



Legislation Details (With Text)

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Title: Consideration of Text Amendment Application No. P20-02213 and related Environmental Finding for Environmental Assessment No. P20-02213, to add section 15-1614 to Chapter 15 of the Fresno Municipal Code creating the Focused Infill (FI) Overlay District in the City of Fresno.

1. ***BILL NO. B-45 - (Introduced 9/24/2020) (For adoption) - Adding Section 15-1614 to the Fresno Municipal Code, creating the Focused Infill (FI) Overlay District in the City of Fresno. (Subject to Mayor's veto)

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit B: Text Amendment No. P20-02213 adding section 15-1614 to Chapter 15 of the Fresno Municipal Code

Date	Ver.	Action By	Action	Result
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REPORT TO THE CITY COUNCIL

October 15, 2020

FROM: DAN ZACK, Assistant Director
Planning and Development Department

THROUGH: ISRAEL TREJO, Supervising Planner
Development Services Division

BY: KELSEY GEORGE, Planner
Development Services Division

SUBJECT

Consideration of Text Amendment Application No. P20-02213 and related Environmental Finding for Environmental Assessment No. P20-02213, to add section 15-1614 to Chapter 15 of the Fresno Municipal Code creating the Focused Infill (FI) Overlay District in the City of Fresno.

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RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT Environmental Assessment No. P20-02213, dated July 29, 2020, Text Amendment Application No. P20-02213 is exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense exemption that it can be seen with certainty that there is no possibility that the proposed text amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3)
2. BILL (For introduction) - Adding Section 15-1614 to the Fresno Municipal Code, creating the Focused Infill (FI) Overlay District in the City of Fresno.

EXECUTIVE SUMMARY

Text Amendment Application No. P20-02213 was initiated by the Planning and Development Director through the Director Initiation Letter dated July 3, 2020 (**Exhibit A**).

The purpose of the proposed Text Amendment is to facilitate more intensive development of parcels within Mixed-Use and Commercial zone districts at strategic points along transportation corridors in order to support transit use, housing production, and economic revitalization.

Under the provisions of the proposed Text Amendment, eligible parcels for the FI Overlay district include the NMX (Neighborhood Mixed Use), CMX (Commercial Mixed Use), RMX (Regional Mixed Use), CMS (Commercial Main Street, and CR (Commercial Regional) zone districts.

Fresno City Planning Commission Action

Pursuant to the requirements of Fresno Municipal Code section 15-5806 (and 15-5007.D), notice of the Planning Commission public hearing was published in the *Fresno Bee* on July 24, 2020. Section 15-5007-D allows the posting of a public hearing notice, in at least one newspaper of general circulation, as an alternative noticing method for large mailings.

The subject applications were considered by the Fresno City Planning Commission at its meeting on September 2, 2020. Staff did not receive any correspondence in support or in opposition to the project.

After hearing testimony from city staff, the Planning Commission voted to recommend approval of the proposed applications by a vote of 6-0-1 (6 in favor, 0 in opposition, 1 absent).

BACKGROUND / ANALYSIS

Text Amendment Application No. P20-02213 was initiated by the Planning and Development Director.

The purpose of the proposed Text Amendment is to facilitate more intensive residential development of parcels within Mixed-Use and certain Commercial zone districts at strategic points along transportation corridors in order to support transit use, housing production, and economic revitalization.

Under the provisions of the proposed Text Amendment, eligible parcels for the FI (Focused Infill) Overlay district include the NMX (Neighborhood Mixed Use), CMX (Commercial Mixed Use), RMX

(Regional Mixed Use), CMS (Commercial Main Street, and CR (Commercial Regional) zone districts.

The proposed Text Amendment is in response to the Housing Crisis Act of 2019 (Senate Bill 330), which was approved by the State of California Governor on October 9, 2019. The Housing Crisis Act prohibits a city or county from enacting a development policy that would reduce the density as defined by the General Plan or any applicable specific plans without increasing an equal amount (or more) of lost density elsewhere in the City.

At this time, the proposed FI Overlay District will not be applied to any parcels. When the City receives applications that propose reductions in specifically prohibited by the Housing Crisis Act of 2019 without a concurrent increase in density elsewhere, the Planning and Development Department may apply the overlay district to a strategic eligible parcel to maintain no net loss of housing stock. Increases in residential density to offset reductions in density for a specific project, are permitted by the Housing Crisis Act of 2019. As such, the proposed Text Amendment does not relate to any physical project and will not result in any physical change to the environment. The approval of this text amendment does not approve any development or specific project. Rather, it creates a process for increasing density for eligible parcels, and creates a clear mechanism for projects within the City to comply with applicable state law.

Summary of Text Amendment

Text Amendment Application No. P20-02213 proposes to amend the Citywide Development Code by adding Section 15-1614 to create a FI (Focused Infill) Overlay District. As proposed, the proposed Text Amendment includes:

- 1. Increase in maximum residential density.** The maximum permitted residential densities for eligible base districts shall be as follows:
 - NMX, CMS, CR : 48 dwelling units/acre
 - CMX: 90 dwelling units/acre
 - RMX: 135 dwelling units/acre

The above noted zone districts propose an increase in maximum residential densities by a factor of 3. The NMX (Neighborhood Mixed-Use), CMS (Commercial - Main Street) and CR (Commercial - Regional) zone districts are proposed to be increased from 16 d.u./acre. The CMX (Corridor/Center Mixed-Use) zone district proposed to be increased from 30 d.u./acre. The RMX (Regional Mixed-Use) zone district is proposed to be increased from 45 d.u./acre.

Airport Land Use Commission

The Fresno County Airport Land Use Commission (ALUC) reviewed the proposed text amendment on August 3, 2020. The ALUC voted unanimously to recommend approval of the proposed text amendment.

Council District Advisory Committees

The recommendations of the Council District Plan Implementation Committees are as noted below.

Council District 1

On August 6, 2020 the Council District 1 Plan Implementation Committee voted 3-0 to recommend approval of the proposed text amendment.

Council District 2

On July 13, 2020 the Council District 2 Plan Implementation Committee voted 4-0 to recommend approval of the proposed text amendment.

Council District 3

On July 28, 2020, the Council District 3 Plan Implementation Committee voted 6-0 to recommend approval of the proposed text amendment.

Council District 4

On July 27, 2020, the Council District 4 Plan Implementation Committee voted 3-0 to recommend approval of the proposed text amendment.

Council District 5

On August 10, 2020 the Council District 5 Plan Implementation Committee voted 3-0 to recommend approval of the proposed text amendment.

Council District 6

On July 20, 2020, the Council District 6 Plan Implementation Committee voted 7-0 to recommend approval of the proposed text amendment.

Council District 7

There is no Council District 7 Plan Implementation Committee at this time.

Fulton-Lowell

On August 3 2020, the Fulton-Lowell Advisory Committee voted 4-0 to recommend approval of the proposed text amendment.

Tower District

On July 28, 2020 the Tower District Advisory Committee voted 3-0 to recommend approval of the proposed text amendment.

Development Code Text Amendment Findings

The Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed amendment meets the following criteria, as set forth in Fresno Municipal Code section 15-5811:

1. The Code text amendment is consistent with the General Plan, the Fresno County Airport Land Use Compatibility Plan, and any applicable operative plans; and

Response: Each project applying for an entitlement (i.e. development permit) under the proposed text amendment will be individually reviewed and assessed for consistency with the General Plan, the Fresno County Airport Land Use Compatibility Plan, the underlying base zone district, and any applicable specific or community plans. Text Amendment Application No. P20-02213 has been examined with respect to its consistency with the Fresno General Plan and applicable operative plans and it was concluded that Text Amendment Application No. P20-02213 is consistent with said plans.

2. The amendment is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare.

Response: The purpose of the proposed text amendment is to provide a process to increase density for eligible parcels, which will promote the growth of the city in an orderly and sustainable manner. As noted above, the purpose of the proposed Text Amendment is to facilitate more intensive residential development of parcels within Mixed-Use and certain Commercial zone districts at strategic points along transportation corridors in order to support transit use, housing production, and economic revitalization. The proposed text amendment was routed to responsible agencies, including the Fresno Police Department, Fresno Fire Department, and all school districts within City limits, for comment regarding its impacts to public health, safety, peace, comfort, and general welfare. No such impacts were identified thus it can be concluded that Text Amendment Application No. P20-02213 is consistent with the purpose of the Development Code.

ENVIRONMENTAL FINDING

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA if it is “covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Staff has conducted a preliminary review of the project and has determined that it is exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) under the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Text Amendment establishes a framework for future land use planning and approvals and does not commit the City to any specific project, or development on any particular site. Future applications wishing to rezone and add the Focused Infill (FI) overlay will be required to assess the particular impacts of each proposed project at time of application, including environmental impacts pursuant to the requirements of CEQA. Because the Text Amendment merely creates a procedure for increasing density for eligible parcels and does not approve any physical development with its adoption, it can be seen with certainty that there is no possibility that adoption of the Text Amendment may have a significant effect on the environment. Therefore, this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061 (b)(3); the Environmental Assessment is attached as **Exhibit C**.

Notice of Planning Commission Hearing

Pursuant to the requirements of Fresno Municipal Code section 15-5806 (and 15-5007.D), notice of this public hearing was published in the *Fresno Bee* on September 11, 2020, which is at least 10 days prior to the public hearing. Section 15-5007-D allows the posting of a public hearing notice, in at least one newspaper of general circulation, as an alternative noticing method for large mailings.

CONCLUSION

The appropriateness of the proposed text amendment has been examined with respect to its consistency with stated goals of the Fresno General Plan; compatibility with surrounding existing and proposed uses; and avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon completion of this evaluation, it can be concluded that Text Amendment Application No. P20-02213 is appropriate.

LOCAL PREFERENCE

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by any future applicants. Prudent financial management is demonstrated by the expeditious completion of land use applications inasmuch as the applicant will be required to the city a fee for the processing applications and those fees are, in turn, funding the respective operations of the Planning and Development Department. However, there are no anticipated fiscal impacts of this application because the proposed text amendment creates a framework for future applications.

Attachments:

- Exhibit A: Director Initiation Letter dated July 3, 2020
- Exhibit B: Text Amendment No. P20-02213 adding section 15-1614 to Chapter 15 of the Fresno Municipal Code
- Exhibit C: Finding of No Possibility of Significant Adverse Effect as prepared for Environmental Assessment No. P20-02213 dated July 29, 2020
- Exhibit D: Planning Commission Resolution No. 13678
- Exhibit E: Presentation to the Fresno City Council