



Legislation Details (With Text)

File #: ID 20-001336 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 9/30/2020 **In control:** City Council
On agenda: 10/15/2020 **Final action:** 10/15/2020

Title: HEARING to consider Plan Amendment and Rezone Application Nos. P20-00957; and related Environmental Assessment No. P20-00957 for approximately 18.9 acres of property located on the west side of North Palm Avenue, between West Nees and West Fallbrook Avenues. (Council District 2) - Planning and Development Department.

- ADOPT the addendum to the Master Environmental Impact Report (“MEIR”) SCH No. 2012111015, dated September 16, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
- RESOLUTION - Approving Plan Amendment Application No. P20- 00957 proposing to amend the 2035 Fresno General Plan to change the planned land use designations for the subject properties from Employment, Office (±16.7 acres) and Employment, Light Industrial (±2.2 acres) to Commercial Community (±18.9 acres).
- BILL (For introduction and adoption) - Approving Rezone Application No. P20-00957 proposing to rezone the Official Zoning Map of the City of Fresno to rezone the subject properties from the O/UGM/cz (Office/Urban Growth Management/conditions of zoning)(±16.7 acres) and IL/UGM/cz (Light Industrial/Urban Growth Management/conditions of zoning)(±2.2 acres) zone districts to the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) (±18.9 acres) zone district in accordance with Plan Amendment Application No. P20-00957

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph of Site, 3. Exhibit C - Public Hearing Notice Radius Map, 4. Exhibit D - Existing and Proposed Planned Land Use, 5. Exhibit E - Existing and Proposed Rezone Exhibit, 6. Exhibit F - Project Information Tables, 7. Exhibit G - Fresno Municipal Code Findings, 8. Exhibit H - Environmental Assessment No. P20-00957 dated September 16, 2020, 9. Exhibit I - City Council Resolution Amendment Application No. P20-00957, 10. Exhibit J - City Council Ordinance Bill for Pre-zone Application No. P20-00957, 11. Exhibit K - Presentation

Date	Ver.	Action By	Action	Result
10/15/2020	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

October 15, 2020

FROM: DAN ZACK, Assistant Director
Planning and Development Department

THROUGH: RALPH KACHADOURIAN, Supervising Planner
Development Services Division

BY: JOSE VALENZUELA, Planner III
Development Services Division

SUBJECT

HEARING to consider Plan Amendment and Rezone Application Nos. P20-00957; and related Environmental Assessment No. P20-00957 for approximately 18.9 acres of property located on the west side of North Palm Avenue, between West Nees and West Fallbrook Avenues. (Council District 2) - Planning and Development Department.

1. ADOPT the addendum to the Master Environmental Impact Report (“MEIR”) SCH No. 2012111015, dated September 16, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
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3. BILL (For introduction and adoption) - Approving Rezone Application No. P20-00957 proposing to rezone the Official Zoning Map of the City of Fresno to rezone the subject properties from the O/UGM/cz (*Office/Urban Growth Management/conditions of zoning*)(±16.7 acres) and IL/UGM/cz (*Light Industrial/Urban Growth Management/conditions of zoning*)(±2.2 acres) zone districts to the CC/UGM/cz (*Community Commercial/Urban Growth Management/conditions of zoning*)(±18.9 acres) zone district in accordance with Plan Amendment Application No. P20-00957

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the addendum to the Master Environmental Impact Report (“MEIR”) SCH No. 2012111015, dated September 16, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. ADOPT RESOLUTION approving Plan Amendment Application No. P20- 00957 proposing to amend the 2035 Fresno General Plan to change the planned land use designations for the subject properties from Employment, Office (±16.7 acres) and Employment, Light Industrial (±2.2 acres) to Commercial Community (±18.9 acres).
3. INTRODUCE AND ADOPT BILL approving Rezone Application No. P20-00957 proposing to rezone the Official Zoning Map of the City of Fresno to rezone the subject properties from the O/UGM/cz (*Office/Urban Growth Management/conditions of zoning*)(±16.7 acres) and IL/UGM/cz (*Light Industrial/Urban Growth Management/conditions of zoning*)(±2.2 acres) zone districts to the CC/UGM/cz (*Community Commercial/Urban Growth Management/conditions of zoning*)(±18.9 acres) zone district in accordance with Plan Amendment Application No. P20-00957.

EXECUTIVE SUMMARY

Barigye McCoy, on behalf of Park Place Holdings, LP, has filed Plan Amendment and Rezone Application Nos. P20-00957 pertaining to a total of ±18.9 acres of property located on the west side of North Palm Avenue, between West Nees and West Fallbrook Avenues.

Plan Amendment Application No. P20-00957 proposes to amend the 2035 Fresno General Plan to

change the planned land use designations for the subject properties from Employment, Office (± 16.7 acres) and Employment, Light Industrial (± 2.2 acres) to Commercial Community (± 18.9 acres).

Rezone Application No. P20-00957 proposes to rezone the Official Zoning Map of the City of Fresno to rezone the subject properties from the O/UGM/cz (*Office/Urban Growth Management/conditions of zoning*) (± 16.7 acres) and IL/UGM/cz (*Light Industrial/Urban Growth Management/conditions of zoning*) (± 2.2 acres) zone districts to the CC/UGM/cz (*Community Commercial/Urban Growth Management/conditions of zoning*) (± 18.9 acres) zone district in accordance with Plan Amendment Application No. P20-00957.

The project will not require dedications and/or acquisitions for public street rights-of-way and utility easements as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno. The development is existing and all public facilities and infrastructure has been built out.

Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on September 16, 2020. After hearing testimony from city staff and the applicant, the Planning Commission voted to recommend approval of the proposed applications by a vote of 6-0-1. No public testimony was given and comments were not received.

BACKGROUND

The subject property is located within the City of Fresno's General Plan Boundary and Sphere of Influence.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the east and south have been substantially developed or are in the process of being developed with commercial and light industrial uses. Undeveloped areas are located to the west and north of the subject property.

The subject site originally developed with Conditional Use Permit Application No. C-04-318 in 2005. In the same year the existing development was facilitated by Rezone Application No. R-04-104 which proposed to reclassify approximately 17.07 acres of property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district. The remaining ± 1.83 acres included in Conditional Use Permit Application No. C-04-318, were not included and remained planned and zoned for light industrial land uses. The applicant did not request to re-designate the area at the time.

In 2010, Plan Amendment Application No. A-09-08 proposed to amend the 2025 Fresno General Plan and the Bullard Community Plan from the Office-Commercial planned land use designation to the Community Commercial land use designation for the ± 18.9 -acre subject property. Rezone Application No. R-09-16 proposed a zone district reclassification from the C-M/cz (*Commercial and Light Manufacturing/conditions of zoning*) and the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) in accordance with the proposed plan amendment. Conditional Use Permit Application No. C-09-230 allowed an

existing restaurant to operate as a nightclub use. The subject applications were analyzed via Environmental Assessment No. A-09-08, R-09-16, C-09-230. On February 4, 2010, the Fresno City Council approved Plan Amendment Application No. A-09-08, Rezone Application No. R-09-16 and Conditional Use Permit Application No. C-09-230.

The 2035 Fresno General Plan was adopted on December 18, 2014 which updated the City's vision related to land use, environmental preservation, housing and other planning goals. In addition, the Master Environmental Impact Report SCH No. 2012111015 was adopted on February 4, 2016. In the production of the General Plan the subject site's planned land use was reversed to an Office and Light Industrial planned land use designation inconsistent with the previously approved Plan Amendment Application No. A-09-08.

The Citywide Development Code was effective on March 6, 2016 which provided for zoning classification consistent with the 2035 Fresno General Plan. Erroneously, the citywide development code classified the existing shopping center to O/UGM/cz (*Office/Urban Growth Management/conditions of zoning*)(±16.7 acres) and IL/UGM/cz (*Light Industrial/Urban Growth Management/conditions of zoning*)(±2.2 acres) inconsistent with the previously approved Rezone Application No. R-09-16.

The purpose of the amendment is to make minor technical corrections 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

The intent of this plan amendment and rezone application is to align the planned land use designation and rezone classification equivalent to Community Commercial and CC/UGM/cz (*Community Commercial/Urban Growth Management/conditions of zoning*) as was approved in 2010 (through Plan Amendment Application A-09-08 and Rezone Application R-09-016). There are currently existing conditions of zoning established by Ordinance Bill 2005-129, and easements for public access purposes, including that easement for public access purpose recorded with the Fresno County Recorded on October 24, 2006 as DOC-2006-0226503, applicable to the subject property, and this plan amendment and rezone is not intended to modify or extinguish the existing conditions of zoning or easements thereon.

There is no development proposed for these applications. The project will not require dedications and/or acquisitions for public street rights-of-way and utility easements as well as incorporation of existing easements for construction and/or retention of public facilities and infrastructure in accordance with all applicable standards, specifications and policies of the City of Fresno.

Community Commercial is intended for commercial development that primarily serves local needs such as convenience shopping and small offices. Many of the city's current commercial districts fall into this designation. Specific uses allowed include medium scale retail, office, civic and entertainment uses, supermarkets, drug stores and supporting uses.

This overall form of development proposed to be facilitated with the proposed project supports implementation of the concept of a Complete Neighborhood and the Goals, Objectives and Policies of the Fresno General Plan; as follows:

Land Use Plans and Policies

As proposed, the project will be consistent with the following Fresno General Plan goals:

Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.

This Goal contributes to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-6 of the Fresno General Plan.

LU-6-a Design of Commercial Development. Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

LU-6-b Commercial Development Guidelines. Consider adopting commercial development guidelines to assure high quality design and site planning for large commercial developments, consistent with the Urban Form policies of this Plan.

LU-6-d Neighborhood and Community Commercial Center Design. Plan for neighborhood mixed use and community commercial uses to implement the Urban Form concepts of this Plan, promote the stability and identity of neighborhoods and community shopping areas, and allow efficient access without compromising the operational effectiveness of the street system.

- Neighborhoods will be anchored by community commercial centers with a mix of uses that meet the area's needs and create a sense of place; and

This project supports the above mentioned policies in that the intensity of the proposed development conforms to the applicable land use designation of the Fresno General Plan and the Bullard Community Plan.

Given these circumstances, the proposed project supports and is consistent with the goals, objective and policies of the Fresno General Plan as referenced herein above.

The project will not conflict with any conservation plans since it is not located within any conservation plan areas. No habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity. Therefore, there would be no impacts.

In conclusion, the proposed project is consistent with many or all of the goals and policies of the Fresno General Plan. The proposed project promotes reinvestment by proposing a quality development near expanding neighborhoods and the opportunity to continue development in the future, and protects property values by constructing a compatible infill development on a currently underdeveloped site.

Public Services

Public services are available and the site has been built out. An 8-inch & 12-inch public water mains

exist on-site within a 30-foot water main easement. The existing property is currently served with two 2-inch water meters and two 2-inch irrigation meters. Sewer requirements shall be addressed upon the submittal of future applications.

Council District Plan Implementation Committee

The Council District 2 (CD2) Plan Implementation Committee recommended approval of this project at their July 13, 2020 meeting.

Airport Land Use Committee

The Airport Land Use Committee (ALUC) recommended approval of this project at their August 6, 2020 meeting.

City of Fresno Planning Commission

On September 16, 2020, the Fresno City Planning Commission held a public hearing to consider the proposed project and Environmental Assessment No. P20-00957.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of Plan Amendment Application No. P20-00957, Rezone Application No. P20-00957 and the related environmental finding to the Fresno City Council.

Notice of Hearing

The Planning and Development Department mailed notices of this public hearing to all surrounding property owners within 1,000 feet of the subject property, pursuant to Section 15-5007 of the Fresno Municipal Code.

ENVIRONMENTAL FINDINGS

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.

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 “the 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.” In December 2014, the subject site was developed with approximately 215,000 square feet of office and commercial area which was assessed as part of the MEIR (**Exhibit H**).

Plan Amendment and Rezone Application Nos. P20-00957 propose one clean up amendment to the General Plan Land Use Map and the Zoning Map for one of the following reasons: 1) to implement City Council direction provided in February 2016 allowing property owners to request a reversion to previously existing zoning on their property; or 2) to make technical corrections. These land use

changes were analyzed and would not result in additional impacts beyond those analyzed in the MEIR. The proposed applications do not include any new development and the site is already substantially developed. Future development projects proposed on the subject sites would require separate environmental review.

With the incorporation of Plan Amendment and Rezone Application Nos. P20-00957, as identified in **Exhibits D and E**, the issues that were identified as significant and unavoidable in the Master EIR (MEIR) will continue to cause significant and unavoidable impacts. These issues include aesthetics (visual character and illumination of the dark sky), agricultural resources (loss of farmland and removal of Williamson Act contract land), air quality (criteria air pollutants and toxic air contaminant pollutant concentrations), cultural resources (removal of historic resources), greenhouse gas emissions (increase in emissions beyond the Year 2020), noise (exceed noise standards and substantial permanent increase in noise standards), transportation and traffic (exceed level of service thresholds for facilities under County of Fresno, City of Clovis, and Caltrans jurisdictions), and utility and service systems (construction impacts related to agriculture and air quality) in the MEIR. The proposed changes identified in **Exhibits D and E** will still contribute to potential significant and unavoidable impacts related to aesthetics, agricultural resources, cultural resources, noise, and utility/service systems. However, the proposed Plan Amendment and Rezone will not substantially increase the severity of the impacts that were addressed in the Master EIR because that site has been fully developed and no new development is proposed at this time.

The issues found to be less than significant with mitigation measures in the MEIR will continue to be less than significant with mitigation measures with the incorporation of Plan Amendment and Rezone Application Nos. P20-00957. These issues include biological resources (habitat, plant and wildlife species, and wetlands), cultural resources (archaeology, paleontology, and human remains), hazards (airport and emergency response plan), hydrology (groundwater supplies and polluted runoff), public services (construction of facilities), and utilities/service systems (capacities for water, sewer, drainage, and landfill facilities) in the MEIR. The mitigation measures that were identified for each of these environmental issues will be required with the approval of land use entitlements, when applicable. The implementation of these measures is anticipated to reduce potential significant impacts to less than significant impacts for each of these issues.

The issues found to have no impact or less than significant impacts without mitigation measures will continue to have no impact or less than significant impacts without the need for any mitigation measures with the incorporation of Plan Amendment and Rezone Application Nos. P20-00957. These issues include geology and soils, hazardous materials, land use and planning, noise (groundborne vibration, construction noise, and aircraft noise), population and housing, transportation and traffic (roadways within the City's jurisdiction and emergency access), and mineral resources in the MEIR. Plan Amendment and Rezone Application Nos. P20-00957, may result in an increase of these environmental impacts for certain projects or in certain locations; however, the level of impact will continue to be less than significant and no mitigation measures will be required.

In 2013, Senate Bill (SB) 743 was signed and in 2019, codified in the California Environmental Quality Act (CEQA) Guidelines. The SB changes the way transportation impacts are analyzed. The SB took effect on July 1, 2020. In order to analyze VMT impacts (Vehicle Miles Traveled), the City of Fresno developed the CEQA Guidelines for VMT Thresholds (Technical Advisory).

The Technical Advisory (TA) states “Residential and office projects that are located in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps may be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.” LSA Associates, Inc., calculated VMT per capita and VMT per employee for the City of Fresno as well as the entire Fresno County. LSA also created screening maps that residential and office projects within the city can use to screen projects. As described earlier, the City will use Fresno County as the region. Therefore, the screening maps have been created using the county as the region. Figure 6 illustrates Fresno’s VMT per capita screening map. Figure 7 illustrates the City’s VMT per employee screening map. As illustrated in Figures 6 and 7, most of the low VMT zones are in the central part of Fresno, where the City’s vision is to promote infill development. Therefore, the VMT thresholds and IDs of these zones will effectively screen out or exempt from further VMT analysis the desired development types the City wishes to see as part of the General Plan process.

The subject site is currently built out with approximately 215,000 square feet of mixed of uses. The predominant use at the Park Place shopping center is office which comprises approximately 60% of floor area. Using Fresno COG’s VMT Screening Tool Application, the project is located in an area that is designated as Low VMT and is less than 13% of the average VMT per employee in the region. The City’s CEQA Guidelines for Vehicle Miles Traveled Thresholds (“Guidelines”, adopted in June 25, 2020) call for any general plan amendments which fit the screening criteria to be evaluated on a case-by-case basis to ensure that they are in alignment with general plan goals, policies and the MEIR’s traffic assumptions. Staff has determined that it is appropriate to screen this project out from further VMT analysis since the site is in a low VMT area per Figure 7 of the Guidelines and the proposed plan amendment is a technical correction to match the planned land use and zoning with development that has already occurred.

CEQA guidelines state that Master Environmental Impact Reports are appropriate for analyzing the impacts of large and/or multi-phased projects such as general plans or for rules or regulations that will be implemented by later projects, such as zoning ordinances (Section 15175(b)(4)). However, individual projects constructed pursuant to the Fresno General Plan, the Citywide Development Code and the Bullard Community Plan may require additional environmental review if they would cause an impact that was not previously identified in the MEIR.

The environmental review contained in the MEIR for Plan Amendment and Rezone Application No. P20-00957 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 Fresno General Plan and 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.

FRESNO MUNICIPAL CODE FINDINGS

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

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code §§ 66400, *et seq.*) and concludes that the required findings contained within 15-5812 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that Plan Amendment and Rezone Application Nos. P20-00957 are appropriate for the project site.

LOCAL PREFERENCE

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph of Site
- Exhibit C - Public Hearing Notice Radius Map
- Exhibit D - Existing and Proposed Planned Land Use Map
- Exhibit E - Existing and Proposed Rezone Exhibit
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