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Title: Consideration of Plan Amendment Application No. A-15-001 and related Environmental Assessment for property located on within the planning area of the Fresno General Plan (Council Districts 1-7) - Development and Resource Management Department

1. Adopt the environmental finding of Environmental Assessment No. A-15-001, a Negative Declaration, dated June 11, 2015
2. RESOLUTION - Approving Plan Amendment Application No. A-15-001 as modified, which proposes to amend the Fresno General Plan, the Bullard, Edison, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Highway City Neighborhood Specific Plan, the Sierra Sky Park Land Use Policy Plan, and the Fresno Chandler Executive Airport Land Use Compatibility Plan as shown on Table 1 in Exhibit B, with the following exceptions:
 - a. Requests 4, 21, and 23 shall be removed from Plan Amendment No. A-15-001; and
 - b. Requests 3 and 16 shall be denied

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vicinity Map.pdf, 2. Exhibit B - Table 1 and Map Guide.pdf, 3. Exhibit C - Tables 2 and 3.pdf, 4. Exhibit D - Correspondence.pdf, 5. Exhibit E - Environmental Assessment.pdf, 6. Exhibit F - Planning Commission Resolution.pdf, 7. Exhibit G - Council Resolution.pdf, 8. Letters from Constituents.msg.pdf, 9. Supplement 15-643 2_00PM No2.pdf, 10. Table 1 from supplement (Large Format 11 x 17).pdf, 11. Table 1 revised for CC today.pdf.msg, 12. Received During Meeting on 7-16-2015 by Joan Caskey.pdf, 13. Received from Staff during 7-16-2015 Council Meeting.pdf, 14. Table 1 Received from Staff during 7-16-2015 Council Meeting.pdf, 15. Additional Table 1 Received from Staff during 7-16-2015 Council Meeting.pdf, 16. Letter Received During Meeting on 7-16-2015 From Dirk Poeschel.pdf, 17. Additional Letter Received During Meeting on 7-16-2015 From Dirk Poeschel.pdf

Date	Ver.	Action By	Action	Result
7/16/2015	1	City Council	adopted as amended	Pass

REPORT TO THE CITY COUNCIL

July 16, 2015

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

BY: SOPHIA PAGOULATOS, Planning Manager
Development and Resource Management Department

SUBJECT

Consideration of Plan Amendment Application No. A-15-001 and related Environmental Assessment for property located on within the planning area of the Fresno General Plan (Council Districts 1-7) - Development and Resource Management Department

1. Adopt the environmental finding of Environmental Assessment No. A-15-001, a Negative Declaration, dated June 11, 2015
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 - a. Requests 4, 21, and 23 shall be removed from Plan Amendment No. A-15-001; and
 - b. Requests 3 and 16 shall be denied

RECOMMENDATION

1. ADOPT the environmental finding of Environmental Assessment No. A-15-001, a Negative Declaration, dated June 11, 2015.
2. ADOPT RESOLUTION - Approving Plan Amendment Application No. A-15-001 as modified, which proposes to amend the Fresno General Plan, the Bullard, Edison, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Highway City Neighborhood Specific Plan, the Sierra Sky Park Land Use Policy Plan, and the Fresno Chandler Executive Airport Land Use Compatibility Plan as shown on Table 1 in Exhibit B, with the following exceptions:
 - a. Requests 4, 21, and 23 shall be removed from Plan Amendment No. A-15-001; and
 - b. Requests 3 and 16 shall be denied.

EXECUTIVE SUMMARY

Plan Amendment Application No. A-15-001 was filed by the City of Fresno Development and Resource Management Director and includes 41 requests for land use changes pertaining to ±394 acres of property located within the Fresno General Plan Planning Area (see Exhibit A, Vicinity Map). The applicant proposes to amend the Fresno General Plan, the Bullard, Edison, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Highway City Neighborhood Specific Plan, the Sierra Sky Park Land Use Policy Plan, and the Fresno Chandler Executive Airport Land Use Compatibility Plan, as noted in Table 1 and related maps in Exhibit B. The changes are proposed to the General Plan land use map only; no text changes are proposed. The Plan Amendment application was filed pursuant to City Council action on December 18, 2014 for consideration of various general plan modifications and clean-up items. It should be noted that the modifications consist of the following four types (refer to Table 1 in Exhibit B):

1. Requests referred back to staff by City Council at the General Plan adoption hearing on December 18, 2014 (Requests 1-21)
2. General Plan Land Use Map Corrections (Requests 22-32);
3. Requests to revert back to the land use shown on the initiation draft of the General Plan (Requests 19, 33-35); and
4. City-Initiated Requests (36-41).

Requests 4 and 21 were withdrawn at the request of the property owners. Request 23 was

previously approved by the City Council and therefore removed from the list. City staff supports all of the proposed land use changes except Requests 3 and 16.

BACKGROUND

On December 18, 2014, prior to adoption of the General Plan, the City Council considered several plan modification requests divided into Categories A, B and C. Category B requests were those that staff believed required further analysis prior to adoption. Council referred those items back to staff. Those items (described in 1 below), in addition to three additional modification types, are included in Plan Amendment A-15-001 as follows (refer to table and map in Exhibit B):

1. General Plan modification requests referred back to staff by City Council at the General Plan adoption hearing on December 18, 2014 (Requests 1-21)

These include mostly requests by developers and property owners.

2. General Plan Land Use Map Corrections (Requests 22-32);

These requests, mostly made by planning staff, include typographical errors on the map, adjustments reflecting new parks or other existing uses, adjustments to park site dual designations, and incorporation of plan amendments approved between General Plan initiation and adoption that were not incorporated on the land use map.

3. Requests to revert back to the land use shown on the initiation draft of the General Plan (Requests 19, 33-35);

City Council directed that these requests be granted if no additional environmental impacts resulted from the changes.

4. City-Initiated Requests (36-41).

These include requests on city-owned properties and other city staff initiated requests.

The requests in all four categories were reviewed by planning staff and evaluated for consistency with General Plan policies. In addition, a General Plan level environmental analysis was conducted for the sites. None of the proposed changes caused environmental impacts beyond those evaluated in the General Plan MEIR. It should be noted however, that the general plan level environmental analysis does not preclude the need for further site specific environmental analysis once a project is proposed on a particular site.

Taken together as a whole, if all of the proposed changes were made (with incorporation of staff recommendation), the result would be an overall reduction of 370 dwelling units and 734,000 commercial square feet. Dwelling units shifted mainly from Residential High and Residential Medium High densities to Residential Urban Neighborhood, Regional Mixed Use and Medium and Medium Low densities (see Tables 2 and 3 in Exhibit C). Land designated for parks also increased by about 5 acres with the proposed modifications and corrections. Commercially designated land mainly shifted from Office into Community Commercial, General Commercial, and Regional Mixed Use, while 3.76 acres of Heavy Industrial shifted to Light Industrial designation and Business Park designation increased.

It should be noted that the overall reduction in housing units resulting from the proposed changes was greater in the Environmental Assessment, which assumed maximum densities or “worst case” when calculating the population changes, and also included further dwelling unit reductions for land that is a “dual designation” land use, i.e. a secondary land use layer on a park site. For the final analysis, however, the proposed changes were evaluated using the mid-range densities and floor area ratios that were the basis for calculating land use capacity in the general plan. Changes to dual designations are depicted separately in Table 3 (Exhibit C) since these do not change the primary land use of park.

All but two requests were found to be consistent with the General Plan and recommended for approval. The requests recommended for denial are listed below with staff’s justification for the recommendation:

Request 3: Fancher Creek Trail proposes to be redesignated from regional mixed use (2.0 acres, residential medium low (3.11 acres) and residential medium (7.19 acres) planned land uses to Open Space (Trail). Staff is recommending denial because trails are not a designated open space category on the general plan land use map. Granting the request would require all of the trails across the city to be designated on the land use map. The City Council has directed the City Manager, through the budget, to initiate a Citywide Parks and Trails Master Plan. All parks and trails will be analyzed in that planning process which will result in a future plan amendment.

Request 16: Bus Rapid Transit Corridor Located on the southeast corner of Kings Canyon Road and Minnewawa Avenue, this request proposes to redesignate 3.06 acres of Corridor/Center Mixed Use to Residential Medium Low planned land use. Since this is a Bus Rapid Transit (BRT) corridor and the site is within a 10 minute walk of a BRT station, staff believes the medium low planned land use would not take advantage of the opportunities provided by a mixed use BRT corridor, and maintains that the highest and best use would be Corridor/Center Mixed Use. If it were redesignated to Residential Medium Low density, the result would possibly be a single family subdivision backing onto Kings Canyon Avenue with a wall, which would not enhance the walkability, safety or commercial viability of the corridor.

Council District Plan Implementation Committee

The Council District Plan Implementation Committees are meeting on this item between July 1 and July 15th.

Airport Land Use Commission

Requests 27 and 28 (Mission Ranch), 37 (Herndon/Brawley) and 40 (Belmont/DeWitt) will be reviewed by the Airport Land Use Commission on July 13, 2015.

Public Notice

June 11, 2015: Environmental Assessment published in the Fresno Bee and posted with the Fresno County Clerk.

June 19, 2015: Public Hearing Notice published in the Fresno Bee and all properties posted.

July 1, 2015: Planning Commission public hearing held. Planning Commission voted to continue the item to July 15, 2015.

July 3, 2015: Public Hearing Notice for published in the Fresno Bee

Planning Commission

Eight members of the public addressed the Planning Commission. Of the eight speakers, one was neutral, and the other seven expressed concern or opposition, mainly in relation to requests that proposed mixed use or an increase in density (such as Requests 16, 34 and 37). Conversely, one speaker was concerned about the overall decrease in density resulting from the plan amendment and the City's compliance with its housing element obligations.

The speakers noted that they had received notice of the proposed land use changes through the display ads in the Fresno Bee or through physical posting on the properties. As noted above, two display ads were published in the Fresno Bee and all of the properties were posted, which meet legal requirements. However the speakers were concerned about not receiving a mailed notice.

After deliberations, the Planning Commission voted to continue the item to July 15, 2015 to allow more time for public input.

Comments Received and Staff Response

The following is a summary of the correspondence received to date on Plan Amendment Application No. A-15-001 (see Exhibit D for correspondence):

June 12, 2015 letter from Jeffrey Roberts of Granville homes requesting removal of 40 acre park designation in Mission Ranch. This request was not included in Plan Amendment A-15-001 and staff has recommended that any parks-related issues be considered as part of the upcoming Fresno Parks and Trails Master Plan and the Mission Ranch Master Plan.

June 15, 2015 letter from M. Sigala of Fancher Creek Properties asking that Request 4 be removed from Plan Amendment A-15-001. Staff concurs and included removal of request in recommendation.

June 22, 2015 email from Allen E. carter supporting staff recommendation on Request 17.

July 1, 2015 letter from Ashley Werner of Leadership Counsel encouraging Planning Commission to postpone the vote on Plan Amendment A-15-001 and direct staff to return with a proposal which does not result in a net density reduction. The letter expressed concerns that Plan Amendment A-15-001 is in conflict with the City's Housing Element obligations. Staff maintains that Plan Amendment A-15-001 is not inconsistent with the City's Housing Element, and is working in partnership with the State of California Housing and Community Development Department on a Housing Element update.

July 2, 2015 email from Richard Ellsworth of Pearson Realty asking that Request 21 be removed from Plan Amendment A-15-001. Staff concurs and included removal of request in recommendation.

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 (see Exhibit E). 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 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 was 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 various sites. It has been further determined that all applicable general plan policies and mitigation measures of MEIR SCH No. 2012111015 have been applied to the project, 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 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). It should be noted that the analysis showed that there were no additional project-specific mitigation measures required; therefore the Environmental Assessment resulted in a negative declaration.

Based upon the attached Environmental Assessment and the list of identified MEIR 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 finding for Environmental Assessment Application No. A-15-001 was published on June 11, 2015 with no comments or appeals received to date.

LOCAL PREFERENCE

N/A

FISCAL IMPACT

N/A

Attachments:

Exhibit A: Vicinity Map
Exhibit B: Table 1 and Map Guide
Exhibit C: Tables 2 and 3
Exhibit D: Correspondence
Exhibit E: Environmental Assessment No. A-15-001
Exhibit F: Planning Commission Resolution
Exhibit G: City Council Resolution