



Legislation Details (With Text)

File #: ID17-708 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 5/9/2017 **In control:** Planning Commission

On agenda: 5/17/2017 **Final action:**

Title: Consideration of Plan Amendment Application No. A-17-004, Rezone Application No. R-17-006, Development Code Text Amendment Application No. Ta-17-004 and Related Environmental Finding Filed by the Development And Resource Management Department Director Pertaining To 174.6 Acres Within The City Of Fresno.

1. RECOMMEND APPROVAL (to the City Council) of Environmental Assessment No. A-17-004/R-17-006/TA-17-004, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-17-004, pertaining to 67.32 acres, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map), the Bullard, Fresno High, McLane, Roosevelt, Edison, Hoover and Downtown Neighborhoods Community Plans, the Tower District and Fulton Corridor Specific Plans, and the Fresno Yosemite Airport Land Use Compatibility Plan; and pertaining to an additional 107.28 acres to repeal the 1966 Civic Center Master Plan, as described in Exhibit A.
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-17-006, pertaining to 67.32 acres, to amend the City of Fresno Zoning Map to revert certain parcels to a zone district and planned land use equivalent to that existing under the prior general plan in a manner consistent with General Plan policy and without significant environmental impacts, as described in Exhibit A.
4. RECOMMEND APPROVAL (to the City Council) of Text Amendment Application No. TA-17-004 for minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law. Proposed amendments affect the following standards and/or procedures: abandonment of private right-of-way; calculation of residential density; rear yard setback reduction; determining lot frontage; applicability of multi-family frontage coverage and front setback requirements; the allowed locations of auto sales and leasing, caretaker residences, family day care, parks, and schools; applicability of sidewalk configuration; allowed locations of accessory structures and pool equipment; safety standards for electric fences; intersection visibility; applicability of TOD Height and Density Bonus; landscape buffers; temporary parking lots; signs; child care centers and family child care homes operational requirements; drive-throughs; mobile vendors; amateur (ham) radios; Airport Land Use Commission review of text amendments; planned developments; tasting rooms, among others. The affected sections are 15-108-B-5, 15-310-B, 15-312-A, 15-904-A-7, Table 15-1003, Table 15-1102, 15-1104-B, Table 15-1202, Table 15-1504-K-2, 15-2004-D-2-b-ii, 15-2005, Figure 15-2006-C, 15-2010-J, Figure 15-2018, Table 15-2018-A, 15-2102-B, 15-2305-C-1, Table 15-2305-C-1, 15-2431, 15-2605-B, Table 15-2608, Table 15-2608-B-5, 15-2609-H, 15-2612-A, 15-2612-D, Section 15-2725, 15-2728-B-2, 15-2728-B-2, 15-2759, 15-5808, 15-5903-D, 15-5904-B-3, 15-6707, and 15-6802.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Plan Amendment Application No. A-16-006 and Rezone Application No. R-16-007 Table

and Maps.pdf, 2. Exhibit B - Text Amendment Application No. TA-16-001.pdf, 3. Exhibit C - Public Notice.pdf, 4. Exhibit D - Environmental Assessment.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|--------------------------|--------|
| 5/17/2017 | 1 | Planning Commission | recommended for approval | Pass |

REPORT TO THE PLANNING COMMISSION

May 17, 2017

FROM: DAN ZACK, Assistant Director
Development and Resource Management Department

BY: SOPHIA PAGOULATOS, Planning Manager
Development and Resource Management Department

SUBJECT:

Consideration of Plan Amendment Application No. A-17-004, Rezone Application No. R-17-006, Development Code Text Amendment Application No. Ta-17-004 and Related Environmental Finding Filed by the Development And Resource Management Department Director Pertaining To 174.6 Acres Within The City Of Fresno.

1. RECOMMEND APPROVAL (to the City Council) of Environmental Assessment No. A-17-004/R-17-006/TA-17-004, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
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3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-17-006, pertaining to 67.32 acres, to amend the City of Fresno Zoning Map to revert certain parcels to a zone district and planned land use equivalent to that existing under the prior general plan in a manner consistent with General Plan policy and without significant environmental impacts, as described in Exhibit A.
4. RECOMMEND APPROVAL (to the City Council) of Text Amendment Application No. TA-17-004 for minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law. Proposed amendments affect the

following standards and/or procedures: abandonment of private right-of-way; calculation of residential density; rear yard setback reduction; determining lot frontage; applicability of multi-family frontage coverage and front setback requirements; the allowed locations of auto sales and leasing, caretaker residences, family day care, parks, and schools; applicability of sidewalk configuration; allowed locations of accessory structures and pool equipment; safety standards for electric fences; intersection visibility; applicability of TOD Height and Density Bonus; landscape buffers; temporary parking lots; signs; child care centers and family child care homes operational requirements; drive-throughs; mobile vendors; amateur (ham) radios; Airport Land Use Commission review of text amendments; planned developments; tasting rooms, among others. The affected sections are 15-108-B-5, 15-310-B, 15-312-A, 15-904-A-7, Table 15-1003, Table 15-1102, 15-1104-B, Table 15-1202, Table 15-1504-K-2, 15-2004-D-2-b-ii, 15-2005, Figure 15-2006-C, 15-2010-J, Figure 15-2018, Table 15-2018-A, 15-2102-B, 15-2305-C-1, Table 15-2305-C-1, 15-2431, 15-2605-B, Table 15-2608, Table 15-2608-B-5, 15-2609-H, 15-2612-A, 15-2612-D, Section 15-2725, 15-2728-B-2, 15-2728-B-2, 15-2759, 15-5808, 15-5903-D, 15-5904-B-3, 15-6707, and 15-6802.

RECOMMENDATIONS:

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan; its compatibility with surrounding existing 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.

EXECUTIVE SUMMARY

On February 4, 2016, as part of its consideration of the zoning map update, the City Council directed that a 180-day grace period be established to allow property owners to request reversion to a zone district equivalent to that existing prior to the zoning map update. In September of 2016 the City Council extended that period for another 180 days. Plan Amendment and Rezone Requests 1-14 include such property owner requests (it should be noted that rezones also require plan amendments to maintain consistency). The Plan Amendment also includes the repeal the 1966 Civic Center Master Development Plan in order to remove potential inconsistencies with the recently adopted Fulton Corridor Specific Plan and the Downtown Neighborhoods Community Plan. The text amendment includes minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law.

BACKGROUND

In order to provide for the smoothest transition possible after the zoning map update, the City Council directed staff to accept requests which would change the zoning back to a classification which more closely resembled the zoning that previously existed on the site and which was consistent with General Plan goals, policies, and environmental review. This was to be done free

of charge for 180 days. In September of 2016 City Council extended that period for another 180 days. The extended period concluded recently, and staff is bringing 14 such “cleanup” changes to Planning Commission and City Council for consideration.

The text amendment includes minor changes to the Development Code in order to improve functionality, clarity, internal consistency and consistency with State law. Proposed amendments affect the following standards and/or procedures: abandonment of private right-of-way; calculation of residential density; rear yard setback reduction; determining lot frontage; applicability of multi-family frontage coverage and front setback requirements; the allowed locations of auto sales and leasing, caretaker residences, family day care, parks, and schools; applicability of sidewalk configuration; allowed locations of accessory structures and pool equipment; safety standards for electric fences; intersection visibility; applicability of TOD Height and Density Bonus; landscape buffers; temporary parking lots; signs; child care centers and family child care homes operational requirements; drive-throughs; mobile vendors; amateur (ham) radios; Airport Land Use Commission review of text amendments; planned developments; tasting rooms, among others (see Exhibit B for complete text amendment).

Staff finds all of the requests and the proposed text amendment to be consistent with general plan goals, objectives, and policies.

Public Notice and Comment

Notice was provided by the following methods pursuant to Fresno Municipal Code (FMC) Sections 15-5007-C and D (See Exhibit C):

1. A legal notice was published in the Fresno Bee on May 5, 2017;
2. A Spanish notice was published in Vida en al Valle on May 10, 2017.
3. The legal notice was mailed to all affected property owners on May 12, 2017;
4. The legal notice was posted with the City Clerk on May 5, 2017; and
5. The proposed amendments were posted on the city’s website on the City Clerk’s page.

To date, no public comments have been received on the applications.

Citizen Committees

Below is a schedule for review of land use changes by the affected Council District Plan Implementation Committees, Design Review committees, and the Airport Land Use Commission.

- District 2: Scheduled for review on May 15, 2017
- District 3: Scheduled for review on May 15, 2017
- District 4: Scheduled for review on May 15, 2017
- District 5: Scheduled for review on May 15, 2017
- District 6: Scheduled for review on May 15, 2017
- Tower District Design Review Committee: Scheduled for review on May 15, 2017
- Airport Land Use Commission: Scheduled for review on June 5, 2017

ENVIRONMENTAL FINDINGS

The adoption of the Fresno General Plan and Citywide Development Code were previously analyzed in Master Environmental Impact Report (“MEIR”) SCH No. 2012111015, certified by the Fresno City Council on December 18, 2014. The Introduction to the MEIR specifically stated that “[t]he City of Fresno proposes to update their General Plan and Development Code and this Master Environmental Impact Report (MEIR) has been prepared to assess the impacts of those actions on the environment.” The Plan Amendment presented includes minor amendments to the General Plan land use map adopted in December of 2014. Plan Amendment Application No. A-17-004 and Rezone Application No. R-17-006 propose 14 clean up amendments to the General Plan Land Use and Circulation Map and the Zoning Map to implement City Council direction provided in February 2016 allowing property owners to request a reversion to previously existing zoning on their property. These land use changes were analyzed would not result in additional impacts beyond those analyzed in the MEIR.

Since the proposed project will not result in additional impacts, it may be determined that: (1) The project falls within the scope of MEIR No. SCH 2012111015 prepared for the Fresno General Plan and Citywide Development Code; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the environmental finding for MEIR No. SCH 2012111015 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

LOCAL PREFERENCE

N/A - no contracts under consideration.

FISCAL IMPACT

N/A

Attachments:

- Exhibit A: Plan Amendment Application No. A-16-006 and Rezone Application No. R-16-007
Table and Maps
- Exhibit B: Text Amendment Application No. TA-16-001
- Exhibit C: Public Notice
- Exhibit D: Environmental Assessment