



Legislation Details (With Text)

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On agenda: 10/18/2017 **Final action:**
Title: Consider Plan Amendment Application No. A-17-008, Rezone Application No. R-17-011 and related Environmental Assessment No. A-17-008/R-17-011 as part of a City-initiated Plan Amendment and Rezone pursuant to Fresno Municipal Code (FMC) Section 15-5803.

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-008/R-16-003 dated September 2017.
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-17-008 proposing to amend the Fresno General Plan from the Public Facilities planned land use designation to the Heavy Industrial planned land use designation.
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-17-011 proposing to amend the Official Zone Map to reclassify the subject property from the PI/UGM (Public and Institutional/Urban Growth Management) zone district to IH (Heavy Industrial) zone district.
4. RECOMMEND APPROVAL (to the City Council) of the Disposition and Development Agreement between the City of Fresno and Darling Ingredients Inc., pertaining to relocation and the transfer and development of real property on the southwest corner of Jensen and Cornelia Avenues

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit_1_VicinityMap, 2. Exhibit_2_Aerial, 3. Exhibit_3_LandUseMap, 4. Exhibit_4_ZoningMap, 5. Exhibit_5_DispositionAndDevelopmentAgreement, 6. Exhibit_6_ISMNDwAppendices, 7. Exhibit_7_NOI_Newspaper_90117, 8. Exhibit_8_CityInitiatedLetter, 9. Exhibit_9_ProposedSitePlan, 10. Exhibit_10_VicinityMapAndMailer, 11. Exhibit_11_Findings, 12. Exhibit_12_ProjectInformationAndBorderingPropertyInfo.pdf

Date	Ver.	Action By	Action	Result
10/18/2017	1	Planning Commission	recommended for approval	Pass

October 18, 2017

FROM: MIKE SANCHEZ, AICP, Assistant Director
Development and Resource Management Dept

THROUGH: BONIQUE EMERSON, Planning Manager
Development and Resource Management Dept

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Development and Resource Management Dept

Subject

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EXECUTIVE SUMMARY

The City-initiated Plan Amendment Application No. A-17-008 and Rezone Application No. R-17-011 pertains to approximately 40 acres of property (5449 West Jensen Avenue; APNs: 327-030-41T and 327-030-38T) near the Fresno-Clovis Regional Wastewater Treatment Plant (WWTP) to accommodate relocation of the existing Darling Rendering Facility, currently located on a 5.22 acre parcel on Belgravia Road between Church and East California Avenues in the southwest area of the city. The proposed project site is located between the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) and a PG&E substation at the southwest corner of South Cornelia Avenue and West Jensen Avenue within city limits, but not within city proper. (See Exhibit 1, Vicinity Map and Exhibit 2, Aerial)

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

Plan Amendment Application No. A-17-008 proposes to amend the Fresno General Plan from the Public Facilities planned land use designation to the Heavy Industrial planned land use designation. (See Exhibit 3, Planned Land Use Map)

Rezone Application No. R-17-011 proposes to rezone the subject property from the PI/UGM (*Public and Institutional/Urban Growth Management*) zone district to IH (*Heavy Industrial*) zone district. (See Exhibit 4, Planned Zoning Map)

Disposition Agreement and Development Agreement (“Agreement”) proposes to transfer approximately 20 acres located at the northern portion of unimproved property owned by the City at the southwest corner of Jensen Avenue and Polk Avenue in the City of Fresno to Darling Ingredients, Inc. for the purpose of relocating their existing rendering plant. The Agreement also sets forth terms for the cessation of operations at the existing plant and construction and operation of a new

rendering plant in accordance with Government Code Section 65864. (See Exhibit 5, Disposition Agreement and Development Agreement)

Following approval of a Plan Amendment, Rezone, and the Agreement the proposed relocation of the Darling Rendering Facility would require a subsequent Conditional Use Permit (CUP) to allow for operations. Operational capacity is proposed to expand from its current permitted processing limits from 850,000 pounds per day to a permitted maximum of 10 million pounds per week upon relocation.

ENVIRONMENTAL FINDING

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines (See Exhibit 6). 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 pertinent to the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 (MEIR).

The City of Fresno has prepared an Initial Study (IS) of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the MEIR prepared for the Fresno General Plan 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 Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration (MND) for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan MEIR have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR as provided by CEQA Section 15178(a). In addition, pursuant to PRC, 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 IS/MND and with the project specific mitigation imposed, staff has determined that there is no substantial evidence in the record that the project may have a significant direct, indirect or cumulative effect on the environment and has prepared a mitigated negative declaration for this project. A public notice of the attached MND finding for Environmental Assessment No. A-17-008/R-17-011 was published on September 7, 2017 to begin a CEQA-required 30-day public comment period (See Exhibit 7). The IS/MND was available to the public for review and comment between September 7, 2017 and October 9, 2017. No appeals were received to date; however, comments were received on the IS/MND which are provided as part of Exhibit 6 to

this staff report. Commenters included the California Department of Fish and Wildlife, Fresno County, California Department of Transportation (Caltrans), and the San Joaquin Valley Air Pollution Control District.

BACKGROUND / ANALYSIS

Project Description

On September 8, 2017, and pursuant to FMC Section 15-5803, the city initiated the processing of **Plan Amendment Application No. A-17-008** proposing to amend the Fresno General Plan from the Public Facilities planned land use designation to the Heavy Industrial planned land use designation, **Rezone Application No. R-17-011** requesting authorization to rezone the subject property from the PI/UGM (*Public and Institutional/Urban Growth Management*) zone district to IH (*Heavy Industrial*) zone district. (See Exhibit 8, City-Initiated Plan Amendment and Rezone), and the Agreement to transfer certain real property owned by the City to Darling Ingredients Inc. for the development of a new rendering plant to facilitate relocation of the existing plant.

The purpose of the Plan Amendment, Rezone, and Agreement is to allow for the relocation of the existing Darling Rendering Facility located on a 5.22 acre parcel on Belgravia Road between Church Avenue and E Street in the southwest area of the city. The existing facility was constructed and began operation in 1956 as a slaughterhouse and packaging facility, and gradually transitioned to a rendering facility. The existing site was annexed to the city in 1971. Over the last 60 years, non-industrial urban uses were developed in the area surrounding the facility such that residential neighborhoods are now within one-quarter mile of the rendering plant, with some homes within 800 feet.

The Plan Amendment, Rezone, and Agreement would allow for the plant to be relocated away from residential uses to approximately 40 acres of property near the Fresno-Clovis Regional WWTP, near the southwest corner of West Jensen and Cornelia Avenues. The Agreement would transfer approximately 20 acres of the northern portion of City owned property and encumber the remaining acres with an option agreement in favor of Darling. In addition, the Agreement sets forth terms related to cessation of operations at the existing plant, and infrastructure, facilities, improvements, development fees and exactions, and the design review and permitting process for the new rendering plant. As mentioned above, a subsequent CUP and Development Permit would be required for the proposed relocation of the Rendering Facility. Although the CUP and Development permit are not part of this item, the proposed site plan is included as an exhibit for reference. (See Exhibit 9, Proposed Site Plan)

Land Use Plans and Policies

Fresno General Plan

The Fresno General Plan includes goals, objectives, and policies which provide an emphasis on creating job opportunities, promoting and encouraging better quality of life for neighborhoods, and incentivizing a diversity of industries, while promoting industrial land use clusters for operational efficiencies.

Goal No. 1 of the Fresno General Plan encourages increased opportunity, economic development, business and job creation.

Goal No. 7 of the Fresno General Plan encourages the City to 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.

Goal No. 9 of the Fresno General Plan promotes a city of healthy communities and improve quality of life in established neighborhoods.

Objective LU-1: Establish a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

Objective LU-7: Plan and support industrial development to promote job growth.

Policy LU-7-a: Incentives for a Diversity of Industries, Increased Food Processing and Manufacturing, and Related Employment Opportunities in Fresno. Use the City's Capital Improvement Program to set priorities for locations and timing of water, sewer, and transportation infrastructure investments by the City and initiate implementation programs to encourage development of targeted industries as identified under Policy ED-3-c, in employment land use areas designated on Figure LU-1: Land Use Diagram.

Policy LU-7-c: Efficiency of Industrial Uses. Promote industrial land use clusters to maximize the operational efficiency of similar activities.

- Provide access to a range of transportation modes through plans and incentives, ensuring that local, regional, and national connections are available;
- Develop a strategy to promote rail-accessible sites for industries that need such capability; and
- Ensure timely access to the full range of urban services for industrial development by coordinating proposed plans with the annual and long-range City infrastructure planning.

Policy HC-3-g: Residential Compatibility. Consider developing a program with community stakeholders to address compatibility of industrial and heavy commercial uses and zoning with established neighborhoods.

Policy ED-1-d: Strategic Land Regulation. Explore increasing the amount of land properly zoned, consistent with the General Plan, and ready to be expeditiously developed, redeveloped, and/or revitalized for economic development and job creation purposes. Establish a priority infill development program for sites and districts.

The proposed project meets the intent of many or all of the goals, objectives, and policies of the Fresno General Plan referenced herein above. The proposed relocation of the Darling Rendering Facility would not only result in the ability to increase operations, which is consistent with several of the economic development objectives and policies of the General Plan, it would also create a better quality of life for the residential neighborhoods currently within proximity to the existing facility. The proposed location would result in the Darling Facility being located near the WWTP facility and PG&E substation, surrounded by County agricultural lands and where no established neighborhoods exist, which meets the policies above in creating better compatibility between uses. In conclusion, the proposed plan amendment, rezone, and agreement are consistent with many of the goals and policies of the Fresno General Plan.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject property is located on the south side of West Jensen Avenue west of South Cornelia Avenue. According to City of Fresno General Plan Policy MT-2-i, a Transportation Impact Study (TIS) is required when a project includes a General Plan amendment that changes the General Plan Land Use Designation. Policy MT-2-l also sets forth the criteria for when a TIS is triggered based on four classes of Traffic Impact Zones (TIZ). The project is located within TIZ III, which represents areas near or outside of City limits but within the Sphere of Influence (SOI) as of December 31, 2012. Traffic in this area should maintain a peak hour level of service (LOS) standard of D or better for all intersections and roadway segments. Within the TIZ III zone, a TIS is required for all development projected to generate 100 or more peak hour new vehicle trips.

In June 2017, Fehr & Peers prepared a Transportation Impact Analysis (TIA) which is included as Appendix D to the IS/MND. Based on the TIA, the project would generate 273 trips per day with 36 trips occurring in the AM peak hour and 28 trips occurring in the PM peak hour. Truck trips are expected to account for 55% of daily vehicle trips, 36 % of AM peak hour trips, and 28% of PM peak hour trips. Based on the TIA, existing roadway conditions with the addition of project generated vehicle trips would maintain LOS D or better during the AM and PM peak hours and therefore would not result in a significant impact. Further, the roadway segments in the County (Cornelia and Brawley Avenues) would operate at LOS C, which is acceptable per County and City standards. However, under cumulative conditions, the project would result in potentially significant impacts at certain intersections before mitigation. Implementation of Mitigation Measure TRAF-1, however, would alleviate these potential impacts to a less-than-significant level. No other traffic-related impacts were found to be potentially significant under CEQA.

PUBLIC INPUT AND NOTICING

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property (Exhibit 10, Vicinity Map and Mailer), pursuant to Section 15-5007-B-2 of the FMC. A revised notice was mailed October 11, 2017 to include the Disposition Agreement and Development Agreement.

District Committee

The District 3 Plan Implementation Committee is inactive.

PLAN AMENDMENT, REZONE, AND DEVELOPMENT AGREEMENT FINDINGS

Based upon analysis of the applications and subject to the applicant's compliance with all of the mitigation measures noted in Environmental Assessment No. A-17-008/R-17-011, staff concludes that the following required findings of Section 15-5812, and Section 15-6006 of the FMC can be made, as shown in Exhibit 11.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master 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 Application No. A-17-008, Rezone Application No. R-17-011, and the Disposition Agreement and Development Agreement are appropriate for the subject property.

Action by the Planning Commission regarding the plan amendment, rezone application, agreement, and associated environmental assessment will be a recommendation to City Council.

Attachments:

Exhibit 1: Vicinity Map

Exhibit 2: Aerial Photograph

Exhibit 3: Fresno General Plan Planned Land Use Map

Exhibit 4: Zoning Map

Exhibit 5: Disposition Agreement and Development Agreement

Exhibit 6: IS/MND (Sept. 2017), and Response to Comments

Exhibit 7: Fresno Bee Public Notice of Intent

Exhibit 8: City-Initiated Plan Amendment and Rezone

Exhibit 9: Proposed Site Plan

Exhibit 10: Vicinity Map and Mailer

Exhibit 11: Findings

Exhibit 12: Project Information and Bordering Property Information