



Legislation Details (With Text)

File #: ID 24-1541 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 11/1/2024 **In control:** City Council
On agenda: 11/21/2024 **Final action:** 11/21/2024

Title: HEARING to consider City Council-initiated General Plan Amendment and Rezone Application No. P24-00589, and related Environmental Assessment for two (2) adjoining parcels of approximately ±2.26 acres total located at the northwest corner of East McKinley and North Fine Avenues (Council District 4) - Planning and Development Department.

1. CONSIDERATION of the Environmental Assessment for P24-00589 of a Negative Declaration, dated October 25, 2024, prepared for the proposed plan amendment/rezone pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. CONSIDERATION of Plan Amendment Application No. P24-00589 to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation of the subject ±2.26 acres properties from Employment - Light Industrial to Commercial - Community; and
3. CONSIDER Bill (for introduction and adoption) to approve Rezone Application No. P24-00589, amend the Official Zoning Map of the City of Fresno to rezone the subject ±2.26 acres properties from the Light Industrial (IL) zone district to the Community Commercial (CC) zone district in accordance with the Plan Amendment Application.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Project Location Map.pdf, 2. Exhibit B - Council Resolution No. 2023-264 [9-28-2023].pdf, 3. Exhibit C - Land Use Diagram.pdf, 4. Exhibit D - Zoning Diagram.pdf, 5. Exhibit E - Public Hearing Notice & Noticing Map.pdf, 6. Exhibit F - Airport Land Use Commission Letter [4-11-2024].pdf, 7. Exhibit G - Fresno Municipal Code RZ-PA Criteria.pdf, 8. Exhibit H - Environmental Assessment [10-25-2024].pdf, 9. Exhibit I - Cross Parking & Access Agreement [11-17-1981].pdf, 10. Exhibit J - Zone Districts-Uses Comparison List.pdf, 11. Exhibit K - Property Owners Discussion Status (6-27-24 email).pdf, 12. Exhibit L – Planning Commission Resolution No’s 13859 and 13860.pdf, 13. Exhibit M – City Council Resolution for Plan Amendment Application No. P24-00589.pdf, 14. Exhibit N – City Council Ordinance Bill for Rezone Application No P24-00589.pdf, 15. Exhibit O – City Council Hearing PowerPoint Presentation.pdf, 16. 9 15 A.M. ID 24-1541 Supplemental Packet

Date	Ver.	Action By	Action	Result
11/21/2024	1	City Council	APPROVED	Pass

REPORT TO THE CITY COUNCIL

FROM: JENNIFER CLARK, Director
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SUBJECT

HEARING to consider City Council-initiated General Plan Amendment and Rezone Application No. P24-00589, and related Environmental Assessment for two (2) adjoining parcels of approximately ±2.26 acres total located at the northwest corner of East McKinley and North Fine Avenues (Council District 4) - Planning and Development Department.

1. CONSIDERATION of the Environmental Assessment for P24-00589 of a Negative Declaration, dated October 25, 2024, prepared for the proposed plan amendment/rezone pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. CONSIDERATION of Plan Amendment Application No. P24-00589 to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation of the subject ±2.26 acres properties from Employment - Light Industrial to Commercial - Community; and
3. CONSIDER Bill (for introduction and adoption) to approve Rezone Application No. P24-00589, amend the Official Zoning Map of the City of Fresno to rezone the subject ±2.26 acres properties from the Light Industrial (IL) zone district to the Community Commercial (CC) zone district in accordance with the Plan Amendment Application.

RECOMMENDATION

1. CONSIDER the Environmental Assessment for P24-00589 of a Negative Declaration, dated October 25, 2024, prepared for the proposed plan amendment/rezone pursuant to California Environmental Quality Act (CEQA) Guidelines.
1. CONSIDER Plan Amendment Application No. P24-00589 to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation of the subject ±2.26 acres properties from Employment - Light Industrial to Commercial - Community; and
2. CONSIDER Bill (for introduction and adoption) to approve Rezone Application No. P24-00589, amend the Official Zoning Map of the City of Fresno to rezone the subject ±2.26 acres properties from the Light Industrial (IL) zone district to the Community Commercial (CC) zone district in accordance with the Plan Amendment Application.

EXECUTIVE SUMMARY

On September 28, 2023, the Fresno City Council initiated Plan Amendment and Rezone Application No. P24-00589 which pertains to two (2) adjoining parcels, respectively referred to as Parcel A (APN: 494-291-05) & Parcel B (APN: 494-291-10), totaling approximately ±2.26 acres in size and located at the northwest corner of East McKinley and North Fine Avenues (**Exhibit A**). The parcels are currently planned and zoned for Employment - Light Industrial and located within the McLane Community Plan.

Parcel B (APN: 494-291-10) is approximately ±1.57 acres and currently developed with an existing multi-tenant commercial office building with related on- and off-site improvements (on-site parking, landscaping, etc.). The existing commercial office building is currently occupied. Parcel A (APN: 494-

291-05) is approximately ±0.69 acres and is partially developed with on-site parking, landscaping, and on- and off-site improvements; and also includes an approximately ±0.21-acre undeveloped building pad.

A common parking/access agreement between the subject parcels (APN: 494-291-05/Parcel A and APN: 494-291-10/Parcel B) has been in effect since 1981 and is attached as **Exhibit I** (Common Parking and Access Agreement). The agreement allows for shared parking, vehicular and pedestrian cross-access (ingress and egress) between the two (2) parcels. The shared parking agreement does not require Parcel A (APN: 494-291-05) to provide parking for uses on the adjoining Parcel B property (APN: 494-291-10). The agreement is set to expire in 2031.

The Plan Amendment component of the application proposes to amend the Fresno General Plan and McLane Community Plan to change the planned land use designation for the subject properties from Employment - Light Industrial to Commercial - Community. The rezone component proposes to amend the Official Zoning Map of the properties in accordance with the Plan Amendment. This plan amendment/rezone application does not include nor identify any physical site development, and no project proposals have been identified.

On August 7, 2024, the Fresno Planning Commission unanimously recommended to the City Council approval of the Council-initiated plan amendment and rezone by a vote of 6-0, with one member absent.

BACKGROUND

On September 28, 2023, the Fresno City Council adopted Resolution No. 2023-264, a resolution to initiate the process to amend the Planned Land Use and Zoning of the subject properties from Light Industrial to Commercial-Community. The abutting property to the west is planned and zoned for community commercial uses, and the intent of the resolution is to allow for uses that are more in line with the commercial uses to the west, as opposed to the industrial uses located to the north and to the east (across North Fine Avenue) of the subject properties (**Exhibit B**).

The current IL (Light Industrial) zone district is intended to provide areas for a diverse range of light industrial uses, including limited manufacturing and processing; research and development; fabrication; utility equipment and service yards; and wholesaling, warehousing, and distribution activities, including small-scale retail and ancillary office uses. Light Industrial areas may serve as buffers between Heavy Industrial Districts and other land uses, and are generally located in areas with good transportation access.

The proposed CC (Community Commercial) zone district allows for commercial development that primarily serves local needs such as convenience shopping and small offices. Many of the city's current commercial districts fall into this designation. Specific uses allowed include medium-scale retail; office, civic and entertainment uses; and supermarkets, drug stores and supporting uses. The maximum Floor Area Ratio (FAR) in the CC zone district is 1.0. The proposed zoning change will allow the area to be developed with uses allowed under the CC zoning classification, rather than the industrial uses allowed under the existing IL zoning classification.

Other Agencies

The City Council-initiated plan amendment and rezone does not include any proposed development

project or establishment of a specific use. Therefore, the application was routed to a select number other departments and agencies for review and comments, namely Fresno Fire Department, Airports Department, Fresno Area Express, Department of Public Utilities, Department of Public Works, and Fresno Unified School District. None had comments or conditions with respect to the proposed change in planned land use or zoning.

Public Notice and Input

Council District 4 Project Review Committee

The Council District 4 Project Review Committee considered this project on May 21, 2024, and recommended approval with no additional comments or recommendations.

Fresno Planning Commission

The Planning Commission considered the Council-initiated plan amendment and rezone as presented by staff on June 5, 2024. At the request of the property owners of Parcels A & B, the item was continued to July 3, 2024, to allow the owners additional time to discuss the proposed plan amendment/rezone to ensure compatibility with the uses already existing within Parcel B, and the implications of this action for a potential new and undisclosed use for Parcel A.

On July 3, 2024, the property owner of Parcel B requested the matter be continued again to allow further discussions with the property owner of Parcel A and to meet with the District 4 Council member. The meeting was continued to August 7, 2024, when the Planning Commission voted to recommend to the City Council approval of the Council-initiated plan amendment and rezone.

Notice of City Council Hearing

The Planning and Development Department mailed notices of this City Council hearing to all property owners within 1,000 feet of the subject property on November 8, 2024, pursuant to Section 15-5007 of the FMC (**Exhibit E**).

Land Use Plans and Policies

The subject properties are located within the boundaries of the Fresno General Plan, McLane Community Plan, and Fresno County Airport Land Use Compatibility Plan.

The Fresno General Plan currently designates the subject properties with Employment - Light Industrial planned land use, which accommodates a diverse range of light industrial uses, including limited manufacturing and processing; research and development; fabrication; utility equipment and service yards; and wholesaling, warehousing, and distribution activities. Small-scale retail and ancillary office uses are also permitted. Light Industrial areas may serve as buffers between Heavy Industrial and other land uses and otherwise are generally located in areas with good transportation access, such as along railroads and State Routes. The maximum Floor Area Ratio (FAR) is 1.5.

The Commercial-Community land use designation proposed by the plan amendment is intended for commercial development that primarily serves local needs such as convenience shopping and small offices. Many of the city's current commercial districts fall into this designation. Specific uses allowed include medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores and

supporting uses. The maximum FAR is 1.0.

The proposed plan amendment will be consistent with the following Fresno General Plan goals:

- Increase opportunity, economic development, business, and job creation.
- Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy.

The following are applicable objectives and policies from the Urban Form, Land Use & Design, and Economic Development elements of the Fresno General Plan:

- **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.

Policy LU-1-b: Land Use Definition and Compatibility. Include zoning districts and standards in the Development Code that provide for the General Plan land use designations and create appropriate transitions or buffers between new development with existing uses, taking into consideration the health and safety of the community.

- **Objective 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.

Policy LU-2-a: Infill Development and Redevelopment. 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.

- **Objective 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.

Policy LU-6-a: Design of Commercial Development. Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations.

Policy LU-6-b: Commercial Development Guidelines. 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.

Policy LU-6-d: Neighborhood and Community Commercial Center Design. 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
- Community commercial centers will be located within Activity Centers

Policy LU-6-f: Auto-Oriented Commercial Uses. Direct highway-oriented and auto-serving commercial uses to locations that are compatible with the Urban Form policies of the General Plan. Ensure adequate buffering measures for adjacent residential uses, noise, glare, odors, and dust.

- **Objective ED-1:** Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.

Policy ED1d Strategic Land Regulation. Explore increasing the amount of land properly zoned, consistent with the General Plan, and ready to be expeditiously developed, redeveloped, and/or revitalized for economic development and job creation purposes. Establish a priority infill development program for sites and districts.

Policy ED1e: Ready Togo Sites. Establish a list of “readytogo” or “shovelready” sites in consultation with property owners and provide the list to interested developers and businesses seeking sites in the city.

McLane Community Plan

The subject properties, if designated for Commercial-Community planned land uses, provide for commercial development along major streets. There are no policies contained in the Plan that are applicable or more restrictive than those contained in the Fresno General Plan or the Fresno Municipal Code (FMC). Should there be a conflict, the FMC shall control pursuant to Chapter 15, Section 15-104-D-4 of the Development Code.

Fresno County Airport Land Use Compatibility Plan

The Plan Amendment/Rezone Application No. P24-00589 was reviewed by the Fresno County Airport Land Use Commission on April 8, 2024 as the subject properties are within the area of influence under the Airport Land Use Compatibility Plan within the Fresno Yosemite International Airport (FAT) Safety Zone 6 - Traffic Zone. The application was approved with no additional comments and/or recommendations. **(Exhibit F)**

ENVIRONMENTAL FINDING

An initial study (**Exhibit H**, Appendix G Initial Study for a Negative Declaration) has been 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. The environmental assessment process includes notification to Native American tribes traditionally and culturally affiliated with the project area for consultation pursuant to Senate Bill 18 (SB 18) and Assembly Bill 52 (AB-52).

Notices requesting consultation of the proposed plan amendment/rezone were mailed to the tribes on March 27, 2024, which included the required 90-day time period for tribes to request consultation, which ended on June 24, 2024. No consultation requests were received by the tribes notified.

Preparation of the initial study necessitated a thorough review of the proposed plan amendment/rezone and relevant environmental issues and considered previously prepared environmental and technical studies including the Fresno General Plan Program Environmental Impact Report SCH No. 2019050005. Therefore, the Planning and Development Department proposes adoption of a Negative Declaration for the proposed project and determined based upon the evidence in the record that there will be no impact on the environment with the proposed plan amendment/rezone and that the filing of a Negative Declaration will be appropriate in accordance with the provisions of CEQA Guidelines Section 15168(d). As required for public review and comment, a public notice of the negative declaration finding was published in the local newspaper (Fresno Bee) on October 25, 2024, filed at the County Clerk's Office, submitted to the State Clearinghouse, and posted at the City Clerk's Office.

FRESNO MUNICIPAL CODE CRITERIA (FINDINGS)

Pursuant to FMC Section 15-5812, the City Council shall not approve an application unless the proposed Plan Amendment and Rezone meets the following criteria:

- A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy.
- B. The change 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; and
- C. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.

Staff has provided potential findings (Exhibit G) with this staff report. If the Council chooses to approve under either of the two options presented below, the Council may either approve subject to the finding included as Exhibit G to the staff report; or adopt its own alternative findings pursuant to Section 15-5812 of the Fresno Municipal Code.

CONCLUSION

The appropriateness of the proposed General Plan Amendment and Rezone has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the McLane Community Plan; compliance with the provisions of the FMC; 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 exhibits. Upon consideration of this evaluation, staff presents the City Council with the following options for consideration:

Option 1:

- a. **DENY** General Plan Amendment No. P24-00589 to amend the planned land use designation of the subject ±2.26 acre properties from Employment - Light Industrial to Commercial - Community; and
- b. **DENY** Rezone No. P24-00589 to rezone the subject ±2.26 acre properties from the IL (Light Industrial) zone district to the CC (Community Commercial) zone district consistent with the amended land use designation.

Option 2:

- a. **ADOPT** the Environmental Assessment for P24-00589 of a Negative Declaration, dated May 31, 2024, prepared for the proposed plan amendment/rezone pursuant to California Environmental Quality Act (CEQA) Guidelines; and
- b. **APPROVE** General Plan Amendment No. P24-00589 to amend the planned land use designation of the subject ±2.26 acre properties from Employment - Light Industrial to Commercial - Community; and
- c. **APPROVE** Rezone No. P24-00589 to rezone the subject ±2.26 acre properties from the IL (Light Industrial) zone district to the CC (Community Commercial) zone district consistent with the amended land use designation.

The Council may approve this project subject to the findings included as Exhibit G to the Staff Report; or adopt its own alternative findings pursuant to Section 15- 5812 of the Fresno Municipal Code.

Option 3:

- a. **ADOPT** the Environmental Assessment for P24- 00589 of a Negative Declaration, dated May 31, 2024, prepared for the proposed plan amendment/rezone pursuant to California Environmental Quality Act (CEQA) Guidelines; and
- b. **APPROVE** General Plan Amendment No. P24-00589 to amend the planned land use designation of the subject ±2.26 acre properties from Employment - Light Industrial to Commercial - Community; and
- c. **APPROVE** Rezone No. P24-00589 to rezone the subject ±2.26 acre properties from the IL (Light Industrial) zone district to the CC (Community Commercial) zone district consistent with the amended land use designation subject to conditions.

The Council will need to include any recommended conditions within its motion. The Council may approve, subject to the findings included as Exhibit G in the Staff Report; or adopt its own alternative findings pursuant to Section 15-5812 of the Fresno Municipal Code.

LOCAL PREFERENCE

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

FISCAL IMPACT

None

Attachments:

Exhibit A - Project Location Map
Exhibit B - City Council Resolution 2023-264 [9/28/2023]
Exhibit C - Land Use Diagram
Exhibit D - Zoning Diagram
Exhibit E - Public Hearing Notice
Exhibit F - Airport Land Use Commission Letter [4/11/2024]
Exhibit G - Fresno Municipal Code RZ/PA Criteria
Exhibit H - Environmental Assessment [10/25/2024]
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Exhibit K - Property Owners Discussion Status (6/27/24 email)
Exhibit L - Planning Commission Resolution No's 13859 and 13860
Exhibit M - City Council Resolution for Plan Amendment Application No. P24-00589
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Exhibit O - City Council Hearing PowerPoint Presentation