



Legislation Details (With Text)

**File #:** ID#15-1032    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 11/10/2015    **In control:** City Council

**On agenda:** 11/19/2015    **Final action:** 11/19/2015

**Title:** CONTINUED HEARING to consider Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and four resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code, repeal Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repeal Chapter 10, Article 12; and amend Chapter 1, Section 1-203, Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1). (Public testimony closed)

1. ADOPT the environmental findings of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;
2. BILL - (For Introduction) - Approving Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3;
3. RESOLUTION - Establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and adoption of the corresponding zoning map;
4. RESOLUTION- Approving Plan Amendment Application No. A-15-003, updating tables in the Fresno General Plan that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).
5. RESOLUTION - Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in the Fresno Municipal Code in coordination with the City Attorney's Office;
6. RESOLUTION - Authorizing the Development and Resource Management Director or her designee to update the text, policies, maps, tables and exhibits contained in the Citywide Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A.pdf, 2. Exhibit B.pdf, 3. Exhibit C.pdf, 4. Exhibit D.pdf, 5. Exhibit E.pdf, 6. Exhibit F.pdf, 7. Exhibit G.pdf, 8. Exhibit H.pdf, 9. Exhibit I.pdf, 10. Exhibit J.pdf, 11. Exhibit K.pdf, 12. Exhibit L.pdf, 13. Exhibit M.pdf, 14. Supplement - Letter from American Lung Assn..pdf, 15. Supplement 15-1032 Update to Exhibit D 11-18-2015.pdf, 16. Olivier Electric Fence Handout Received During Meeting.pdf, 17. Brand Handout Received During Meeting.pdf

Date	Ver.	Action By	Action	Result
11/19/2015	1	City Council	approved as amended	Pass

## REPORT TO THE CITY COUNCIL

**November 19, 2015**

**FROM:** Jennifer Clark, AICP, Director  
Development and Resource Management Department

**BY:** Daniel Zack, Assistant Director  
Development and Resource Management Department

### SUBJECT

CONTINUED HEARING to consider Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and four resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code, repeal Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repeal Chapter 10, Article 12; and amend Chapter 1, Section 1-203, Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).

(Public testimony closed)

1. **ADOPT** the environmental findings of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;
2. **BILL** - (For Introduction) - Approving Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3;
3. **RESOLUTION** - Establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and adoption of the corresponding zoning map;
4. **RESOLUTION**- Approving Plan Amendment Application No. A-15-003, updating tables in the Fresno General Plan that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).
5. **RESOLUTION** - Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in the Fresno Municipal Code in coordination with the City Attorney's Office;
6. **RESOLUTION** - Authorizing the Development and Resource Management Director or her designee to update the text, policies, maps, tables and exhibits contained in the Citywide

Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

## RECOMMENDATION

Approve Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and four resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code, repeal Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repeal Chapter 10, Article 12; and amend Chapter 1, Section 1-203, Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).

1. **ADOPT** the environmental findings of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;
2. **BILL** - (For introduction and adoption)- Approving Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3;
3. **ADOPT RESOLUTION** - Establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and adoption of the corresponding zoning map;
4. **ADOPT RESOLUTION**- Approving Plan Amendment Application No. A-15-003, updating tables in the Fresno General Plan that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).
5. **ADOPT RESOLUTION** - Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in the Fresno Municipal Code in coordination with the City Attorney's Office;
6. **ADOPT RESOLUTION** - Authorizing the Development and Resource Management Director or her designee to update the text, policies, maps, tables and exhibits contained in the Citywide Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

## EXECUTIVE SUMMARY

The Citywide Development Code (Code) is intended to be one of the City's primary implementation tools for the General Plan, which was adopted in December of 2014. The Code was created in tandem with the General Plan, and in the ten months since the adoption of the General Plan, the Code has been released for public comment and refined to reflect comments received during that period. If adopted, the Code will replace the current Zoning Ordinance and Subdivision Ordinance in their entirety. Thus, it will carry forward many important policies of the General Plan, such as the distribution of land uses and densities, the physical form of various parts of the city, and goals relating to improved walkability and connectivity.

## **BACKGROUND**

After several years of community participation, writing, and revising, the Fresno General Plan was adopted on December 18, 2014. The General Plan established a bold new vision which aims to preserve the desirable qualities that make Fresno a good place to live, while recommending strategies to address conditions that impede greater prosperity. The Plan envisions Fresno as a vibrant city with an appropriate proportion of its growth and reinvestment focused in Downtown, established neighborhoods, Bus Rapid Transit (BRT) corridors, and suburban areas.

The Code has been created to be one of the City's primary implementation tools for the General Plan. The Code was created in tandem with the General Plan, and in the ten months since the adoption of the General Plan the Code has been released for public comment and refined to reflect community input.

If adopted, the Code will replace the current Zoning Ordinance and Subdivision Ordinance in their entirety. Thus, it will carry forward many important policies of the General Plan, such as the distribution of land uses and densities, the physical form of various parts of the city, and goals relating to improved walkability and connectivity.

The Code also supports the General Plan's BRT concept with complimentary land uses and design, and provides necessary support to the General Plan's goal of roughly half of future growth being in the form of infill by removing regulatory impediments to contemporary infill designs and densities and by offering incentives in some instances as well. The Code also aims to protect existing neighborhoods by requiring the setbacks and design of infill homes to be compatible and complimentary with other homes in the area.

The Code modernizes language and terminology, provides a framework for emerging development trends to be viable in Fresno, and uses a wide array of tables and graphics to make the document as easy to use as possible. While the Code provides clear standards for future development, it also provides alternative processes for innovative projects to be considered that may deviate from the new standards, but still accomplish the goals of the Code and the General Plan.

The staff recommendation is limited to the text of the Code, and does not include a new Zoning Map, which will be brought before the Council for consideration at a later date. This is due to Code text not taking effect until 30 days after adoption by the Council. The authority to adopt the new Zoning Map therefore will not be in place until 30 days after adoption. When the new Zoning Map is adopted, the Translation Table in Exhibit F will be used to apply the standards in the Code to properties based on their current zoning designation.

The space for the Downtown Districts (Article 15) is reserved and does not yet have standards. The Downtown Development Code had been originally conceived as a completely separate document. To improve the ease of use for the public, Commission, City Council, and staff by creating a unified set of terms and procedures, the Downtown Development Code will be folded into the Citywide Development Code at a later date. Currently, the Program Environmental Impact Report for the Downtown Development Code is being updated, and the Downtown Development Code's standards are being converted into the Citywide Development Code format. It is anticipated that this work will be completed and ready for adoption in the spring of 2016. In the meantime, the standards of the Citywide Development Code will be applied to the Downtown Planning Area as put forth in the Translation Table in Exhibit F.

### **Public Notice and Comment**

A Public Hearing Notice with environmental findings was published in the Fresno Bee on October 30, 2015. Between the March and September drafts of the Code, 16 workshops and meetings were held and 400 changes were requested. Since the September 11, 2015 draft of the Code was released, 5 additional workshops were held and approximately 200 additional changes were requested. Staff analyzed all requested changes and accommodated the change if it did not compromise the overall intent of the Code as the implementation tool for the General Plan or result in an environmental impact beyond the scope of the MEIR. All of the changes made by Planning Commission and staff during this period are redlined in Exhibit D, Revisions.

### **Council District Plan Implementation & Other Committee Review**

The Council District Plan Implementation Committees and the Tower District and Fulton-Lowell Design Review Committees have all had the opportunity to review the Code and their comments are included in Exhibit I, Comment Summary. Review dates and recommendations are noted below:

District 1 - September 29, 2015, Approve  
District 2 - September 28, 2015, Approve  
District 3 - October 12/November 2: Deferred until revisions complete  
District 4 - May 11, 2015; Declined to review later drafts  
District 5 - Reviewed on October 12, 2015, Approve  
District 6 - Reviewed on May 27 and September 21, 2015, Approve  
Fulton/Lowell Design Review Committee - September 28, 2015  
Tower District Design Review Committee - September 18, 2015

### **Planning Commission**

The Planning Commission, at its September 30<sup>th</sup>, 2015 Special Meeting, recommended adoption of the Code and approval of the related Environment Assessment, Text Amendment and Plan Amendment, along with all corrections presented in Errata 1 and Errata 2, and additional changes or clarifications to the following sections of the Code:

- Section 15-2750-B, CRV Recycling Centers
- Section 15-3903-D, Relocation Assistance Program
- Section 15-5007, Public Notice

- Section 15-104-B.4, Priority of Plans

Staff recommends incorporating all of these changes into the code. These changes, along with Errata noted above, are depicted in Exhibit D, Revisions.

### **Airport Land Use Commission**

The Airport Land Use Commission considered the Citywide Development Code at a special meeting held on October 19, 2015. The Commission found the code consistent with the airport land use plans with the following recommendation:

- That all structures over 50 feet in height should include special safety lighting.

### **ENVIRONMENTAL FINDING**

Environmental Assessment No. TA-15-001/A-15-003, an Addendum, was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines Sections 15164 (see Exhibit B).

The adoption of the Fresno General Plan and Citywide Development Code were previously analyzed in Master Environmental Impact Report (“MEIR”) SCH No. 2012111015, certified by the Fresno City Council on December 18, 2014. The Introduction to the MEIR specifically stated that “[t]he City of Fresno proposes to update their General Plan and Development Code and this Master Environmental Impact Report (MEIR) has been prepared to assess the impacts of those actions on the environment.” The repeal and amendment of sections of the Fresno Municipal Code, including chapter 12, and the inclusion of Chapter 15 were identified in the MEIR as components of the Development Code Update. The Citywide Development Code was further identified as the City’s most effective legal tool for implementing consistent land use policy and that it was developed to facilitate revitalization, infill, transit-oriented development, and more sustainable development practices.

The Executive Summary of the MEIR includes the Citywide Development Code in both the Purpose and Project Summary discussions and identifies the Development Code as the second of two components of the project analyzed by the MEIR (the first component is identified as the General Plan Update.) Analysis of the impacts of the Citywide Development Code was woven throughout the body of the MEIR alongside analysis of the impacts of the Fresno General Plan. In this way, the Citywide Development Code, previously called the Development Code Update, was assessed as a part of the comprehensive project analyzed by the MEIR. However, the Development Code has been revised since certification of the MEIR. As such, this addendum analyzes the changes that have occurred as a result of those revisions.

Based on the environmental review contained in the MEIR, the revisions to the Citywide Development Code as identified in the Summary of Changes document would not result in any new significant or substantial changes to the evaluation of the environmental resources within and outside of the Planning Area beyond those that were addressed in the MEIR.

Since the proposed project will not result in additional impacts, it may be determined that: (1) The project falls within the scope of MEIR No. SCH 2012111015 prepared for the Citywide Development Code; (2) No substantial changes are proposed in the project which require major revisions to the

previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the environmental finding for MEIR No. SCH 2012111015 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

## LOCAL PREFERENCE

Not applicable.

## FISCAL IMPACT

There is no fiscal impact.

### Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: Environmental Assessment
- Exhibit C: Ordinance Bill (including the Citywide Development Code, September 2015 Draft, provided under separate cover and available at [www.fresno.gov/code](http://www.fresno.gov/code) <<http://www.fresno.gov/code>> )
- Exhibit D: Revisions (provided under separate cover and available at [www.fresno.gov/code](http://www.fresno.gov/code) <<http://www.fresno.gov/code>> )
- Exhibit E: Summary of Changes
- Exhibit F: Resolution Adopting Zoning Designation Translation Table
- Exhibit G: Plan Amendment No. A-15-003
- Exhibit H: Resolution Adopting Plan Amendment No. A-15-003
- Exhibit I: Comment Summary
- Exhibit J: Resolution Authorizing City Clerk Corrections
- Exhibit K: Resolution Authorizing DARM Director to update Citywide Development Code
- Exhibit L: Planning Commission Resolution for TA-15-001
- Exhibit M: Planning Commission Resolution for A-15-003