



Legislation Details (With Text)

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Title: CONTINUED TO MARCH 17, 2021
Continued hearing to consider Development Permit Revised Exhibit Application No. P20-03406, for property located at 3611 South Northpointe Drive, on a parcel west of the corner of South Northpointe Drive and East Prime Avenue. (Council District 3)

1. ADOPT Environmental Assessment No. P20-03406 dated December 7, 2020, an Addendum to Mitigated Negative Declaration (MND) No. TPM-2012-06 prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA).

2. DENY the appeal and UPHOLD the Planning and Development Director's action on approval of the Development Permit Revised Exhibit Application No. P20-03406 which proposes modifications to a previously approved entitlement for development of a shell building (Building 31) previously approved under Development Permit Application No. D-17-175 on January 17, 2018.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Aerial Photograph of Site / Zoning Map, 2. Exhibit B - Public Notices and Map, 3. Exhibit C - Project Information Tables, 4. Exhibit D - Plan Exhibits (Site Plan, Elevations, Floor Plans, Operational Statement, 5. Exhibit E - Conditions of Approval dated December 7, 2020, 6. Exhibit F - Fresno Municipal Code Findings, 7. Exhibit G - Environmental Assessment dated December 7, 2020, 8. Exhibit H - Protest and Appeal Letter, 9. Exhibit I - Project Specific Mitigation Measures, 10. Exhibit J - Appellant letter to Planning Commission dated February 3, 2021

Date	Ver.	Action By	Action	Result
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REPORT TO THE PLANNING COMMISSION

March 3, 2021

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

THROUGH: RALPH KACHADOURIAN, Supervising Planner
Development Services Division

BY: THOMAS VEATCH, Planner
Development Services Division

SUBJECT

CONTINUED TO MARCH 17, 2021

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EXECUTIVE SUMMARY

Development Permit Revised Exhibit Application No. P20-03406 was filed by Frank Salas of Ware Malcomb on behalf of G4 Enterprises LTD and pertains to the property located at 3611 South Northpointe Drive. The applicant proposes a revised exhibit to modify the building and site plan exhibits of Building 31, a 469,569 square foot shell building.

The shell building and overall development within the Northpointe Business Park was previously approved by Development Permit Application No. D-17-175. Changes to the site and shell building include the addition of truck docks and changes to the automobile parking area. The parcel is zoned IH/UGM (*Heavy Industrial / Urban Growth Management*).

The revised exhibit application for the project was approved by the Planning & Development Director on December 4, 2020. An appeal of the Directors decision was received on December 22, 2020; therefore the project has been scheduled to be considered by the Planning Commission. Staff recommends denial of the appeal and upholding the approval by the Planning & Development Director.

BACKGROUND

PREVIOUS APPROVAL

Development Permit Application No. D-17-175 was authorized to construct three concrete tilt-up/one-story cold-dark shell buildings. Building 25 will be 208,252 square feet, Building 27 will be 151,213 square feet and Building 31 will be 444,580 square feet. Site improvements included parking and truck loading docks on the east and west sides of the buildings. The project was determined to be within the scope of Environmental Assessment Mitigated Negative Declaration (MND) No. TPM-2012-06 prepared for the Vesting Tentative Parcel Map No. 2012-06 adopted on July 30, 2015 by City Council Resolution No. 2015-137. An Addendum to the MND was prepared on January 16, 2018, and Development Permit No. D-17-175 was approved by the Director on January 17, 2018. No appeal was received and the action became final on February 2, 2018.

CURRENT SUBMITTAL

Development Permit Revised Exhibit Application No. P20-03406, requests to modify the 469,569 sq. ft. cold dark shell building (Building 31) and the site plan layout under the previously approved Development Permit (D-17-175). Changes to the site/shell include the addition of truck docks and the

reduction of auto parking spaces on the site.

ENVIRONMENTAL ASSESSMENT

In accordance with the California Environmental Quality Act (CEQA), an Addendum to Mitigated Negative Declaration (MND) for TPM-2012-06 was prepared by the applicant's consultant. Per City requirements, an Indemnity Agreement was prepared between the City and the applicant. As a Condition of Approval for the Revised Exhibit application, approval of the Indemnity Agreement by the City Council is required before final building permits can be issued. Approval of the Revised Exhibit itself does not require City Council approval and the project was approved by the Planning & Development Director on December 7, 2020. Upon receipt of the appeal, the Director's action was set aside. **(Exhibit G)**

COMMENTS FROM OTHER AGENCIES

All comments received from the applicable agencies have been incorporated into the conditions of approval for Development Permit P20-03406. See **Exhibit E** for all written agency comments received.

PUBLIC NOTICE AND INPUT

COUNCIL DISTRICT PROJECT REVIEW COMMITTEE

As a Development Permit and as a revised exhibit application, the project was not required to be reviewed by the District 3 Project Review Committee.

NOTICE OF INTENT TO TAKE ACTION

As a Development Permit revised exhibit application, a Notice of Intent to Take Action was not required.

NOTICE OF ACTION

Upon the approval of the revised exhibit application by the Director, a Notice of Action (NOA) was sent via email to the applicant and any party who had previously requested NOA's or CEQA filings for any project in the Industrial Triangle. The approval of the project and sending of the NOA started a 15 day appeal period. An appeal was received within the appeal period, so the project was scheduled for a public hearing before the Planning Commission.

NOTICE OF PLANNING COMMISSION HEARING

The Planning and Development Department mailed public notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property on January 22, 2021 **(Exhibit B)**.

APPEAL RECEIVED

In response to the NOA, an appeal was received from an appellant on behalf of neighbors in the surrounding community and several community based organizations. The appellant raised the following issues, which are further described in their appeal letter dated December 22, 2020 **(Exhibit H)**.

1. *Approval would undermine the South Central Specific Plan's public process and land use goals (continues).*
2. *The City Cannot Make the Findings Required for the Approval of a Development Permit Established by Fresno Municipal Code § 15-5206 (continues).*
3. *The Project Appears Not to Have Complied With Mitigation Measures Designed to Protect Air Quality and Established by MND TPM No. 2012-06 (continues)*
4. *The City Has Failed to Study and Adequately Mitigate the Project's Significant Impacts on the Orange Center Elementary School and Surrounding Neighborhoods (continues)*

STAFF RESPONSES TO ISSUES RAISED BY APPELLANT

Response to Comment #1

As described below, the South Central Specific Plan is in draft form and is not a final approved specific plan. The project is located in areas previously designated by the General Plan for industrial developments and uses.

Response to Comment #2;

The required findings for a Development Permit approval have been met and are discussed in the findings section below and in **Exhibit F**.

Response to Comment #3;

The required Mitigation Measures have been met and are attached as **Exhibit I**.

Response to Comment #4;

The initial Environmental Assessment, Mitigated Negative Declaration (MND) No. TPM-2012-06, adopted on July 30, 2015, evaluated the impacts to the surrounding neighborhoods, which would include the Orange Center Elementary School and its surrounding neighborhood. As discussed below, the proposed Warehouse, Storage, and Distribution use is consistent with its zoning designation of Heavy Industrial and applicable provisions of the General Plan, Roosevelt Community Plan, and the Development Code. The project site and surrounding area is an established area for industrial uses. In addition, the MND for .TPM 2012-06 evaluated the parcel map under the assumption of the maximum intensive use for the project site. The Mitigation Measures for the parcel map also accounted for the potential impacts in regards to traffic. As a warehouse, storage, and distribution use, the proposed shell building does not reflect the most intensive possible use of the property. As the project is proposing a revision to an already approved shell building; the processing of the application as a Revised Exhibit is appropriate.

An additional letter from the Appellant was provided to Planning Commission on February 3, 2021 as **Exhibit J**.

LAND USE PLANS AND POLICIES

FRESNO GENERAL PLAN

The Fresno General Plan designates the subject property for the Heavy Industrial planned land use and provides objectives to guide in the development of this project. The Fresno General Plan provides goals, objectives, and policies to guide development. The following are applicable policies

and objectives from the Fresno General Plan.

Objective LU-7: Plan and support industrial development to promote job growth.

LU-7-b: Business and Industrial Parks. Promote business and industrial park sites that are of sufficient size, unified in design, and diversified in activity to attract a full range of business types needed for economic growth.

LU-7-c: Efficiency of Industrial Uses. Promote industrial land use clusters to maximize the operational efficiency of similar activities.

- Provide access to a range of transportation modes through plans and incentives, ensuring that local, regional, and national connections are available to industrial uses;
- Develop a strategy to promote rail-accessible sites for industries that need such capability; and
- Ensure timely access to the full range of urban services for industrial development by coordinating proposed plans with the annual and long-range City infrastructure planning.

Objective 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-1-g: SOI Expansion. Maintain the City's current SOI boundaries without additional expansion, except to allow for the siting of a maintenance yard for the California High Speed Train project and related industrial and employment priority areas proximate to and south of the SOI boundary between State Route 41 and State Route 99. Prohibit residential uses in the expansion area.

ROOSEVELT COMMUNITY PLAN

Upon reviewing the policies contained in the Roosevelt Community Plan, staff has determined that there are no policies that are applicable or are more restrictive than those contained in the Fresno General Plan or the Fresno Municipal Code (FMC).

SPECIFIC PLANS

The project is located south of the boundary of the North Avenue Industrial Triangle Specific Plan and is not within this specific plan area. The project is located within the boundaries of the proposed South Central Specific Plan. The South Central Specific Plan is still undergoing the planning process as set forth in the Fresno Municipal Code, which requires an independent environmental assessment and hearings before both the Planning Commission and City Council before a draft document can become an adopted plan.

CITYWIDE DEVELOPMENT CODE

The property is zoned as an Employment - Heavy Industrial zone district classification. Article 13 (Employment Districts), Section 15-1302 (Use Regulations) identifies "Indoor warehousing and storage" as a permitted use in this zone district. The proposed project is conditioned to comply with all applicable standards per the development code provisions, subject to the Conditions of Approval

found in **Exhibit E**.

No specific uses or tenants were identified for the proposed industrial spaces. In accordance with FMC Section 15-502, a zone clearance shall be required for future uses that are permitted “by-right” and not subject to a conditional use permit, additional regulations, or other entitlements, prior to securing a business tax certificate or commencing operation. By-right uses applying for a zone clearance will still need to verify that they are in compliance with any existing entitlements, including this Development Permit Revised Exhibit and D-17-175, which requires compliance with the mitigation measures contained in the mitigated negative declaration. However, future proposed uses not permitted by right and/or subject to additional regulations for special uses may be subject to an approved conditional use permit and/or other entitlements prior to commencing operation.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the application, staff concludes that the required findings contained within Section 15-5206 (Development Permit Findings) of the Fresno Municipal Code can be made. These findings are attached as **Exhibit F**.

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; compliance with the provisions of the Fresno Municipal Code; 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. Upon consideration of this evaluation, it can be concluded that approval of the Development Permit Revised Exhibit Application No. P20-03406, for the development of the revised project for a shell building is appropriate for the project site.

Action by the Planning Commission is final unless appealed to the City Council in accordance with Section 15-5017-A-2 of the FMC.

ATTACHMENTS

- Exhibit A - Aerial Photograph of Site / Zoning Map
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