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**Title:** HEARING to consider Plan Amendment and Rezone Application No. P21-01202 and related Environmental Assessment No. P21-01202, for property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues (Council District 4) - Planning and Development Department.

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P21-01202 dated July 23, 2021, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P21-01202 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from Employment - Business Park (±7.94 acres) to Medium Density Residential (±7.94 acres).
3. BILL (for introduction and adoption) - Approving Rezone Application No. P21-01202 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the BP/UGM/cz (Business Park/Urban Growth Management/conditions of zoning) zone district to the RS-5 (Single Family Residential, Medium Density) zone district in accordance with Plan Amendment Application No. P21-01202.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Operational Statement, 2. Exhibit B - Vicinity Map, 3. Exhibit C - 2021 Aerial Photograph of Site, 4. Exhibit D - Existing Fresno General Plan Planned Land Use, 5. Exhibit E - Proposed Plan Amendment Boundary, 6. Exhibit F - Proposed Rezone Exhibit, 7. Exhibit G - Fresno Municipal Code Findings, 8. Exhibit H - Noticing Vicinity Map (1000 feet), 9. Exhibit I - Environmental Assessment No. P21-01202, Negative Declaration, dated July 23, 2021, 10. Exhibit J - Ordinance Bill No. 2007-8 relative to R-06-028, 11. Exhibit K - Planning Commission Resolution No. 13724 (Plan Amendment Application No. P21-01202), 12. Exhibit L - Planning Commission Resolution No. 13725 (Rezone Application No. P21-01202), 13. Exhibit M - City Council Resolution for Plan Amendment Application No. P21-01202, 14. Exhibit N - City Council Ordinance Bill for Rezone Application No. P21-01202, 15. Supplement\_12-09-2021\_21-946\_ExhibitA\_Maps\_ResoandBill

Date	Ver.	Action By	Action	Result
12/9/2021	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**December 9, 2021**

**FROM:** JENNIFER CLARK, Director  
Development Services Division

**THROUGH:** ISRAEL TREJO, Supervising Planner

Development Services Division

**BY:** CHRIS LANG, Planner  
Development Services Division

## **SUBJECT**

HEARING to consider Plan Amendment and Rezone Application No. P21-01202 and related Environmental Assessment No. P21-01202, for property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues (Council District 4) - Planning and Development Department.

1. **ADOPT** the Negative Declaration as prepared for Environmental Assessment No. P21-01202 dated July 23, 2021, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **RESOLUTION** - Approving Plan Amendment Application No. P21-01202 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from Employment - Business Park ( $\pm 7.94$  acres) to Medium Density Residential ( $\pm 7.94$  acres).
3. **BILL** (for introduction and adoption) - Approving Rezone Application No. P21-01202 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the BP/UGM/cz (*Business Park/Urban Growth Management/conditions of zoning*) zone district to the RS-5 (*Single Family Residential, Medium Density*) zone district in accordance with Plan Amendment Application No. P21-01202.

## **RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. **ADOPT** the Negative Declaration as prepared for Environmental Assessment No. P21-01202 dated July 23, 2021, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **ADOPT RESOLUTION** approving Plan Amendment Application No. P21-01202 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from Employment - Business Park ( $\pm 7.94$  acres) to Medium Density Residential ( $\pm 7.94$  acres).
3. **INTRODUCE AND ADOPT BILL** approving Rezone Application No. P21-01202 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the BP/UGM/cz (*Business Park/Urban Growth Management/conditions of zoning*) zone district to the RS-5 (*Single Family Residential, Medium Density*) zone district in accordance with Plan Amendment Application No. P21-01202.

## **EXECUTIVE SUMMARY**

Reyna Blackburn of the Assemi Group has filed Plan Amendment and Rezone Application No. P21-01202, pertaining to  $\pm 7.94$  acres of property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues.

Plan Amendment Application No. P21-01202 proposes to amend the Fresno General Plan to change the planned land use designation for the subject property from Employment - Business

Park (±7.94 acres) to Medium Density Residential (±7.94 acres).

Rezone Application No. P21-01202 proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the BP/UGM/cz (*Business Park/Urban Growth Management/conditions of zoning*) zone district to the RS-5 (*Single Family Residential, Medium Density*) zone district in accordance with Plan Amendment Application No. P21-01202.

There are no development projects associated with the proposed application at this time. Future applications and development of the subject property shall be consistent with the Fresno General Plan, McLane Community Plan, and the Fresno Municipal Code (FMC).

## **BACKGROUND / ANALYSIS**

The subject property is located within the City of Fresno's General Plan Boundary and the Fresno city limits. The immediate vicinity of the subject property is a combination of residential and commercial uses. Directly to the west of the project area are existing commercial uses and vacant property planned for Business Park uses. Properties to the north and east are developed with single-family residences. Directly to the south of the project area is vacant, however an entitlement for a 90-unit multi-family residential complex has been approved for the site. The broader area surrounding the immediate vicinity on the east side of North Fowler Avenue is primarily residential in nature and has been developed with single-family residences, with the exception of a strip of Business Park zoned property along the south side of East Shields Avenue. Properties on the west side of North Fowler Avenue contain an established business and industrial park.

The Business Park planned land use designation is to provide for offices and business parks in campus-like settings that are well suited for large offices or multi-tenant buildings. The Fresno General Plan promotes industrial land use clusters to maximize operational efficiency of similar activities, as well as to promote business park sites that are of sufficient size, unified in design, and diversified in activity to attract a full range of businesses.

The overall area of the existing Business Park zone district designation within the area between East Shields and East Princeton Avenues and between North Fowler and North Bliss Avenues is approximately 14.4 acres. Portions of the properties carrying the existing Business Park land use designation and zoning is in the process of being developed with several free-standing commercial structures directly to the west of the proposed plan amendment and rezone boundary. These structures contain permitted uses and have been developed in accordance with the FMC, however the overall site design and layout is commercial in nature and is not consistent with a typical business park type development. The remaining undeveloped portion of properties carrying the Business Park planned land use is approximately 10.5 acres in size. Existing site constraints would make it less appropriate to develop the remaining properties into a business park type development given the commercial form of development occurring to the west and along the Shields Avenue frontage and the residential developments, which are existing to the east and approved to the south, due to potential operational, adjacency, and/or interface issues which may be more likely to occur with a true business park type of development. Further, studies conducted in preparation for the Fresno General Plan refined the location of the significant clusters of vacant land designated for business park use, and the subject property was not among those properties identified, with large clusters being located primarily in the Southeast Development Area.

No development has been proposed for the subject property at this time, however the applicant

intends to develop the subject property with single-family residential units with the filing of a tentative tract map. The subject Environmental Assessment analyzed the potential development of 72 residential units on the subject property, which would be approximately 9 dwelling units per acre. Future applications for development of the site would need to be consistent with the Fresno General Plan and proposed RS-5 zone district.

Existing commercial uses on the subject site could create interface issues with proposed housing directly adjacent to the subject property. For example, an existing drive-through intercom is located within 100 feet of the proposed residential zone district, which would otherwise not be permitted by the FMC. However, the existing commercial structures and site features would be granted legal non-conforming status, and pursuant to Section 15-405-B of the FMC, Legal Non-Conforming structures and site features may be continued indefinitely. Future residential development will need to be designed in such a manner to minimize any such existing interface issues from previously approved or existing commercial development.

Additionally, it was requested by the applicant that the subject proposed Plan Amendment and Rezone be considered at the same time as a separate project located in northeast Fresno (Copper River Ranch) in order to comply with Senate Bill (SB) 330. SB 330 requires that projects which will result in the reduction of residential density be processed concurrently with projects which increase residential density to prevent a net loss of residential capacity. The subject application will result in a net increase of approximately 95 residential units. Additionally, a separate project, commonly referred to the "Parc West" project, filed pursuant to Plan Amendment and Rezone Application No. P19-00417, will result in a net increase in approximately 88 residential units.

Said increases in density will offset the loss of density of approximately 72 residential units proposed for the "Copper River Ranch" project filed pursuant to Plan Amendment and Rezone Application No. P21-01875.

These projects are therefore being scheduled for "concurrent" consideration by the City Council.

### **Existing Conditions of Zoning**

Approximately 140 acres of property bounded by North Fowler, East Shields, North Armstrong, and East Clinton Avenues were associated with a plan amendment A-06-002. Included within said plan amendment, ±80 acres of property were to be rezoned to provide for commercial and industrial uses along North Fowler Avenue stretching from East Clinton to East Shields Avenues, and 20 acres of property to be zoned for residential uses associated with T-5717 (located to the east of the subject property). Conditions of zoning were adopted for the project to ensure development of adequate infrastructure to serve the potential commercial and industrial uses so projects would be "shovel ready."

Since the approval of Plan Amendment No. A-06-002 and Rezone No. R-06-028, which included the adoption of Conditions of Zoning, there has been a gradual decrease of acreage dedicated to industrial and business park uses pursuant to multiple Plan Amendments and Rezones, with much of the land being converted to residential. Given that surrounding properties to the south and east are now zoned primarily for residential uses, and outdated conditions of zoning pertaining to future industrial use of the subject property have either been satisfied or are of no further interest, the project is proposing to remove the conditions of zoning associated with the subject property (Exhibit J).

## **Council District Project Review Committee**

The Council District 4 Project Review Committee is currently inactive and did not provide a recommendation on the proposed applications.

## **Neighborhood Meeting**

The applicant conducted a neighborhood meeting on March 19, 2021, and provided a summary of the meeting in an email dated August 2, 2021. There were 22 attendees over the course of the meeting, and a majority of the comments were positive. There were questions regarding zoning of adjacent properties, affordability, improvements at nearby schools, and any future street work. One concern from an attendee was the reduction of total commercial acreage from the existing land use. Several other attendees, however, indicated that they preferred the project that is currently being proposed by the applicant.

As discussed above, the Business Park planned land use designation is to provide for offices and business parks in campus-like settings that are well suited for large offices or multi-tenant buildings. The overall area of the existing Business Park land use and zone district designated for this area is approximately 14.4 acres and is in the process of being developed with several free-standing commercial structures directly to the west of the proposed plan amendment and rezone boundary. The overall commercial site design and layout is not consistent with a typical business park type development and, as indicated above, existing site constraints would make it less appropriate to develop the subject property into a business park type development.

## **City of Fresno Planning Commission**

The City of Fresno Planning Commission held a public hearing to consider the proposed project on September 1, 2021. There were no members of the public who provided testimony either in favor or opposition of the project, however two neutral comments were provided by the public.

Based on the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of the subject applications to the Fresno City Council.

## **Notice of City Council Hearing**

The Planning and Development Department mailed notices of this City Council hearing to surrounding property owners within 1,000 feet of the subject property (see attached Noticing Vicinity Map - **Exhibit H**)

## **LAND USE PLANS AND POLICIES**

### Fresno General Plan

As proposed, the project will be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form:

- Provide 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.
- Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Likewise, Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities; and Implementing Policy LU-5-c promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Supporting Policy LU-1-a of the Fresno General Plan also promotes new development within the existing City limits as of December 31, 2012.

The subject property (approximately 7.94 acres) is infill development, as the surrounding properties are located within the City of Fresno and have been substantially developed. Evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the area to serve existing development within the vicinity as well as future development on the subject property. Water mains and sewer mains have been developed in the subject quarter section to provide service for the proposed development. Furthermore, future development will be obligated to pay fair share and proportional payment of fees and all development mitigation costs.

Objective LU-7 of the Fresno General Plan directs the City to plan and support industrial

development to promote job growth.

Policy LU-7-b promotes business and industrial park sites that are of sufficient size, unified in design, and diversified in activity to attract a full range of business types needed for economic growth.

Policy LU-7-c promotes industrial land use clusters to maximize the operational efficiency of similar activities.

The subject property is located adjacent to commercial uses and is also adjacent to single family residential units located to the east of the project site and abutting an approved multi-unit residential project to the south. The Fresno General Plan identifies clusters of Business Park planned land uses located in the Southeast Development Area, and the remaining size of the vacant Business Park planned land use on the subject site is relatively small and may not be of sufficient size or what is any longer an appropriate location to develop a cluster of business park or permissible industrial uses.

### California Housing Shortage

Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing; and needs to quadruple the current rate of housing production over the next 7 years in order for prices and rents to decline. Approval of the subject project would help contribute to fulfilling the housing needs of the region.

### McLane Community Plan

Upon reviewing the policies contained in the McLane Community Plan, staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC or the Fresno General Plan.

The purpose of these goals and objectives is to provide a variety of housing types for individual lifestyles and space needs. The proposed project meets the goals and objectives of the General Plan and the McLane Community Plan by implementing the appropriate regulations of the RS-5 zone district and ensuring that new development is compatible to the existing structures in relation to scale, mass, and character.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

## **ENVIRONMENTAL FINDING**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and student generation projections and school facility site location identification.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Planning and Development Department proposes to adopt a Negative Declaration for the proposed project, which is tiered off the Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015)

It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures, as necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Negative Declaration for this project. A public notice of the attached Negative Declaration for Environmental Assessment Application No. P21-01202 was published on July 23, 2021; there have been no comments received to date. The Environmental Assessment No. P21-01202 dated July 23, 2021, is attached as **Exhibit I**.

## **FRESNO MUNICIPAL CODE FINDINGS**

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

## **CONCLUSION / RECOMMENDATION**

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 McLane 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 and Rezone Application No. P21-01202 is appropriate for the project site.

#### **LOCAL PREFERENCE:**

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

#### **FISCAL IMPACT:**

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

#### **ATTACHMENTS:**

- Exhibit A: Operational Statement
- Exhibit B: Vicinity Map
- Exhibit C: 2021 Aerial Photograph of Site
- Exhibit D: Existing Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Plan Amendment Boundary
- Exhibit F: Proposed Rezone Exhibit
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- Exhibit I: Environmental Assessment No. P21-01202, Negative Declaration, dated July 23, 2021
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