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Title: HEARING to consider Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Related Environmental Assessment No. A-14-005/R-14-009/C-14-080 for property located on the northwest corner of E. Nees and N. Bond Avenues (Property Located in District 6) - Development and Resource Management Department

1. Adopt the environmental finding of Environmental Assessment No. A-14-005/ R-14-009/C-14-080, a Mitigated Negative Declaration, dated February 27, 2015.
2. RESOLUTION - Approving Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and from office commercial planned land use designation to community commercial land use designation for 0.37 acres. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to 25 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.
3. BILL - Amending the Official Zone Map to reclassify the subject property from the C-R/UGM/cz (Commercial Recreation/Urban Growth Management/conditions of zoning) zone district for 4.63 acres and the C-P/UGM (Administrative and Professional Office/Urban Growth Management) zone districts for 0.37 acres to the C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/conditions of zoning) zone district with additional conditions of zoning.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex A - Vicinity Map.pdf, 2. Ex B-Aerial Photo.pdf, 3. Ex C - Noticing Map.pdf, 4. Ex D - Fresno GP Land Use Map.pdf, 5. Ex E - Zoning Map.pdf, 6. Ex F - Conditions of Zoning.pdf, 7. Ex G - Exhibits for Conditional Use Permit.pdf, 8. Ex H - Conditions of Approval for C-14-080.pdf, 9. Ex I - Environmental Assessment.pdf, 10. Ex J - Correspondence.pdf, 11. Ex K - Planning Commission Resolutions.pdf, 12. Ex L - Council Resolution.pdf, 13. Ex M - Ordinance Bill.pdf

Date	Ver.	Action By	Action	Result
4/30/2015	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

April 30, 2015

FROM: JENNIFER K. CLARK, AICP, DIRECTOR
Development and Resource Management Department

BY: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division

SUBJECT

HEARING to consider Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Related Environmental Assessment No. A-14-005/R-14-009/C-14-080 for property located on the northwest corner of E. Nees and N. Bond Avenues (**Property Located in District 6**) - Development and Resource Management Department

1. Adopt the environmental finding of Environmental Assessment No. A-14-005/ R-14-009/C-14-080, a Mitigated Negative Declaration, dated February 27, 2015.
2. **RESOLUTION** - Approving Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and from office commercial planned land use designation to community commercial land use designation for 0.37 acres. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to 25 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.
3. **BILL** - Amending the Official Zone Map to reclassify the subject property from the C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) zone district for 4.63 acres and the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts for 0.37 acres to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district with additional conditions of zoning.

RECOMMENDATIONS

1. ADOPT the environmental finding of Environmental Assessment No. A-14-005/ R-14-009/C-14-080, a Mitigated Negative Declaration, dated February 27, 2015.
2. ADOPT RESOLUTION approving Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and from office commercial planned land use designation to community commercial land use designation for 0.37 acre. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to 25 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.
3. ADOPT ORDINANCE BILL amending the Official Zone Map to reclassify the subject property from the C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) zone district for 4.63 acres and the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts for 0.37 acres to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district with additional conditions of zoning.

EXECUTIVE SUMMARY

Gary Giannetta, on behalf of Russ Nakata, has filed Plan Amendment Application No. A-14-005, Rezone Application No. and R-14-009, and Conditional Use Permit Application No. C-14-080, pertaining to approximately ± 5 net acres of property located on the northwest corner of East Nees and North Bond Avenues, as described above (See Exhibits A -D).

The plan amendment and rezone applications have been filed in order to facilitate approval of a proposed gas station with eight fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room in accordance with Conditional Use Permit Application No. C-14-080 on a 1.85 acre portion of the 5 acre site (see Exhibit G). The Planning Commission's approval of the aforementioned conditional use permit at its April 1, 2015 meeting would become effective upon City Council approval of the proposed plan amendment and rezone applications.

Staff supports approval of these applications subject to conditions, including conditions of zoning related to pedestrian connectivity and First Street access.

BACKGROUND

Project Information

PROJECT	See description above in executive summary
APPLICANT	Gary Giannetta on behalf of Russ Nakata
LOCATION	Located on the Northwest corner of East Nees and North Bond Avenues (Council District 6, Councilmember Brand)
SITE SIZE	Approximately 5.0 net acres
LAND USE	Existing - Commercial Recreation (4.63 acres) Office Commercial (0.37 acres) Proposed - Community Commercial (5.0 acres)
ZONING	Existing - C-R/UGM/cz (<i>Commercial Recreation/ Urban Growth Management/with conditions of zoning</i>) for 4.63 acres C-P/UGM/cz (<i>Commercial Office/ Urban Growth Management/with conditions of zoning</i>) for 0.37 acres Proposed - C-1/UGM/cz (<i>Neighborhood Shopping Center/Urban Growth Management/conditions of zoning</i>) for 5.0 acres
PLAN DESIGNATION AND CONSISTENCY	Pursuant to the Urban Form, Land Use and Design section of the General Plan, the proposed C-1 zone district classification and the proposed Community Commercial planned land use designation for the subject property may be found consistent.
ENVIRONMENTAL FINDING	Finding of a Mitigated Negative Declaration dated February 27, 2015.
PLAN COMMITTEE RECOMMENDATION	The District 6 Plan Implementation Committee recommended approval of these applications by a 4-0-3 vote (3 members absent) on October 8, 2014.
PLANNING COMMISSION RECOMMENDATION	The Planning Commission recommended approval of the proposed plan amendment and rezone applications, and approved the related conditional use permit at its regularly scheduled meeting on April 1, 2015 by a 4-1-2 vote, with one member absent and one abstaining.
STAFF RECOMMENDATION	Approval of the proposed plan amendment and rezone applications and environmental finding subject to additional conditions of zoning.

Bordering Property Information

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial Recreation Commercial Office	C-R/UGM/cz Commercial Recreation/ Urban Growth Management/ conditions of zoning C-P/UGM/cz Commercial Office/ Urban Growth Management/ conditions of zoning	Vacant
South	Public Facility	R-A Single Family Residential - Agriculture	US Post Office
East	Commercial Recreation	C-R/UGM/cz Commercial Recreation/ Urban Growth Management/ conditions of zoning	Vacant
West	Community Commercial	C-1/UGM/cz Neighborhood Shopping Center/ Urban Growth Management/ conditions of zoning	Vacant and shopping center

Background

The 5 acres that is the subject of the proposed applications was originally part of a 55 acre mixed-use development that was designated for residential, office, commercial recreational and neighborhood commercial uses in 1998. The residential portion has already been developed on the perimeter of the project, leaving 34 acres of non-residential uses. This portion of the project was envisioned to include a drug store, various retail uses, an athletic club and office uses in proximity to residential uses. A bowling alley was also contemplated on the C-R portion of the site. In 1998, a conditional use permit was approved for the 7-acre neighborhood commercial portion of the site (just west of the proposed applications on the northeast corner of North First Street and East Nees Avenues), which includes a drug store and a restaurant. A conditional use permit was also recently approved for an approximately 7,000 square foot retail building located on the pad in between the drug store and the restaurant.

The proposed applications would add 4.6 acres of community commercial use to the existing 7.4 acres and simultaneously reduce the commercial recreation use by the same amount, resulting in approximately 12 acres of community commercial uses and 13.5 acres of commercial recreational uses. The resulting 12 acre community commercial property would function as an integrated shopping center, with property owner management of common areas and integrated design. The future office portion would remain virtually unchanged, with approximately 0.37 acre being amended from office commercial to community commercial to provide for future access to North First Street. See table below for land use summary:

Planned Land Use	Existing Acreage	Proposed Acreage	Change
Office	9.3	8.9	-0.37 ac
Community Commercial	7.4	12	+4.6
Commercial Recreation	18	13.4	-4.6

The applicant is submitting the proposed applications because a suitable commercial recreation tenant has not been found. The gas station and minimart are proposed on a 1.85 acre portion of the 5 acres included in the plan amendment and rezone. The remaining +/- 3 acres of the subject

property would be developed with retail uses in future phases as demand occurs.

Conditions of Zoning

Conditions of zoning were adopted for the subject property in Ordinance 98-2 (see Exhibit F). Several of the conditions have already been met or are not applicable. Those that are applicable include neighborhood outreach, flood control requirements, DARM Director review for any commercial recreation project, use and design limitations for an athletic club, minimum setbacks to adjacent residential property and along East Nees Avenue, and general use restrictions on the property. Specifically, a car wash, cocktail lounge, bar and liquor store are prohibited on the property.

The proposed gas station and minimart does include a Type 20 alcohol license for the sale of beer and wine. The drug store on the corner of North First Street and East Nees Avenue currently carries such a license. Since the license is for beer and wine only and the store's purpose is not solely to sell alcohol, it is not considered a "liquor store" and is deemed consistent with the conditions of zoning.

As part of the proposed rezone application, staff is recommending that the following additional conditions of zoning be added in order to ensure pedestrian connectivity and address neighbor concerns about traffic on First Street:

- Pedestrian walkways shall be provided within the site to connect the community commercial portion of the site with the planned office and existing residential neighborhood to the north in future phases of the project. The pedestrian pathways should connect E. Nees Avenue to E. Nees Avenue.
- Any future special permit that includes the construction of the North First Street drive access shall be noticed to all property owners within 500 feet of the subject property pursuant to Fresno Municipal Code Section 12-401-F-2.

This last condition of zoning is being added in response to neighbor concerns related to traffic on First Street. Neighbors requested to be informed when the First Street access is proposed to be installed. It is not proposed to be installed with the current phase.

Conditional Use Permit No. C-14-080

The plan amendment and rezone applications have been filed in order to facilitate approval of a proposed gas station with eight fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room in accordance with Conditional Use Permit Application No. C-14-080 on a 1.85 acre portion of the 5 acre site (see Exhibit G). The Planning Commission's approval of the aforementioned conditional use permit at its April 1, 2015 meeting would become effective upon City Council approval of the proposed plan amendment and rezone applications.

The Planning Commission approved Conditional Use Permit No. C-14-080 subject to conditions, including Fresno Police Department conditions related to off-sale alcohol use, traffic conditions requiring frontage improvements, upgrade of FAX bus stop, dedications and payment of fees, landscaping and parking lot shading, infrastructure requirements, architectural compatibility, Fresno Green certification, and various requirements related to fueling stations (see Exhibits G and H).

The Department of Alcoholic Beverage Control (ABC) was consulted regarding possible overconcentration of alcohol licenses in this area. The ABC confirmed that there is no overconcentration: three off-sale licenses are permitted in the project census tract, and only one currently exists.

Transportation

The project consists of a plan amendment and rezone applications to redesignate commercial recreation (4.6 acres) and office land uses (0.37) to community commercial land use in order to facilitate the establishment of a gas station and minimart on a 1.85 acre portion of the property with future retail uses on the remainder. The project takes access from East Nees Avenue and North First Street, both arterials. The project will be required to construct all frontage improvements to City Standards. Dedications to accommodate dual left turns at the intersection of North First Street and East Nees Avenue are required.

The Public Works Department, Traffic Engineering Division has reviewed the proposed plan amendment, rezone, conditional use permit and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent street segments and intersections in accordance with the transportation element of the Fresno General Plan.

The three intersections studied for the project include Nees/First, Nees/Bond and Nees/Millbrook. All function at Level of Service (LOS) D today and would function at LOS D at project build-out and in the horizon year of 2035. Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the Traffic Impact Study prepared by TJKM found that the proposed applications are projected to generate 226 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 354 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period, with Average Daily Trips (ADT) projected to be 3,984. By comparison, the current General Plan land use would generate an estimated 242 morning peak hour trips, 183 evening peak hour trips and 2,724 ADT. Thus the proposed land use changes would generate more vehicle trips than the land uses in the current General Plan, however the additional trips can still be accommodated by the roadway system and the LOS will remain at D.

The developer of this project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per average daily trip at the time of building permit, based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual and the Master Fee Schedule. The project will also be required to pay all applicable New Growth Area fees including the Fresno Major Street Impact (FMSI) Fee and City-wide regional street impact fees. The California Department of Transportation (Caltrans) has indicated that the proposed project will mitigate any potential project related traffic impacts to State facilities through payment of the applicable City Fees and subject to payment of the Regional Traffic Mitigation Fee (RTMF).

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford

the community an adequate and efficient circulation system.

Council District Plan Implementation Committee

The District 6 Plan Implementation Committee recommended approval of these applications by a 4-0-3 vote (3 members absent) on October 8, 2014.

Public Notice

February 27, 2015- Environmental Assessment published in the Fresno Bee.

March 6, 2015 - Public Hearing Notice mailed to all property owners within 500 feet of project site (see Exhibit C) and posted on the property.

March 18, 2015: Planning Commission continued the item to April 1, 2015 at applicant's request.

March 20, 2015 - Neighborhood meeting held by applicant at Woodward Park Library, from 12:00 - 3:00 p.m. The meeting was conducted in open house format and was attended by approximately 12 residents. Concern most frequently expressed was traffic congestion.

April 1, 2015 - Planning Commission recommended approval of the plan amendment and rezone applications, along with the related environmental assessment, and approved the conditional use permit subject to City Council approval of the plan amendment and rezone, by a 4-1-2 vote. Four neighborhood residents spoke in opposition to the project, mostly citing traffic concerns.

April 17, 2015 - Public Hearing Notice published in the Fresno Bee and mailed to all property owners within 500 feet of subject site, and posted on the property.

Correspondence Received

Four letters or emails were received in response to the proposed project; two in support and two in opposition (see Exhibit J). In addition, four telephone calls were received. The concerns expressed in the opposition letters and staff responses are noted below:

- Concern: There are three other gas facilities within ½ mile of the proposed gas station
- Response: One gas station is actually within ½ mile (First/Nees); the other two gas stations in the area are at Cedar/Ness, which is about ¾ mile from the site

- Concern: Access to First Street will cause traffic congestion
- Response: additional access to First Street is not proposed with current phase of development. A condition of zoning is proposed to require noticing to all property owners within 500 feet when such access is proposed

- Concern: Nees Avenue is congested. Right turn pocket at northbound Bond Avenue and additional stacking for left turn lane at southbound Bond Avenue suggested by letter-writer
- Response: Public Works Traffic Engineering staff did not require these improvements, based on the Traffic Impact Study submitted for the project

LAND USE PLANS AND POLICIES

Fresno General Plan

The newly adopted Fresno General Plan puts a strong emphasis on infill development, complete neighborhoods and multimodal connectivity. Each of these areas are discussed below.

Infill Development

The proposed project is considered Non-Corridor Infill (because it is not on a Bus Rapid Transit Corridor). The General Plan includes the following guidance on this topic:

Non-Corridor Infill. Fresno needs to promote well-designed infill and rehabilitation throughout the city, not just along the corridors. This includes single-family lots, small multi-family lots and small subdivisions. There will also be revitalization and rehabilitation over the years of small retail centers, employment centers and some multi-family properties. These infill developments and redevelopments will focus on creating Complete Neighborhoods in existing areas. Some tools that can be used to accomplish this include: connectivity, financial incentives for investing in established neighborhoods, design compatibility, providing missing uses such as recreation, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.

Approval of the plan amendment and rezone applications would help facilitate infill development within existing neighborhoods as called for in General Plan policy.

Complete Neighborhoods

The General Plan states that the defining characteristic of a complete neighborhood is one that is mostly self-sufficient, walkable and interconnected. It provides residents with most daily needs. A complete neighborhood should include most of the following elements:

- A range of housing choices
- Neighborhood serving retail
- A range of employment opportunities
- Public services, such as health clinics
- Entertainment and cultural assets
- Parks and public schools
- Community services such as a library, recreation center, senior center or community garden
- Public plaza/civic space
- Access to Public Transit

The neighborhood around the site includes both single family and multiple family residential uses. The project site currently includes a drug store and restaurant. Uses on the commercial corners on the south side of East Nees Avenue include a supermarket, dry cleaner, salons, clothing stores, financial services, a post office and a fire station. There is also a gas station on the south side of the street, serving mostly eastbound traffic. FAX Routes 34 and 38 serve the project and East Nees Avenue includes bike lanes. The neighborhood has the potential to be a complete neighborhood.

Approval of the plan amendment and rezone applications would facilitate completion of currently

missing frontage improvements along East Nees Avenue, including curb, gutter, sidewalk and street trees. It would also provide a pedestrian path from the proposed Arco mini mart to the bus stop on Nees Avenue. In addition, a condition of zoning is proposed to be added to the site to require pedestrian walkways to connect to the northern and western portions of the site and the residential neighborhood to the north via E. Niles Avenue in future phases of development.

Multimodal Connectivity

The General Plan calls for the City to develop guidelines for walkability. These are currently in process as part of the new development code. The policy suggests that the guidelines include strategies to avoid the following design features:

- Walls and fences that separate related uses or isolate neighborhoods
- Over reliance on cul-de-sacs and dead end streets
- Disconnected bike and pedestrian paths
- Wide streets that lack pedestrian support, such as sidewalks, and a landscape strip separating pedestrians from the street
- Street front parking lots that separate pedestrians from the commercial operations
- Retail centers that are exclusively auto-oriented
- Transit stops that are not easily accessible from an individual's starting point and destination
- Long blocks that discourage walking

UF 14-b Design local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development. Create access for pedestrians and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.

No walls or fences currently exist on the project site except those that separate the surrounding residential uses from the commercial site. However, E. Niles Avenue offers an opportunity for connecting the residential neighborhood north of the site to the project site with a pedestrian path that would be approved in future applications. A new condition of zoning is proposed to require pedestrian connectivity as noted above.

The site is fairly well served by the bicycle network. East Nees Avenue has bike lanes, and the Sugar Pine Trail is within a mile of the site (to the west). The sidewalk network will be completed on East Nees Avenue as a result of the project. The current sidewalk pattern will be continued with tree wells along the edge of the sidewalk. Also along this frontage is a FAX transit stop which serves routes 34 and 38. The stop will be required to connect to the proposed gas station and minimart, and in future phases, a pedestrian path will be constructed to connect the transit stop through the site to E. Niles Avenue.

The urban form of the proposed project is already somewhat established, as two buildings exist on the adjacent site (a drug store and restaurant). Due to the existence of an FID easement along East Nees Avenue, all structures must be set back a minimum of 30 feet from the back of sidewalk. The proposed minimart will also have its front entrance facing south toward East Nees Avenue, so the building will not be “turning its back” to the sidewalk (although it will be set back behind the fueling canopy). Finally, the architectural design in terms of massing, materials and colors is required to be

compatible with the surrounding development.

Woodward Park Community Plan

The Woodward Park Community Plan (WPCP) was adopted in 1989. At that time, its primary goals were to ensure development stayed within the capacity limits of existing infrastructure and to evenly distribute commercial development. Most commercial development was to occur within the mid-rise/high rise corridor between Blackstone Avenue and Fresno Streets, and office development was to be concentrated along the Herndon Avenue corridor. Outside of those areas, commercial development was limited to two corners at an intersection, and, for two particular nodes, three corners on an intersection.

The intersection of North First Street and East Nees Avenues was one that was envisioned for three corners of commercial development, but plan policy 1-4.3-e limits the total acreage of retail commercial to 25 acres. The proposed amendment to the WPCP would increase that limit to 30 acres to accommodate the proposed plan amendment. Given that the proposed increase is adding community commercial land use that is currently planned for commercial recreation land use, staff believes the change is not significant, since these two land uses would have a similar level of development intensity. Furthermore, since Policy 1-4.3-e only applies to two intersections in the plan area, staff believes that policy amendment is not a significant change to the plan and will not be detrimental to the Woodward Park Community Plan area. Finally, the change would help to facilitate infill development, which is a goal of the General Plan.

CONCLUSION

In conclusion, the proposed project is consistent with many of the goals and policies of the newly adopted General Plan and the Woodward Park Community Plan. The proposed project promotes reinvestment by proposing a quality development in an existing neighborhood, preserves neighborhood character by proposing a design that is compatible with the surrounding architecture, and protects property values by constructing a compatible infill development on currently vacant property.

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 Woodward Park 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 Application No. A-14-00, and Rezone Application No. R-14-009 are appropriate for the project site.

ENVIRONMENTAL FINDINGS

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 (see Exhibit I).

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 Woodward Park Community Plan area, 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 plan amendment, rezone and conditional use permit have been determined to not be fully within the scope of the recently updated 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) because a plan amendment is proposed which would change the land use designated in the General Plan for the site. It has been further determined that all applicable mitigation measures of MEIR SCH No. 2012111015 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 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 the list of identified 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 mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-14-005, R-14-009, C-14-080 was published on February 27, 2015 with no comments or appeals specifically related to the environmental document received to date.

Project specific mitigation measures include:

- Incorporation of landscape water efficiency measures
- Compliance with Fresno County Environmental Health Department requirements for permitting and installation of underground storage tanks
- Compliance with Fresno Metropolitan Flood Control District requirements
- Adoption of a condition of zoning related to pedestrian connectivity
- Compliance with Department of Public Works Traffic Engineering requirements
- Payment of public service-related impact fees

LOCAL PREFERENCE

N/A.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer 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 Development and Resource Management Department.

Attachments:

Exhibit A:	Vicinity Map
Exhibit B:	Aerial Photograph
Exhibit C:	Noticing Map
Exhibit D:	Fresno General Plan Map
Exhibit E:	Zoning Map
Exhibit F:	Conditions of Zoning
Exhibit G:	Exhibits for Conditional Use Permit Application No. C-14-080
Exhibit H:	Conditions of Approval for Conditional Use Permit No. C-14-080
Exhibit I:	Environmental Assessment No. A-14-005/R-14-009/C-14-080
Exhibit J:	Correspondence in Support and Opposition
Exhibit K:	Planning Commission Resolutions
Exhibit L:	City Council Resolution
Exhibit M:	Ordinance Bill