



Legislation Details (With Text)

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Title: HEARING to consider General Plan Text Amendment Application No. P18-3553 and related Environmental Finding initiated by the Fresno City Council on March 3, 2017 through Council Resolution No. 2017-61 pertaining to all prime farmland, unique farmland or farmland of statewide importance within the sphere of influence of the City of Fresno

1. ADOPT Environmental Assessment No. P18-03553, 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, and to Program Environmental Impact Report SCH No. 2017031012 certified by the Fresno City Council on October 26, 2017 for the Southwest Fresno Specific Plan pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.

2. RESOLUTION - Approving the General Plan Text Amendment No. P18-03553 amending Farmland Preservation Program Policy RC-9-c, as described in Exhibit A.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Text Amendment Application No. P18-03553, 2. Exhibit B - Initiation Resolution No. 2017-61, 3. Exhibit C - Public Notice, 4. Exhibit D - Environmental Assessment, 5. Exhibit E - Fresno Municipal Code Findings, 6. Exhibit F - Resolution for General Plan Text Amendment No. P18-3553, 7. Exhibit G - Letter from Shute Mihaly and Weinberger, LLP, 8. Exhibit H - Community Meeting Sign-in Sheet

Date	Ver.	Action By	Action	Result
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REPORT TO THE CITY COUNCIL

December 6, 2018

FROM: DANIEL ZACK, AICP, Assistant Director
Development and Resource Management Department

THROUGH: SOPHIA PAGOULATOS, Planning Manager
Long Range Planning Division

BY: DREW WILSON, Planner III
Long Range Planning Division

SUBJECT:

HEARING to consider General Plan Text Amendment Application No. P18-3553 and related Environmental Finding initiated by the Fresno City Council on March 3, 2017 through Council Resolution No. 2017-61 pertaining to all prime farmland, unique farmland or farmland of statewide importance within the sphere of influence of the City of Fresno

1. **ADOPT** Environmental Assessment No. P18-03553, 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, and to Program Environmental Impact Report SCH No. 2017031012 certified by the Fresno City Council on October 26, 2017 for the Southwest Fresno Specific Plan pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
2. **RESOLUTION** - Approving the General Plan Text Amendment No. P18-03553 amending Farmland Preservation Program Policy RC-9-c, as described in Exhibit A.

RECOMMENDATION

Recommend approval of General Plan Text Amendment No. P18-03553 and related environmental assessment.

EXECUTIVE SUMMARY

On March 3, 2017, the City Council adopted Resolution No. 2017-61, initiating an amendment to the text of Fresno General Plan Policy RC-9-c, which calls for a Farmland Preservation Program. The proposed amendment to the policy clarifies and adds flexibility to the program design, within the parameters of the California Environmental Quality Act (CEQA). The proposed text amendment is included in Exhibit A.

BACKGROUND

The Fresno General Plan was adopted on December 18, 2014, and included a Resource Conservation Element. This element includes objectives and implementing policies related to the wise use of infrastructure and resources, including air quality and greenhouse gas emissions, water, energy, minerals, and farmland. Implementing Policy RC -9-c calls for the creation of a Farmland Preservation Program pertaining to Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The proposed text amendment would add options for preserving such farmland, and requires consistency with CEQA. See Exhibit A for the full text of the amendment.

Public Notice and Comment

Notice was provided by the following (See Exhibit C):

1. Posted to City of Fresno Social media accounts (to publicize a community meeting on the text amendment) ;
2. City Staff sent invitations to a variety of local agencies relevant to the proposed text amendment, community organizations, related stakeholders and residents.
3. City staff hosted a community meeting on the proposed text amendment on October 23, 2018 at Herndon-Barstow Elementary School.

To date, written correspondence has been received from Shute, Mihaly & Weinberger, LLP, dated April 18, of 2018 (Exhibit G). In addition, of the 5 members of the public that attended the October 23, 2018 community meeting, one member spoke in opposition. The other attendees requested more information but did not indicate a position (see Exhibit H for sign-in sheet from the meeting)..

Citizen Committees

The active Council District Plan Implementation Committees, the Tower District Design Review and the Fulton-Lowell Specific Plan Committees, and the Airport Land Use Commission all reviewed the proposed plan amendments and rezones in their respective areas and the text amendment, which applies city-wide. Their recommendations are listed below.

District 1: On April 3, 2018, the Committee recommended approval of the proposed applications.
District 2: On April 2, 2018, the Committee recommended approval of the proposed applications.
District 3: The Committee is currently inactive.
District 4: On April 2, 2018, the Committee recommended approval of the proposed applications.
District 5: On April 2, 2018, the Committee recommended approval of the proposed applications.
District 6: On April 2, 2018, the Committee recommended approval of the proposed applications
District 7: The Committee is currently inactive.

Fulton-Lowell Design Review: On April 2, 2018, the Committee recommended approval of the proposed applications.

Tower District Design Review Committee: On April 3, 2018, the Committee recommended approval of the proposed applications.

Airport Land Use Commission: On April 2, 2018, the Commission recommended approval of text amendment.

Planning Commission

The Planning Commission considered the proposed applications at a regularly scheduled public hearing held on April 4, 2018, and recommended approval by a unanimous vote. Thirteen members of the public testified in support of the item and no members of the public testified in opposition.

ENVIRONMENTAL FINDINGS

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 its 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 adoption of the Southwest Fresno Specific Plan was previously analyzed in Program Environmental Impact Report SCH No. 2017031012 ("PEIR"), certified on October 26, 2017. The Plan Amendment includes a proposed text change to the Farmland Preservation Program Policy RC-9-c. The proposed policy change calls for the mitigation of the loss of farmland pursuant to CEQA and includes more options than were included in the original policy. Loss of farmland was a significant and unavoidable impact identified in the MEIR, however Policy RC-9-c was included in the Fresno General Plan and cross-referenced in the MEIR in order to mitigate the loss of farmland to the extent possible. This amendment to the policy provides additional flexibility in creating a farmland mitigation program.

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 Fresno General Plan and Citywide Development Code and/or the PEIR No. 2017031012 certified by the Fresno City Council on October 26, 2017 for the Southwest Fresno Specific Plan; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental findings 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 or PEIR No. SCH 2012041009 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 and PEIR No. SCH 2017031012 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

N/A - no contracts under consideration.

FISCAL IMPACT

N/A

Attachments:

Exhibit A: Text Amendment Application No. P18-03553
Exhibit B: Initiation Resolution No. 2017-61
Exhibit C: Public Notice
Exhibit D: Environmental Assessment
Exhibit E: Fresno Municipal Code Findings
Exhibit F: Resolution for General Plan Text Amendment No. P18-3553
Exhibit G: Letter from Shute, Mihaly, and Weinberger, LLP
Exhibit H: Community Meeting Sign-in Sheet