



## Legislation Details (With Text)

<b>File #:</b>	ID 22-1595	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Passed	
<b>File created:</b>	10/6/2022	<b>In control:</b>		City Council	
<b>On agenda:</b>	10/13/2022	<b>Final action:</b>		10/13/2022	
<b>Title:</b>	<p>Consideration of Development Code Text Amendment Application No. P22-02413 and related Environmental Finding for Environmental Assessment No. P22-02413, amending Tables 15-1102, 15-1103, 15-1202, 15-1203, and Section 15-1104 of the Fresno Municipal Code and adding Section 15-1106 to the Fresno Municipal Code, and corresponding General Plan Text Amendment relating to mixed-use development:</p> <ol style="list-style-type: none"><li>ADOPT a finding set forth in Environmental Assessment No. P22-02413 dated July 6, 2022, and recirculated on August 19, 2022, of a Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15168(d)</li><li>BILL (for adoption) amending the Fresno Municipal Code, Tables 15-1102, 15-1103, 15-1202, 15-1203, and Section 15-1104 of the Fresno Municipal Code and adding Section 15-1106 and to the Fresno Municipal Code, relating to mixed-use development.</li><li>RESOLUTION (continued from September 29, 2022) Amending Chapter 3, the Urban Form, Land Use, and Design Element of the Fresno General Plan, Table 3-1, and pages 3-41 and 3-42 consistent with the Development Code Text Amendment described above and as set forth in General Plan Text Amendment Application No. P22-02413</li></ol>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<p>1. Exhibit A - Project Location Map, 2. Exhibit B - Ordinance - Mixed Use Text Amendment (22-02413), 3. Exhibit C - Priority Areas for Development Incentives, 4. Exhibit D - General Plan Text Amendment No. P22-02413, 5. Exhibit E - Mixed Use Zoning Map, 6. Exhibit F - Zoning Height Limits, 7. Exhibit G - Proforma Comparing Existing &amp; Proposed Densities, 8. Exhibit H - Environmental Assessment August 19, 2022, 9. Exhibit I - Fresno Municipal Code Findings, 10. Exhibit J - Public Comment Letters, 11. Exhibit K - Planning Commission Resolution, 12. Exhibit L - Presentation, 13. Exhibit M - Ordinance Bill for Adoption as amended by Council Motion on September 29, 2022, 14. Exhibit N - Resolution Amendment the Fresno General Plan, Chapter 3, 15. Public Comment Supplement 10000#1 (ID 22-1595) 10-13-2022</p>				

Date	Ver.	Action By	Action	Result
10/13/2022	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

**FROM:** JENNIFER CLARK, Director  
Planning and Development Department

**BY:** SOPHIA PAGOULATOS, Planning Manager  
Planning and Development Department

## SUBJECT

Consideration of Development Code Text Amendment Application No. P22-02413 and related Environmental Finding for Environmental Assessment No. P22-02413, amending Tables 15-1102, 15-

1103, 15-1202, 15-1203, and Section 15-1104 of the Fresno Municipal Code and adding Section 15-1106 to the Fresno Municipal Code, and corresponding General Plan Text Amendment relating to mixed-use development:

1. ADOPT a finding set forth in Environmental Assessment No. P22-02413 dated July 6, 2022, and recirculated on August 19, 2022, of a Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15168(d)
2. BILL (for adoption) amending the Fresno Municipal Code, Tables 15-1102, 15-1103, 15-1202, 15-1203, and Section 15-1104 of the Fresno Municipal Code and adding Section 15-1106 and to the Fresno Municipal Code, relating to mixed-use development.
3. RESOLUTION (continued from September 29, 2022) Amending Chapter 3, the Urban Form, Land Use, and Design Element of the Fresno General Plan, Table 3-1, and pages 3-41 and 3-42 consistent with the Development Code Text Amendment described above and as set forth in General Plan Text Amendment Application No. P22-02413

## RECOMMENDATION

Adoption of Environmental Assessment P22-02413 and approval of General Plan and Development Code Text Amendment No. P22-02413.

## EXECUTIVE SUMMARY

On October 14, 2020, the Fresno City Council unanimously adopted a budget motion proposed by Council Member Esparza to allocate \$150,000 for an environmental assessment to analyze increasing the density in all zone districts that allow mixed-use: Neighborhood Mixed-use (NMX), Corridor/Center Mixed-use (CMX), Regional Mixed-use (RMX), Commercial-Regional (CR), and Commercial-Main Street (CMS); see Project Location Map, **Exhibit A**. The purpose of this motion was to facilitate economically feasible and high-quality development called for in the Fresno General Plan along transit corridors, and to address the need for housing.

After the budget motion, Precision Engineering was selected through an RFQ process to prepare the environmental assessment for the text amendment.

The text amendment introduced on September 29, 2022 (**Exhibit B**), known as the Mixed-use Text Amendment (MUTA) would (1) remove the maximum density for zone districts that allow mixed-use; (2) modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties at the intersection of two or more major streets and properties near Bus Rapid Transit (BRT) stops will have mandated active uses; and (3) allow ministerial approval of residential uses in districts that allow mixed-use within the City's Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan, **Exhibit C**). The proposed Development Code Text Amendment would not revise other property development standards contained in the FMC. All height, parking, landscaping, fencing and setback requirements would remain unchanged. In addition, the project would remove the maximum residential densities of the corresponding land uses in the General Plan Urban Form, Land Use and Design Element to maintain consistency (**Exhibit D**).

## BACKGROUND

The Fresno General Plan sets out a vision for urban form that calls for roughly half of all new development to be infill development. It also calls for a mix of housing types and affordability levels,

complete neighborhoods and streets, and reduction of vehicle miles traveled and associated greenhouse gas emissions. To support these goals, transit corridors were designated that include mixed-use land use and zoning along their frontages. However, since the adoption of the General Plan in 2014, very little mixed-use development has occurred along the city's mixed-use corridors. A notable exception is The Link, a recent 88-unit mixed-use project at the southwest corner of Blackstone and McKinley Avenues. In contrast, several mixed-use projects have been completed Downtown. One of the reasons for this is that downtown zoning does not limit density, and it provides for ministerial approval of residential projects.

The Mixed-Use Text Amendment would provide those same advantages to the city's mixed-use corridors and sites, so that high quality investment in housing can be made citywide, in support of the General Plan goals described above.

Another factor that supports the need for MUTA is the Housing Crisis Act of 2019. Senate Bill ("SB") 330 is a housing-related bill that went into effect on January 1, 2020 and will remain in effect through January 1, 2025. One of the provisions of this legislation prohibits cities from changing land use or zoning designations in a manner that reduces housing capacity below the capacity that was available on January 1, 2018, unless there is a concurrent increase of capacity elsewhere within the city (i.e., corresponding up-zone) that ensures there is no net loss of housing capacity.

MUTA would provide an additional capacity of 21,762 housing units to offset housing capacity reductions proposed in several projects in Fresno. The overall effect of this offset would be transferring housing capacity from the periphery of the city to its mixed-use corridors and sites, upholding the General Plan goals noted earlier in the report of infill, complete communities, housing choice and affordability, and multi-modal transportation.

## Summary of MUTA

Development Code Text Amendment Application No. P22-02413 proposes to:

1. Remove the maximum density limits of 16, 30 and 45 dwelling units per acre, respectively in the Neighborhood Mixed-Use, Corridor/Center Mixed Use and Regional Mixed-Use districts, in Table 15-1103 and remove the maximum density limit of 16 dwelling units per acre in the Commercial-Regional and Commercial-Main Street districts in Tables 15-1202 and 15-1203.
2. Modify the restriction in Table 15-1102 that prohibits ground floor residential uses along street frontages in mixed-use districts so that:
  - a. Only properties within 200 feet of an intersection of two or more major streets must have ground floor commercial uses, however main building entrances and active community spaces of a residential use are excepted, and Director is given discretion to require only one commercial frontage if a property has two such frontages.
  - b. The required frontage of Active Uses Adjacent to Sidewalks in Section 15-1104-A (1) is reduced from the current 200 feet in each direction to 100 feet in each direction of an existing or planned Bus Rapid Transit station.
3. Allow ministerial approval of multi-family residential uses in mixed-use and select commercial districts through the following additions and revisions to the code (this section was not

included in the Council motion for the bill's introduction on September 29, 2022):

- a. Section 15-1106 is added, which defines the “applicable environmental assessments” that mixed-use projects must comply with, from the programmatic level (such as the General Plan Program EIR) to project-level. This section also includes a prohibition on the overburdening of existing or planned infrastructure capacities and defines the infrastructure thresholds that must be met.
- b. Table 15-4907, Planning Permits and Actions is amended to include housing in Mixed-Use and Commercial Districts (that comply with all provisions of the Code) to the Zone Clearance / Ministerial Approval category.
- c. Subsection E is added to Section 15-5102, related to the Applicability of Zone Clearances, to require all the following for ministerial approval of housing in Commercial or Mixed-Use Districts:
  - i. Site must be located with a NMX, CMX, RMX, CMS, or CR district.
  - ii. Site must be located within the City's Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan).
  - iii. No historic resources or potential historic resources are located on the site; and
  - iv. Project must provide adequate City services to serve the site in accordance with all relevant standards required pursuant to Section 15-1106 and applicable environmental assessments prepared pursuant to CEQA.
- d. Project must comply with all applicable requirements of the Fresno County Airport Land Use Compatibility Plan (staff correction approved by Planning Commission).

General Plan Text Amendment No. P22-02413 proposes to:

1. Amend Chapter 3, the Urban Form, Land Use, and Design Element, in the following ways:
  - a. Amend Table 3-1, Citywide Standards for Density and Development Intensity, to remove the density limits in the NMX, CMX, and RMX land use designations
  - b. Amend text on pages 3-41 and 3-42 to make corresponding changes in the text that describes those land use designations

## **Airport Land Use Commission**

The Fresno County Airport Land Use Commission (ALUC) considered the proposed text amendment on August 1, 2022. The Commission found the application to be consistent with the requirements of the Airport Land Use Compatibility Plan by a 6-0-1 vote.

## **Council District Project Review Committees**

### *Council District 1*

On July 5, 2022, the Council District 1 Project Review Committee voted to recommend approval of the first two components of the proposed text amendment: 1) removal of density limits in mixed-use

zones and 2) reduction of ground floor commercial requirements, and denial of the third provision of allowing ministerial approval by a 5-0-2 vote.

#### Council District 2

On July 11, 2022, the Council District 2 Project Review Committee voted to recommend approval of the proposed text amendment by a 3-0 vote.

#### Council District 3

On July 12, 2022, the Council District 3 Project Review Committee voted to recommend approval of Item 1 (removal of density limits in mixed-use zones) with the condition that it is approved subject to increasing the minimum residential density limitations by 10 percent; approval of Item 2 (reduction of ground floor commercial requirements), and denial of Item 3 (ministerial approval) by a 3-1 vote

#### Council District 4

The Council District 4 Project Review Committee is currently inactive.

#### Council District 5

On July 11, 2022, the Council District 5 Project Review Committee voted to recommend approval of the first two components of the proposed text amendment: Item 1) removal of density limits in mixed-use zones, approval of Item 2) reduction of ground floor commercial requirements, and denial of Item 3 (ministerial approval) by a 2-0-1 vote.

#### Council District 6

The Council District 6 Project Review Committee voted to recommend approval of the proposed text amendment by a 6-0 vote.

#### Council District 7

The Council District 7 Project Review Committee is currently inactive.

#### Lowell

On July 11, 2022, the Lowell District Advisory Committee voted 3-1 to recommend approval of the proposed text amendment.

#### Tower District

On July 19, 2022, the Tower District Design Review Committee voted to recommend approval of the proposed text amendment by a 6-0 vote.

### **Planning Commission**

The Planning Commission considered the applications at its regular meeting of July 20, 2022, and unanimously recommended approval with staff corrections noted below:

1. Section 5102-E-6-d amended as follows to ensure both CEQA and infrastructure standards are required:
  - d. Can provide adequate City services to serve the site in accordance with all relevant standards required pursuant to applicable environmental assessments prepared pursuant to CEQA ~~or~~ **and** standards listed below (from Section 15-1106 of this Code).

2. Section 5102-E-6 amended as follows to add subsection “e” to ensure compliance with the Fresno County Airport Land Use Compatibility Plan:

**e. Project must comply with all applicable requirements of the Fresno County Airport Land Use Compatibility Plan.**

At the hearing, one member of the public spoke in support of the application, and one spoke in opposition. The Planning Commission resolution is included as **Exhibit K**.

### **City Council Workshop**

A City Council workshop on MUTA was held on September 1, 2022 and several questions were raised related to project location, need and implications of additional density, and the ministerial approval process. Responses are provided below:

#### Inclusion of Herndon Avenue

MUTA applies only to property currently zoned for mixed-use development. This includes Neighborhood Mixed-Use, Corridor/Center Mixed-Use, Regional Mixed-Use, Commercial Main Street and Commercial Regional zoning. Property abutting Herndon Avenue is not zoned for Mixed-Use development. The reason for this is that it is classified as an expressway, a 6-lane divided roadway whose primary purpose is serving crosstown traffic. Vehicle speed limit is high at 50 mph, and vehicle travel is prioritized. Access to the roadway by adjacent property is prohibited. In contrast, mixed-use is best applied to corridors that are suitable for multi-modal travel. Characteristics include slower speeds, fewer lanes, shorter blocks, and direct access by adjacent properties.

Looking at the text amendment through an equity lens, 50% of the property subject to MUTA is along the Shaw Avenue corridor and north (**Exhibit E**). Mixed-use property is in every part of the city and in each Council District. Furthermore, most of the mixed-use property south of the Shaw corridor is Neighborhood Mixed-Use or Commercial Main Street, which are neighborhood-scale zone districts with the lowest heights and least intensity of all the mixed-use zones (**Exhibit F**, Zoning Height Map).

#### Removal of Density Limits

Current density limits do not utilize the full capacity of the site, making development financially infeasible. Therefore, mixed-use and housing development simply doesn't occur. As noted on the proforma (**Exhibit G**) which analyzes unsubsidized development costs, the CMX Max Density project loses \$2,940 per year, while the No Density Limit project generates \$16,640 per year in cash flow. In addition, estimated property tax revenue for the No Density Limit project is \$11,829 annually, compared to \$5,182 for the CMX Max Density Project.

#### Other Fresno Projects Developed at Higher Densities

There are several projects that have been constructed at 60 dwelling units per acre or greater. Under the current code, this is easy to do in Downtown, where the zoning does not include density limits. It can also be done with a combination of affordable housing and transit-oriented density bonuses, but these have stringent qualification requirements.

- 1101 F Street, The Monarch @ Chinatown, 57 units on 0.6 acres.

Density: 94 dwelling units per acre

- 1740 Van Ness Avenue, 28 units on 0.43 acres.

Density: 65 dwelling units per acre

- 2115 Inyo Street, City view, 45 units on 0.38 acres.

Density: 119 units per acre

### Parking

Current parking requirements would remain unchanged (see Figures 1 and 2 below). More dwelling units would require more parking spaces. The requirements are:

- .75 space per unit for studio and 1-bdrm units
- 1 space per unit for 2-bdrm units
- 1.5 spaces per unit for 3+ - bedroom units

### Building Height

Current height requirements would remain unchanged (see Figures 1 and 2 below). Current height limits are as follows.

- NMX-40 ft
- CMX-60 ft
- RMX-75 ft
- CMS-35 ft
- CR-75 ft

See map in **Exhibit F** for a geographic depiction of height limits.

### Dwelling Unit Size

Removing density limits will not have an impact on unit size. The apartment size used to calculate development capacity for MUTA was 780-800 square-foot 2-bedroom unit. See Figures 1 and 2 below:

*Figure 1: CMX Max Density (Current Density Limit)*

---





Figure 2: No Density Limit



## Ministerial Approval

Currently most mixed use and multifamily projects are processed as development permits, which have a 75-165 business-day processing timeline depending on CEQA. Ministerial projects have a 30-60 business-day timeline. MUTA and its associated Mitigated Negative Declaration have completed the CEQA process up front for projects that comply with its requirements. MUTA establishes public utilities, traffic, and air quality thresholds and mitigation measures, eliminating the need for lengthy CEQA studies and processes. See comparison of the proposed Ministerial Zone Clearance process compared to the Discretionary Development Permit process below:

Table 1: Comparison of Fresno Ministerial and Discretionary Review Processes



	<b>Ministerial</b>	<b>Discretionary</b>
<b>Type of Application</b>	Zone Clearance	Development Permit
<b>City Processing Time</b>	30-60 business days	75-165 business days
<b>CEQA</b>	None The MUTA text amendment analyzes and mitigates future impacts	Required Technical studies add 60 days or more beyond the timeline identified above
<b>Cost</b>	\$2,068	\$11,730-\$50,000
<b>Committee Review</b>	Yes- verify compliance	Yes
<b>Potential for Delays?</b>	Requirements codified which reduces potential for delay	Yes, potential for many delays, including the CEQA process and discretionary conditions
<b>Predictable Process?</b>	Certainty in the process	Discretionary permits have a lot of uncertainty and unknowns
<b>Likelihood of Appeal</b>	Appeal is limited to whether standard requirements have been met.	When multifamily projects are noticed, they are likely to be appealed
<b>Likelihood of Development</b>	More Likely. The certainty of the process makes developers more likely to move forward. They know the conditions and requirements up front.	Many developers prefer certainty, as they consider the discretionary process and the costs associated with CEQA as risky

### Council District and Design Review Committees

In order to ensure transparency, ministerial checklists will be provided to the Council District Project Review Committees prior to approval, as noted above in Table 1. In addition, committees that conduct design review with adopted Design Guidelines will use an objective standards checklist adapted from the design guidelines.

### City Council - Introduction

Development Code Text Amendment Application No. 22-02413 was introduced on September 29, 2022 at a noticed public hearing. Staff made a presentation and one member of the public spoke in favor, and three members of the public spoke in opposition. Council Member Maxwell moved and Council Member Arias seconded a motion to approve the density increases and ground floor provisions of Development Code Text Amendment Application No. 22-02413, and deny the ministerial

provisions. The motion passed 6-0. The amended ordinance bill is included in **Exhibit M**.

## ENVIRONMENTAL ASSESSMENT

### Summary

Environmental Assessment No. P22-02413 (EA), an Initial Study and Mitigated Negative Declaration, analyzed the potential environmental impacts of development under the Mixed-Use Text Amendment. Mitigation Measures are included for Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation, and Utilities and Service Systems. The original EA was circulated for a 30-day comment period beginning on July 6, 2022. Comments were received from seven organizations and agencies during that period. Based on the information received, the Air Quality, Hazards, Hydrology and Water Quality and Utilities and Service Systems sections of the EA were revised, and the EA was recirculated for another 30-day comment period beginning on August 19, 2022. Mitigation Measure AIR-2 was revised, and new Hazards mitigation measures were added (HAZ-1 and HAZ-2).

Minor changes to MM-HAZ-2 were made in September 2022 in response to a Department of Toxic Substance Control letter dated September 19, 2022. Recirculation is not required pursuant to CEQA Guidelines 15073.5(c)(4), since the clarifications do not change the mitigation measure significantly but clarify how to implement it by adding specific guidance that must be followed.

The Recirculated EA, along with mitigation measures and comment letters, is included in **Exhibit H**.

### Findings

The environmental analysis contained in the Initial Study and Mitigated Negative Declaration No. P22-02413 (**Exhibit H**) is tiered from Program Environmental Impact Report (EIR) SCH No. 2019050005 prepared for the Fresno General Plan and Development Code Update (PEIR). The Project has been determined to be a subsequent project that is not fully within the scope of PEIR SCH No. 2019050005 prepared for the Fresno General Plan.

Pursuant to Public Resources Code Section 21094 and California Environmental Quality Act (CEQA) Guidelines Section 15168(d), this Project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the PEIR.

This completed environmental impact checklist form and its associated narrative reflect applicable comments of responsible and trustee agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the CEQA.

All new development activity and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this Project toward cumulative impacts is not considered substantial or significant, and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures.

Based upon the evaluation guided by the environmental checklist form, it was determined that there are no foreseeable substantial impacts from the Project that are additional to those identified in the Fresno General Plan PEIR, after the incorporation of project-specific mitigation measures in the Mitigation Monitoring and Reporting Program. The completed environmental checklist form indicates whether an impact is potentially significant, less than significant with mitigation, less than significant, or no impact.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the Project or may be related to the design and characteristics of the individual project. Effects so rated are not sufficient in themselves to require the preparation of an EIR and have been mitigated to the extent feasible. With the Project-specific mitigation imposed, there is no substantial evidence in the record that this Project may have additional significant, direct, indirect, or cumulative effects on the environment that are significant and that were not identified and analyzed in the Fresno General Plan PEIR. Both the PEIR Mitigation Monitoring and Reporting Program and the Project-specific Mitigation Monitoring and Reporting Program will be imposed on this Project.

The Initial Study has concluded that the Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the CEQA Guidelines. The finding is, therefore, made that the Project will not have a significant adverse effect on the environment.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the proposed project, staff concludes that the required findings of Section 15-5812 of the Fresno Municipal Code can be made. These findings are provided in **Exhibit I**.

## **PUBLIC NOTICE**

### *Notice of Planning Commission and City Council Hearings*

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 July 8, 2022, for the Planning Commission hearing and on September 16, 2022, for the City Council hearing, which is at least 10 days prior to the public hearings. 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 notices were also posted on the City's website and emailed to stakeholders pursuant to the City's requirements.

### *Additional Outreach*

June 23, 2022: The text amendment was discussed at a Kings Canyon Transit Oriented

Development Workshop. The workshop was attended by approximately 16 residents and business owners along the Kings Canyon Corridor. The participants were supportive of the text amendments.

July 6, 2022: A Notice of Intent to adopt a Mitigated Negative Declaration for MUTA was published in the Fresno Bee, posted at the City and County Clerk offices and on-line, and emailed to over 500 stakeholders. This notice announced a 30-day comment period on the Mitigated Negative Declaration.

July 18, 2022: A webinar on MUTA was held with 25 members of the public in attendance. The webinar invitation was emailed to over 500 stakeholders. Input received included:

- Requests for more affordable housing
- Questions about how design review would occur with a ministerial approval process.
- Questions about potential disproportionate burden of mixed-use projects in southwest and southeast Fresno.
- Concerns about insufficient infrastructure
- Suggestion to reduce parking requirements in mixed use zones as another incentive to invest in these zones

August 19, 2022: A Notice of Intent to adopt a Recirculated Mitigated Negative Declaration for MUTA was published in the Fresno Bee, posted at the City and County Clerk offices and on-line, and emailed to over 500 stakeholders. This notice announced a 30-day comment period on the Mitigated Negative Declaration.

### Public Comment Letters

The following comment letters have been received and are included in **Exhibit J**. Responses to the first seven letters are included in the environmental assessment in Exhibit H. The remaining two letters were received after the environmental document was recirculated on August 19, 2022, and the responses are included below:

1. William Secrest, Jr., Fresno County Historic Landmarks Commission, July 12, 2022
2. Keith Bergthold and Jessica Berzac, Fresno Metro Ministry and Upholdings, July 20, 2022
3. Gavin McCreary, Department of Toxics Substance Control, July 26, 2022
4. Brian Clements, San Joaquin Valley Air Pollution Control District, August 3, 2022
5. David Miller, Nossaman, LLP, on behalf of Bakman Water Company, August 4, 2022
6. Lawrence Kimura, Fresno Irrigation District, August 4, 2022
7. Henrietta Walsh, Cvalley Development, August 5, 2022
8. Susan Williams, Sunnyside Property Owners Association, September 9, 2022: *letter expressing concern about mainly two aspects of MUTA: eliminating all review by Council District Project Review Committees and Design Review Committees, and concern about traffic, noise, and air quality impacts. The committee review issue has been addressed and is now included in the ministerial process-see Table 1, above; the environmental concerns are addressed in the Recirculated Mitigated Negative Declaration in Exhibit H.*
9. Gavin McCreary, Department of Toxics Substance Control, September 19, 2022: *Letter provides additional information relative to mitigation of hazardous materials. Recommendations incorporated.*

## LOCAL PREFERENCE

N/A because proposed action does not involve procurement.

## FISCAL IMPACT

No impact to General Fund.

## Attachments:

Exhibit A: Project Location Map

Exhibit B: Development Code Text Amendment (22-02413) as introduced on September 29, 2022

Exhibit C: Priority Areas for Development Incentives

Exhibit D: General Plan Text Amendment (P22-02413)

Exhibit E: Mixed Use Zoning Map

Exhibit F: Zoning Height Limits Map

Exhibit G: Proforma Comparing Existing and Proposed Densities

Exhibit H: Environmental Assessment Recirculated August 19, 2022

Exhibit I: Fresno Municipal Code Findings

Exhibit J: Public Comment Letters

Exhibit K: Planning Commission Resolution

Exhibit L: Presentation

Exhibit M: Ordinance Bill for Adoption (as amended by Council motion on September 29, 2022)

Exhibit N: Resolution Amending the Fresno General Plan, Chapter 3