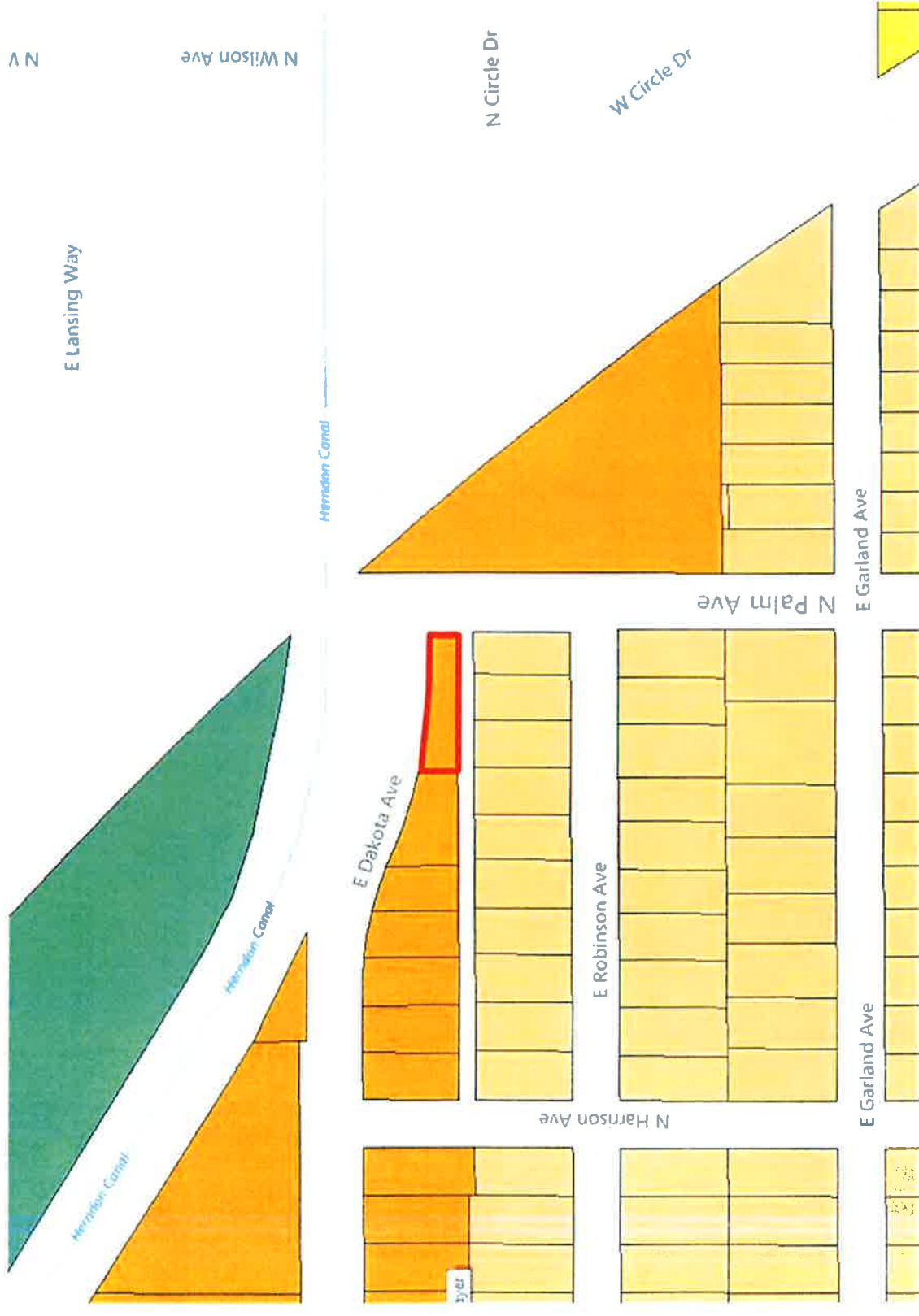


EXHIBIT A



Change Request 15 – Dakota and Palm (APNs 43506219)



Number	Area	APN	Current			Proposed			From	To	FAIR	DU	Change																
			Planned Land Use	Description	Prefix	Planned Land Use	Description	Prefix																					
1	Chester and Gettysburg	45023313 and 14	rmh	Residential Medium High Density	RM-1	Residential Multi-Family, Medium High Density	CC	Commercial - Community	CC	Commercial - Community	14	0	0.3	-12	11,128														
																4180327, 41810101-03, 41810201-16, 41810401-16, 41810601-03, 41811101-06, 4181201-15, 418230-22 and 27, 41812101-12, 41811401-13, 41811501-03, 41812101-15, 41812201-15, 41812301-20, 211, 22, 23, 41813101-20, 211, 22, 23, 41813201-16 and 18, 41814101-03, 41814301-04, 41814501-04, 41814601-05, 41814701-16, 41814801-16, 41814901-16, 41815001-03, 05-10, 41827201-16, 41827301, and 02, 41827401-09, 41828101-11, 41828201-10, 31, 16-29, 31, 32, and 34, 41828301-04, 41831101, 04, 07, 09-11, and 13, 4183201-14, 4183201-07, 4183201-06, 4183201-05, 15-17, and 19, 41833301-05, 41834101-14, 41834201-03, 11-18, 41839101-17, 23-32, 41839201, 04-32, 41839410, and 41841001-09													
																rm	Residential Medium Low Density	RS-4	Residential Single Family, Medium Low Density	CC	Commercial - Community	120.15	4	0	3.5	0	-301	0	
																run	Residential Urban Neighborhood	RM-2	Residential Multi-Family, Urban Neighborhood	CC	Commercial - Community	11.36	20	0	0	0.5	-237	247,467	
																rm	Residential Medium Low Density	RS-4	Residential Single Family, Medium Low Density	CC	Commercial - Community	0.74	4	0	0	0.5	-3	16,137	
																cc	Corridor/Center Mixed-Use	CMX	Corridor/Center Mixed-Use	CC	Commercial - General	20.13	8	0.15	0	0.35	-167	176,323	
																rm	Regional Mixed-Use	RMX	Regional Mixed-Use	IL	Light Industrial	2.01	10.7	0.175	0	0.3	-70	10,933	
																rm	Residential Medium Density	RS-5	Residential Single Family, Medium Density	MAE	Neighborhood Mixed-Use	0.26	6.5	0	7	0.125	0	1,418	
																cc	Commercial - Community	CC	Commercial - Community	CCS	Commercial - Main Street	2.90	0	0.3	0	0.5	0	25,299	
																th	Residential High Density	RM-3	Density	CCS	Commercial - Main Street	0.17	34	0	0	0.5	-4	3,627	
th	Residential High Density	RM-3	Density	CCS	Commercial - Main Street	0.74	34	0	0	0.5	-25	16,065																	
10	Tower District (Van Ness and Belmont)	45212601, 05, 07, and 10, 4522003-08, 45220212, 13, 15-19, 24 and 26, 45220601-03, 4522101, 03, 05, 10, 13, 19 and 20, 4522217, 19-25 and 28	rmh	Residential Medium High Density	RM-1	Residential Multi-Family, Medium High Density	CCS	Commercial - Main Street	CCS	Commercial - Main Street	14.66	14	0	0.5	-209	310,199													
																	cc	Commercial - Community	CCS	Commercial - Main Street	1.67	6.5	0	0	0.5	-11	36,374		
																	cc	Commercial - Community	CCS	Commercial - Main Street	9.67	6.5	0	0	0.5	-63	210,531		
																	cc	Commercial - General	CCS	Commercial - Main Street	2.68	0	0.35	0	0.5	0	37,406		
																	rm	Residential Medium Density	RS-5	Residential Single-Family, Medium Density	RM-2	Residential Multi-Family, Urban Neighborhood	6.25	6.5	0	20	6	84	0
																	rm	Residential Medium Density	RS-5	Residential Single-Family, Medium Density	CCS	Commercial - Main Street	10.67	6.5	0	0	0.5	-69	332,393
																	cc	Commercial - Community	CC	Commercial - Community	CCS	Commercial - Main Street	4.54	0	0.3	0	0.5	0	29,570
																	cc	Commercial - General	CCS	Commercial - General	CCS	Commercial - Main Street	1.07	0	0.35	0	0.5	0	7,009
																	cc	Employment - Office	O	Office	CCS	Commercial - Main Street	2.31	0	0.5	0	0.5	0	0
																	rm	Residential Medium Density	RS-5	Residential Single-Family, Medium Density	RM-2	Residential Multi-Family, Urban Neighborhood	5.77	6.5	0	20	0	77	0
11	Tower District (Van Ness and Belmont)	4511206-09, 4511301, 07-10, 4511304-07, 4511308-07, 09, and 17, 45116401, 30, 32, 33, and 16, 45121212 and 141	rm	Residential Medium Density	RS-5	Residential Single-Family, Medium Density	CCS	Commercial - Main Street	CCS	Commercial - Main Street	34	0	0	0.5	-79	122,300													
																	None	None	None	Public/Quasi Public Facility	2.37	0	0	0	0.3	0	30,971		
																	rmh	Residential Medium High Density	RM-1	Residential Multi-Family, Medium High Density	CC	Commercial - Community	0.15	14	0	0	0.5	-3	1,960
																	rmh	Residential Medium High Density	RM-1	Residential Multi-Family, Medium High Density	CC	Commercial - Community	0.15	14	0	0	0.5	-3	1,960
																	rmh	Residential Medium High Density	RM-1	Residential Multi-Family, Medium High Density	CC	Commercial - Community	0.15	14	0	0	0.5	-3	1,960
																	rmh	Residential Medium High Density	RM-1	Residential Multi-Family, Medium High Density	CC	Commercial - Community	0.15	14	0	0	0.5	-3	1,960

## Development Code Text – April Clean Up

### Article 4, Section 15-404-F-2- is proposed to be amended as follows:

1. *Non-Residential Districts.* A Legal Non-Conforming use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming use has ceased for a consecutive 12-month period within five years of the ~~effective date of this Code January 3, 2016~~. Once the five year period from the effective date of this Code has passed, a Legal Non-Conforming Use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming Use has ceased for a consecutive period of 90 days or more.

### The following text is proposed to be added to Article 9, Section 15-904-A:

7. *Rear Setback Reduction.* Rear setbacks may be reduced if all of the following conditions are met:
  - a. A site plan shall be submitted in accordance with the provisions of Article 52 Development Permit;
  - b. The rear setback shall be greater than or equal to the required side setback for the Base District;
  - c. Space equal to the reduction shall be provided elsewhere on the lot, exclusive of any required yard area. Said replacement space shall have minimum dimensions of five feet by eight feet, and shall be so located that it is suitable for general use by the occupant of the premises; and
  - d. The Review Authority shall find that the granting of the reduction will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located and will not be contrary to the objectives of this Code.

### The following text is proposed to be added to Article 10, Section 15-1004-C-1:

- c. If a sound wall is required along a certain frontage, or if other circumstances exist that render the Parking Setback impractical or unnecessary, the Review Authority may waive the Parking Setback requirement.

### Article 10, Section 15-1004-D-1-a is proposed to be amended as follows:

- a. *Private Open Space Requirements.* Private open spaces are those which are attached to a dwelling unit and are available only for the private use of the residents of the dwelling unit, such as balconies, porches, and patios. No fewer than 50 percent of



the dwelling units on a site shall have a private open space. The following standards shall apply to private open space:

- i. The minimum dimension of any private open space shall be four feet.
- ii. The minimum area of any private open space shall be 32 square feet.
- iii. When located within 30 feet of a public street and located on the ground floor, private open spaces shall ~~be designed as a porch, follow the requirements for Porches as put forth in Table 15-1005-F.~~
- iv. When located within 30 feet of a public street and located above the ground floor, private open spaces shall ~~be designed as a balcony, follow the requirements for Balconies as put forth in Table 15-1005-F.~~

**The following text is proposed to be added to Article 11, Section 15-1104-D-1:**

- c. ~~If a sound wall is required along a certain frontage, or if other circumstances exist that render the parking setback impractical or unnecessary, the Review Authority may waive the parking setback requirement.~~

**Article 20, Section 15-2006-F is proposed to be amended as follows:**

1. *Front Yard.*

- a. *Wrought Iron or Tubular Steel.* A fence up to four feet in height may be installed on the front property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
- b. ~~All other fences are permitted up to three feet in height and shall comply with the main building setback, minus five feet.~~
- b. ~~All Other Materials.~~ A fence up to three feet in height may be placed on the front property line.

2. *Street-Side Yard.*

- a. *Wrought Iron or Tubular Steel.* A fence up to four feet in height may be installed on the property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
- b. ~~All other fences are permitted up to three feet in height and shall comply with the main building setback, minus five feet.~~
- b. ~~All Other Materials.~~ A fence up to three feet in height may be placed on the property line.
- c. ~~Fences are permitted up to six feet in height which comply with the main building setback, minus five feet.~~

**Figure 15-2018: Intersection Visibility is proposed to be deleted.**

**Article 23, Section 15-2305-C-2 is proposed to be amended as follows:**

2. *Buffer Yard Types.* Table 15-2305-C-2, Buffer Yard Requirements, describes the minimum width, ~~and plant materials, and wall~~ requirements for each type of buffer yard. The listed number of trees and shrubs are required for each 100 linear feet of buffer yard. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the ~~Director~~ Review Authority. For wall requirements, refer to Section 15-2008, Screening Between Differing Land Uses.

**Article 26, Section 15-2609-B is proposed to be amended as follows:**

- F. **Public and Semi-Public Uses.** Signs for Public and Semi-Public Uses located in Residential Districts may be erected subject to the following standards:
1. *Maximum Number of Signs.* One freestanding sign per street frontage plus one wall sign per building.
  2. *Maximum Sign Area per Signs.* Freestanding signs shall not be more than 32 square feet in area. Wall signs shall not ~~be more than 40 square feet in area~~ exceed 10 percent of the wall area.
  3. *Height Limit, Freestanding Signs.* Five feet when located within a required front or street-side setback, eight feet otherwise.
  4. *Illumination.* Signs may be internally illuminated.

**Article 26, Section 15-2610-E-2 is proposed to be amended as follows:**

2. *Maximum Sign Area Per Sign.* ~~Five-Ten~~ percent of the wall area, ~~or 100 square feet, whichever is less.~~

**Article 26, Section 15-2611-G is proposed to be amended as follows:**

- G. **Yard Signs.** Yard signs, which are typified by an impermanent nature; are usually constructed from lightweight materials (ex.: corrugated plastic); are typically located in a street-facing setback; and are supported by poles, stakes, or wire frames; are permitted subject to the following standards. A permit is not required.
1. *In Residential Districts.*
    - a. *Maximum Size.* Signs shall not exceed six square feet in area.
    - b. *Maximum Height/Width.* Signs (including support structure) shall not exceed three feet in height or width.
  2. *All Other Districts.*

- a. *Maximum Size.* Signs shall not exceed 32 square feet in area.
- b. *Maximum Height/Width.* Signs (including support structure) shall not exceed eight feet in height or width.
- 3. *Timing.* Yard Signs relating to an event are permitted within 90 days before the event and up to 10 days after the event.
- ~~4.~~ *Location.* Signs shall not be attached to any utility pole and such sign, or portion thereof, is not placed in any public right-of-way or on any property owned by the City. Such signs may be placed on private property with the permission of the property owner or may be attached to an existing sign on private property with the permission of the sign owner or lessee.
- ~~5.~~ *Shall Not Obstruct.* Such signs shall not be erected in such a manner that they will, or reasonably may be expected to, interfere with, obstruct, confuse, or mislead traffic.
- ~~6.~~ *Maintenance.* Signs not erected or maintained in accordance with the provisions of this subsection shall be the responsibility of the owner of the property upon which the sign is located, shall be deemed a public nuisance, and may be abated by such property owner, the candidate or person advocating the vote described on the sign (if applicable), or the Director. The cost of removal incurred by the Director shall be assessed against the property owner and/or, if applicable, the candidate and/or the person advocating the vote described on the sign.

**Article 27, Section 15-2735-G is proposed to be amended as follows:**

- G. **Signage.** Refer to Article 26, Signs- Signs for Home Occupation uses may be erected subject to the following standards:
  - 1. *Quantity.* A maximum of one sign is permitted.
  - 2. *Type.* A wall or window sign is permitted. Freestanding signs of any type shall not be permitted.
  - 3. *Size.* Shall not exceed 2 square feet in area.
  - 4. *Design.* Signs shall be visually compatible with the building and surrounding neighborhood.
  - 5. *Illumination.* Illuminated signage is not permitted.

**Article 27, Section 15-2741-A-7-a is proposed to be amended as follows:**

- a. Vendors shall not operate within 300 feet of an existing restaurant, during the restaurant's normal business hours, with the following exceptions:
  - i. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.
  - ii. The restaurant and the Vendor are operated by the same entity.

iii. The Vendor has prior written permission of a business owner to operate on the property of that existing business.

iii-iv. Within the area bounded by Divisadero Street, Highway 41, and Highway 99, non-motorized Vendors may operate within 300 feet of an existing restaurant with prior written permission of the City Manager.

**Article 27, Section 15-2744-C-1 is proposed to be amended as follows:**

1. **Encroachment Permit Required.** ~~An encroachment permit approved by the City Engineer~~ **Zone Clearance** is required for any outdoor dining/seating located in the public right-of-way. ~~An encroachment permit approved by the City Engineer is required for any furniture or structures which are permanently attached to the public right-of-way.~~

**The following text is proposed to be added to Article 27, Section 15-2747:**

**J. Design Standards within Mixed Use Districts.**

1. **Location.** Storage uses shall not be located within 300 feet of an existing or planned Bus Rapid Transit station.
2. **Site Size.** Shall not exceed two acres.
3. **Setback from Major Streets.** The storage use shall be set back no less than 50 feet from all Major Streets. No less than 60 percent of the building frontage along Major Streets shall be occupied by food and beverage sales, entertainment and recreation, general personal services, artist's studios, eating and drinking establishments, personal services, general retail, or convenience retail uses. Other high-activity uses may be approved at the discretion of the Review Authority.
4. **Facade Design.** The facades of the storage structures shall appear to be buildings used for non-storage purposes, such as office or multifamily, and shall not have an industrial appearance.
5. **MX Development Standards.** Unless otherwise stated, all MX development standards shall apply.

**The following text is proposed to be added to Article 49, Section 15-4906-D-1:**

- a. Development Permit applications submitted in multi-family and mixed-use districts consistent with the Certainty Option set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code shall not be subject to review and recommendation by Council District Project Review Committees.



The following text is proposed to be added to Article 49, Section 15-4906-H:

- I. Development Permit applications submitted in multi-family and mixed-use districts consistent with the Certainty Option set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code shall be subject to review by applicable Specific Plan Design Review Committees as follows:
  - a. Upon completion of an application following internal departmental review, DARM Department staff shall provide the completed application to members of any applicable Specific Plan Design Review Committee.
  - b. If a Committee member chooses to request a meeting to discuss the application, they must submit the request to DARM Department staff within 72 hours of their receipt of the application.
  - c. A meeting of the applicable Specific Plan Design Review Committee must be set within 5 business days of the first request for a meeting.
  - d. If no members of a Committee request a meeting to discuss the application within the allotted time, it shall move forward without review by the Committee.
  - e. The Committee's review is limited to verification of the project's compliance with the requirements of the Certainty Options set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code, and the requirements of any applicable Specific Plan.

Article 50, Section 15-5003-A is proposed to be amended as follows:

- A. **Applicability.** Pre-application review is required for any project that requires a discretionary approval, including, but not limited to, ~~Zone Clearances,~~ Development Permits, Conditional Use Permits, Variances, Planned Developments, Rezones, General Plan Amendments, subdivisions, and Annexations.

Article 53, Section 15-5302-D is proposed to be amended as follows:

- D. ~~In conjunction with a Development Permit, When a Conditional Use Permit is required for exceptions to certain development standards that are specifically identified in Part II, Base and Overlay Districts as requiring a Conditional Use Permit.~~

Article 56, Section 15-5602-A is proposed to be amended as follows:

**15-5602      Applicability**

- A. **Façade Design Development Standards.** In conjunction with a Development Permit, the Review Authority may grant deviations from applicable Façade Design Development Standards in RS and E districts if the proposed design accomplishes the same goals pertaining to visual

interest, pedestrian orientation, connectivity, durability, and longevity ~~as the standards which are deviated from.~~

**Article 67, Section 15-6703 is proposed to be amended as follows:**

**Parking, Public or Private.** Surface lots and structures ~~for use of occupants, employees, or patrons on the subject site, or offering which offer~~ parking to the public for a fee, when such ~~use parking~~ is not ~~incidental to associated with~~ another on-site activity.

**CITY OF FRESNO**  
**NOTICE OF PUBLIC HEARINGS**

*Dear Property Owner:*

*We are providing this notice to inform you that the Fresno City Planning Commission and the Fresno City Council will consider a change of General Plan land use designation and/or zoning for your property. This is considered a "clean up" item related to the recent citywide update of the General Plan, Development Code, and Zoning Map. These changes will more closely match the designation that was in place on the site prior to the citywide update. In some cases you may have requested this change, or a neighboring property owner may have suggested a change for a larger area that included your property. In other instances, only the zoning is being changed in order to remove inconsistencies with the General Plan land use designation.*

*A map which shows the general location of the proposed changes, and a table which identifies the affected parcel numbers, is enclosed. For more detailed maps and other information related to this potential action, you may visit [www.fresno.gov/qpcleanup](http://www.fresno.gov/qpcleanup). If you wish to provide written support or opposition of this action, or if you wish to appear in person to express your support or opposition, please see the reverse side of this notice for instructions.*

*Sincerely,*

*The Development and Resource Management Department*

NOTICE IS HEREBY GIVEN THAT the Fresno City Planning Commission and the Fresno City Council, in accordance with Sections 65090 and 65091 (Planning and Zoning Law) of the Government Code and in accordance with the procedures of Chapter 15, Sections 5007 and 5801-5812 of the Fresno Municipal Code, will conduct public hearings to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Text Amendment Application No. TA-16-001 and the related environmental finding. These applications have been filed by the City of Fresno Development and Resource Management Director and pertain to 338.6 acres of property (see Map). At these hearings, the following will be considered:

**Environmental Assessment No. A-16-006, R-16-007, TA-16-001** recommends approval of an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.

**Plan Amendment Application No. A-16-006** pertains to 271.63 acres of property and proposes to amend the Fresno General Plan, the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan. The purpose of the amendments is to improve consistency with specific plans and to implement City Council direction from February 2016 allowing property owners to request a reversion to a zone district and planned land use equivalent to that existing under the prior general plan when the change is consistent with general plan policy and would not cause significant environmental impacts.

**Rezone Application No. R-16-007** pertains to approximately 67.03 acres of property and includes technical changes to zoning on properties that were inadvertently omitted from the zoning map update. The rezones are requested to attain consistency with the approved general plan land use designation.

**Text Amendment Application No. TA-16-001** makes minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others. The affected sections are 15-404-F, 15-904-A, 15-1004-C-1, 15-1004-D-1-a, 15-1104-D-1, 15-2006-F, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2735-G, 15-2741-A-7-a, Table 15-2744-A, 15-2744-C-1, 15-2747, Table 15-751-G, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5302-D, 15-5602-A, 15-6703, 15-104-A, Table 15-107-B, 15-313, Table 15-902, Table 15-1002, Table 15-1102, 15-1104-G.1, Table 15-1202, Table 15-1302, Table 15-1402, 15-1601, 15-1602, 15-1609-B, 15-2006-F, Table 15-2015-B.4, 15-2018, 15-2102-A, 15-2707, 15-2754, 15-5007-C, 15-5810-A.

More information about the plan amendments, rezones, and text amendment is available at [www.fresno.gov/gpcleanup](http://www.fresno.gov/gpcleanup).

**FRESNO CITY PLANNING COMMISSION**

Date: Wednesday, August 17, 2016  
Time: 6:00 p.m., or thereafter  
Place: City Hall Council Chamber,  
Second Floor, 2600 Fresno Street,  
Fresno, CA 93721

**FRESNO CITY COUNCIL**

Date: Thursday, August 25, 2016  
Time: 5:00 p.m., or thereafter  
Place: City Hall Council Chamber,  
Second Floor, 2600 Fresno  
Street, Fresno, CA 93721

Any interested person may appear at either or both of the public hearings and present written testimony, or speak in favor or against the project proposal. However, all documents submitted to the City Council for its consideration shall be submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard, pursuant to the City Council's meeting rules and procedures, or they may be excluded from the administrative record of proceedings. If an individual challenges the above applications in court, they may be limited to raising only those issues that were raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission or City Council consistent with their respective rules of procedure. The Planning Commission's recommendations pertaining to the Environmental Assessment, Plan Amendment, Rezone, and Text Amendment applications will be considered by the City Council.

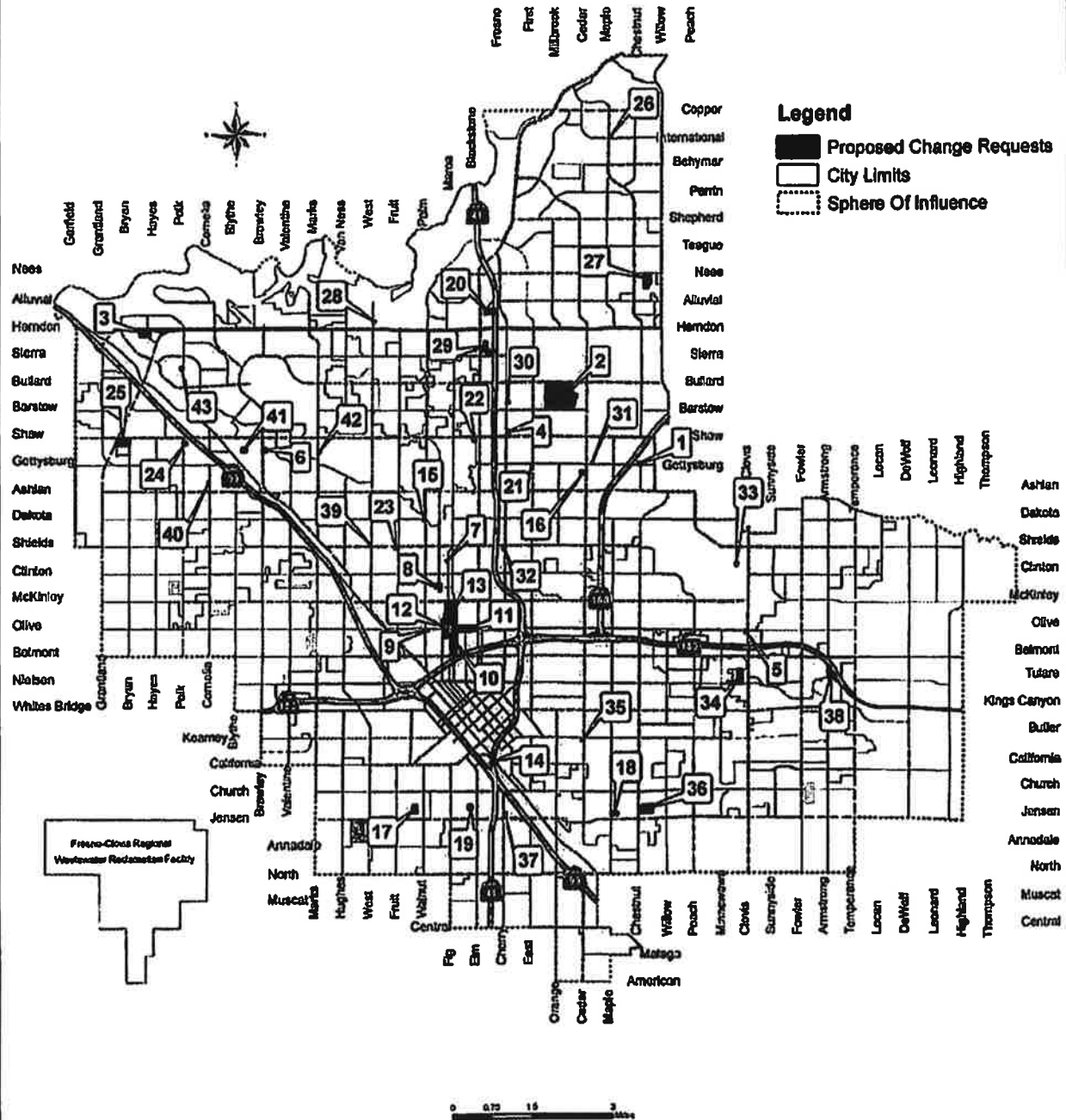
**Note:** This public hearing notice is being posted pursuant to the requirements of the Fresno Municipal Code Section 15-5007-D.

For additional information on the proposed project, including copies of the proposed environmental finding, contact the City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721, or contact Sophia Pagoulatos at [sophia.pagoulatos@fresno.gov](mailto:sophia.pagoulatos@fresno.gov). *Para información en español, comuníquense con Sophia Pagoulatos (al correo electrónico [Sophia.pagoulatos@fresno.gov](mailto:Sophia.pagoulatos@fresno.gov)).*



# City of Fresno Proposed General Plan Amendment and Rezone Change Requests

Date: 8/2/2016



City of Fresno Proposed General Plan Amendment and Rezones - August 2, 2016

[illegible]

## City of Fresno Proposed General Plan Amendment and Rezones - August 2, 2016

[illegible]

**THIS IS A LEGAL NOTICE**

**City of Fresno Proposed General Plan Amendment and Rezones - August 2, 2016**

**Rezone Change Requests Only - Numbers 26 through 43**

Number	Area	APN	Current Zoning		Proposed Zoning		Acres
			Prefix	Description	Prefix	Description	
26	International and Maple	57801001T	PR	Parks and Recreation	PI	Public and Institutional	1.11
27	Nees and Willow	404072405	PI	Public and Institutional	RS-4	Residential Single-Family, Medium Low Density	4.70
28	Hendon and West	405483445T	PR	Parks and Recreation	PI	Public and Institutional	0.44
29	Sierra and Blackstone	40805009, 40805037, and 40805004	RM-MH	Mobile Home Park	CMX	Corridor/Center Mixed-Use	11.23
30	Berstow and Fresno	41802110T	PR	Parks and Recreation	PI	Public and Institutional	0.84
31	Gettysburg and Cedar	43014021T	PR	Parks and Recreation	PI	Public and Institutional	0.39
32	Shields and Fresno	44504143T	PR	Parks and Recreation	PI	Public and Institutional	0.61
33	Shields and Clovis	49406051T	PR	Parks and Recreation	PI	Public and Institutional	0.87
34	Tulare and Clovis	46202024	RM-MH	Mobile Home Park	CMX	Corridor/Center Mixed-Use	9.65
35	Butler and Cedar	47100220T	PR	Parks and Recreation	PI	Public and Institutional	0.38
36	Jensen and Chestnut	48111037T	RM-MH	Mobile Home Park	RS-5	Residential Single Family, Medium Low Density	18.29
37	Jensen and Cherry	47932002T	PR	Parks and Recreation	PI	Public and Institutional	1.10
38	Tulare and Armstrong	31327044T	PR	Parks and Recreation	BP	Business Park	12.79
39	Shields and West	43335408	PR	Parks and Recreation	PI	Public and Institutional	0.81
40	Gettysburg and Cornelia	51032632T and 51032633T	PR	Parks and Recreation	PI	Public and Institutional	0.19
41	Shaw and Brawley	51043301T	IL	Industrial Light	PR	Parks and Recreation	2.37
42	Shaw and Marks	42432126T	PR	Parks and Recreation	PI	Public and Institutional	0.34
43	Butler and Polk	506182495T	PR	Parks and Recreation	PI	Public and Institutional	0.92

Total: 67.03