



Legislation Details (With Text)

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**Title:** Consider Plan Amendment Application No. P18-03290, Rezone Application No. P18-03290, Development Agreement, and related Environmental Assessment No. P18-3290 filed by Daniel J. Zoldak of Lars Andersen & Associates on behalf of Sylvesta Hall of 2500 MLK, LLC, which proposes to re-designate ±89.68 acres of existing land, previously analyzed under approved Plan Amendment Application No. A-17-007. The proposed development is entitled “West Creek Village Mixed-Use Project.” (Council District 3)  
1. \*\*\*BILL NO. B-6 (Intro. 2/13/2020) (For adoption ) - Approving a Development Agreement between the City of Fresno and 2500 MLK LLC, pertaining to future development of real property situated on the northwest corner of East Jensen Avenue and South Martin Luther King, Jr., Boulevard. (Subject to Mayor’s veto)

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Bill - Development Agreement.pdf, 2. Exhibit A - Development Agreement.pdf

Date	Ver.	Action By	Action	Result
2/27/2020	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

February 27, 2020

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Planning and Development Department

**THROUGH:** MIKE SANCHEZ, AICP, Assistant Director  
Development Services Division

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SUBJECT

Consider Plan Amendment Application No. P18-03290, Rezone Application No. P18-03290, Development Agreement, and related Environmental Assessment No. P18-3290 filed by Daniel J. Zoldak of Lars Andersen & Associates on behalf of Sylvesta Hall of 2500 MLK, LLC, which proposes to re-designate ±89.68 acres of existing land, previously analyzed under approved Plan Amendment Application No. A-17-007. The proposed development is entitled “West Creek Village Mixed-Use Project.” (Council District 3)

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property situated on the northwest corner of East Jensen Avenue and South Martin Luther King, Jr., Boulevard. (Subject to Mayor's veto)

## EXECUTIVE SUMMARY

Plan Amendment Application P18-03290 and Rezone Application No. P18-03290 proposes to re-designate ±89.68 acres of existing and partially vacant land, previously analyzed under Plan Amendment Application No. A-17-007, to varying land uses as described above (Please see Exhibit D). Plan Amendment and Rezone Application No. P18-03290 was filed by Daniel J. Zoldak of Lars Andersen & Associates on behalf of Sylvesta Hall of 2500 MLK LLC. The Applicant is proposing changes to the General Plan and the Southwest Fresno Specific Plan to allow for future construction of a mixed-use development that will be supported by commercial amenities and housing immediately adjacent to the future Fresno City College - West Fresno Satellite Campus.

The following describes the requested Plan Amendment, Rezone, and Development Agreement.

Plan Amendment Application No. P18-03290 proposes to amend the Fresno General Plan by re-designating land uses on the 89.68-acre subject property (See Exhibit B, Planned Land Use Map).

Rezone Application No. P18-03290 proposes to amend the Official Zone Map to reclassify zone districts on the ±89.68-acre subject property (See Exhibit C, Proposed Zoning Map).

Development Agreement prescribes actions to be taken by the City and the Master Developer, 2500 MLK LLC, which pertain to the acquisition of the park amenity site, development of the park amenity, park access and loop road, and required utility connection as well as development of the Subject Property consistent with vested land uses and zoning policies as more particularly described in the Development Agreement.

The proposed project involves the removal of the existing four (4) single-family dwellings, of which three (3) are currently vacant in preparation for demolition. The Applicant filed Plan Amendment and Rezone Application No. P18-03290 after extensive and intensive community outreach and engagement by completing a multi-day charrette to solicit and receive community input. The multi-day charrette was completed as prescribed by Section 15-5006 (Neighborhood Meeting). The Council District 3 Project Review Committee reviewed the application and recommended approval, without conditions.

## BACKGROUND

Plan Amendment Application and Rezone Application No. P18-03290 proposes to amend the General Plan and the Southwest Fresno Specific Plan for ±89.68 of partially vacant land on the northwest corner of East Jensen Avenue and South Martin Luther King, Jr. Boulevard. The proposed changes to the General Plan's Planned Land Use Map include the following: Community Park for 9.51 acres, College for 6.48 acres, Medium Density for 50.18 acres, Regional Commercial for 21.08 acres, and Community Commercial for 2.43 acres to Medium Density Residential for 26.58 acres, Medium High Density Residential for 21.32 acres, Community Park for 11.74 acres, Community Commercial for 3.08 acres, and Regional Commercial for 26.96.

The proposed changes to the Official Zone Map include the following: from 50.18-acres of RS-5 (Residential Single-Family), 21.08-acres of CR (Regional Commercial), 6.48-acres of PI (Public &

Institutional), 2.43-acres of CC (Community Commercial), and 9.51-acres of PR (Park and Recreation) to 26.58-acres to RS-5 (Residential Single-Family), 21.32-acres to RM-1 (Residential Multi-Family), 3.08-acres to CC (Community Commercial), 11.74-acres to PR (Park and Recreation), and 26.96-acres to CR (Regional Commercial).

Intended to facilitate the construction of multi-phased mixed-use development within Southwest Fresno, as envisioned within the Southwest Fresno Specific Plan, the Plan Amendment Application and Rezone Application is necessary for the applicant to make the improvements to the ±89.63-acre subject property. The future mixed-use development will be situated adjacent to the future Fresno City College - West Fresno Campus, and will include housing with varying densities, commercial and cultural amenities, and an ±11-acre Community Park..

Also, the Plan Amendment Application and Rezone Application are needed to implement the vision of the Southwest Fresno Specific Plan. The previous Plan Amendment, Plan Amendment Application No. A-17-007, occurred before the adoption of the Southwest Fresno Specific Plan. The Southwest Fresno Specific Plan calls for the creation of magnet cores, which are home to high intensity uses that attract other supporting higher intensity uses. The Plan Amendment Application and Rezone Application centers on one of the two magnet cores located in Southwest Fresno, the Community College Magnet Core.

The Community College Magnet Core is envisioned to be a hub of new activity and reinvestment in Southwest Fresno and is commonly referred to as the "MLK Activity Center." Through intensive and extensive community outreach, the Southwest Fresno community exhibited a strong preference to see this area become a community college campus with a mix of adjacent uses to support it, including a diverse housing stock, commercial uses, and cultural amenities.

The Plan Amendment Application and Rezone Application are also needed to implement the public improvements within the project boundary to be obtained through the City of Fresno pursuant to Transformative Climate Communities (TCC) program funding established by Assembly Bill (AB) 2722, administered by the Strategic Growth Council (SGC). Approximately \$4,500,000.00 in funding is set aside for the development of a Community Park within the West Creek Village Mixed-Use Project.

### *Traffic Analysis*

The Traffic Operations and Planning staff has reviewed the Traffic Impact Analysis prepared by Swift and Associated LLC for the proposed West Creek Village Mix-Use Project. According to the Traffic Impact Analysis, the project plans to develop approximately ±89.68 acres bounded by Church Avenue, South Martin Luther King, Jr. Boulevard, East Jensen Avenue, and Knight Avenue with residential, commercial, retail, office, and park uses. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 10<sup>th</sup> Edition.

The "Mobility and Transportation" element of the City of Fresno General Plan divides the City of Fresno into four Traffic Impact Zones (TIZ's) on General Plan Figure MT-4. The project site is located in TIZ III. TIZ III allows for 100 peak hour trips to be generated by a project before a Traffic Impact Study (TIS) is required. After review by the Traffic Operations and Planning staff, the proposed project is projected to generate less than 100 peak hour trips, additional traffic analyses is not required.

## Land Use Plans and Policies

The proposed project aligns with objectives and policies found in the Fresno General Plan and the Southwest Fresno Specific Plan.

### *Fresno General Plan*

Plan Amendment Application and Rezone Application No. P18-03290 proposes to amend the General Plan and the Southwest Fresno Specific Plan for ±89.68 of partially vacant land on the northwest corner of East Jensen Avenue and South Martin Luther King, Jr. Boulevard. The proposed project is compatible with goals, objectives, and policies included in the Fresno General Plan, including:

Goal No. 1 of the Fresno General Plan encourages the use of urban form, land use, and Development Code policies to streamline permit approval, promote local educational excellence and workforce relevance, significantly increase business development and expansion, retain and attract talented people, create jobs and sustained economic growth, strategically locate employment lands and facilities, and avoid over-saturation of a single type of housing, retail or employment.

Goal No. 7 of the Fresno General Plan encourages the provision for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.

Goal No. 8 of the Fresno General Plan encourages the development of 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 No. 12 of the Fresno General Plan encourages the resolution of existing public infrastructure and service deficiencies, full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.

Implementing Policies LU-1-a and LU-2-a of the Fresno General Plan promote development of vacant, underdeveloped, and re-developable land within the Existing City Limits as of December 31, 2012 where urban services are available.

Objective LU-6 of the Fresno General Plan promotes the retention and enhancement of existing commercial areas to strengthen Fresno's economic base and development of new office, retail, and lodging use districts on sites which will serve neighborhoods and regional visitors.

Fresno General Plan Policy LU-6-a fosters high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

Plan Amendment/Rezone Application No. P18-03290, as the initial step in the future development of Mixed-Use development project, would aid in the accommodation of sustained economic growth and the expansion of employment in an area with surrounding residential and educational uses, avoiding

over-saturation of a single type of housing, retail or employment in the area.

The applicant has also been working with local residents on the concept of the Community Park through the multi-day charrette as well as the public engagement occurring as a result of the Southwest Fresno Specific Plan and the Transformative Climate Communities (TCC) 165-member Steering Committee meetings.

Growth in a developing urban area, the future project would make use of existing available public infrastructure and utilities. The proposed development would be evaluated at the time of submittal for a Development Permit Application to determine possible impacts to public infrastructure and services. At that time, the proposed development may be required to construct or contribute to infrastructure and/or service improvements.

### *Southwest Fresno Specific Plan*

Upon reviewing the policies contained in the Plan, staff has determined that there are no policies that are more restrictive than those contained in the FMC. The proposed project is compatible with goals and policies included in the Southwest Fresno Specific Plan, including:

Goal LU-1 indicates establishing Southwest Fresno as an attractive and desirable community through the creation of activity centers that provide a variety of housing types and a compatible mixed of non-residential uses such as retail, services, jobs, and recreation uses to Southwest Fresno residents and visitors.

Policy LU-1.1 indicates establishing two magnet cores - a southern magnet core at the MLK Activity Center and a northern magnet core at Marks and White Bridge Avenues - that attract a significant amount of new development and accommodate regional retail stores, educational and/or medical facilities, and a range of housing types.

Goal LU-2 indicates revitalizing existing key corridors in Southwest Fresno, building off the existing character and potential of the streets, to strengthen neighborhood identity and appeal, and appeal, attract new development, and to connect neighborhoods and magnets.

Policy LU-2.6 indicates attracting and encouraging office uses along Jensen Avenue, connecting the magnet core west of MLK Jr. Boulevard to Highway 41, in order to support a Jobs Corridor.

Goal LU-3 indicates creating a diversity of new complete neighborhoods that are safe, healthy, self-sufficient, walkable, and interconnected and strengthen existing neighborhoods so that they become a complete neighborhood.

Policy LU-3.2 indicates encouraging complete neighborhoods to be located at the intersections of major streets for easy access and high visibility, while ensuring safe ingress and egress (e.g., use of frontage roads). For existing neighborhoods, nodes, should be created or strengthened with additional uses such as retail and/or parks. For potential new neighborhoods, nodes should be sited at a location accessible to both nearby residents in the new neighborhood and visitors from outside the neighborhood.

The Plan Amendment/Rezone Application prepares the subject property for development in accordance with the General Plan and the Southwest Fresno Specific Plan. While a Development

Permit Application has not been submitted to the City of Fresno for development of the proposed West Creek Mixed-Use project, future construction will be connect existing and future neighborhoods to public recreation, cultural and civic centers, retail and commercial establishments, and medical facilities.

### *Fresno County Airport Land Use Compatibility Plan*

On December 3, 2018, the Airport Land Use Commission (ALUC) adopted the Fresno County Airport Land Use Compatibility Plan. The proposed project is within the Airport Influence Area of Fresno Chandler Airport and review was required by the ALUC. The subject site is located in the Traffic Pattern Zone, where the Safety Criteria Matrix for the Plan indicates no limit on project density but does require Federal Aviation Administration (FAA) 7460 review to determine that development will not exceed the airport's airspace protection surface. As the project does not include a development permit application with building elevations at this time, the FAA review was not required for the ALUC to review the proposed plan amendment/rezone application. It should be noted that the Applicant has filed FAA Form 7460 and received a Finding of No Hazard.

The ALUC reviewed Plan Amendment/Rezone Application No. P18-03290 on November 4, 2019, and approved a Finding of Consistency with the Plan.

## PUBLIC INPUT AND NOTICING

### *District 3 Project Review Committee*

The District 3 Project Review Committee reviewed the proposed project at their regular meeting held on November 26, 2019, at 5:30 p.m., at Fresno City Hall, 2<sup>nd</sup> floor, Council Chambers. The Committee voted 3-0-1 to recommend (to the Planning Commission and City Council) to approve Plan Amendment Application and Rezone Application No. P18-03290.

### *Neighborhood Meeting*

The Applicant held a three-day multi-day charrette-style workshop on March 19 - 21, 2018, at Rutherford B. Gaston Middle School, Multi-Purpose Building, 1100 E. Church Avenue. Workshops were held throughout the day and within the timeframe prescribed in Section 15-5006 of the Fresno Municipal Code. The surrounding neighborhoods and community stakeholders were notified in accordance with the public noticing provisions prescribed in Section 15-5007 of the Fresno Municipal Code.

### *Notice of Planning Commission and City Council Hearings*

Planning and Development staff mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit H) on December 24, 2019, pursuant to Section 15-5007-B-2 of the Fresno Municipal Code.

### *Planning Commission Hearing*

The Planning Commission held a public hearing on Wednesday, February 5, 2020, at 6:00 p.m., to review the application. No individuals spoke in favor of the application, and two individuals spoke in opposition to the application. Opposition was mainly centered around the concern of limited

community engagement. City staff and the applicant clarified the amount of public engagement efforts through multi-day charrettes in which over 500 individuals participated in the workshops. After a complete hearing, the Commission voted and recommended to the City Council to approve the adoption of the Addendum to the previously adopted Mitigated Negative Declaration, approval of Plan Amendment Application No. P18-03290, approval of Rezone Application No. P18-03290, and approval of the Development Agreement. The vote was 5-0-2, with Commissioner Diaz absent for the meeting, and one vacancy on the Planning Commission.

## ENVIRONMENTAL FINDINGS

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Staff has determined that an Addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration) is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration 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. There is no substantial evidence in the record that this project will have additional significant effects on the environment that were not identified in Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration), and that all applicable mitigation measures of the prior MND have been applied to the project. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the prior MND was adopted; and, that no new information, which was not known and could not have been known at the time that the prior MND was adopted, has become available.

## FRESNO MUNICIPAL CODE FINDINGS

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

## CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment/Rezone Application No. P18-03290 is appropriate for the subject property. Action by the Planning Commission will be a recommendation to the City Council.

Attachment:

Exhibit A - Proposed Bill for Development Agreement