



Legislation Details (With Text)

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File created:	1/21/2016	In control:		City Council	
On agenda:	2/4/2016	Final action:		2/4/2016	
Title:	<p>HEARING to consider Plan Amendment Application No. A-15-007, Rezone Application No. R-15-016 (also known as the "Zoning Map Update"), and related environmental finding filed by the Development and Resource Management Department Director pertaining to the following:</p> <ol style="list-style-type: none">1. Adopt the environmental findings for Environmental Assessment No. A-15-007, R-15-016, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164;2. RESOLUTION - Approving Plan Amendment Application No. A-15-007 to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map, and Figure LU-2: Dual Designation Diagram), the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan, as described in Exhibit A (including errata indicated on Table 1); and3. BILL - (for introduction and adoption) approving Rezone Application No. R-15-016 to update the Zoning Map of the City of Fresno by adopting the Proposed Zoning Map and Overlay District Map consistent with the City of Fresno General Plan Land Use and Circulation Map adopted on December 18, 2014, and as subsequently amended, as described in Exhibit B. All conditions of zoning will remain in effect.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	1. Ex A Plan Amendment A-15-007.pdf, 2. Ex B Zoning Map Update, R-15-016.pdf, 3. Ex C - Fresno Bee Brochure.pdf, 4. Ex D Environmental Assessment .pdf, 5. Exhibit E - Public Comment Summary.pdf, 6. Ex F - Planning Commission Resolutions.pdf, 7. Exhibit G - Council Resolution.pdf, 8. Exhibit H - Ordinance Bill.pdf, 9. Exhibit I - Powerpoint.pdf, 10. Supplement File ID 16-130.pdf, 11. Displayed During Public Comment 16-130.pdf				

Date	Ver.	Action By	Action	Result
2/4/2016	1	City Council	approved as amended	Pass

REPORT TO THE CITY COUNCIL

February 4, 2016

FROM: DANIEL ZACK, AICP, Assistant Director
Development and Resource Management Department

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

SUBJECT

HEARING to consider Plan Amendment Application No. A-15-007, Rezone Application No. R-15-016 (also known as the “Zoning Map Update”), and related environmental finding filed by the Development and Resource Management Department Director pertaining to the following:

1. Adopt the environmental findings for Environmental Assessment No. A-15-007, R-15-016, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164;
2. **RESOLUTION** - Approving Plan Amendment Application No. A-15-007 to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map, and Figure LU-2: Dual Designation Diagram), the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan, as described in Exhibit A (including errata indicated on Table 1); and
3. **BILL** - (for introduction and adoption) approving Rezone Application No. R-15-016 to update the Zoning Map of the City of Fresno by adopting the Proposed Zoning Map and Overlay District Map consistent with the City of Fresno General Plan Land Use and Circulation Map adopted on December 18, 2014, and as subsequently amended, as described in Exhibit B. All conditions of zoning will remain in effect.

RECOMMENDATION

Consider Plan Amendment Application No. A-15-007, Rezone Application No. R-15-016 (also known as the “Zoning Map Update”), and related environmental finding filed by the Development and Resource Management Department Director pertaining to the following:

1. **ADOPT** the environmental findings for Environmental Assessment No. A-15-007, R-15-016, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164;
2. **ADOPT RESOLUTION** - Approving Plan Amendment Application No. A-15-007 to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map, and Figure LU-2: Dual Designation Diagram), the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan, as described in Exhibit A (including errata indicated on Table 1); and
3. **BILL** - (for introduction and adoption) approving Rezone Application No. R-15-016 to update the Zoning Map of the City of Fresno by adopting the Proposed Zoning Map and Overlay District Map consistent with the City of Fresno General Plan Land Use and Circulation Map adopted on December 18, 2014, and as subsequently amended, as described in Exhibit B. All conditions of zoning will remain in effect.

EXECUTIVE SUMMARY

The Plan Amendment and the Zoning Map Update implement the General Plan adopted in December of 2014. Plan Amendment A-15-007 proposes 23 clean up amendments to the General Plan Land Use and Circulation Map (Figure LU-1 of the General Plan) in order to implement MEIR mitigation measures (Request 1), add Open Space uses where a public use Airport Clear Zone already exists and where a ponding basin is planned for the future (Requests 2 and 3), restore plan amendments that were approved by the City Council over the last five years and that have been determined by staff to be consistent with general plan goals and policies (Requests 4-14), revise dual designation land uses on sites that are planned Open Space (Requests 19, 21, and 22) and make other technical adjustments consistent with General Plan goals and policies (Requests 15-20 and 23). Requests 19, 21 and 22 would amend the Dual Designation Diagram, Figure LU-2, in the Fresno General Plan.

The Zoning Map Update brings the zoning on all land within city limits into conformance with the General Plan Land Use and Circulation Map adopted on December 18, 2014 (and as subsequently amended), thereby ensuring that the land uses envisioned in the General Plan and analyzed in the Master Environmental Impact Report (MEIR) are implemented in the correct locations.

BACKGROUND

As noted above, the Plan Amendment and Zoning Map Update applications implement the General Plan. The Plan Amendment makes several additional refinements to the General Plan Land Use and Circulation Map, while the Zoning Map Update implements the new zone districts created in the Development Code in conformance with the General Plan Land Use and Circulation Map. Vicinity Maps depicting all proposed plan amendments in A-15-007 are contained in Exhibit A. Existing and Proposed Zoning Maps as well as a proposed Overlay Districts Map are included in Exhibit B. A new webpage created by city staff at www.fresno.gov/mapupdate <<http://www.fresno.gov/mapupdate>> contains a Zoning Comparison Map which allows the viewer to compare existing and proposed zoning for any property within city limits.

Adoption of the Zoning Map Update will streamline future development that is consistent with the General Plan by eliminating the need to rezone property (at considerable time and expense) prior to development. Consistency between the zoning and land use designation makes navigating the regulations much easier, and may eliminate the need for additional environmental review. Finally, adoption of the Zoning Map Update is necessary for the city to comply with its Housing Element obligations to provide sufficient land capacity for housing at a variety of densities.

It should be noted that any conditions of zoning that have been adopted on individual sites will remain in full force and effect and will not be affected by the Zoning Map Update.

Public Notice and Comment

Notice was provided by the following methods pursuant to Fresno Municipal Code (FMC) Sections 15-5007-C and D:

1. A special mailer which included the legal notice and maps was inserted in the January 10, 2016 Sunday edition of the Fresno Bee (see Exhibit C);
2. The notice was posted with the City Clerk on January 8, 2016;
3. A new webpage was created to provide the notice and maps on January 8, 2016:
www.fresno.gov/mapupdate <<http://www.fresno.gov/mapupdate>>

4. Legal notices were posted at all of the sites that were the subject of Plan Amendment Application No. A-15-007 on January 8, 2016.
5. A second legal notice was printed in the Fresno Bee on January 23, 2016

As of the writing of this staff report on January 22, 2016, six comments have been received on the applications: three in relation to the Plan Amendment and four in relation to the Zoning Map Update. Four of these comments were general inquiries, while three expressed concerns about specific properties. See Exhibit E for Public Comment Summary for more detail.

Citizen Committees

Below is a status of the Council District Plan Implementation Committee recommendations, along with those of the Fulton-Lowell and Tower District Design Review Committees. Airport Land Use Commission review is scheduled for February 1, 2016.

1. District 1: Approval with concern about increased density and traffic west of Hwy 99 and a recommendation for project-specific traffic analysis at time of project approvals
2. District 2: Approval
3. District 3: Approval of Zoning Map Update; Plan Amendment not applicable to property in Council District 3.
4. District 4: Approval
5. District 5: Approval
6. District 6: Approval
7. Fulton/Lowell Design Review Committee: Approval
8. Tower District Design Review Committee: Approval, with a request to revisit some designations at a future date.

Planning Commission

The Fresno Planning Commission considered the subject applications at its regular meeting on January 20, 2016 and heard testimony from nine individuals. Four were in opposition to Plan Amendment Request 3 related to the property located at the southwest corner of Herndon and Brawley Avenues. Others expressed concerns about other properties. A general concern was expressed about noticing. See Exhibit E, Public Comment Summary, for more detail.

After hearing the aforementioned public testimony and staff response, the Planning Commission recommended approval of the applications with the following additional recommendations:

- a. Approve errata presented by staff in the General Plan Land Use Map Amendment Table (Table 1) in Exhibit A and Proposed Zoning Map in Exhibit B.

Explanation: Staff presented corrections to typographical errors in the GP Land Use Change Request "from" column for Item 6 and "to" column for Item 9 (as depicted with strikeout on Table 1). Staff also presented corrections to zone district errors noted in the vicinity of the Tower District. These corrections have been incorporated into the Proposed Zoning Map attached to this report.

- b. Defer to the pending recommendation of the Airport Land Use Commission (ALUC) regarding Plan Amendment Request 3 (at the southwest corner of Herndon and Brawley Avenues).

Explanation: Because four members of the public were in opposition to Request 3 of the Plan Amendment, which is located adjacent to the Sierra Sky Park Airport, and because the ALUC had not reviewed the proposal at the time of the Planning Commission hearing, the Planning Commission elected to defer to the recommendation of the ALUC on Request 3, scheduled for February 1, 2016.

Zoning for Sites with Dual Land Use Designations

Sites that are planned for future parks, open space, ponding basins, and schools with parks carry dual planned land use designations (for example, Open Space/Park and Low Density Residential) so that if that facility is not needed, private development consistent with the dual designation and related zoning and development standards may be approved. It was staff's intent to zone all vacant land planned for parks consistent with the dual designation, or non-park land use. While staff is confident that all of these sites have proposed zoning consistent with the General Plan land use map, additional refinement of the zoning layer on sites with Dual Designations may be necessary at a future date.

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 their 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 repeal and amendment of sections of the Fresno Municipal Code, including chapter 12, and the inclusion of Chapter 15 were identified in the MEIR as components of the Development Code Update. The Citywide Development Code was further identified as the City's most effective legal tool for implementing consistent land use policy and that it was developed to facilitate revitalization, infill, transit-oriented development, and more sustainable development practices.

Updating City's zoning map in order to reflect the new zone districts adopted in the Citywide Development Code is the key final step in implementing the Code and as such, is a part of that overall project. Specifically, revisions to the zone districts for the entire planning area were contemplated in the project description for the MEIR. Formal adoption of these zone districts merely implements these contemplated revisions in the locations envisioned by the General Plan and analyzed in the MEIR.

The Plan Amendment and Rezone Applications presented implement the General Plan adopted in December of 2014. Plan Amendment A-15-007 proposes 23 clean up amendments to the General Plan Land Use and Circulation Map (Figure LU-1) in order to implement MEIR mitigation measures (Request 1), add Open Space uses where a public use Airport Clear Zone already exists and where a ponding basin is planned for the future (Requests 2 and 3), restore plan amendments that were approved by the City Council over the last five years and that have been determined by staff to be consistent with general plan goals and policies (Requests 4-14), revise dual designation land uses in Figure LU-2: Dual Designation Diagram on sites that are planned Open Space (Requests 19, 21, and 22) and make other technical adjustments consistent with General Plan goals and policies (Requests 15-20 and 23). These land use changes were analyzed for potential environmental impacts and staff

has determined that they would not result in additional impacts beyond those analyzed in the MEIR.

As noted above, Rezone Application No. R-15-016, the Zoning Map Update, implements the zone districts adopted in the newly adopted Development Code in locations consistent with the Fresno General Plan Land Use and Circulation Map as adopted on December 18, 2014, and subsequently amended. The Zoning Map Update ensures that the Development Code is implemented in the locations envisioned in the General Plan and analyzed in the MEIR.

Based on the environmental review contained in the MEIR, Plan Amendment Application No. A-15-007 and Rezone Application No. R-15-016 (the Zoning Map Update) as described in Exhibits A and B would not result in any new significant or substantial changes to the evaluation of the environmental resources within and outside of the Planning Area beyond those that were addressed in the MEIR.

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; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding 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 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 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. See Exhibit D for the Environmental Assessment.

LOCAL PREFERENCE

N/A - no contracts under consideration.

FISCAL IMPACT

N/A

Attachments:

- Exhibit A: Plan Amendment Application No. A-15-007 Maps and Table
- Exhibit B: Rezone Application No. R-15-016 Maps
- Exhibit C: Fresno Bee Public Notice Brochure
- Exhibit D: Environmental Assessment
- Exhibit E: Public Comment Summary
- Exhibit F: Planning Commission Resolutions
- Exhibit G: City Council Resolution
- Exhibit H: Ordinance Bill
- Exhibit I: Powerpoint Presentation