



## Legislation Details (With Text)

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| <b>File #:</b>        | ID16-1274                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Version:</b>      | 1 | <b>Name:</b>         | CAO Review   |
| <b>Type:</b>          | Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Status:</b>       |   | <b>Status:</b>       | Passed       |
| <b>File created:</b>  | 10/25/2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>In control:</b>   |   | <b>In control:</b>   | City Council |
| <b>On agenda:</b>     | 11/3/2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Final action:</b> |   | <b>Final action:</b> | 11/3/2016    |
| <b>Title:</b>         | ***BILL No. B-44 - (Introduced 10/22/2016) (For adoption) - Approving Text Amendment Application No. TA-16-002 which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502). |                      |   |                      |              |
| <b>Sponsors:</b>      | Planning and Development Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |   |                      |              |
| <b>Indexes:</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                      |   |                      |              |
| <b>Code sections:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                      |   |                      |              |
| <b>Attachments:</b>   | 1. Ex A - Project Location Map.pdf, 2. Ex B - DNCP Redline.pdf, 3. Ex C - FCSP Redline.pdf, 4. Ex D - DDC Redline.pdf, 5. Ex E - Comments & Response to Comments for Plans & Code.pdf, 6. Ex F - Final Program EIR.pdf, 7. Ex G - Reso Certifying Downtown EIR.pdf, 8. Ex H - Reso Approving A-16-009.pdf, 9. Ex I - Ord Bill Approving A-16-010.pdf, 10. Ex J - Reso Approving A-16-011.pdf, 11. Ex K - Reso Approving A-16-012.pdf, 12. Ex L - Reso Approving A-16-008.pdf, 13. Ex M - Ord Bill Approving TA-16-002.pdf, 14. Ex N - Ord Bill Approving R-16-011.pdf, 15. Ex O - Reso Repealing Reso...pdf, 16. Ex P - Reso Authorizing DARM Director....pdf, 17. Ex Q - City of Fresno Housing Projects Map.pdf, 18. Ex R - Planning Commission Resolutions.pdf, 19. Ex S - Powerpoint Presentation.pdf, 20. CM Soria amendment received during meeting.pdf                                                                                                                                                                                                                                                                                                                                           |                      |   |                      |              |

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 11/3/2016 | 1    | City Council | adopted | Pass   |

## REPORT TO THE CITY COUNCIL

**November 3, 2016**

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

**BY:** DAN ZACK, ASSISTANT DIRECTOR  
Development and Resource Management Department

**SUBJECT**

**\*\*\*BILL No. B-44 - (Introduced 10/22/2016) (For adoption) - Approving Text Amendment Application No. TA-16-002** which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407 -A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).

## RECOMMENDATION

Public hearing to consider adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2012041009. The following applications have been filed by the City of Fresno Development and Resource Management Department Director and pertain to approximately 7,290 acres in the Downtown Planning Area:

1. **RESOLUTION CERTIFYING Final Program EIR** (SCH No. 2012041009), for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code.
  - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
  - b. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,
  - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.
2. **RESOLUTION - Approving Plan Amendment Application No A-16-009** which proposes to repeal the Central Area Community Plan, pertaining to approximately 1,701 acres located in the Downtown Planning Area.
3. **BILL (For introduction and adoption) - Approving Plan Amendment Application No. A-16-010** which proposes to repeal the Fulton-Lowell Specific Plan, pertaining to approximately 495 acres located in the Downtown Planning Area.
4. **RESOLUTION - Approving Plan Amendment Application No. A-16-011** which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Downtown Neighborhoods Community Plan, pertaining to approximately 7,290 acres located in the Downtown Planning Area.
5. **RESOLUTION - Approving Plan Amendment Application No. A-16-012**, which

proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Fulton Corridor Specific Plan, pertaining to approximately 655 acres and located within the boundaries of the Downtown Planning Area.

6. **RESOLUTION - Approving Plan Amendment Application No. A-16-008**, which proposes to update the text and Land Use Map (Figure LU-1) of the Fresno General Plan to incorporate the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan as well as to correspondingly amend the Edison, Roosevelt and West Area Community Plans and the Fresno Chandler Executive Airport Land Use Compatibility Plan and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan.
7. **BILL - (For introduction) Approving Text Amendment Application No. TA-16-002** which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).
8. **BILL - (For Introduction and Adoption) Approving Rezone Application No. R-16-011**, which proposes to rezone all of the property within the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan areas to be consistent with the planned land use. The rezone covers approximately 7.290 acres. This action would necessitate repealing Resolution 2016-28, which created interim zoning in the Downtown Planning Area until such time as the final proposed zoning could be adopted.
9. **RESOLUTION - Repealing Resolution No. 2016-28**, adopted on February 25, 2016, to amend the zoning designation translation table for the Downtown Planning Area. This resolution created interim zone districts in the Downtown Planning Area until such time as the final proposed zoning could be adopted. It will no longer be necessary with approval of Rezone Application No. R-16-011, proposed with these applications.
10. **RESOLUTION - Authorizing the Development and Resource Management Director or her designee to correct any typographical errors** and update the text, policies, maps, tables, and exhibits contained in the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Fresno General Plan and the Downtown Development Code to reflect the final action taken by the Council, to the extent that such updates are necessary to maintain consistency.

## EXECUTIVE SUMMARY

This report describes the background, history, outreach, land use and planning analysis, and

environmental impacts of the proposed adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code. Adoption of the Downtown plans and code is the final major step in updating the City's land use framework, following the recently adopted General Plan, Citywide Development Code, and Zoning Map update. The complete versions of the Downtown plans, code, and Draft and Final Program EIRs are available for viewing at [www.fresno.gov/downtownplan](http://www.fresno.gov/downtownplan) <<http://www.fresno.gov/downtownplan>>.

## **BACKGROUND**

### The Origins of the Plans and Code

Downtown Fresno is where the city began. From its incorporation in 1885 through the 1960s it was the commercial, business, and cultural center of the Central Valley. After the Second World War Fresno's pattern of development, like that of most American cities, was radically altered. People began to move out of Fresno's pre-World War II residential neighborhoods and scatter into new northern subdivisions. Businesses and important institutions followed, resulting in a slow decline of Downtown and the surrounding neighborhoods. The leaders of Fresno acted swiftly to reverse the decline of Downtown by trying untested urban renewal concepts which were well intentioned, but did not slow the decline of the area. As the northward growth of the city continued into the late 20<sup>th</sup> and early 21<sup>st</sup> centuries, Downtown's economic decline was accompanied by extreme concentrations of poverty in many of the nearby neighborhoods.

During the 1990s and 2000s, many American downtowns began reviving as a larger share of people began to rediscover the benefits of city living. Urban planning professionals began to regain an appreciation for the economic, social, and environmental benefits of walkable, mixed use communities and began to write new code which allowed a return to the development patterns that made downtowns successful in the first place.

Fresno didn't benefit from the first national wave of urban revitalization in the 1990s, but over the past decade many positive changes have indicated that now may be the time for Downtown Fresno's big comeback. Important investments, both public and private, are demonstrating that many Fresnoans are eager to live, work, and play in the urban heart of their community. The rising attendance at Downtown attractions such as Art Hop and the popularity of new Downtown housing attest to this.

In 2010, against this backdrop of national downtown success and a local desire for a strong urban core, the City initiated the Downtown plans and code.

### Outreach

The Downtown plans and code are the result of an intense public process from 2010 to 2012 that involved input from thousands of residents, business owners, and property owners from Downtown and the surrounding neighborhoods. Stakeholder interviews were held in order to identify challenges and opportunities. A series of public meetings and two six-day, open, participatory design workshops were also held. Attendance at one event topped 400 and resulted in 1,300 written comments. The evolution of the plans and code was based on extensive community input throughout all phases of planning, including: Initial Outreach and Discovery, Design Workshop, Follow-up Outreach, Community Plan Preparation, Environmental Impact Report Preparation, and Adoption.

Key to the public process was the input and guidance of two advisory committees comprised of residents, business-owners, people who work in the plan areas, members of community organizations, and other stakeholders. The committees met throughout all phases of the planning process from 2010 to 2012 and reviewed the various drafts. Three documents were released for public comment in 2012: The Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code. The committees recommended them for adoption by the City Council.

Adoption of the Downtown plans and code were delayed in order to allow the General Plan and Citywide Development Code to be adopted first. The creation of the General Plan involved significant public outreach, including over 160 interviews with stakeholders, over 20 public workshops, over 100 presentations to community groups, and over 20 meetings of a Citizens Advisory Committee. During this outreach process, policies and goals affecting the entire city were discussed, including many of the concepts in the Downtown Plans and Code. In 2016 the Downtown plans and code were updated and re-released for public comment. Outreach also resumed, with staff holding 9 workshops with various Downtown residents, property owners, business owners, stakeholders, and the general public.

## ANALYSIS

### The Downtown Neighborhoods Community Plan

The Downtown Neighborhoods Community Plan (DNCP) provides a blueprint for the successful regeneration of Downtown Fresno and its surrounding neighborhoods such as Lowell, Jefferson, Jane Addams, the Edison-area neighborhoods, and southeast neighborhoods. In all, the DNCP guides future actions in a 7,290 acre area. It is a visionary document that lays out the community's long-term goals and provides detailed policies concerning a wide range of topics, including land use and development, transportation, the public realm of streets and parks, infrastructure, historic resources, and health and wellness. It envisions growth of about 10,000 housing units, or about 15,000 new residents.

### The Fulton Corridor Specific Plan

The Fulton Corridor Specific Plan (FCSP) takes a more detailed look at the 655 acres at the traditional heart of the Downtown area. It provides detailed policies concerning a wide range of topics, including land use and development, historic resources, the public realm, transportation, and infrastructure. These policies provide the foundation for urban and economic growth, as well as the basis for the City to make the tough daily choices regarding growth, historic preservation, housing, transportation, the environment, community facilities, and community services. It envisions that the majority of the DNCP's growth (about 6,300 units, or about 12,000 new residents) will occur within the FCSP area. Recommendations for priority infrastructure projects to support this new growth are included within the FCSP.

### The Downtown Development Code

The Downtown Development Code (DDC) will implement the land use concepts of the DNCP and FCSP. It presents a new set of development standards that allows a range of development types that fit within the vision of the plans. The standards in the code are based on the best practices in

Downtown revitalization across the nation, but are tailored to the unique conditions that exist in Fresno. By offering very clear and detailed parameters, a high degree of predictability is introduced into the project review process. Standards that have conventionally been obstacles to urban infill, such as height limits, parking requirements, density limitations, and lot coverage restrictions have been addressed in a way that makes projects which fit the community's vision very easy to get entitled. Through this combination of factors, the DDC will attract investment that enhances Downtown and the neighborhoods.

Initially, the DDC was set up to be a stand-alone code, completely separate from the city's Zoning Ordinance, which was considered to be antiquated and incompatible with a modern downtown code. In the intervening period, a new Citywide Development Code was created and adopted which completely restructured and modernized all terminology, procedures, and standards for land use and development in Fresno. The Downtown Development Code has thus been completely reformatted and reorganized to work in harmony with, and be absorbed into, the Citywide Development Code.

Three new zoning districts have been created for the urban core of Downtown: DTC-Downtown Core; DTG-Downtown General; and DTN-Downtown Neighborhood. These new zoning districts are designed to create a vibrant, walkable, mixed use metropolitan center. In addition, the UC-Urban Campus Overlay District was created to implement the vision for the growth and expansion of Community Regional Medical Center.

All other areas within the Downtown Development Code will be governed by zoning districts that already exist in the Citywide Development Code. For example, most major streets will be zoned NMX -Neighborhood Mixed Use, and most residential areas will be zoned RS-5, which is a medium density district. The RS-5 base zoning will be coupled with a new overlay district called NR-Neighborhood Revitalization, which was created to ensure that infill in these neighborhoods is compatible with the historic housing stock and contributes to an improved quality of life for residents.

### Relationship to Other Plans

The DNCP, FCSP, and DDC are fully compatible with the vision of the General Plan, and help in the implementation of many of its key goals, such as encouraging infill development and Downtown revitalization. However, a General Plan Amendment is proposed in order to make details about the names of land uses, and the precise boundaries of districts, consistent with the final versions of the Downtown plans and code. Also, the DDC helps to resolve a key issue with the General Plan's Housing Element by providing a streamlined ministerial approval for eligible high-density housing projects.

The boundaries of two older plans (the Fulton/Lowell Specific Plan and the Central Area Community Plan) are completely within the boundaries of the DNCP and FCSP. Therefore, staff recommends the repeal of these older plans. Policies from the older plans which are still relevant have been replicated within the DNCP and FCSP.

The boundaries of the DNCP and FCSP partially overlap the Edison, Roosevelt, and West Area Community Plans; the Fresno Chandler Executive Airport Land Use Compatibility Plan; and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan. Staff recommends amending these plans to be consistent with the DNCP and FCSP.

### Implementation of the Downtown Plans

Much work has been underway even as the Downtown plans awaited adoption to implement key infrastructure, housing, and neighborhood revitalization needs and objectives within the FCSP and DNCP plan areas that resonated with community feedback during the public process. This section details some of the key investments made:

- Neighborhood Revitalization: In 2009, work began to start cultivating the Administration's approach to neighborhood revitalization starting with a significant focus on leveraging funds for affordable housing, housing rehabilitation, code enforcement, energy efficiency, and community-oriented policing in the Lowell neighborhood. That approach has since evolved into the City's Neighborhood Revitalization Teams and has expanded, initially through the Obama Administration's Neighborhood Revitalization Initiative and Fresno's Building Neighborhood Capacity Program, to the Lowell, Yokomi, Kirk, and Jefferson neighborhoods within the DNCP; and, will be expanding to several new neighborhoods within the DNCP area, including Jane Addams, Hidalgo/Leavenworth, Columbia, King, and Winchell neighborhoods over the next two years.
- Building Resident-Leadership Capacity through Community Development Corporations: Deploying city-based Neighborhood Revitalization Teams from the Community Revitalization Division in nine of the DNCP neighborhoods represents a significant commitment of resources from the City. However, the Administration recognizes that restoration of the DNCP neighborhoods requires much more than an added layer of Neighborhood Revitalization staff. Participating in the national best-practices work of Building Neighborhood Capacity has reinforced the importance of resident-driven neighborhood revitalization through lasting civic organizations, such as Community Development Corporations (CDC).

A CDC is a not-for-profit organization incorporated to provide programs, offer services and engage in other activities that promote and support of community development in a specific neighborhood or location. In other cities where more advanced neighborhood revitalization efforts are under way, it is not uncommon to find literally dozens of non-profit CDCs leading the charge at the neighborhood level to purchase dilapidated property and rehabilitate, lease and manage the property to the standards expected by the surrounding neighborhood. CDC boards include residents from the neighborhood and, if structured and managed well, create an opportunity for residents to provide clear input on the direction of their neighborhood with the financial resources needed to make systematic improvements. Well-functioning CDCs are an integral component of restoring and revitalizing older neighborhoods.

Today, there are only four operational CDCs in Fresno in the Lowell, El Dorado and Highway City neighborhoods and the Blackstone corridor. In addition, a Southwest Fresno CDC was formed in 2016, but has not taken on any projects yet. To increase the CDC capacity in the City, in 2015 the City and the Fresno Housing Authority jointly funded a national expert to provide technical assistance to the CDCs in our community. The consultant has worked for the last year with the boards of directors from Southwest Fresno CDC, El Dorado Park CDC, Lowell CDC, and Better Blackstone CDC to improve their capacity and help them get to the point where they are financially sustainable and effective driving forces for neighborhood revitalization in target neighborhoods. To help implement these efforts further, the Administration will recommend to the City Council that a \$100,000 matching grant be made to provide dedicated staff for two years to the Southwest CDC. The members of the Southwest Fresno CDC board of directors are Paul Binion (Westside Church of God), Richard Keyes

(Retired), Yolanda Randles (West Fresno Family Resource Center), Brian King (Fresno EOC Street Saints), Margarita Rocha (Centro La Familia), Sabrina Kelley (Fresno Housing Authority), Shaneece Childress (Fresno Housing Authority), Eric Payne (State Center Community College District), Kathi Omachi (Chinatown Revitalization, Inc.), Jason Gridiron (Fresno Community Development Financial Institution), and Terance Frazier (TFS Investments).

- Affordable and Mixed-Income Housing: The housing focus within the FCSP and DNCP neighborhoods has been primarily on the rehabilitation of existing housing where funding is available and the construction of mixed-income housing to the extent feasible. New market rate housing at scale (greater than 12 units) is not financially feasible to construct in both the Fulton Corridor and the downtown neighborhoods. Because of the extent of concentrated poverty throughout the entire footprint of the FCSP and DNCP, the focus has been to encourage the construction of mixed-income housing where financially feasible. In the past ten years, more than 500 new rental housing units have been built or are in the construction pipeline in the FCSP area alone; every single project over 12 housing units has included a minimum of 20% of all units restricted as affordable housing, with some projects including as much as 50% affordable housing (Hotel Fresno) or 100% affordable housing (CityView). Housing investments from Federal Entitlement Programs such as HOME and Neighborhood Stabilization Programs 1 & 2 exceed \$11.5 million from 2009 to present in the DNCP area. Another \$25.5 million of RDA funds have provided additional housing in the downtown area. Future housing construction in the short-term within both the FCSP and DNCP will rely heavily upon availability of state and federal funds to ensure financial feasibility for both mixed-income and affordable housing projects.
- Streetscape Improvements: Within the DNCP and FCSP areas, over \$14 million has been expended since 2010 to improve pedestrian access, construct bike lanes, and construct new street overlays, including new bike corridors along Hazelwood and Butler in the southeast neighborhoods and along Fresno and Tulare Streets in the Edison neighborhoods. This figure does not include the additional \$16 million USDOT TIGER grant for the Fulton Reconstruction Project, the \$2.1 million FTA Bus Livability grant to improve pedestrian access around the Van Ness and Mariposa BRT stop downtown, or the recently awarded Strategic Growth Council AHSC grant for the South Stadium TOD project which includes new pedestrian and bike facilities on Van Ness Avenue and Inyo Street within the FCSP footprint. In the last six years alone, over 10 miles of bike lanes have been added to the DNCP area, providing better connectivity from downtown into the surrounding neighborhoods. Many new pedestrian and bike infrastructure projects are identified within the FCSP and DNCP to ensure connectivity from downtown into the neighborhoods;
- Transit Infrastructure: The most significant transit investment in the FCSP and DNCP areas is the new Bus Rapid Transit system along the Ventura/Kings Canyon and Blackstone corridors, the result of a \$38 million FTA Small Starts grant. This investment will ensure faster travel times via transit along those corridors. In addition, FAX is planning to increase headways along the Cedar Avenue corridor in the southeast neighborhoods to 15 minutes (during peak hours). Additional transit investment is under evaluation through FAX's restructuring process, which ultimately will help reduce transit travel times within much of the DNCP and FCSP. Finally, the FCSP also includes a planned intermodal transit center adjacent to the future HSR station to ensure seamless transfers between HSR, FAX, BRT, and other regional transit providers.



- Parks: One new park is under construction in the FCSP/DNCP area - the Cultural Arts Park on Calaveras Street. The Parks Master Plan process currently underway will help provide additional feedback on the best locations for new parks within the FCSP and DNCP, as well as help prioritize how to invest in existing parks in the area. Additional local, state and federal funds will be needed to enhance existing and add new parks within the FCSP and DNCP areas.

Future implementation of the DNCP and FCSP will rely upon availability of funding sources. The FCSP and DNCP lay out the specific projects recommended to implement the plans in their respective implementation chapters; however, the projects which ultimately get selected for funding will depend on a variety of factors, including how well they meet grant criteria, the level of community support for the project, and the readiness of the project to apply for funding.

### Committee and Commission Recommendations

The Downtown plans and code were presented to the following committees and commissions for their recommendations: the Airport Land Use Commission, the Historic Preservation Commission, the District 3 Implementation Committee, the District 5 Implementation Committee, and the Fulton/Lowell Design Review Committee.

The Planning Commission recommended adoption by a vote of 5 to 1. Their action included two errata that were provided to them to update an image in the FCSP and to correct erroneous section numbering in five pages of the DDC. Those two corrections have been incorporated into the exhibits that are provided to the Council with this staff report.

The Airport Land Use Commission failed to find that the Downtown plans and code were consistent with the Chandler Airport Land Use Compatibility Plan due to concerns about density. The ALUC is an advisory body and the City Council may override their recommendation. In this instance, staff recommends such an override for the following reasons:

1. The ALUC already approved land use in this area with their consistency finding on the General Plan in 2014 that included land uses with higher densities in this area (ie the previous land use had no density limit);
2. The area is almost completely built out;
3. The Chandler Airport Land Use Compatibility Plan states that ALUCs have limited jurisdiction over existing land use.
4. The Citywide Development Code stipulates that airport plans supersede all other plans.
5. The EIR did not identify any significant impacts related to airport compatibility.

As a final note, Director Aviation, Kevin Meikle has stated that the Airports Department, as the responsible entity to ensure that FAT and FCH remain in compliance with all Federal, State, and local regulations, is in support of the proposed ALUC Override action because the FCH plan is consistent with all applicable aviation regulations and standards and the Citywide Development Code stipulates that the airport plans supersede all other plans. Mr. Meikle has confirmed that the proposed Override will not diminish or jeopardize public safety or FCH's continued viability.

The Historic Preservation Commission reviewed the plans, code and EIR on August 22, 2016. They provided comments and recommended approval. Many of their comments were incorporated into the

documents.

District 5 Implementation Committee and the Fulton/Lowell Design Review Committee, recommended approval of the plans and code. The District 3 Committee was unable to act due to lack of a quorum. The Fulton/Lowell Design Review Committee made the additional recommendation that language be added which allows them to continue to review projects within the Fulton/Lowell area. Staff agrees that their role is valuable and should continue, but proposes that the committee be restructured to serve as a Lowell Design Review Committee, and that their boundaries be modified to match the Lowell neighborhood as shown on Page 17 on the DNCP.

## ENVIRONMENTAL FINDINGS

### Environmental Impact Report Process

The City, as the lead agency under the CEQA determined that an EIR was required for the proposed project. The firm of FirstCarbon Solutions was hired by the City of Fresno to prepare the EIR. The review and certification of the EIR involves the following procedural steps:

**Notice of Preparation (NOP):** Upon the City's determination that an EIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The initial NOP was issued in April of 2012, however shortly thereafter, the City paused the project to focus on the adoption of the General Plan. The project resumed in the summer of 2015, and another NOP was issued on September 8, 2015, followed by the required 30-day comment period. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from several public agencies and private citizens and were incorporated into the Draft EIR (DEIR).

**Public Scoping Meeting:** On September 29, 2015, the City held a project scoping meeting to which the Responsible and Trustee agencies as well as interested members of the public were invited, and which had been duly advertised in advance. The meeting was attended by one member of the public.

**Notice of Completion (NOC):** Upon completion of the DEIR, the City filed a NOC with the State Clearinghouse, Office of Planning and Research, to begin the public and agency review period.

**Public Notice/Public Review** Concurrent with filing the NOC, the City provided public notice of the availability of the DEIR for public review, (by posting on the website, publishing in the Fresno Bee, mailing to all commenters and Citizen's Advisory Committee members, and filing with the County Clerk on July 27, 2016), and invited comment from the general public, agencies, organizations, and other interested parties. The length of the public review period was 45 days, (from July 27, 2016 through September 12, 2016) during which time written comments on the DEIR were submitted to the City of Fresno.

**Response to Comments:** After the close of the public review period, the City prepared formal responses to the written comments received. A total of eight written comments were received from agencies/organizations and regarding the DEIR. As required by CEQA Guidelines, 15088(b), City responses were sent to public agencies that submitted comments. The responses to comments were also made available on the City website 10 days prior to City Council consideration.

Final EIR (FEIR): A FEIR was prepared that includes the comment letters and responses to comments and errata (which clarifies/corrects language contained in the DEIR). The DEIR consists of one bound volume and a compact disc of the Appendices, which was previously provided to the Planning Commission.

Certification of the EIR: The City Council will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and to certify the EIR and adopt the necessary Findings of Fact and Statement of Overriding Considerations.

Mitigation Monitoring and Reporting Program (MMRP): The City Council will also consider adopting a program to implement the EIR's recommended mitigation measures to mitigate, avoid, or substantially lessen the significant impacts of the project.

## Environmental Impact Report Analysis and Conclusions

### *Project Objectives*

The proposed project is guided by several major project objectives identified in the EIR. Knowing these objectives will aid decision makers in their review of the project and associated environmental impacts. These objectives are as follows:

### *Downtown Neighborhoods Community Plan*

- To make the Downtown Neighborhoods attractive, healthy, mixed-income places to live, thanks to their historic character and their proximity to a revitalized Downtown.
- To revive the underlying structure of the Downtown Neighborhoods to create identifiable neighborhoods, districts, and corridors.
- To integrate the public realm of streets with a multi-modal transportation network that renders them walkable and livable.
- To regenerate parks and public spaces and make them safe and accessible to residents.
- To reinforce the identity of each of the Plan subareas by including all of the remaining ingredients for quality of life from childhood to old age within a walkable range.
- To reintroduce missing street trees, irrigation, and sidewalks, and slow down traffic on primary thoroughfares through various traffic-calming measures.
- To introduce a range of well-designed buildings that provide a variety of housing choices within easy access of parks, services, and jobs.
- To design residential buildings to promote safety and community on the sidewalk and street.
- To design commercial buildings with facades that are adjacent to sidewalks, are constructed of quality and durable materials, can accommodate a mix of uses at any one time, and can be reused over time under different programs.

- To introduce High Speed Rail in a manner that has the most beneficial impact possible on the surrounding homes, businesses, and open spaces, while preserving Downtown's interconnected street network to the maximum extent possible.

### *Fulton Corridor Specific Plan*

The primary objectives of the FCSP are to define:

- A vision for the future of Downtown that recognizes the importance of history and tradition while embracing opportunities for continued reinvestment, growth, and beneficial change.
- Goals and policies that work in tandem with and refine those of the General Plan and the Downtown Neighborhoods Community Plan to achieve the revitalization of the Plan area.
- New land use policies for the Plan area that will guide upcoming zoning regulations. These new policies are calibrated to deliver new development that is consistent with Fresno's physical character, history, and culture, as well as the community's vision for its future growth.
- The implementation strategy for transforming the Plan area's streets, infrastructure, parks, and other public spaces. The above purposes provide private property owners with a clear understanding of the future context within which they are investing and reinvesting in their properties.
- Revitalize Fulton District and promote it as a key asset and urban place. Strike a balance between the original character and value of the pedestrian-only Mall and its importance as the economic engine of the Downtown.

### Impacts Analyzed

The EIR analyzed impacts to the following environmental areas, as these were the areas determined to have potential impacts:

Aesthetics (Section 5.1)  
Agriculture Resources (Section 5.2)  
Air Quality (Section 5.3)  
Biological Resources (Section 5.4)  
Cultural Resources (Section 5.5)  
Geology and Soils (Section 5.6)  
Greenhouse Gas Emissions (Section 5.7)  
Hazards and Hazardous Materials (Section 5.8)  
Hydrology and Water Quality (Section 5.9)  
Land Use and Planning (Section 5.10)  
Noise (Section 5.11)  
Population and Housing (Section 5.12)  
Public Services and Recreation (Section 5.13)  
Transportation and Traffic (Section 5.14)  
Utilities and Service Systems (Section 5.15)

Based on the analysis in the Initial Study, forest resources and mineral resources were not analyzed because it was not reasonably foreseeable that the proposed Project would cause significant impact to those areas.

The EIR found impacts to the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Traffic. The EIR includes recommended mitigation measures in these areas (See Mitigation Monitoring and Reporting Program in Exhibit F). The recommended mitigation measures were found to reduce impacts to less than significant in all but four areas:

- Air Quality
- Greenhouse Gases
- Noise
- Traffic

### Overriding Considerations

Pursuant to CEQA requirements, a statement of overriding consideration is required to approve the Project, because the project will result in significant unavoidable impacts. Staff recommends that the following overriding considerations be considered in approving the project despite its unavoidable significant impacts: job creation and economic opportunity, creation of tax revenues, improved public health and air quality related to enhanced walking, bicycling, and public transit opportunities, improved safety and security due to enhanced streetscapes and building facades, etc.

### Comments on DEIR

After the DEIR was published and noticed for review and comment on July 27, 2016, the City received several comments which were summarized and addressed in the FEIR. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

## **LOCAL PREFERENCE**

N/A - No purchasing.

## **FISCAL IMPACT**

N/A - No expenditures.

Attachment:

A - Ordinance Bill Approving Text Amendment Application No. TA-16-002