



Legislation Details (With Text)

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File created:	2/17/2021	In control:		City Council	
On agenda:	3/4/2021	Final action:		3/4/2021	
Title:	<p>Consideration of Plan Amendment/Rezone Application Nos. P20-00635, Conditional Use Permit Application No. P20-00636 and related Environmental Assessment No. P20-00635/P20-00636 for approximately 12.18 acres of property located on the northeast corner of East Jensen and South Maple Avenues. (Council District 5) - Planning and Development Department.</p> <ol style="list-style-type: none">1. ADOPT - The Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P20-00635/P20-00636, dated February 10, 2021, for the proposed project pursuant to the California Environmental Quality Act (CEQA).2. RESOLUTION - Approving Plan Amendment Application No. P20-00635 to proposing to amend the 2035 Fresno General Plan to change the planned land use designations for the subject property from the Residential Urban Neighborhood (± 3.53 acres), Commercial Community (± 2.15 acres), and Light Industrial (± 5.90 acres) to the Residential High Density (± 3.4 acres), Commercial Community (± 6.5 acres) and Light Industrial (± 2.2 acres).3. BILL - (For introduction and adoption) Approving Rezone Application No. P20-00635 proposing to amend the Official Zoning Map of the City of Fresno to reclassify the subject property from the RM-2/UGM (Residential Multi-Family, Urban Neighborhood/Urban Growth Management) (± 3.53 acres), CC/UGM (Community Commercial/Urban Growth Management) (± 2.15 acres) and IL (Light Industrial/Urban Growth Management) (± 5.90 acres) to the RM-3/UGM (Residential Multi-Family, High Density/Urban Growth Management) (± 3.4 acres), CC/UGM (Community Commercial/Urban Growth Management) (± 6.5 acres) and IL/UGM (Light Industrial/Urban Growth Management) (± 2.2 acres) zone districts in accordance with the Plan Amendment Application No. P20-00635.4. APPROVE - Conditional Use Permit Application No. P20-00636 a request to construct a $\pm 170,000$ square-foot, 4-story, multi-family residential building with a $\pm 4,000$ square-foot day care center; a $\pm 4,000$ square-foot convenience store with an eight-dispenser/16-station fuel canopy; and $\pm 73,091$ square-feet of retail/office buildings.				
Sponsors:	Planning and Development Department				
Indexes:					
Code sections:	Chapter 12. - LAND USE PLANNING AND ZONING				
Attachments:	<p>1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Public Hearing Notice Map, 4. Exhibit D - Existing & Proposed Planned Land Use Map, 5. Exhibit E - Existing & Proposed Rezone Map, 6. Exhibit F - Exhibits, 7. Exhibit G - Operational Statement/Neighborhood Meeting Minutes, 8. Exhibit H - Project Information Tables, 9. Exhibit I - Environmental Assessment No. P20-00635/P20-00636, 10. Exhibit J - Conditions of Approval, 11. Exhibit K - Fresno Municipal Code Findings, 12. Exhibit L - City Council Resolution for Plan Amendment Application No. P20-00635 Revised CLEAN 2.23.2021 FINAL.pdf, 13. Exhibit M - City Council Bill for Rezone Application No. P20-00635, 14. Exhibit N - Presentation, 15. Exhibit O - Opposition Letters, 16. Exhibit P - Supplemental Information 1 - Applicant Response to PC Opposition ID 21-315.pdf, 17. Exhibit Q - Supplemental Information 2 - Correct Operational Statement-Neighborhood Mtg Minutes ID 21-315.pdf, 18. Additional Information 2021-03-02 LT Chavez re Jensen Development Redacted ID 21-315.pdf, 19. Additional Information Comment Letter_SE Rezone ID 21-315.pdf</p>				

Date	Ver.	Action By	Action	Result
3/4/2021	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

March 4, 2021

FROM: MIKE SANCHEZ, Assistant Director
Planning and Development Department

THROUGH: WILL TACKETT, Planning Manager
Development Services Division

BY: JOSE VALENZUELA, Planner III
Development Services Division

SUBJECT

Consideration of Plan Amendment/Rezone Application Nos. P20-00635, Conditional Use Permit Application No. P20-00636 and related Environmental Assessment No. P20-00635/P20-00636 for approximately 12.18 acres of property located on the northeast corner of East Jensen and South Maple Avenues. (Council District 5) - Planning and Development Department.

1. ADOPT - The Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P20-00635/P20-00636, dated February 10, 2021, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P20-00635 to proposing to amend the 2035 Fresno General Plan to change the planned land use designations for the subject property from the Residential Urban Neighborhood (± 3.53 acres), Commercial Community (± 2.15 acres), and Light Industrial (± 5.90 acres) to the Residential High Density (± 3.4 acres), Commercial Community (± 6.5 acres) and Light Industrial (± 2.2 acres).
3. BILL - (For introduction and adoption) Approving Rezone Application No. P20-00635 proposing to amend the Official Zoning Map of the City of Fresno to reclassify the subject property from the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) (± 3.53 acres), CC/UGM (*Community Commercial/Urban Growth Management*) (± 2.15 acres) and IL (*Light Industrial/Urban Growth Management*) (± 5.90 acres) to the RM-3/UGM (*Residential Multi-Family, High Density/Urban Growth Management*) (± 3.4 acres), CC/UGM (*Community Commercial/Urban Growth Management*) (± 6.5 acres) and IL/UGM (*Light Industrial/Urban Growth Management*) (± 2.2 acres) zone districts in accordance with the Plan Amendment Application No. P20-00635.
4. APPROVE - Conditional Use Permit Application No. P20-00636 a request to construct a $\pm 170,000$ square-foot, 4-story, multi-family residential building with a $\pm 4,000$ square-foot day care center; a $\pm 4,000$ square-foot convenience store with an eight-dispenser/16-station fuel canopy; and $\pm 73,091$ square-feet of retail/office buildings.

EXECUTIVE SUMMARY

Nick Yovino, of Quad Knopf, Inc., on behalf of Hamel Investment Properties, Inc., has filed Plan Amendment/Rezone Application Nos. P20-00635, Conditional Use Application No. P20-00636, and the related Environmental Assessment, pertaining to a total of ± 12.18 acres of property located on the northeast corner of East Jensen and North Maple Avenues.

Plan Amendment Application No. P20-00635 proposes to amend the 2035 Fresno General Plan to change the planned land use designations for the subject property from the Residential Urban Neighborhood (± 3.53 acres), Commercial Community (± 2.15 acres), and Light Industrial (± 5.90 acres) to the Residential High Density (± 3.4 acres), Commercial Community (± 6.5 acres) and Light Industrial (± 2.2 acres).

Rezone Application No. P20-00635 proposes to amend the Official Zoning Map of the City of Fresno to reclassify the subject property from the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) (± 3.53 acres), CC/UGM (*Community Commercial/Urban Growth Management*) (± 2.15 acres) and IL (*Light Industrial/Urban Growth Management*) (± 5.90 acres) to the RM-3/UGM (*Residential Multi-Family, High Density/Urban Growth Management*) (± 3.4 acres), CC/UGM (*Community Commercial/Urban Growth Management*) (± 6.5 acres) and IL/UGM (*Light Industrial/Urban Growth Management*) (± 2.2 acres) zone districts in accordance with the Plan Amendment Application No. P20-00635.

Conditional Use Permit Application No. P20-00636 proposes to construct a $\pm 170,000$ square-foot, 4-story, multi-family residential building with a $\pm 4,000$ square-foot day care center; a $\pm 4,000$ square-foot convenience store with an eight-dispenser/16-station fuel canopy; and $\pm 73,091$ square-feet of retail/office buildings.

The project will also require dedications and/or acquisitions for public street rights-of-way and utility easements as well as the construction of public facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno in order to facilitate the future proposed development of the subject property.

Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on February 17, 2021. After hearing testimony from city staff, the applicant, and from the public (public testimony was provided both in favor and opposition) related to the project, the Planning Commission voted to recommend approval of the proposed applications. (Please see the Planning Commission section of this report contained herein below for additional information relative to public opposition received.)

BACKGROUND

The subject property is located within the City of Fresno's General Plan Boundary and Sphere of Influence.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the north and east have been substantially developed with single-family residences. West of the subject project consists of a small-scale commercial development but predominantly

residential uses. To the south, light industrial uses have been developed and are within the County of Fresno's jurisdiction. Uses consist of warehouse and logistics operations. The adjacent single-family residences to the north and east have been previously developed under Tract Map No. 3110. On the west side of South Maple Avenue, the property has been developed with a $\pm 4,800$ square-foot general retail building, a service station with a $\pm 4,408$ square-foot convenience store and a drive-through car wash.

The proposed development will subdivide the 12.18-acre site into 12 parcels via a tentative tract map. The smallest lot proposed is approximately 0.28 acres and the largest lot proposed is approximately 2.86 acres. The total maximum lot coverage for the site is approximately 22.5%. The minimum density for the proposed RM-3 (Residential Multi-Family, High Density) zone district is 30 dwelling units per acres (du/ac) and the maximum dwelling units per acre is 45. The proposed multifamily project proposes a density of 44.4 du/ac. The proposed multifamily project proposes 151 dwelling units on a ± 3.4 -acre portion of the property. In addition, a $\pm 4,000$ square-foot day care building with a play area is proposed adjacent to the multi-family building. The proposed multi-family development proposes a pool area. It can be concluded that the proposed multi-family development meets the density of the proposed RM-3 zone district. The proposed multi-family development is subject to the requirements of the RM-3 (Residential Multi-Family, High Density) zone district listed in FMC 15-1001.

The minimum lot size standard for the CC (*Community Commercial*) zone district is 32,670 square feet (0.75 acres) with a maximum floor area ratio (FAR) 1.0. For the IL (*Light Industrial*) zone district the minimum lot size is 9,000 square feet with a maximum FAR of 1.5. FAR is the total number of gross non-residential floor area of all buildings on a site divided by the total site area. The area zone for community commercial will comprise of approximately 6.5 acres. There are approximately 65,425 square-feet of building proposed in the CC zone district, therefore the FAR is calculated to be approximately 0.23. The proposed IL zone district will have an area of 2.2 acres and has approximately 11,666 square feet of building area. The FAR in the IL zone district is 0.12. It can be concluded that the proposed FAR is below the required 1.0 for the CC zone district and 1.5 for the IL zone district.

The commercial component of the project consists of a range of commercial and office uses. Specific uses include a service station with an eight-dispenser/16-station fueling canopy. Three buildings are proposed to have drive-through lanes. One drive-through will serve for carwash operations and the other two drive-through lanes will serve two food establishments, respectively. Other uses outlined in the Operation Statement (**Exhibit G**) include a bank, medical offices, and general retail buildings. All uses will be subject to the requirements listed in the CC (*Community Commercial*) zone district and Section 15-2701.

In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class 1 Bicycle and Pedestrian trail has been dedicated on the north side of East Jensen Avenue adjacent to the proposed project. Various points of pedestrian access to the trail will be provided along East Jensen Avenue. The sidewalk pattern along North Maple Avenue will provide connectivity from the proposed residential development and the existing residences to the proposed trail.

The Fresno General Plan designates East Jensen Avenue as a Super Arterial (6-lane) street and North Maple Avenue as a Collector (4-lane) street. The commercial design includes two entryway streets to the interior of the development from East Jensen Avenue and three from South Maple Avenue.

The project will require dedications and/or acquisitions for public street rights-of-way and utility easements as well as incorporation of existing easements for construction and/or retention of public facilities and infrastructure in accordance with all applicable standards, specifications and policies of the City of Fresno and easement interested agencies in order to facilitate the future proposed development of the subject property.

As a result of the proposed lot configuration and street pattern, in conjunction with the nearby trail feature, connectivity will be facilitated and implemented for both pedestrians and vehicles by the proposed development in a manner, which provides additional public amenity for future residents within the area.

This overall form of development proposed to be facilitated with the proposed project supports implementation of the concept of a Complete Neighborhood and the Goals, Objectives and Policies of the Fresno General Plan; as follows:

Land Use Plans and Policies

As proposed, the project will be consistent with the following Fresno General Plan goals, objectives and policies, which provide for higher density residential, supported by walkable access to nearby transit, medium scale retail, office, and other services in the vicinity.

Goals

1. Increase opportunity, economic development, business, and job creation.
2. Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.
3. Promote a city of healthy communities and improve quality of life in established neighborhoods.
4. Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno

Objectives

UF-1, Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.

LU-1, Establish a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

LU-2, Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

LU-5, Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.

LU-6, Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.

Implementing Policies

UF-1-a, Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

UF-1-d, Provide for diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

UF-1-f, Use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

LU-1-a, Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.

LU-2-a, Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

LU-5-g, Promote high-density residential uses to support Activity Centers and BRT Corridors, and walkable access to transit stops.

LU-6-a, Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

LU-6-b, Consider adopting commercial development guidelines to assure high quality design and site planning for large commercial developments, consistent with the Urban Form policies of this Plan.

LU-6-d, Plan for neighborhood mixed use and community commercial uses to implement the Urban Form concepts of this Plan, promote the stability and identity of neighborhoods and community shopping areas, and allow efficient access without compromising the operational effectiveness of the street system.

- Neighborhoods will be anchored by community commercial centers with a mix of uses that meet the area's needs and create a sense of place; and

This project supports the above-mentioned policies in that the intensity of the proposed development conforms to the applicable land use designation of the Fresno General Plan and the Roosevelt Community Plan.

Given these circumstances, the proposed project supports and is consistent with the goals, objective and policies of the Fresno General Plan as referenced herein above.

The project will not conflict with any conservation plans since it is not located within any conservation

plan areas. No habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity. Therefore, there would be no impacts.

In conclusion, the proposed project is consistent with many or all of the goals and policies of the Fresno General Plan. The proposed project promotes reinvestment by proposing a quality development near expanding neighborhoods and the opportunity to continue development in the future and protects property values by constructing a compatible infill development on a currently underdeveloped site.

Housing Element

This project is located on a parcel listed in the 2013-2023 RHNA Housing Element Sites Inventory, which anticipates 57 units of very low/low income housing at this site. The 2013-2023 RHNA obligation for above moderate is 8,834 and the existing surplus capacity is 4,672 for a total existing capacity of 13,507 units. This project proposes the construction of 151 dwelling units of above moderate income housing, thus this project will cause a loss of 57 very low/low income units to the Sites Inventory, resulting in a the surplus capacity of 4,615 units. The remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584; therefore, this project is consistent with the Housing Element.

Public Services

Sewer

The applicant will be required to construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in East Jensen Avenue from the existing 30-inch sewer trunk located at the intersection of South Maple and East Jensen Avenues to the east property line of said project. The requirement listed above and additional requirements have been listed in the Public Works memo dated June 12, 2020 in order to provide service to the site.

Water

Water mains (including the installation of City fire hydrants) shall be extended with the proposed development to provide service. Water facilities are available to provide service to the site subject to the conditions listed in the Public Works memo dated June 12, 2020.

FMFCD

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the proposed development shall construct Storm Drainage and Flood Control Master Plan facilities located within the development. Certain Master Plan facilities will be eligible for fee credit against the drainage fee for the drainage area served by the facilities. These as well as additional requirements are listed in the memorandum from FMFCD dated June 29, 2020.

The proposed project is not located within a flood prone area. All surface runoff will be directed towards South Maple and East Jensen Avenues.

Fire

The City of Fresno Fire Department reviewed the proposed project and has determined that adequate Fire service will be available subject to future requirements for development, which will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water; and, installation of fire sprinklers within future residential dwellings.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

Police

The City of Fresno Police Department reviewed the proposed development and recommended that the applicant and its operators combat crime with the implementation of Crime Prevention through Environmental Design (CPTED) concepts. Examples that should be incorporated into the development's design include sufficient lighting, video surveillance systems and signage to deter crime.

Public Input

Neighborhood Meeting

Prior to submittal of the proposed project, the applicant held a neighborhood meeting on November 20, 2019, in accordance with FMC Sections 15-5805 and 15-5006. Minutes of the meeting are available and are attached with the Master Application/Operational statement in **Exhibit G**.

Council District Plan Implementation Committee

The Council District 5 (CD5) Plan Implementation Committee recommended approval of this project at their July 13, 2020 meeting.

City of Fresno Planning Commission

On February 17, 2021, the Fresno City Planning Commission held a public hearing to consider the proposed project and Environmental Assessment No. P20-00635/P20-00636.

1. Testimony received in opposition of the project included a request to remove the light industrial zoning in the proposed Plan Amendment entirely.

The subject property carries an existing Light Industrial land use designation and IL (Light Industrial) zoning for a ±5.90-acre portion of the site. The proposed plan amendment proposes to reduce and reconfigure the Light Industrial land use designation and zoning to ±2.2 acres (a ±3.7 acre reduction). The existing light industrial land use and zoning designations provide for uses considered to be permissible “by-right” and it would be inappropriate to request removal of rights, which have been previously afforded to the property through adoption of the Fresno General Plan, entirely. Furthermore, none of the uses proposed with the project are considered Industrial Uses under the classifications of the

Fresno Municipal Code.

2. Opposition was expressed to the proposed service (gas fueling) station (including approval of a license to sell alcohol/liquor) as well as to the proposed drive-through facilities.

A request to authorize the establishment of an ABC license to sell alcohol (beer, wine, or liquor) on any property within the City of Fresno requires approval of a Conditional Use Permit and is not proposed as part of the subject Conditional Use Application.

The Fresno Municipal Code does not contain provisions or separation requirements to limit the concentration of service (gas fueling) stations. Service Stations are a use considered permissible “by-right” within the IL (Light Industrial) zone district (i.e., a Conditional Use Permit is not required).

The Fresno Municipal Code does contain provisions and separation requirements for Drive-Through Facilities. Pursuant to the Standards for Specific Uses and Activities contained at Section 15-2728-B-2 of the Fresno Municipal Code, a building with a drive-through lane shall not be located within 400 feet of another structure containing a drive-through facility. The proposed project has been conditioned accordingly.

Despite the proposed inclusion of automotive related uses (i.e., service station, car wash and restaurant drive-through facilities), the proposed project has demonstrated compliance with Fresno Municipal Code requirements and City of Fresno Standards; and has demonstrated a sufficient reduction to Vehicle Miles Traveled (VMT) for purposes of compliance with the California Environmental Quality Act (CEQA) due to the mixed-use nature of the project.

3. Opposition was expressed to the proposed four-story multiple family residential component of the project due to concerns with privacy for adjacent property owners.

The subject property currently carries an Urban Neighborhood Residential (16-30 dwelling units per acre) land use designation and corresponding RM-2 (Residential Multi-Family, Urban Neighborhood Residential) zoning. Multi-Unit Residential is a use considered permissible “by-right” in the RM-2 zone district; and RM-2 development standards permit a maximum height for buildings and structures of 50 feet. The proposed Plan Amendment & Rezone application proposes to change the existing Urban Neighborhood Residential land use designation and RM-2 zoning to the Residential, High Density (30-45 dwelling units per acre) land use designation and corresponding RM-3 (Residential Multi-Family, High Density) zone district in order to increase allowable density during a State Housing Crisis. The proposed RM-3 zone district also permits Multi-Unit Residential uses “by-right”; and the development standards of the RM-3 zone district allow for a maximum height for all buildings and structures of 60 feet. The Multi-Unit/Family component of the project proposes a building height of 45 feet, which is compliant with both the existing and proposed zoning for the subject property. Furthermore, Section 15-1004 of the Fresno Municipal Code provides Transition Standards where Multi-Family Residential zone districts abut a Single Family Residential zone district; including additional and more stringent height limitations and screening measures within 40 & 50 feet of Single Family Residential Districts. The multi-unit/family residential component of the proposed project is setback approximately 70 feet from the north property line and complies with all applicable development standards of the Fresno Municipal Code.

4. Opposition received alleges potential health risks and air quality pollution due to the presence of benzene, a carcinogen released from gasoline vapor due to the proposed Service (gas fueling) Station use. Written testimony received includes citation of the California Air Resources Board (CARB) Air Quality and Land Use Handbook, which provides recommendations on siting new sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities.

The CARB Handbook recommends avoiding siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with throughput of 3.6 million gallons per year or greater). The proposed project includes mixed uses, which include residences, a daycare center, and medical offices. None of these uses are located within 300 feet of the proposed gas fueling stations and therefore, the project complies with the CARB Handbook recommendations.

5. Testimony was received requesting the provision of a neighborhood park or additional open space on the subject property.

There are no existing Open Space land use designations for the subject property. The proposed project complies with the on-site open space requirements of the Fresno Municipal Code applicable to Multi-Unit/Family Residential Developments; and, all landscape requirements for the Community Commercial and Light Industrial zone districts; including but not limited to, the dedication and development of the Class I Bicycle/Pedestrian Path (trail) designated for the north side of Jensen Avenue within Figure MT-2 of the Fresno General Plan and the City of Fresno Alternative Transportation Plan (ATP).

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission found that the proposed project is in the best interest of the City of Fresno and took action to recommend approval of Plan Amendment/Rezone Application Nos. P20-00635, Conditional Use Permit Application No. P20-00636 and the related Environmental Assessment to the Fresno City Council.

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. 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 Community 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; vehicle miles traveled generated by the project; and, student generation projections and school facility site location identification.

The proposed project has been determined to be a subsequent project that is not fully within the

scope of the 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). Therefore, the Planning and Development Department proposes to adopt a Mitigated Negative Declaration for the proposed project, which is tiered off the Fresno General Plan Master Environmental Impact Report (MEIR No. 2012111015).

It has been further determined that all applicable mitigation measures of SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures, as necessary 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 Mitigated 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).

A public notice of the attached Mitigated Negative Declaration for Environmental Assessment Application No. P20-00635/P20-00636 (**Exhibit I**) was published on February 10, 2021 with no comments or appeals received to date.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings contained within Sections 15-5812 and 15-5306 et seq. of the Fresno Municipal Code can be made. These findings are attached as **Exhibit K** to this report.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment and concludes that the required findings contained within Section 15-5812 and 15-5306 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed plan amendment, rezone and conditional use permit applications are appropriate for the project site.

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 the applicant. Prudent financial management is

demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Public Hearing Notice Map
- Exhibit D - Existing & Proposed Planned Land Use Map
- Exhibit E - Existing and Proposed Rezone Map
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