



Legislation Details (With Text)

File #: ID16-1369 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 11/15/2016 **In control:** City Council
On agenda: 12/1/2016 **Final action:** 12/1/2016

Title: HEARING to consider Plan Amendment Application No. A-16-013, Rezone Application No. R-16-012 and related Environmental Assessment No. A-16-013/R-16-012 filed by the Development and Resource Management Department Director, for four separate properties (referred to as Requests 1, 2, 3, and 4) located in the City of Fresno (Council Districts 5 & 7) - Development and Resource Management Department.

a. Adopt Environmental Assessment No. A-16-013/R-16-012, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 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.

b. RESOLUTION - Approving Plan Amendment Application No. A-16-013, pertaining to 2.94 acres and 1/3 of a mile of a street segment, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map) and the Roosevelt Community Plan, as described in Exhibits A and B, Requests 1-4.

c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-012, pertaining to 2.94 acres, to amend the City of Fresno Zoning Map to change zoning on properties requesting to be reverted back to their previous zoning. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibits A and B, Requests 1-3.

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

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 12/1/2016 | 1 | City Council | approved | Pass |

REPORT TO THE CITY COUNCIL

December 1, 2016

FROM: JENNIFER K. CLARK, Director
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Assistant Director
Development and Resource Management Department

BY: MCKENCIE CONTRERAS, Supervising Planner
Development Services Division

SUBJECT

HEARING to consider Plan Amendment Application No. A-16-013, Rezone Application No. R-16-012 and related Environmental Assessment No. A-16-013/R-16-012 filed by the Development and Resource Management Department Director, for four separate properties (referred to as Requests 1, 2, 3, and 4) located in the City of Fresno (Council Districts 5 & 7) - Development and Resource Management Department.

- a. Adopt Environmental Assessment No. A-16-013/R-16-012, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 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.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-013, pertaining to 2.94 acres and 1/3 of a mile of a street segment, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map) and the Roosevelt Community Plan, as described in Exhibits A and B, Requests 1-4.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-012, pertaining to 2.94 acres, to amend the City of Fresno Zoning Map to change zoning on properties requesting to be reverted back to their previous zoning. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibits A and B, Requests 1-3.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

- a. ADOPT Environmental Assessment No. A-16-013/R-16-012, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 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.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-013, pertaining to 2.94 acres and 1/3 of a mile of a street segment, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map) and the Roosevelt Community Plan, as described in Exhibits A and B, Requests 1-4.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-012, pertaining to 2.94 acres, to amend the City of Fresno Zoning Map to change zoning on properties requesting to be reverted back to their previous zoning. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibits A and B, Requests 1-3.

EXECUTIVE SUMMARY

On February 4, 2016, City Council directed that a 180-day grace period be established to allow property owners to request reversion to a zone district equivalent to that existing prior to the zoning map update. In September 2016, the City Council extended the grace period. Plan Amendment and Rezone Requests 1-3 are amendments requested by the property owners. Plan Amendment Request 4 proposes to change a street classification to permit future development along the street.

BACKGROUND

As noted above, in order to provide for the smoothest transition possible after the zoning map update, the City Council directed staff to accept requests which would change the zoning back to a classification which more closely resembled the zoning that previously existed on the site and which was consistent with General Plan goals, policies, and environmental review. This was to be done free of charge for 180 days. The initial 180-day period was to conclude recently; however, the City Council extended the grace period and staff is bringing four such “cleanup” changes to City Council for consideration. If so directed, staff will continue to accept such requests for a longer period. Property owners who wish to change their zoning in a way which differs from General Plan goals, policies, and environmental review may propose to do so through the standard General Plan Amendment/Rezone application process.

A total of four requests are included in the proposed applications. The requests are described below and the locations correspond to the numbers shown in Exhibits A and B.

Request 1: This property is located on the south side of East Laurite Avenue between South Clovis and South Dewitt Avenues (APN: 481-100-04). The subject property was improved with utility connections with the intent of developing single family residences. Vesting Tentative Tract Map No. 6150 was submitted for the creation of eight single family lots and a remainder. However, the property was reclassified, which halted the subdivision process. The property owner has requested the property be reverted back to single family zoning for development of single family homes. This will allow Vesting Tentative Tract Map No. 6150 to be processed by the Development and Resource Management Department.

Request 2: This property is located on the northeast corner of East Church and South Maple Avenues (APN: 480-201-17). The subject property was previously zoned for commercial development. The citywide rezone changed the zoning to single family residential. The property owner requested the subject property be rezoned back to commercial to allow for commercial development that will serve local needs, including medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores, and supporting uses.

Request 3: This property is located on the southwest corner of East Olive Avenue and North Fisher Street (APN: 454-021-10). The subject property was previously zoned for commercial development. The citywide rezone changed the zoning to multiple family residential. The property owner requested the subject property be rezoned back to commercial to allow for the existing commercial uses on the subject property to maintain consistency with the zone district.

Request 4: The reclassification of East Fancher Creek Drive between North Clovis Avenue and East Tulare Street from a collector to a local street will allow development in the area to have direct access to the street. The local street will connect neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development.

The Plan Amendment and Rezone applications were reviewed by city staff and partner agencies and there are no adverse impacts. Staff finds all of the requests to be consistent with the Fresno General Plan goals, objectives, and policies.

Public Notice and Input

District Committee

The District 5 Plan Implementation Committee reviewed Plan Amendment Application No. A-16-013 and Rezone Application No. R-16-012 on November 7, 2016 and recommended approval with no additional comments.

Fresno City Planning Commission Action

Plan Amendment Application No. A-16-013 and Rezone Application No. R-16-012 were considered by the Fresno City Planning Commission at its meeting on November 16, 2016. At the hearing one person spoke in support and no members of the public spoke in opposition to the proposed plan amendment and rezone. After a complete hearing, the Commission voted and recommended the City Council approve the plan amendment and rezone application by a 4-0-3 vote (three members absent).

Notice of Hearing

The Development and Resource Management Department mailed notices of this City Council hearing to surrounding property owners within 1,000 feet of the subject properties (Exhibit C), pursuant to Section 15-5007 of the FMC.

Plan Amendment and Rezone Findings

Based upon analysis of the applications, staff concludes that the required findings of Section 15-5812 of the FMC can be made. These findings are attached as Exhibit E.

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 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 Plan Amendment presented includes minor amendments to the General Plan land use map adopted in December of 2014. Plan Amendment Application No. A-16-013 and Rezone Application No. R-16-012 propose four clean up amendments to the General Plan Land Use and Circulation Map and the Zoning Map for one of the following reasons: 1) to implement City Council direction provided in September 2016 allowing property owners to request a reversion to previously existing zoning on their property (Requests 1-3); or to change a street classification to permit future development along the street (Request 4). These land use changes were analyzed and would not result in additional impacts beyond those analyzed 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 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 California Environmental Quality Act (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

Local preference was not considered because this resolution and ordinance do 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 property owners. Prudent financial management is demonstrated by the expeditious completion of these land use application.

Attachments:

Exhibit A - Plan Amendment Application No. A-16-013 and Rezone Application No. R-16-012 Table

Exhibit B - Plan Amendment Application No. A-16-013 and Rezone Application No. R-16-012 Maps

Exhibit C - Public Noticing Maps

Exhibit D - Traffic Analysis

Exhibit E - Plan Amendment and Rezone Findings

Exhibit F - Environmental Assessment

Exhibit G - Planning Commission Resolution Nos. 13427 and 13428

Exhibit H - City Council Resolution for Plan Amendment Application No. A-16-013

Exhibit I - City Council Ordinance Bill for Rezone Application No. R-16-012

Exhibit J - City Council PowerPoint Presentation