



Legislation Details (With Text)

**File #:** ID18-1567    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 12/7/2018    **In control:** City Council

**On agenda:** 12/13/2018    **Final action:** 12/13/2018

**Title:** Consider of Plan Amendment and Rezone Application No. P18-03514, Development Code Text Amendment Application No. P18-03517 , and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 207 acres within the City of Fresno: 1.\*\*\*\*BILL NO. B-65 - (Intro. 12/6/2018) (For adoption) - Approving Text Amendment Application No. P18-03517 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 sections: 15-107, Overlay Districts; 15-310, Determining Residential Density; 15-902, Use Regulations for Residential Single-Family Districts; 15-903, Lot and Density Standards for Single Family Districts; 15-904, Driveway Paving; 15-1002, Use Regulations for Residential Multi-Family Districts; 15-1004, On-Site Open Space for Multi-Family Districts; 15-1102, Use Regulations for Mixed Use Districts; 15-1104, On-Site Open Space for Mixed-Use Districts; 15-1202, Use Regulations for Commercial Districts; 15-1302, Use Regulations for Employment Districts; 15-1502, Use Regulations for Downtown Districts; 15-2004, Accessory Buildings; 15-2006, Fences, Walls, and Hedges; 15-2008, Screening Between Land Uses; 15-2009, Security Fencing; 15-2010, Electric Fences; 15-2015, Outdoor Lighting; 15-2016, Trash and Refuse Collection Areas; 15-2303 and 2305, Landscaping; 15-2402, Parking Applicability; 15-2409, Parking for Affordable Housing; 15-2412, Parking Exceptions; 15-2418, Parking Design; 15-2419, Parking Lot Surfaces; 15-2420, Parking Lighting; 15-2421, Parking Lot Landscaping; 15-2422, Parking Lot Trees; 15-2424, Carport Solar Panels; 15-2429, Bicycle Parking; 15-2430, On-Site Loading; 15-2609, Signs; 15-2612, Master Sign Programs; 15-2614, Electronic Fuel Price Signs; 15-2702, Specific Uses and Activities; 15-2717, Commercial Modular Buildings; 15-2722, Corner Commercial; 15-2737, Large-Format Retail; 15-2741, Mobile Vendors; 15-2754, Accessory Dwellings; 15-3105, 3303, 3304, 3305, 3307, Subdivisions; 15-3902, 3903, 3904, 3909, Condominiums; 15-4105, 4108, Subdivisions; 15-5102, Zone Clearance Applicability; and 6704 and 6705, Definitions as described in Exhibit G. (Subject to Mayor’s veto)

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit G - Ordinance Bill for Text Amendment P18-03517, 2. Supplement - Letter from Leadership Counsel.pdf

Date	Ver.	Action By	Action	Result
12/13/2018	1	City Council	approved	

**REPORT TO THE COUNCIL**

**December 13, 2018**

**FROM:** DANIEL ZACK, AICP, Assistant Director  
Development and Resource Management Department

**THROUGH:** SOPHIA PAGOULATOS, Planning Manager  
Long Range Planning Division

**BY:** DREW WILSON, Planner III  
Long Range Planning Division

**SUBJECT:**

Consider of Plan Amendment and Rezone Application No. P18-03514, Development Code Text Amendment Application No. P18-03517, and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 207 acres within the City of Fresno:

**1.\*\*\*BILL NO. B-65 - (Intro. 12/6/2018) (For adoption)** - Approving Text Amendment Application No. P18-03517 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 sections: 15-107, Overlay Districts; 15-310, Determining Residential Density; 15-902, Use Regulations for Residential Single-Family Districts; 15-903, Lot and Density Standards for Single Family Districts; 15-904, Driveway Paving; 15-1002, Use Regulations for Residential Multi-Family Districts; 15-1004, On-Site Open Space for Multi-Family Districts; 15-1102, Use Regulations for Mixed Use Districts; 15-1104, On-Site Open Space for Mixed-Use Districts; 15-1202, Use Regulations for Commercial Districts; 15-1302, Use Regulations for Employment Districts; 15-1502, Use Regulations for Downtown Districts; 15-2004, Accessory Buildings; 15-2006, Fences, Walls, and Hedges; 15-2008, Screening Between Land Uses; 15-2009, Security Fencing; 15-2010, Electric Fences; 15-2015, Outdoor Lighting; 15-2016, Trash and Refuse Collection Areas; 15-2303 and 2305, Landscaping; 15-2402, Parking Applicability; 15-2409, Parking for Affordable Housing; 15-2412, Parking Exceptions; 15-2418, Parking Design; 15-2419, Parking Lot Surfaces; 15-2420, Parking Lighting; 15-2421, Parking Lot Landscaping; 15-2422, Parking Lot Trees; 15-2424, Carport Solar Panels; 15-2429, Bicycle Parking; 15-2430, On-Site Loading; 15-2609, Signs; 15-2612, Master Sign Programs; 15-2614, Electronic Fuel Price Signs; 15-2702, Specific Uses and Activities; 15-2717, Commercial Modular Buildings; 15-2722, Corner Commercial; 15-2737, Large-Format Retail; 15-2741, Mobile Vendors; 15-2754, Accessory Dwellings; 15-3105, 3303, 3304, 3305, 3307, Subdivisions; 15-3902, 3903, 3904, 3909, Condominiums; 15-4105, 4108, Subdivisions; 15-5102, Zone Clearance Applicability; and 6704 and 6705, Definitions as described in Exhibit G. (Subject to Mayor's veto)

**RECOMMENDATION**

Staff recommends that the City Council approve the proposed Plan Amendment, Rezone (excluding site 11) and Text Amendment, and related environmental finding.

**EXECUTIVE SUMMARY**

On February 4, 2016, as part of its consideration of the Zoning Map update, the City Council directed that in order to ease the transition, property owners be allowed to request reversion to a zone district equivalent to that existing prior to the Zoning Map update. The Plan Amendment and Rezone proposals include such property owner requests (it should be noted that rezones also require plan amendments to maintain consistency), and in some cases staff included neighboring properties to correct similar errors and ensure land use consistency. 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 consider property owner 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. All of the Plan Amendment and Rezone proposals include such property owners requests (it should be noted that rezones also require plan amendments to maintain consistency), and in some case staff included neighboring properties to correct errors and ensure land use consistency.

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: Overlay Districts; Use Regulations for Residential Single-Family Districts; Lot and Density Standards for Single Family Districts; Duplex and Multi-Unit Residential Standards; Use Regulations for Residential Multi-Family Districts; On-Site Open Space for Multi-Family Districts; Use Regulations for Mixed Use Districts; On-Site Open Space for Mixed-Use Districts; Use Regulations for Employment Districts; Accessory Buildings; Security Fencing; Outdoor Lighting; Affordable Housing Definitions; Parking Exceptions; Parking Design; Parking Lot Landscaping; On-Site Loading; Signs; Electronic Fuel Price Signs; Commercial Modular Buildings; Corner Commercial; Mobile Vendors; Accessory Dwellings; Subdivisions; Zone Clearance Applicability, among others (see Exhibit G for complete text amendment).

Staff finds the text amendment and planned land use and rezone to be consistent with General Plan goals, objectives, and policies. In addition, the proposed changes are consistent with the Housing Element of the General Plan, as the required dwelling unit capacity as defined in the Regional Housing Needs Allocation is maintained.

### 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 B):

1. A legal notice was published in the Fresno Bee on November 23, 2018;
2. A Spanish notice was published in Vida en al Valle on November 28, 2018.
3. The proposed amendments were posted on the city's website on the City Clerk's page.
4. Letters were mailed to each property owner to make them aware of the potential land use and zoning changes.

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

### Citizen Committees

The active Council District Plan Implementation Committees, the Tower District Design Review and the Fulton-Lowell Specific Plan Committees, and the Airport Land Use Commission all reviewed the proposed plan amendments and rezones in their respective areas and the text amendment, which applies city-wide. Their recommendations are listed below.

District 1: Committee meeting pending.

District 2: On November 26, 2018, the Committee recommended approval of the proposed applications.

District 3: The Committee is currently inactive.

District 4: On November 26, 2018, the Committee members in attendance recommended approval of the proposed applications.

District 5: Committee meeting pending.

District 6: On November 26, 2018, the Committee recommended approval of the proposed applications.

District 7: The Committee is currently inactive.

Fulton-Lowell Design Review: On November 26, 2018, the Committee member in attendance recommended approval of the proposed applications.

Tower District Design Review Committee: On November 26, 2018, the Committee members in attendance recommended approval of the proposed applications.

Airport Land Use Commission: The commission is scheduled to consider the proposed applications at its regularly scheduled public hearing to be held on December 3, 2018. Staff will provide the council with the commission's decision at the City Council hearing.

## Planning Commission

The Planning Commission is scheduled to consider the proposed applications at its regularly scheduled public hearing to be held on December 5, 2018. Staff will provide the council with the commission's decision at the council hearing.

## 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 its 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 adoption of the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan ("Downtown Plans and Code") were previously analyzed in Program Environmental Impact Report SCH No. 2012041009 ("PEIR"), certified on October 20, 2016. The existing land use designations and zone districts for all of the subject sites were analyzed in the MEIR and PEIR. The changes proposed by this action are for either of the following reasons: 1) to implement City Council direction provided in February 2016 allowing property owners to request a reversion to previously existing zoning on their property; or 2) to make technical corrections. The proposed plan amendments and rezones were analyzed to determine their impacts, and staff has determined that none of them will result in additional impacts beyond those analyzed in the MEIR or the PEIR. The proposed applications do not include any actual projects. Projects proposed on the subject sites would require separate environmental review.

The Development Code Text Amendment Application No. P18-03517 makes minor changes to various standards in order to improve functionality, clarity, and internal consistency, consistent with the General Plan. No changes are proposed that would fundamentally change the intent of a zone district or increase or decrease density ranges or floor area ratios.

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 and/or the PEIR No. SCH 2012041009 prepared for the Downtown Plans and Code; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental findings 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 or PEIR No. SCH 2012041009 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 and PEIR No. SCH 2012041009 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 G: Ordinance Bill for Text Amendment P18-03517