



Legislation Details (With Text)

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**File created:** 11/26/2019    **In control:** City Council  
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**Title:** HEARING to Consider Environmental Assessment P19-02033; Plan Amendment & Rezone Application No. P19-02030; Development Permit Application No. P19-02033; and, related Environmental Assessment No. P19-02033, pertaining to ±11.8 acres of property located at 4259 West Bullard Avenue; filed by Bryan Sassano on behalf of Spencer Enterprises, Inc., pertaining to approximately 11.8 acres of property near the southeast corner of West Bullard Avenue and North Figarden Drive (Council District 2).

1. ADOPT CEQA Environmental Assessment No. P19-02033, a Mitigated Negative Declaration dated November 13, 2019.
2. RESOLUTION - Approving Plan Amendment Application No. P19-02030 proposing to amend the Fresno General Plan and Bullard Community Plan to change the planned land use designation for the ±11.8 acre subject property from the Commercial - Community planned and use to the Residential - Urban Neighborhood (16-30 du/acre) planned land use.
3. BILL - (For introduction and adoption) - Approving Rezone Application No. P19-02030 proposing to amend the official Zoning Map of the City of Fresno to reclassify the ±11.8 acre subject property from the CC/UGM/cz (Commercial - Community/Urban Growth Management/conditions of zoning) zone district to the RM-2/UGM (Residential - Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district.
4. APPROVE - Development Permit Application No. P19-02033 which proposes the construction of 192 market rate multi-family dwelling units on the ±11.8 acre subject property at a density of ±16.27 du/acre.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - 2015 Aerial Photograph of Site, 3. Exhibit C - Planned Land Use Map, 4. Exhibit D - Zoning Map, 5. Exhibit E - Site Plan, Elevations, Floor Plan, 6. Exhibit F - Operational Statement, 7. Exhibit G - Comments from Responsible Agencies, 8. Exhibit H - Notice of Public Hearings and Maps, 9. Exhibit I - Fresno Municipal Code Findings, 10. Exhibit J - Environmental Assessment, 11. Exhibit K - Planning Commission Resolutions 13616, 13617, amd 13618, 12. Exhibit L - Conditions of Approval dated December 12, 2019, 13. Exhibit M- City Council Resolution for Plan Amendment No. P19-02030, 14. Exhibit N - City Council Ordinance Bill for Rezone Application No. P19-02030, 15. Exhibit O - Powerpoint Presentation

Date	Ver.	Action By	Action	Result
12/12/2019	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**December 12, 2019**

**FROM:** MIKE SANCHEZ, Assistant Director  
Development Services Division

**THROUGH:** WILL TACKETT, Supervising Planner  
Development Services Division

**BY:** KELSEY GEORGE, Planner  
Development Services Division

**SUBJECT**

HEARING to Consider Environmental Assessment P19-02033; Plan Amendment & Rezone Application No. P19-02030; Development Permit Application No. P19-02033; and, related Environmental Assessment No. P19-02033, pertaining to ±11.8 acres of property located at 4259 West Bullard Avenue; filed by Bryan Sassano on behalf of Spencer Enterprises, Inc., pertaining to approximately 11.8 acres of property near the southeast corner of West Bullard Avenue and North Figarden Drive (Council District 2).

1. **ADOPT** CEQA Environmental Assessment No. P19-02033, a Mitigated Negative Declaration dated November 13, 2019.
2. **RESOLUTION** - Approving Plan Amendment Application No. P19-02030 proposing to amend the Fresno General Plan and Bullard Community Plan to change the planned land use designation for the ±11.8 acre subject property from the Commercial - Community planned and use to the Residential - Urban Neighborhood (16-30 du/acre) planned land use.
3. **BILL - (For introduction and adoption)** - Approving Rezone Application No. P19-02030 proposing to amend the official Zoning Map of the City of Fresno to reclassify the ±11.8 acre subject property from the CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RM-2/UGM (*Residential - Urban Neighborhood/Urban Growth Management/conditions of zoning*) zone district.
4. **APPROVE** - Development Permit Application No. P19-02033 which proposes the construction of 192 market rate multi-family dwelling units on the ±11.8 acre subject property at a density of ±16.27 du/acre.

**RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. **ADOPT** the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. P19-02033 date November 13, 2019.
2. **ADOPT RESOLUTION** - approving Plan Amendment Application No. P19-02030 proposing to amend the Fresno General Plan and Bullard Community Plan to change the planned land use designation for the ±11.8 acre subject property from the Commercial - Community planned land use to the Residential - Urban Neighborhood (16-30 du/acre) planned land use.
3. **ADOPT BILL** - approving Rezone Application No. P19-02030 proposing to amend the official Zoning Map of the City of Fresno to reclassify the ±11.8 acre subject property from the CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RM-2/UGM (*Residential - Urban Neighborhood/Urban Growth Management/conditions of zoning*) zone district.
4. **APPROVE** - Development Permit Application No. P19-02033 which proposes the construction of 192 market rate multi-family dwelling units on the ±11.8 acre subject property at a density of ±16.27 du/acre.

## EXECUTIVE SUMMARY

Plan Amendment & Rezone Application No. P19-02030 and Development Permit P19-02033 have been filed by Bryan Sassano, on behalf of Spencer Enterprises, Inc., pertaining to approximately ±11.8 acres of vacant land located on the southeast corner of West Bullard Avenue and North Figarden Drive.

The applicant is requesting to amend the General Plan and Bullard Community Plan to change the planned land use designation for the subject property from Commercial - Community to Residential - Urban Neighborhood (16-30 dwelling units per acre). In accordance with Table 3-3 (General Plan Land Use Designations and Zoning Districts Consistency) of the Fresno General Plan, the applicant is also proposing to rezone the subject property from the CC/UGM/cz (Commercial - Community/Urban Growth Management/with conditions of zoning) zone district to the RM-2/UGM/cz (Residential - Urban Neighborhood/Urban Growth Management/with conditions of zoning) zone district.

Development Permit Application No. P19-02033 requests authorization to construct 192 market rate multi-family dwelling units on the subject property. In addition to the multi-family dwelling units, the project will feature a community building, pool, garages, carports, and open space. Anticipated build-out will be performed in one phase.

The proposed Residential - Urban Neighborhood land use and respective RM-2 zone district designations will support the density of a 192 multi-family apartment complex on the subject property (±16.27 du/acre).

## BACKGROUND/ANALYSIS

### Project Setting

The subject property is near the southwest corner of West Bullard Avenue and North Figarden Drive. The parcels to the north, west, and northwest of the subject property are zoned CC with a planned land use of Commercial - Community. The parcel directly north of the subject property contains a gas station and fast food restaurant. Other CC zoned parcels surrounding the subject property contain shopping centers.

The parcel to the northeast of the subject property is zone PI and the planned land use is Public and Institutional. The existing land use on this parcel is Lifeway Baptist Church.

The subject property is surrounded by residential uses to the south and east on parcels zoned RS-5. The parcel immediately to the south of the subject property is currently vacant, but zoned RM-1 for medium high density multi-unit residential uses.

### Project Details

The proposed project will consist of twenty four multi-family buildings and a community building that features a USPS mail delivery and pick-up area, exercise room, and pool. The living units are proposed at market rate and will range in size from 759 square feet to 1,353 square feet, with a distribution of 1-, 2- and 3-bedroom units. There will be ample open space and landscaped areas throughout the project in compliance with the requirements of the Fresno Municipal Code.

There will be both pedestrian and vehicular access at the main entry to the proposed development on Bullard Avenue with additional access on Figarden Drive. The project will be gated and will feature keyless entry gates located at both the Bullard Avenue and Figarden Drive entryways. Parking requirements will be met through a combination of garages, carports, and uncovered parking.

## **AGENCY COMMENTS**

### **Traffic Planning Review**

The proposed project was reviewed by the Traffic Engineering Division for on and off site circulation and traffic impacts.

### **Traffic Impact Study Review**

A full Traffic Impact Study (TIS) was required because the project generates more than 100 peak hour trips. The TIS analyzed the intersections at Bullard Avenue/Dante Avenue and Bullard Avenue/Figarden Drive for traffic impacts during peak AM and PM hours.

Pursuant to Figure MT-4 of the Fresno General Plan, the subject property falls in Traffic Impact Zone III (TIZ III). Analysis of the TIS by the Traffic Operations and Planning Services Division determined that the two intersections analyzed in the TIS are currently operating at or above the adopted TIZ III Level of Service (LOS) D standard. With the build out of the roadway network, the project, and any pending projects, the study intersections are projected to continue to operate at or above the adopted LOS D standard.

### **Traffic Fees and Mitigation**

Among other conditions, the project will be required to pay Traffic Impact Fees for the purposes of mitigating any traffic impacts.

The City of Fresno General Plan includes multiple policies related to transportation funding and regional level coordination. These policies identify continued support for the implementation of metropolitan-wide and region-wide transportation impact fees to cover the proportional share of the developments impacts and need for a comprehensive multi-modal transportation system that are not funded by other sources.

The Citywide Regional Street Impact Fee Program and the New Growth Area Major Street Impact Fee Program are collectively referred to as the Fresno Major Street Impact Fee Program (FMSI Fee Program). The FMSI Fee Program was implemented to provide a funding mechanism for transportation facilities required to serve future development through 2025. The FMSI Fee Program is a successor fee program that replaced the previous transportation facility components of the City's Urban Growth Management (UGM) fee program.

The Fresno General Plan establishes growth projections through the General Plan Horizon year of 2035 as well as through build out of the General Plan. The General Plan includes goals, objectives, and implementing policies for the transportation system. A General Plan traffic model was prepared that was consistent with the goals, objectives, and policies of the General Plan. In accordance with the identified transportation needs based on traffic volume growth forecasts generated by the traffic model, the City's Public Works Department subsequently provided an FMSI Fee Program Capital Improvement Program (Street CIP) that outlines the planned facilities and costs for FMSI Fee Program funded transportation improvements through General Plan build out.

The Street CIP details the roadway improvement projects needed to accommodate future development that will be funded through the FMSI Fee Program. For each street segment, the Street CIP includes: travel lanes; medians and median landscaping; parking lanes; bike lanes; curb and gutter; bus bays; irrigation pipes and canals; railroad crossings; and, soft costs (engineering, plan check, and inspection costs). In addition to the street improvements, the Street CIP also includes associated right of way acquisition, ancillary costs (mobilization traffic control, dust control, and storm water pollution prevention), bridge widening, and other miscellaneous improvements. Asphalt concrete dikes, utilities, sidewalks, street lights, sound walls, and frontage landscaping are specifically excluded from the Street CIP. The FMSI Fee Program also will not fund construction of improvements required to cure existing street deficiencies, as measured by level of service standards.

The proposed project will pay both FMSI Program fees, including: (1) The Citywide Regional Street Impact Fee (Citywide Fee) applicable to all new residential, retail, office, and industrial development in both the Infill and New Growth areas. (this fee funds larger regional transportation improvements that are designed to accommodate traffic volumes resulting from development on a citywide basis); and, (2) The New Growth Area Major Street Impact Fee (New Growth Fee) applicable to only development in the New Growth areas of the City (this fee funds major streets that are located in the New Growth Area and primarily serve and benefit new development in the New Growth Area).

The Traffic Signal Mitigation Impact (TSMI) fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2035 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

The Regional Transportation Mitigation Fee (RTMF) is an important part of the Measure "C" Extension approved by Fresno County voters in 2006 (continuing a one-half cent sales tax for transportation purposes). The RTMF is intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target level of service in the

face of higher traffic volumes brought on by new developments. Current Measure “C” projects include but are not limited to the Veteran’s Boulevard project for northwest Fresno which will include a new interchange on State Route 99 and a two and one-half mile arterial from Herndon Avenue to Grantland Avenue. The new interchange will be located on State Route (SR) 99 between the Herndon Avenue and Shaw Avenue interchanges; and, is expected to improve access to SR99, provide congestion relief to northwest Fresno, and connect northwest Fresno to the communities west of State Route 99. The RTMF is governed by a Joint Powers Agency which is the same as the Fresno Council of Governments (COG) Board. Fresno COG’s primary functions are transportation planning and programming. As a state-designated Regional Transportation Planning Agency (RTPA) and federally-designated Metropolitan Planning Organization (MPO) for Fresno County, Fresno COG must comply with both designation requirements. Fresno COG prepares a Regional Transportation Plan (RTP) that looks 25 years into the future, and sets policies for a wide variety of transportation options and projects. It guides how and where people and goods will travel by identifying both existing and needed transportation facilities. Fresno COG prepares the region’s Federal Transportation Improvement Program, a four-year program of financially constrained transportation projects consisting of highway, transit, bicycle, and pedestrian projects that are selected through an approved project selection process.

### **Fire Department**

The Fresno Fire Department reviewed the proposed project for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Division of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

### **School District**

Fresno Unified School District reviewed the project for impacts on the District’s student housing capacity and assessed a developer fee to the project. The California legislature, as a matter of law, has deemed under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50 Level 1, 2 and 3 developer fee legislative provisions. The developer will pay appropriate impact fees at time of building permits. Fees are calculated at the rate effective at time of payment.

### **Other Agencies**

The proposed project was routed to the following agencies for comment:

- Traffic Planning
- Building and Safety Services
- Long Range Planning
- Public Works Engineering
- Department of Public Utilities, Water Division
- Department of Public Utilities, Planning and Engineering
- Department of Public Utilities, Solid Waste Management
- Fresno Fire Department
- Fresno Police Department
- Fresno County Environmental Health
- Fresno Unified School District

- Fresno Irrigation District
- Fresno Metropolitan Flood Control District

The comments and conditions from all departments and responsible agencies have been incorporated into the Conditions of Approval, dated December 12, 2019 (Exhibit L). Compliance with these conditions will be required to be demonstrated prior to issuance of permits and prior to final approvals for inspections and occupancy.

## **FRESNO MUNICIPAL CODE**

### **Plan Amendment/Rezone**

The proposed Plan Amendment and Rezone was initiated by the applicant pursuant to FMC Section 15-5002 and 15-5803-A. As required by the FMC, the proposed project must meet all application, noticing, and commission review requirements. The Fresno Planning Commission shall hold a public meeting in which they make a recommendation to the Fresno City Council. The Fresno City Council is the Review Authority on Plan Amendment & Rezone applications and any action taken by the Council shall be final.

The applicant submitted all required documents for the proposed project including the site plan, operational statement, landscape plan, title documents, and owner's authorization forms. Additionally, the applicant provided all necessary studies for the environmental assessment, which was outsourced to a professional consultant by the City to complete.

Although a neighborhood meeting was not required when the proposed project was accepted, the applicant held a meeting on October 2<sup>nd</sup>, 2019. The notice of the neighborhood meeting was sent at the applicant's expense to surrounding property owners within 1,000 feet of the proposed project. Pursuant for FMC Section 15-5007-B, a Notice of Public Hearing was mailed to surrounding property owners within 1,000 feet of the proposed project notifying them of the Planning Commission public hearing. Additionally, the Fresno Unified School District was mailed a Notice of Public Hearing pursuant to FMC Section 15-5806-C.

### **RM-2 (Residential - Urban Neighborhood)**

The applicant is proposing to rezone the subject property from CC (*Commercial - Community*) to RM-2 (*Residential - Urban Neighborhood*). The proposed project will be required to be developed in compliance with FMC Section 15 Article 10 - Residential Multi-Family Districts and comply with all development standards of the RM-2 zone district. Multi-Unit Residential land uses are permitted by right in the RM-2 zone district.

### Density and Massing Standards

The density standards in the RM-2 zone district is a minimum of 16 dwelling units and a maximum of 30 dwelling units per acre (16-30 du/ac). The project proposes 192 dwelling units on 11.8 acres of property, meeting minimum density standards of 16 units per acre. RM-2 zone districts allow of a maximum zone coverage of 50% and the project proposes 32.6%. The open space requirement for RM-2 is 15%; 44.6% is proposed. A minimum 20-foot setback is provided on all sides of the project which meets the minimum setback requirements of the RM-2.

### Façade Design Development Standards

The proposed project shall comply with all the Façade Design Development Standards for Residential Multi-Family Districts. These design standards include building length articulation,

building materials and finishes, window design, façade alignment, and façade elements. The proposed project meets these standards by proposing high quality materials and building projections every 50 feet of horizontal length. Development will be required to comply with approved elevation exhibits.

### Landscape

The proposed project will be required to comply with FMC Section 15 Article 23 for all landscaping requirements. The proposed project is required to landscape all required setbacks and building perimeters. A Hold on Occupancy will be placed on the proposed project until an approved landscape plan, by an authorized landscape architect, is submitted for review and approved pursuant to the provisions of the FMC for all required landscaped areas.

### Parking and Loading

The proposed project will be required to provide parking pursuant to FMC Table 15-2408. One-bedroom units are required to provide 0.75 parking space per unit; two-bedroom units are required to provide 1 parking space per unit; 3-bedroom units are required to provided 1.5 parking spaces per unit. In addition, the proposed project is required to provide 1 guest parking space for every 4 dwelling units. The total number of required parking spaces for the proposed project is 300 spaces; 328 is proposed meeting the parking requirements. The project proposes to meet this requirement through garages, carports, and uncovered parking stalls.

## **Land Use Plans and Policies**

### Fresno General Plan

The Fresno General Plan provides goals, objectives, and policies to guide development. The proposed project aligns with many objectives and policies found in the Fresno General Plan. The following are applicable goals, objectives and policies:

*Goal 7: Provide for a diversity of districts, neighborhoods, housing types, residential densities, job opportunities, recreation, open space, and education that appeal to a broad range of people throughout the city.*

*Goal 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.*

*Goal 11: Emphasize increased land use intensity and mixed use development at densities supportive of greater use of transit in Fresno.*

*Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.*

- *Policy UF-1-f promotes diversity and variations of building types, densities, and scales of development to reinforce the identity of individual neighborhoods, and further affordable housing opportunities.*

*Objective LU-2: Plan for infill development thqt includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.*

- *Policy LU-2-a promotes infill development in areas where urban services are available*



*Objective LU-5: Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.*

- *Policy LU-5-d promotes the development of medium-high density residential uses to optimize use of available or planned public facilities and services. Provide housing opportunities with access to employment, shopping services, and transportation.*
- *Policy LU-5-g supports development adjacent to established neighborhoods that is compatible in scale and character with the surrounding area.*
- *Policy LU-5-h supports housing that offers residents a variety of amenities including public and private open space, landscaping, with direct access to public transit and community gathering spaces.*

### Bullard Community Plan

Upon reviewing the policies contained in the Roosevelt Community Plan, staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC or the Fresno General Plan. However, the area within the Bullard-Brawley Loop was intended to be the community center of the Bullard Community Plan area and there are goals for preserving this center as the envisioned focal point. The following are applicable goals from the Bullard Community Plan:

- *Goal 4.1.2.1: Provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.*
- *Goal 4.1.2.4: Provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise.*
- *Goal 5.5.1.1: Provide for a viable “community center” integrating commercial, medium-high density residential, cultural, social, educational and recreational facilities at a location accessible to the community at large.*
- *Goal 5.5.1.2: Ensure that the higher intensity uses envisioned for the “community center” are compatible with existing neighborhoods in the vicinity.*

The purpose of these goals and objectives are to provide a variety of housing types for individual lifestyles and space needs. Further, it is to provide opportunities of higher densities in neighborhoods throughout the City.

The proposed project meets the goals and objectives of the General Plan and the Bullard Community Plan by implementing the appropriate regulations of the RM-2 zone district and ensuring that new development is compatible to the existing structures in relation to scale, mass, and character.

### **District 2 Project Review Committee**

The Council District 2 Project Review Committee reviewed the proposed project at their meeting on June 3, 2019. The Committee approved (4-0) Plan Amendment & Rezone Application No. P19-02030 and Development Permit Application No. P19-02033 subject to the recommendations provided by City of Fresno Traffic Engineering and the Traffic Impact Study.

### **Airport Land Use Commission**

The ALUC reviewed the project as submitted at their September 9, 2019 regular meeting and approved a Finding of Consistency with the Fresno County Airport Land Use Consistency Plan (ALUCP). Please note that this finding was conditional and contingent on the project receiving a

“Determination of No Hazard to Air Navigation” by the FAA.

### **Notice of Planning Commission Hearing**

The Planning and Development Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit H).

### **Fresno City Planning Commission Action**

On November 20, 2019, the Planning Commission considered the item as presented by staff, followed by a presentation by the applicant. During the hearing, no members of the public spoke in opposition or in support nor were any letters/emails received in opposition of the project. After a complete hearing, the Planning Commission voted and recommended the City Council approve the plan amendment and rezone applications by a 6-0 vote with one commissioner absent. The Planning Commission resolutions (Exhibit K) are attached for more information.

### **Notice of City Council Hearing**

The Planning and Development Department mailed notices of this City Council hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit H).

### **ENVIRONMENTAL FINDINGS**

An Initial Study (See Exhibit J “Appendix G/Initial Study for a Mitigated Negative Declaration”) was prepared to evaluate the project in accordance with the land use and environmental policies and provisions of the City of Fresno’s General Plan adopted by the Fresno City Council on December 18, 2014 and the related Master Environmental Impact Report (MEIR) SCH No. 2012111015. The project is determined to have a less than significant effect on the environment with mitigation and is prepared in accordance with Sections 15070 to 15075 of the CEQA Guidelines. The project is partially within the scope of MEIR SCH No. 2012111015.

Pursuant to Section 21157.1 of the California Public Resources Code (CEQA Provisions), it may be determined that a subsequent project falls within the scope of the MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR. Based on this Initial Study, the following findings are made: (1) The proposed project is partially within the scope of the MEIR because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR for the reasons set forth in the Initial Study; and, (2) when all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures, the project will result in a less than significant impact on the environment.

The Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Moreover, as lead agency for this project, the Planning and Development Department, in accordance with Sections 15070 to 15075 of the CEQA Guidelines has determined that all feasible mitigation measures from the MEIR shall be applied to the project as set forth in the attached MEIR Mitigation Measure Monitoring Checklist. A public notice of the attached mitigated negative declaration finding for Environmental Assessment No’s P19-02033 was published in the local newspaper on November 19, 2019 as required for public review and comment.

### **FRESNO MUNICIPAL CODE FINDINGS**

Pursuant to FMC Section 15-5811, the Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Rezone or Plan Amendment meets the following criteria:

- A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;
- B. The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and
- C. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.

Pursuant to FMC Section 15-5206, the Director of Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the following:

- A. The applicable standards and requirements of this Code.
- B. The General Plan and any operative plan or policies the City has adopted.
- C. Any applicable design guidelines adopted by the City Council.
- D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

Based upon analysis of the project applications, staff concludes that the required findings of Sections 15-5206 and 15-5812 of the FMC can be made for the Development Permit and the Plan Amendment and Rezone, respectively. These findings are attached as Exhibit I.

### **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.

### **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; compliance with the provisions of the Fresno Municipal Code; 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 and exhibits. Upon consideration of this evaluation, it can be concluded that Plan Amendment & Rezone Application No. P19-02030 and Development Permit Application No. P19-02033 is appropriate for the subject property.

Action by the City Council regarding the Plan Amendment, Rezone, Development Permit, and associated environmental assessment will be final.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - 2015 Aerial Photograph of Site
- Exhibit C - Planned Land Use Map
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