



Legislation Details (With Text)

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Type: Action Item **Status:** Passed
File created: 4/25/2018 **In control:** City Council
On agenda: 5/10/2018 **Final action:** 5/10/2018

Title: Consider Text Amendment Application No. TA-18-002, and Resolution for the Pre-Zoning Designation Translation Table
1. ***BILL NO. B-19 - (Intro. 4/19/2018) (For adoption) - Approving Text Amendment Application No. TA-18-002 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 legal non-conforming; legal non-conforming site features; parks; driveway paving; mixed use permitted uses; massage establishments; downtown ground floor retail; bluff setback; live/work; setbacks from landscape easements; signs; corner commercial; drive throughs; tiny homes; Council District Project Review Committees; Airport Land Use Commission review of text amendments; development agreements; accessory living quarters; substance abuse treatment clinic, among others. The affected sections are Table 15-107-B, Section 15-311-A, 15-404-F-2, 15-405-E-1, 15-405-E-2, Table 15-902, Section 15-904-A-8, Table 15-1002, 15-1102, 15-1202, Section 15-1304-B, 15-1404-A, Figure 15-1501-C, Table 15-1502, Section 15-1603-A, 15-1603-D-1, 15-1603-E, 15-1609-B-1-b, 15-2002-B, 15-2020-F, 15-2412-E, 15-2413-D, 15-2610-D, 15-2610-E-7, 15-2610-G6, 15-2612-A, 15-2722-F-1, 15-2728-B-1, 15-2754-E-2-c, 15-4906-D-1, 15-4906-J, 15-5207, 15-5808, 15-6003, 15-6005, 15-6702, 15-6703, and 15-6704 as described in Exhibit A. (Subject to Mayor's veto)
2. RESOLUTION - Approve the Pre-Zoning Designation Translation Table which is intended to streamline the approval of certain projects in the Sphere of Influence which require an annexation. The translation table will allow projects to move forward by applying the most comparable development standards that are available in the current code, as described in Exhibit E.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A -Text Amendment Application No. TA-18-002, 2. Exhibit B - Public Notice, 3. Exhibit C - Environmental Assessment, 4. Exhibit D - FMC Findings for TA-18-002.pdf, 5. Exhibit E - Resolution for Pre-Zoning Translation Table, 6. Exhibit F - Planning Commission Resolutions

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 5/10/2018 | 1 | City Council | adopted | |

Report to City Council

May 10, 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 Text Amendment Application No. TA-18-002, and Resolution for the Pre-Zoning Designation Translation Table

1. ***BILL NO. B-19 - (Intro. 4/19/2018) (For adoption) - Approving Text Amendment Application No. TA-18-002 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 legal non-conforming; legal non-conforming site features; parks; driveway paving; mixed use permitted uses; massage establishments; downtown ground floor retail; bluff setback; live/work; setbacks from landscape easements; signs; corner commercial; drive throughs; tiny homes; Council District Project Review Committees; Airport Land Use Commission review of text amendments; development agreements; accessory living quarters; substance abuse treatment clinic, among others. The affected sections are Table 15-107-B, Section 15-311-A, 15-404-F-2, 15-405-E-1, 15-405-E-2, Table 15-902, Section 15-904-A-8, Table 15-1002, 15-1102, 15-1202, Section 15-1304-B, 15-1404-A, Figure 15-1501-C, Table 15-1502, Section 15-1603-A, 15-1603-D-1, 15-1603-E, 15-1609-B-1-b, 15-2002-B, 15-2020-F, 15-2412-E, 15-2413-D, 15-2610-D, 15-2610-E-7, 15-2610-G6, 15-2612-A, 15-2722-F-1, 15-2728-B-1, 15-2754-E-2-c, 15-4906-D-1, 15-4906-J, 15-5207, 15-5808, 15-6003, 15-6005, 15-6702, 15-6703, and 15-6704 as described in Exhibit A. (Subject to Mayor's veto)
2. RESOLUTION - Approve the Pre-Zoning Designation Translation Table which is intended to streamline the approval of certain projects in the Sphere of Influence which require an annexation. The translation table will allow projects to move forward by applying the most comparable development standards that are available in the current code, as described in Exhibit E.

EXECUTIVE SUMMARY

On April 19, 2018, Text Amendment TA-18-002 was introduced and recommended for approval by the City Council. Since all amendments to the Fresno Municipal Code require a second reading, the item is now before the City Council for adoption. The Text Amendment consists of various amendments to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law. The Resolution approving the Prezoning Translation Table is also included for adoption. This resolution is intended to streamline the approval of certain projects in the Sphere of Influence which require an annexation. The translation table will allow projects to move forward by applying the most comparable development standards that are available in the current code, as described in Exhibit E.

BACKGROUND

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: legal non-conforming; legal non-conforming site features; parks; driveway paving; mixed use permitted uses; massage establishments; downtown ground floor retail; bluff setback; live/work; setbacks from landscape easements; signs; corner commercial; drive throughs; tiny homes; Council District Project Review

Committees; Airport Land Use Commission review of text amendments; development agreements; accessory living quarters; substance abuse treatment clinic, among others (see Exhibit A for complete text amendment).

The Pre-Zoning Designation Translation Table is intended to streamline the approval of certain projects in the Sphere of Influence which require an annexation. There are some parcels in the Sphere which have pre-zoning designations that are no longer associated with development standards, because the associated zone district was removed with the adoption of the Citywide Development Code in 2015. The translation table will allow such projects to move forward by applying the most comparable development standards that are available in the current code.

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 March 23, 2018;
2. A Spanish notice was published in Vida en al Valle on April 4, 2018.
3. 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

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 text amendment, which applies city-wide. Their recommendations are listed below.

- District 1: On April 3, 2018, the Committee recommended approval of the proposed T.
- District 2: On April 2, 2018, the Committee recommended approval of the proposed applications.
- District 3: The Committee is currently inactive.
- District 4: On April 2, 2018, the Committee recommended approval of the proposed applications.
- District 5: On April 2, 2018, the Committee recommended approval of the proposed applications.
- District 6: On April 2, 2018, the Committee recommended approval of the proposed applications.
- District 7: The Committee is currently inactive.

Fulton-Lowell Design Review: On April 2, 2018, the Committee recommended approval of the proposed applications.

Tower District Design Review Committee: On April 3, 2018, the Committee recommended approval of the proposed applications.

Airport Land Use Commission: On April 2, 2018, the Commission recommended approval of Text Amendment TA-18-002.

Planning Commission

The Planning Commission considered the proposed applications at a regularly scheduled public hearing held on April 4, 2018, and recommended approval by a unanimous vote. Thirteen members of the public testified in support of the item and no members of the public testified in opposition.

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 Development Code Text Amendment Application No. TA-18-002 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. The Rezoning Translation Table would streamline the approval of certain projects in the Sphere of Influence which require an annexation. The translation table will allow projects to move forward by applying the most comparable development standards that are available in the current code.

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 A: Text Amendment Application No. TA-18-002
- Exhibit B: Public Notice
- Exhibit C: Environmental Assessment
- Exhibit D: Fresno Municipal Code Findings
- Exhibit E: Resolution for Pre-Zoning Translation Table
- Exhibit F: Planning Commission Resolutions