



Legislation Details (With Text)

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File created:	8/19/2016	In control:		In control:	City Council
On agenda:	9/1/2016	Final action:		Final action:	9/1/2016
Title:	<p>CONTINUED HEARING to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Development Code Text Amendment Application No. TA-16-001 and related environmental finding filed by the Development and Resource Management Department Director pertaining to 316.09 acres of property as follows:</p> <ol style="list-style-type: none">1. ADOPT Environmental Assessment No. A-16-006, R-16-007, TA-16-001, 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-16-006, pertaining to 249.06 acres, 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 (with Errata);3. BILL - (For introduction and adoption) Approving Rezone Application No. R-16-007, to amend the City of Fresno Zoning Map to effect technical changes to zoning on properties that were inadvertently omitted from the zoning map update. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibit A (with Errata);4. BILL - (For introduction) - Approving Text Amendment Application No. TA-16-001 for minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others (see Exhibit B for complete text amendment). The affected sections are 15-404-F, 15-904-A, 15-1004-C-1, 15-1004-D-1-a, 15-1104-D-1, 15-2006-F, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2735-G, 15-2741-A-7-a, Table 15-2744-A, 15-2744-C-1, 15-2747, Table 15-751-G, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5302-D, 15-5602-A, 15-6703, 15-104-A, Table 15-107-B, 15-313, Table 15-902, Table 15-1002, Table 15-1102, 15-1104-G.1, Table 15-1202, Table 15-1302, Table 15-1402, 15-1601, 15-1602, 15-1609-B, 15-2006-F, Table 15-2015-B.4, 15-2018, 15-2102-A, 15-2707, 15-2754, 15-5007-C, 15-5810-A.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	1. Ex A.pdf, 2. Ex B.pdf, 3. Ex C.pdf, 4. Ex D.pdf, 5. Ex E.pdf, 6. Ex F.pdf, 7. Ex G.pdf, 8. Ex H.pdf, 9. Ex I.pdf, 10. Ex J ppt.pdf, 11. Supplement -Letter from Jeffrey Reid.pdf, 12. Supplement - Letter from Leadership Counsel.pdf				

Date	Ver.	Action By	Action	Result
9/1/2016	1	City Council	approved as amended	Pass

REPORT TO THE CITY COUNCIL

September 1, 2016

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

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

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

SUBJECT

CONTINUED HEARING to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Development Code Text Amendment Application No. TA-16-001 and related environmental finding filed by the Development and Resource Management Department Director pertaining to 316.09 acres of property as follows:

1. **ADOPT** Environmental Assessment No. A-16-006, R-16-007, TA-16-001, 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-16-006, pertaining to 249.06 acres, 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 (with Errata);
3. **BILL - (For introduction and adoption)** Approving Rezone Application No. R-16-007, to amend the City of Fresno Zoning Map to effect technical changes to zoning on properties that were inadvertently omitted from the zoning map update. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibit A (with Errata);
4. **BILL - (For introduction)** - Approving Text Amendment Application No. TA-16-001 for minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others (see Exhibit B for complete text amendment). The affected sections are 15-404-F, 15-904-A, 15-1004-C-1, 15-1004-D-1-a, 15-1104-D-1, 15-2006-F, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2735-G, 15-2741-A-7-a, Table 15-2744-A, 15-2744-C-1, 15-2747, Table 15-751-G, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5302-D, 15-5602-A, 15-6703, 15-104-A, Table 15-107-B, 15-313, Table 15-902, Table 15-1002, Table 15-1102, 15-1104-G.1, Table 15-1202, Table 15-

1302, Table 15-1402, 15-1601, 15-1602, 15-1609-B, 15-2006-F, Table 15-2015-B.4, 15-2018, 15-2102-A, 15-2707, 15-2754, 15-5007-C, 15-5810-A.

RECOMMENDATION

HEARING to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Development Code Text Amendment Application No. TA-16-001 and related environmental finding filed by the Development and Resource Management Department Director pertaining to 316.09 acres of property as follows:

1. **ADOPT** Environmental Assessment No. A-16-006, R-16-007, TA-16-001, 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-16-006, pertaining to 249.06 acres, 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 (with Errata);
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4. **BILL - (For introduction)** Approving Text Amendment Application No. TA-16-001 for minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others (see Exhibit B for complete text amendment). The affected sections are 15-404-F, 15-904-A, 15-1004-C-1, 15-1004-D-1-a, 15-1104-D-1, 15-2006-F, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2735-G, 15-2741-A-7-a, Table 15-2744-A, 15-2744-C-1, 15-2747, Table 15-751-G, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5302-D, 15-5602-A, 15-6703, 15-104-A, Table 15-107-B, 15-313, Table 15-902, Table 15-1002, Table 15-1102, 15-1104-G.1, Table 15-1202, Table 15-1302, Table 15-1402, 15-1601, 15-1602, 15-1609-B, 15-2006-F, Table 15-2015-B.4, 15-2018, 15-2102-A, 15-2707, 15-2754, 15-5007-C, 15-5810-A.

EXECUTIVE SUMMARY

On February 4, 2016, as part of its consideration of the zoning map update, the City Council directed that a 180-day grace period be established to allow property owners to request

reversion to a zone district equivalent to that existing prior to the zoning map update for properties within city limits. Plan Amendment and Rezone Requests 1-25 include such property owner requests (it should be noted that rezones also require plan amendments to maintain consistency). Rezone Requests 26-44 include technical changes to zoning on properties that were inadvertently omitted from the zoning map update in order to bring them into consistency with the planned land use. The text amendment includes minor changes to the Development Code in order to improve functionality, clarity, and internal consistency.

BACKGROUND

In order to provide for the smoothest transition possible after the zoning map update, the City Council directed staff to accept requests which would change the zoning back to a classification which more closely resembled the zoning that previously existed on the site and which was consistent with General Plan goals, policies, and environmental review. This was to be done free of charge for 180 days. The 180-day period concluded recently, and staff is bringing 25 such “cleanup” changes to Planning Commission and City Council for consideration.

A total of 44 requests are included in the proposed action. As previously described, 25 of them are property owner requests to return to an equivalent former zone district as directed by Council. Seven of these improve consistency with the Tower District Specific Plan and built conditions in that area as requested by neighborhood representatives. The remaining 18 stand-alone rezone requests have been included to repair inconsistencies with the General Plan land use map that were caused by a minor digital mapping inaccuracy.

The text amendment includes minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others (see Exhibit B for complete text amendment).

General Plan Consistency

Staff finds all of the requests and the proposed text amendment to be consistent with general plan goals, objectives, and policies.

Specific parcels in Requests 6, 10, 18, 23 and 25 were identified as sites with housing capacity to meet housing element goals. Most of the land use and zoning changes proposed affect dwelling units within the Moderate Income category (equivalent to a density range of 12-16 dwelling units per acre). The changes requested do not reduce the number of dwelling units in this category, since the new proposed land use and zoning includes the same density range as the existing land use and zoning.

Requests 6 and 10 would reduce the density on sites with Lower Income capacity (equivalent to 30-45 dwelling units per acre) by an estimated 74 dwelling units. Proposed density increases on Requests 18 and 24 could provide an additional 30 dwelling units to add to the Lower Income category, partially offsetting the 74-unit reduction, and yielding a total net loss of Lower Income capacity of 44 units. The Regional Housing Needs Allocation (RHNA) dwelling unit requirement

for Lower Income capacity is 11,923. The adopted Housing Element has identified 16,440 dwelling units of capacity in the Lower Income category.

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 C for copies of the mailer sent out to affected property owners):

1. A legal notice was published in the Fresno Bee on August 5, 2016;
2. The legal notice was mailed to all affected property owners on August 5, 2016;
3. The notice was posted with the City Clerk on August 5, 2016;
4. The proposed amendments were posted on the city's website on the City Clerk's page and at: www.fresno.gov/gpcleanup <<http://www.fresno.gov/gpcleanup>>
5. Legal notices were posted at all of the vacant sites that were the subject of Plan Amendment on August 5, 2016;
6. A Spanish notice was published in Vida en el Valle on August 10, 2016.

To date, four public comments have been received on the applications, mostly requesting clarification of the amendments and what the impacts are to specific properties. A summary of public comment is included in Exhibit D.

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. The Airport Land Use Commission found the applications to be consistent with the applicable airport land use compatibility plans during its review on August 1, 2016.

District 1: Scheduled for August 23, 2016

District 2: Recommended Approval, August 8, 2016

District 3: Reviewed, August 15, 2016

District 4: Reviewed on August 8; Continued to August 22

District 5: Recommended Approval, August 8, 2016

District 6: Recommended Approval, August 15, 2016

Fulton/Lowell Design Review Committee: Continued

Tower District Design Review Committee: Recommended Approval, August 5, 2016

Planning Commission

The Planning Commission held a public hearing at its regularly scheduled meeting on August 17, 2016 to consider the plan amendment, rezone and text amendment, along with the related environmental findings.

Staff presented the proposed applications, along with errata (now incorporated into the table in Exhibit A):

- a. Request No. 5 (Olive and Clovis) - APN number typo: 456-030-156

- b. Request No. 19 (Elm and Jensen) - Removed from Plan Amendment for further traffic analysis
- c. Request No. 44 (Van Ness and McKinley) - Removal of Apartment House Overlay from some of the properties in Request No. 13

Six persons provided testimony in support of the applications (including the errata) and none presented testimony in opposition. The Planning Commission recommended approval of Plan Amendment A-16-006, Rezone Application No. R-16-007 and Text Amendment TA-16-001 by a 4-1-2 vote (see Planning Commission resolutions in Exhibit F).

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 Plan Amendment presented includes minor amendments to the General Plan land use map adopted in December of 2014. Plan Amendment Application No. A-16-006 and Rezone Application No. R-16-007 propose 44 clean up amendments to the General Plan Land Use and Circulation Map and the Zoning Map for one of the following reasons: 1) to implement City Council direction provided in February 2016 allowing property owners to request a reversion to previously existing zoning on their property (Requests 1-7 and 16-25); to bring property into conformance with an existing specific plan (Requests 8-13); or to make technical corrections to zoning for consistency with the land use designation (Requests 26-44). These land use changes were analyzed would not result in additional impacts beyond those analyzed 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. The Environmental Assessment is attached in Exhibit E.

LOCAL PREFERENCE

N/A - No purchasing.

FISCAL IMPACT

N/A - No expenditures.

Attachments:

- Exhibit A: Plan Amendment Application No. A-16-006 and Rezone Application No. R-16-007
Table (with Errata) and Maps
- Exhibit B: Text Amendment Application No. TA-16-001-Redline
- Exhibit C: Public Notice Mailer
- Exhibit D: Public Comment
- Exhibit E: Environmental Assessment
- Exhibit F: Planning Commission Resolutions
- Exhibit G: City Council Resolution for Plan Amendment A-16-006
- Exhibit H: City Council Ordinance Bill for Rezone Application No. R-16-007
- Exhibit I: City Council Ordinance Bill for Text Amendment Application No. TA-16-001
- Exhibit J: PowerPoint