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Agenda Item: ID#14-653 (5:00 P.M.)

Date: 12/11/14

CITY CLERK, FRESNO, CA

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Items – ID#14-653 (5:00 P.M.)

### Contents of Supplement: Statement of Overriding Considerations

#### Item(s)

**HEARING** to consider approvals related to the Proposed General Plan Update  
**(Citywide)**

1. Consideration of General Plan Update and certification of the related Environmental Impact Report (EIR) SCH No. 2012111015 filed by Jennifer K. Clark, Development and Resource Management Director, on behalf of the City of Fresno, citywide application

#### **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.

### EXHIBIT 3

#### STATEMENT OF OVERRIDING CONSIDERATIONS

The Council of the City of Fresno, upon consideration of all evidence in the record of proceedings for the Fresno General Plan and Development Code Update (inclusive of this exhibit), adopts the following findings based upon its independent review and judgment. The Council specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

A. As required by Section 15093 of the California Environmental Quality Act (CEQA), the City, as lead agency has carefully weighed the benefits of the Proposed Project against any adverse impacts identified in the Final MEIR that could not be feasibly mitigated to a level of insignificance. As is more fully set forth in the Final MEIR, which includes the Findings of Fact, the significant and unavoidable impacts of the Fresno General Plan and Development Code Update that cannot be mitigated to levels of insignificance include:

- (i) Aesthetics – visual character and illumination of the dark sky.
- (ii) Agricultural Resources – loss of farmland and removal of Williamson Act Contract land.
- (iii) Air Quality – criteria pollutant emissions and toxic air contaminants pollutant concentrations.
- (iv) Cultural Resources – potential removal of historic resources.
- (v) Greenhouse Gases – increase in greenhouse gas emissions beyond the year 2020.
- (vi) Noise – exceed noise standards and substantial permanent increases in noise levels.
- (vii) Transportation and Traffic – potentially exceed thresholds of levels of service on roadways under the jurisdictions of the County of Fresno, City of Clovis, and Caltrans.
- (viii) Utility and Service Systems – construction of water, wastewater, and drainage facilities that could cause substantial impacts associated with loss of agriculture and increases in air emissions.

As set forth above, the alternatives which were identified in the Final MEIR would not meet either in part or in whole to the same extent as the proposed project, the project

goals, each and all of which are deemed and considered by the City of Fresno City Council to be benefits of the project, as summarized below:

1. Increase opportunity, economic development, business and job creation. Use urban form, land use, and Development Code policies to streamline permit approval, promote local educational excellence and workforce relevance, significantly increase business development and expansion, retain and attract talented people, create jobs and sustained economic growth, strategically locate employment lands and facilities, and avoid over-saturation of a single type of housing, retail or employment.

2. Support a successful and competitive Downtown. Emphasize infill development and a revitalized central core area as the primary activity center for Fresno and the region by locating substantial growth in the Downtown, and along the corridors leading to the Downtown. Use vision based policies in a development code specific to the Downtown, when adopted, to ensure the creation of a unique sense of place in the central core.

3. Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land, buildings, natural resources, and fiscal resources required for the long term sustainability of Fresno.

4. Emphasize achieving healthy air quality and reduced greenhouse gas emissions.

5. Support agriculture and food production as an integral industry. Emphasize the economic and cultural role of Fresno as a center of agriculture and food production systems by conserving farmland through a focus on developing vacant and underutilized land within the established Sphere of Influence of the City, limiting any further urban boundary expansion, and developing urban agriculture within the city and designated growth areas.

6. Protect, preserve, and enhance natural, historic, and cultural resources. Emphasize the continued protection of important natural, historic and cultural resources in the future development of Fresno. This includes both designated historic structures and neighborhoods, but also "urban artifacts" and neighborhoods that create the character of Fresno.

7. Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.

8. Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial

services to provide a sense of place and that provide as many services as possible within walking distance. Intentionally plan for Complete Neighborhoods as an outcome and not a collection of subdivisions which do not result in Complete Neighborhoods.

9. Promote a city of healthy communities and improve quality of life in established neighborhoods. Emphasize supporting established neighborhoods in Fresno with safe, well maintained, and accessible streets, public utilities, education and job training, proximity to jobs, retail services, health care, affordable housing, youth development opportunities, open space and parks, transportation options, and opportunities for home grown businesses.

10. Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno. Greater densities can be achieved through encouragement, infrastructure and incentives for infill and revitalization along major corridors and in Activity Centers.

11. Emphasize and plan for all modes of travel on local and Major Streets in Fresno. Facilitate travel by walking, biking, transit, and motor vehicle with interconnected and linked neighborhoods, districts, major campuses and public facilities, shopping centers and other service centers, and regional transportation such as air, rail, bus and highways.

12. Resolve existing public infrastructure and service deficiencies make full use of existing infrastructure, and invest in improvements to increase competitiveness and promote economic growth.

Emphasize the fair and necessary costs of maintaining sustainable water, sewer, streets, and other public infrastructure and service systems in rates, fees, financing and public investments to implement the General Plan. Adequately address accumulated deferred maintenance, aging infrastructure, risks to service continuity, desired standards of service to meet quality-of-life goals, and required infrastructure to support growth, economic competitiveness and business development.

13. Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region. Positively influence the same attributes in other jurisdictions of the San Joaquin Valley—and thus the potential for regional sustainability—and improve the standing and credibility of the City to pursue appropriate State, LAFCO, and other regional policies that would curb sprawl and prevent new unincorporated community development which compete with and threaten the success of sustainable policies and development practices in Fresno.

14. Provide a network of well-maintained parks, open spaces, athletic facilities, and walking and biking trails connecting the city's districts and neighborhoods to attract and retain a broad range of individuals, benefit the health of residents, and

provide the level of public amenities required to encourage and support development of higher density urban living and transit use.

15. Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

16. Protect and improve public health and safety.

17. Recognize, respect, and plan for Fresno's cultural, social, and ethnic diversity, and foster an informed and engaged citizenry. Emphasize shared community values and genuine engagement with and across different neighborhoods, communities, institutions, businesses and sectors to solve difficult problems and achieve shared goals for the success of Fresno and all its residents.

B. Notwithstanding the identification and analysis of the impacts that are identified in the Final MEIR as being significant and potentially significant which arguably may not be avoided, lessened, or mitigated to a level of insignificance, the Council, acting pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, hereby determines that specific economic, legal, social, technological and other benefits of the Project outweigh any of its unavoidable, adverse impacts and that the Project should be approved.

C. This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable and potentially significant and unavoidable as set forth in the Final MEIR and the record of these proceedings. In addition, this Statement of Overriding Considerations applies to those impacts which have been substantially lessened but not necessarily lessened to a level of insignificance.

D. Based upon the objectives identified in the Final MEIR and the policies and objectives set forth in the Project and following extensive public participation and testimony, the Council has determined that the Fresno General Plan and Development Code Update should be approved, and that any remaining unmitigated environmental impacts are outweighed by the following specific economic, fiscal and other overriding considerations, any one of which is sufficient, in the Council's view, to approve the Project.

## CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council of the City of Fresno has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations, which outweigh the unavoidable adverse environmental impacts of the proposed project. The City Council finds that any one of the following overriding considerations is sufficient to outweigh adverse impacts.

1. The project will facilitate re-investment in existing neighborhoods and commercial areas within the City.

Objectives and policies within the project promote the protection of and investment in existing areas within the City, including Downtown and existing unique neighborhoods. (General Plan Objectives UF-2, UF-8, UF-12, LU-4; General Plan Policies UF-12-a, UF-12-b, UF-12-c, UF-12-d, LU-4-b). The Project will promote development on vacant and under-developed land within the City limits and will facilitate improvement to public infrastructure within existing communities and neighborhoods (General Plan Policy LU-2-a and LU-2-d)

Further the Project encourages development and investment within the City limits because it maintains the current boundaries of the Sphere of Influence (SOI), without expansion. (General Plan Policies LU-1-a and LU-1-g) Utilizing available undeveloped and/or underutilized land within the City instead of expanding beyond the SOI, will facilitate the improvement and re-investment in those existing areas.

The Project encourages both the retention and the enhancement of existing commercial areas in order to bolster the City’s economic base by fostering a high quality design and a mix of amenities in commercial areas as well fostering integration of office uses into the surrounding areas. (General Plan Objective LU-6; General Plan Policies LU-6-a and LU-6-c)

2. The project will facilitate the prevention and abatement of blight and will improve the City’s visual character.

Objectives and policies included in the Project will facilitate both the prevention and abatement of blight and will encourage the improvement of the visual character of the City as a whole. (General Plan Objectives D-2, D-3, D-4, D-5) The Project will continue enforcement of the Fresno Municipal Code and will support the prevention of blight by encouraging community partnerships to address litter clean-up, seeking funding for building façade improvements, and expansion of the City’s Graffiti Abatement Program. (General Plan Policies D-5-a, D-5-b, D-5-c, D-5-d) The Project will encourage the adoption of a streamlined design review process for new construction of

large buildings as well as visible exterior improvements of existing large structures. (General Plan Policy D-4-a) The Project will encourage the use of overlay districts to allow for innovative lot design and flexibility development standards while simultaneously ensuring that new non-residential uses are complementary and compatible to adjacent residential uses. (General Plan Policies D-4-e and D-4-f) The Project will also encourage and facilitate the development of architectural elements that reflect the unique cultural make-up of neighborhoods within the City. (General Plan Policy D-6-a)

3. The project will facilitate the creation and maintenance of an efficient transportation system that optimizes multi-modal travel.

The Project will foster an efficient and well maintained transit system that includes integration between land uses and transportation as well as interconnectivity across land uses (General Plan Objective MT-1; General Plan Policies MT-1d and MT-1-e) The Project facilitates the optimization of multi-modal travel by promoting the incorporation of the Complete Streets concept, allowing for travel by foot, by bicycle, motor vehicles and by way of public transit. (General Plan Policy MT-1-g) The Project will strive to match travel demand with appropriate transportation facilities and will prioritize transportation improvements that are consistent with the character of surrounding neighborhoods. (General Plan Policies MT-1-f and MT-1-j)

4. The project will promote land uses that conserve resources and will make efficient use of existing infrastructure.

The Project will conserve resources by promoting development and infrastructure improvements that make more efficient use of the transportation system and community infrastructure. (General Plan Objective RC-2) The Project will coordinate mixed-use, higher density infill development in multi-modal corridors with transportation improvements in those same areas of intensity. In this way transportation improvements will be concentrated in areas where they will be used more efficiently (General Plan Policy RC-2-a) The Project will also promote public infrastructure improvements proximate to mixed-use and denser infill development to make more efficient use of such improvements. (General Plan Policy RC-2-b) In this way, the City will be able to avail itself of opportunities to improve existing infrastructure at the greatest public benefit, but with the least public cost.

5. The project will facilitate the reduction of VMTs.

The Project will facilitate the reduction of Vehicle Miles Traveled (VMTs) by incentivizing infill development (General Plan Policy MT-2-c). The Project will provide incentives for development that sites employment and community services closer to existing and planned housing and multi-modal transportation corridors so that overall VMTs are reduced. By reducing the distance residents will need to travel between their homes, employment and commercial centers, and by providing opportunities for multi-modal transportation options, Citywide congestion and air quality can be improved.

6. The project will coordinate land uses and circulation systems to promote a viable and integrated multimodal transportation network.

In addition to the maintenance and enhancement of transportation facilities for motor vehicles, the Project will also promote safe and accessible transportation networks for bicycle and pedestrian use. (General Plan Objectives MT-4, MT-5, MT-6) The Project will continue to update and maintain the Bicycle, Pedestrian and Trails Master Plan and will prioritize bikeway improvements to provide improved connections between existing segments of the system. (General Plan Policies MT-4-a, MT-4-c-MT-4-d) The Project will ensure adequate access for pedestrians and persons with disabilities, will maintain pedestrian safety and will link pedestrian paths and trails to recreational facilities and cultural resources. (General Plan Policies MT-5-b, MT5-d, MT-6-c, MT-6-d)

7. The project will facilitate an increase in employment opportunities.

The objectives of the Project directed toward economic development and fiscal sustainability will encourage strong working relationships between the City and local businesses and will support local business startups. (General Plan Objectives ED-1 and ED-2; General Plan Policies ED-1-c, ED-1-d, ED-1-j, ED-2-b) Further, the Project will strive to offer incentives designed to attract new businesses to the planning area. Finally, by facilitating industry-education partnerships, the Project will foster the cultivation of a skilled, educated, and well-trained workforce. (General Plan Objective ED-4; General Plan Policies ED-4-a, ED-4-c, ED-4-c, ED-4-e)

These objectives and policies will all promote the creation of additional jobs for Fresno residents and will encourage a variety of employment opportunities. By General Plan Buildout, 393,200 jobs are projected to occur within the planning area. (FMEIR Table 5.12-5)

8. The Project will facilitate efficient use of fiscal resources.

The Project is provides a fiscal advantage to the City and makes the most efficient use of the City's fiscal resources. By prioritizing infill and abstaining from expansion of the City's SOI, the project avoids the economic disadvantage inherent in greenfield expansion. New development within the existing City boundary is likely to result in higher property and sales tax revenues for the City when compared to greenfield development and expansion of the City's SOI. In addition, the cost of providing services at both existing and optimal service levels under the compact development set forth in the Project is lower than the cost of providing services for expansion beyond the City's SOI. (Fresno General Plan and Development Code Update: Fiscal Impact Analysis of Concept Alternatives, March 15, 2012-Discussion Paper, p. 14)



## Conclusion

A. The Council finds that the Project has been carefully reviewed and that the goals, objectives, objectives, and policies included in the Project along with the mitigation measures identified in the Final MEIR have avoided or substantially lessened several environmental impacts, to the extent feasible. Nonetheless, the Project may have certain environmental effects which cannot be avoided or substantially lessened. The Council has carefully considered all of the environmental impacts which have not been mitigated to an insignificant level. The Council has carefully considered the economic, legal, social, technological benefits of the Project, as well as other considerations. The Council has balanced the benefits of the Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects.

B. Based on the foregoing and pursuant to Public Resources Code §21081 and State CEQA Guidelines §15093, the Council finds that the remaining significant unavoidable impacts of the Project are acceptable in light of its economic, fiscal, technological, and social benefits as well as other considerations, including the provision of employment opportunities for highly trained workers. Such benefits outweigh such significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

C. Finally, the Council finds that, to the extent that any impacts identified in the Final MEIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level. Accordingly, when deciding to approve the Project, the Council is faced with presumed unmitigated impacts which are limited in nature. When considering the significant benefits outlined in this Statement of Overriding Consideration against limited impacts, the balance of weight clearly falls in favor of the merits of the Project and its benefits.

For the reasons stated herein, and each of them independently of the others, the Council has adopted a Statement of Overriding Considerations.