



Legislation Details (With Text)

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Type:	Action Item	Status:		Passed	
File created:	3/19/2018	In control:		City Council	
On agenda:	4/19/2018	Final action:		4/19/2018	
Title:	<p>HEARING to consider of Plan Amendment Application NO. A-18-003, Rezone Application No. R-18-004, Development Code Text Amendment Application No. TA-18-002, and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 419.18 acres within the City of Fresno</p> <p>1. ADOPT Environmental Assessment No. A-18-003/R-18-004/TA-17-002, 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, and to Program Environmental Impact Report SCH No. 2012041009 certified by the Fresno City Council on October 20, 2016 for the Downtown Plans and Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.</p> <p>2. RESOLUTION - Approving sites 1 through 26 in Plan Amendment Application No. A-18-003, pertaining to 407.41 acres, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map), the Bullard, Fresno High, McLane, Roosevelt, Hoover and Downtown Neighborhoods Community Plans, the Tower District Specific Plan, the Fresno Chandler Executive Airport Land Use Compatibility Plan, the Fresno-Chandler Downtown Airport Master and Environs Specific Plan and the Fresno Yosemite Airport Land Use Compatibility Plan; and the Farmland Preservation Program Policy RC-9-c, as described in Exhibit A.</p> <p>(a) Approve sites 1, 3 through 19, and 21 through 26.</p> <p>(b) Approve site 2.</p> <p>3. BILL - (For introduction and adoption) - Approving sites 1 through 26 in Rezone Application No. R-18-004, pertaining to 407.41 acres, to amend the City of Fresno Zoning Map to revert certain parcels to a zone district and planned land use equivalent to that existing under the prior General Plan in a manner consistent with General Plan policy and without significant environmental impacts, as described in Exhibit A.</p> <p>(a) Approve sites 1, 3 through 19, and 21 through 26.</p> <p>(b) Approve site 2.</p> <p>4. BILL - (For introduction) - 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 B.</p>				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:					
Attachments:	1. Exhibit A - Plan Amendment Application No. 4-17-003 and Rezone Application No R-18-004 Table, Text and Maps.pdf, 2. Exhibit B -Text Amendment Application No. TA-18-002.pdf, 3. Exhibit C - Public				

Notice.pdf, 4. Exhibit D - Environmental Assessment.pdf, 5. Exhibit E - Fresno Municipal Code Findings.pdf, 6. Exhibit F - Pre-Zoning Translation Table.pdf, 7. Exhibit G - Resolution for A-18-003.pdf, 8. Exhibit H -Ordinance Bill for R-18-004.pdf, 9. Exhibit I - Planning Commission Resolutions.pdf, 10. Exhibit J - Powerpoint Presentation.pdf, 11. Supplement - Letter from Residents.pdf, 12. Supplement - Ltter from Shute, Mihaly and Weinberger.pdf

Date	Ver.	Action By	Action	Result
4/19/2018	1	City Council	adopted	Pass

April 19, 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:

HEARING to consider of Plan Amendment Application NO. A-18-003, Rezone Application No. R-18-004, Development Code Text Amendment Application No. TA-18-002, and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 419.18 acres within the City of Fresno

1. ADOPT Environmental Assessment No. A-18-003/R-18-004/TA-17-002, 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, and to Program Environmental Impact Report SCH No. 2012041009 certified by the Fresno City Council on October 20, 2016 for the Downtown Plans and Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.

2. RESOLUTION - Approving sites 1 through 26 in Plan Amendment Application No. A-18-003, pertaining to 407.41 acres, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map), the Bullard, Fresno High, McLane, Roosevelt, Hoover and Downtown Neighborhoods

Community Plans, the Tower District Specific Plan, the Fresno Chandler Executive Airport Land Use Compatibility Plan, the Fresno-Chandler Downtown Airport Master and Environs Specific Plan and the Fresno Yosemite Airport Land Use Compatibility Plan; and the Farmland Preservation Program Policy RC-9-c, as described in Exhibit A.

(a) Approve sites 1, 3 through 19, and 21 through 26.

(b) Approve site 2.

3. BILL - (For introduction and adoption) - Approving sites 1 through 26 in Rezone Application No. R-18-004, pertaining to 407.41 acres, to amend the City of Fresno Zoning Map to revert certain parcels to a zone district and planned land use equivalent to that existing under the prior General Plan in a manner consistent with General Plan policy and without significant environmental impacts, as described in Exhibit A.

(a) Approve sites 1, 3 through 19, and 21 through 26.

(b) Approve site 2.

4. BILL - (For introduction) - 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 B.

EXECUTIVE SUMMARY

On February 4, 2016, as part of its consideration of the zoning map update, the City Council directed that in order to ease the transition, property owners be allowed to request reversion to a zone district equivalent to that existing prior to the zoning map update. The Plan Amendment and Rezone proposals include 17 such property owners requests (it should be noted that rezones also require plan amendments to maintain consistency), in addition to 11 additional changes which correct minor errors that have been identified by staff on the zoning map. The text amendment includes minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law.

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. Staff is bringing 17 such “cleanup” requests to Planning Commission and City Council for consideration, as well as 11 other changes which correct errors in the zoning map.

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 B for complete text amendment).

Staff finds the text amendment and planned land use and rezone requests 1 through 26 to be consistent with General Plan goals, objectives, and policies. In addition, the proposed changes are consistent with the Housing Element of the General Plan, as the required dwelling unit

capacity as defined in the Regional Housing Needs Allocation is maintained.

Staff has determined requests 27 and 28 to be inconsistent with General Plan goals, objectives, and policies, and therefore recommends denial of those requests.

Finally, 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 C):

1. A legal notice was published in the Fresno Bee on March 23, 2018;
2. A Spanish notice was published in Vida en el 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 proposed plan amendments and rezones in their respective areas and 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 applications.

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 all requests except the five sites within an Airport Influence Area (sites 3, 4, 18, 25, and 28). The Commission recommended approval of the text amendment with a proposed revision to Section 32 pertaining to ALUC review authority (see Exhibit J for proposed edits). Both staff and Planning Commission recommended approval of the new language, which was mainly for clarification, so it has been incorporated into the proposed text amendment that is attached to the staff report in Exhibit B.

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. 13 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 sites affected by the proposed plan amendments and rezones were previously analyzed in the MEIR (Request #s 1-10, 15, 16, 18-24, and 26) and more recently in the PEIR (Request #s 11-14, 17, 25, 27 and 28) as shown in Exhibit A. Plan Amendment Application No. A-18-003 and Rezone Application No. R-18-004 propose 28 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; or 2) to make technical corrections. These land use changes were analyzed and would not result in additional impacts beyond those analyzed in the MEIR or the PEIR. The proposed applications do not include any actual projects. Projects proposed on the subject sites would require separate environmental review.

The Plan Amendment also includes a proposed text change to the Farmland Preservation Program Policy RC-9-c. The proposed policy change calls for the mitigation of the loss of farmland pursuant to CEQA and includes several more options than were included in the original policy. Loss of farmland was a significant and unavoidable impact identified in the MEIR, however consistent with CEQA requirements, Policy RC-9-c was included in the Fresno General Plan and cross-referenced in the MEIR in order to mitigate the loss of farmland to the extent possible. This amendment to the policy provides additional flexibility in creating a farmland mitigation program.

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.

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: Plan Amendment Application No. A-18-003 and Rezone Application No. R-18-004
Table, Text and Maps
- Exhibit B: Text Amendment Application No. TA-18-002
- Exhibit C: Public Notice
- Exhibit D: Environmental Assessment
- Exhibit E: Fresno Municipal Code Findings
- Exhibit F: Pre-Zoning Translation Table
- Exhibit G: Resolution for A-18-003
- Exhibit H: Ordinance Bill for R-18-004
- Exhibit I: Planning Commission Resolutions
- Exhibit J: Powerpoint Presentation