

Fresno Green Development Code General Plan & MEIR Update

Scope of Work



MISSISSAUGA



LONDON



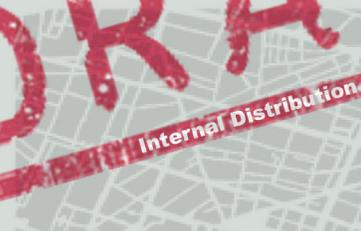
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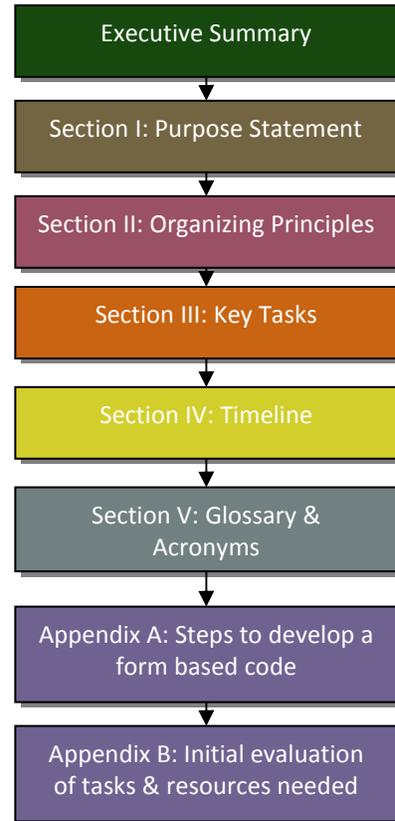


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How to use this document

This document is arranged into five sections, each of which is intended to provide an overview of some of the issues pressing the city and how we propose to tackle them. Each provides some background, identifies issues, opportunities, and objectives by the use of statistics and references to federal, state and local legislation. We also highlight key statistics and trends and provide photos to illustrate desired results throughout the document while a list of acronyms and definitions is provided in the glossary.



Overarching Goals & Mission

The leadership and staff of the city are passionate about Fresno becoming a great city consistently ranked among the top cities of California and the nation for sustainable high quality-of-life with attractive neighborhoods and districts, and encouraging opportunities for business development, job creation, and economic growth. We also know from relationships and experience this passion and the mission it implies are shared by thousands of stakeholders across Fresno.

The reality of current conditions and trends, however, present daunting challenges for a systemic mission of this scale and will require extraordinary, broad-based, highly coordinated and prolonged efforts – all of which Fresno is fully capable of – if it decides to take on such a mission. Taking it on means setting very big and unifying goals for ourselves and our city, and moving quickly and accountably to engage in a metropolitan-wide, multi-sector, and multi-year campaign that literally involves every family, neighborhood, business and institution in Fresno. It also means that we will consistently think together and act strategically by intentionally weaving our many worthwhile, but still highly fragmented, priorities and projects into a coherent and purposeful whole with results continually measured against our mutual mission and goals.

Comprehensive future land use, transportation, and resource planning with complementary policy development, regulatory codes and permitting processes can make significant contributions toward the achievement of economic, environmental, and community goals. Because of these planning related capabilities - The Fresno Green Development Code and General Plan Update Project is designed as a tool to elevate the inherent values and assets of Fresno and to leverage Fresno's potential to achieve great city status. With this spirit in mind – We offer major big and unifying goals that this and many other coordinated efforts can focus upon and measure progress against:

1. **Economy:** *A Diverse and Growing Fresno Economy with Average Household Incomes at least 10% above the Average for the State of California*
2. **Environment:** *Top 10% Rank Among California Cities for Fresno in Environmental Quality with Water and Energy Resources Sufficient to Fuel Perpetual Average Annual Economic Growth Better than the Average for the State of California*
3. **Community:** *Top 10 % Rank for Fresno Among California Cities for High Quality of Life, Population Health, Public Safety, and Overall Community Satisfaction as Consistently Measured by All Business, Media, Institutional, and Academic Surveys and Studies*

Fresno has the diversity, talent and capacity to persevere against its many challenges and achieve a high quality of life and sustainable future. Several outcomes sought through the new planning and program capacities of Sustainable Fresno include:

Significant economic development and job creation can be generated by the hundreds of millions of dollars and thousands of new jobs required to retrofit existing buildings over a 10 years cumulative period to achieve a 30% increase in energy and water efficiency. The energy and water saved will contribute to significant green house gas reductions, improved air quality, and help fuel even more future growth and economic development, all of which can help reduce poverty and increase median households incomes and fiscal capacities.

A new metropolitan urban form which improves the design and desirability of our neighborhoods and districts as more walkable, bikable and transit-supportive can attract and produce substantial additional new investment business formation, development, and jobs for Fresno that would otherwise not occur.

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EXECUTIVE SUMMARY

PURPOSE OF THE PLAN AND CODE UPDATE

The purpose of the Fresno Green Development Code (FGDC) and General Plan Update Project (“Project”) is to reshape our city’s plans, policies, and codes into 21st century tools for guiding future development, revitalization, and the creation of competitive advantage for Fresno. The overarching goal of this work is to position Fresno as a top ranked city among all California cities for delivering sustainable high quality-of-life and for encouraging opportunities for business development, job creation, and economic growth. The Project directly builds upon and implements the goals the 2025 General Plan and the Fresno Green Strategy, and addresses a formidable array of major trends, resource challenges, and evolving legislative mandates.

The primary organizing principle proposed for combining sustainability with strong growth is to establish a new transit-oriented urban form for the Fresno metropolitan area anchored by a thriving region-serving Downtown core surrounded by revitalized and healthy neighborhoods and broadly attractive mixed use districts. When complete, the Project is intended to represent an exemplary version of a metropolitan-scale ‘Sustainable Community Strategy’ as is contemplated by California Senate Bill 375 for connecting land use, transportation, and housing into a system of development solutions for significantly reducing green house gases and contributing to the achievement of global climate stability. The Project will produce state-of-the-art land use and development standards and processes, guided by an updated General Plan and Master Environmental Impact Report (MEIR).

KEY SUSTAINABLE FRESNO PLANNING COMPONENTS

Public Participation

A community outreach process that encourages public participation along with a broad range of stakeholder groups will be developed to ensure civic engagement. This will require numerous public meetings, workshops, charrettes and newly created Project Task Force groups to be organized by City Council Districts.

General Plan Update

Adopted in 2002, the existing General Plan has a time horizon to the year 2025. As part of this project, staff will extend the time horizon to the year 2035. This will include a refinement and update of existing policies and objectives, as well as incorporating ongoing land use and transportation studies, and other regional planning efforts. These efforts include, the Downtown specific plans, Activity Center/Corridor and Public Transportation Infrastructure Studies, etc., each of which strive to strategically focus land uses with increased residential densities (dwelling units per acre) and commercial intensities (employees per acre). These land use and transportation planning strategies project anticipated population and employment growth beyond the 2025, therefore, it is imperative that the planning horizon of the Fresno General Plan be extended through the year 2035.

Greening

A goal of this effort will be to adopt sustainability measures by applying innovative and cost effective green building and site development standards that achieve efficient use of energy, water and other limited or non-renewable resources. Such standards would be compatible with the achievement of affordable housing, economic development and employment growth objectives providing further support to the existing Fresno Green Strategies and practical solutions to achieve AB32 and SB375 State directed

reduction of green house gas and air pollution emissions.

Codes & Process Update

The existing zoning ordinance, adopted in 1960, is outdated, lacks design standards and does not reflect contemporary land use practices. As part of this process, staff will draft a code which unifies zoning, land division and other land use regulations, including a form-based component. This effort will also include drafting a code that is easy-to-use and consistent.

Strategic Growth Policy

Many Central Valley communities lack natural and political boundaries that constrain sprawl. Therefore, we need to formulate a coherent and balanced Strategic Growth Policy for the metropolitan area which establishes priorities and targets support for Downtown, infill, and significantly more intense development and redevelopment in appropriate transit-intensity activity centers and corridors. The Fresno market and economy of the foreseeable future cannot support unlimited greenfield development and these other target area priorities. A formal policy framework is needed which will consistently guide the balancing and phasing of greenfield development and annexation of unincorporated areas that might otherwise represent the unwise use of scarce water, energy and fiscal resources.

Form-Based Code

Areas of change and areas of stability will be identified throughout the city, in order to strategically guide new growth and development. A form-based code (FBC) approach will be applied to areas of change to focus public infrastructure investment decisions based upon sound transit economics and to build upon appropriate thresholds of residential and commercial mixes and densities. FBCs additionally provide updated and streamlined zoning practices by reducing project-by-project discretionary approvals and environmental review.

Environmental Impact Report

The General Plan Master Environmental Impact Report (MEIR) will be updated to account for changing conditions in, or consumption of, natural and man-made resources as affected by the projected growth in population and employment through the year 2035. Recertification of the MEIR is necessary to ensure consistency with new California Environmental Quality Act (CEQA) requirements, such as addressing the generation of climate changing (greenhouse gas) emissions, and to fully support the implementation of the new Fresno Green Development Code. Furthermore, the MEIR will support achievement of enhanced and strategically located centers and corridors, which will accommodate increased residential densities and commercial intensities as proposed by the General Plan Update.

Timelines & Costs

The Project is uniquely designed as part of Sustainable Fresno EECBG funding and timeline criteria to be completed by December 2011, to build upon and leverage the work of other plans and studies, and to produce strategic zoning changes in targeted areas that can encourage and expedite processing of desirable development. This Project design is anticipated to save the city millions of dollars over the next decade by avoiding the need for additional specific plans and EIR's in key targeted areas. The EECBG budget for this project is \$1.7 million over the 3 years of the grant. It is anticipated that some additional funding will be required of approximately \$1.5 million to \$2.0 million for some general plan components and EIR technical studies. Further funding will be sought through SB732-Prop 84 which targets planning efforts to implement AB32 and SB375.

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ACKNOWLEDGEMENTS

It is important to acknowledge here the key sources of funding and encouragement for this critically important Project. The significant scope of this effort would not be possible without direct funding from the U.S. Department of Energy (DOE) as part of its Energy Efficiency and Conservation Block Grant (EECBG) to the city which contains specific eligible activities for 'greening' and updating the city's development codes and plans to produce more energy efficient and sustainable practices, standards, and urban form. The current economic downturn has severely constrained resources and staffing for advanced planning and code update activities, and the EECBG is a welcome and sincerely appreciated opportunity for Fresno to adopt best practices, models, and desired results to innovate during the next economic upturn. Additionally, we are very grateful for the encouragement of Fresno's Mayor Ashley Swearengin and the City Council to initiate and complete this worthwhile project.

SECTION I: PURPOSE, GOALS, TRENDS & RESULTS

The purpose of the Fresno Green Development Code and General Plan Update Project (“Project”) is to reshape our city’s plans, policies, and codes into 21st century tools for guiding future development, revitalization, and the creation of competitive advantage for Fresno. The overarching goal of this work is to position Fresno as a top ranked city among all California cities for delivering sustainable high quality-of-life and for encouraging opportunities for business development, job creation, and economic growth. The Project directly builds upon and implements the goals the 2025 General Plan and the Fresno Green Strategy, and addresses a formidable array of major trends, resource challenges, and evolving legislative mandates.

The primary organizing principle proposed for combining sustainability with strong growth is to establish a new transit-oriented urban form for the Fresno metropolitan area anchored by a thriving region-serving Downtown core surrounded by revitalized and healthy neighborhoods and broadly attractive mixed use districts. When complete, the Project is intended to represent an exemplary version of a metropolitan-scale ‘Sustainable Community Strategy’ as is contemplated by California Senate Bill 375 for connecting land use, transportation, and housing into a system of development solutions for significantly reducing green house gases and contributing to the achievement of global climate stability.

As noted in the purpose statement, this Project builds upon the thoughtful array of goals and objectives presented by the 2025 General Plan, fully reassessing these aspirations adopted in 2002 in the context of recently enacted environmental laws, updated development code elements, and current and anticipated resource constraints, fiscal, and economic challenges. The Project focuses upon the effective implementation of affirmed and new General Plan goals and principles and a complementary and comprehensive development code.

The purpose statement above also translates into several technical Project goals based upon planning and environmental requirements that must generally accomplish the following:

- Update and extend the time horizon of the 2025 Fresno General Plan (GP) to the year 2035
- Update the Master Environmental Impact Report (MEIR) in accordance with the California Environmental Quality Act (CEQA)
- Comprehensively update the Building and Zoning Codes

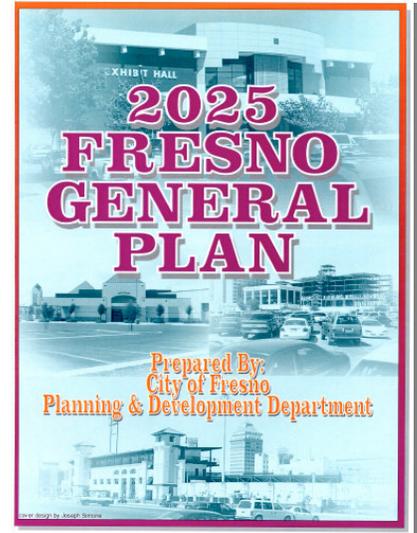
SECTION I-A: GOALS AND OBJECTIVES

The existing seventeen goals enumerated in the 2025 GP are largely indicative of the foresight our city leaders had, eventually building up to its adoption in 2002. These goals substantially cover much of this effort, providing a firm foundation to build upon and implement by developing specific sustainable policies and codes, influenced by our contemporary and developing regulatory and economic climate.

The “focal point” of the 2025 GP centers on the accommodation of growth within pre-defined urban boundaries through enhancing the city’s built environment with a focus on Downtown redevelopment. The seventeen goals are as follows:

1. Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic, and social issues.
2. Pursue coordinated regional planning with Fresno and Madera Counties and the City of Clovis.
3. Preserve and revitalize neighborhoods, the Downtown, and historical resources.

4. Promote a partnership among citizens, industry, and government which fosters well-planned and efficiently processed development.
5. Support the Growth Alternatives Alliance "Landscape of Choice-Principles and Strategies" as based upon the Ahwahnee Group Principles, both of which are included in the Appendix.
6. Coordinate land uses and circulation systems to promote a viable and integrated multi-modal transportation network.
7. Manage growth to balance Fresno's urban form while providing an adequate public service delivery system, which is fairly and equitably financed.
8. Provide opportunity for a variety of affordable housing throughout the Metropolitan Area.
9. Provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel.
10. Provide quality open space, park and recreational facilities and programs to support the projected population.
11. Protect, preserve, and enhance significant biological, archaeological, and paleontological resources and critical natural resources, including, but not limited to, air, water, agricultural soils, minerals, plants, and wildlife resources.
12. Develop urban design strategies to improve Fresno's visual image and enhance its form and function.
13. Plan for a healthy business and diversified employment environment, and provide adequate timely services to ensure that Fresno is competitive in the marketplace.
14. Protect and improve public health and safety.
15. Recognize, respect, and plan for Fresno's cultural, social, and ethnic diversity.
16. Work cooperatively with the local agricultural industry to conserve prime farmland and respect its importance as Fresno County's base economic resource.
17. Encourage fiscal and local agency planning policies that will assist in the annexation of unincorporated county islands within the City's Sphere of Influence.



Adding to the excellent platform of goals established by the 2025 General Plan, this Project will comprehensively overhaul and integrate the city's development related planning, policy, code and application processes is centered on the following principles:

- Developing and implementing specific green policies and mitigation measures to achieve energy and water efficiency, conservation and innovation
- Translating resource constraints and environmental quality goals into specific methods of economic growth, and positive educational and development opportunities
- Developing an urban land use framework with supportive systems that create competitive advantage for Fresno and promote long-term and sustainable job creation and economic development
- Incorporating a detailed Activity Center and Corridor Map to replace the existing Urban Form Components Map (Exhibit 6 of the 2025 GP)
- Extending the time horizon of the 2025 GP to the year 2035

- Coordinating with Moule & Polyzoides, a private planning consulting firm, as they develop the Downtown Specific Plan
- Coordinating with Calthorpe Associates, a private planning consulting firm, as they complete the Southeast Growth Area (SEGA) Specific plan
- Translating the vision of the updated General Plan into a Fresno Green Development Code that is comprehensive, up-to-date, easy-to-use; reorganizing existing Codes to make them consistent, concise and coherent
- Updating and consolidating land use and corresponding zoning designations
- Developing new fiscal impact and sustainability assessment models for more effective land use and infrastructure investment decisions
- Developing new methods of infrastructure financing and development phasing to reducing sprawl and to increase land use efficiency
- Formulating a strategic growth policy to appropriately phase development
- Amending the application entitlement approval process based on objective criteria that emerges from this general plan and development code update
- Amending the subdivision ordinance to encourage a variety housing options and walkable neighborhoods

SECTION I-B: PRE-CONDITIONS FOR SUCCESS OF AN UPDATED GENERAL PLAN AND DEVELOPMENT CODE

New and updated planning and development tools are necessary but not sufficient to accomplish the many goals listed above. There are a number of pre-conditions, understandings, and assumptions related to the success of an updated general plan and new development code that should be articulated, discussed and ultimately acknowledged as essential to the potential effectiveness of all aspects of this Project. The statements below attempt to capture some of the major contingencies that directly impact the efficacy of this work.

Section I-B.1: Green policies achieve energy and water efficiency, conservation and innovation - Fresno's future growth is contingent upon developing energy and water resource budgets through significant increases in efficiency, conservation and innovation – finding ways to translate resource constraints and environment quality goals into positive economic growth and development opportunities.

Section I-B.2: Community imagination, willpower, and persistence - Fresno has the imagination and will power to think highly about itself and its long-term future potential, and will establish new plans and policies, take strong actions, and be persistent toward achieving broad-based and sustainable health and prosperity for all residents.

Section I-B.3: Downtown and community revitalization - Downtown and community revitalization are linked imperatives for a healthy and prosperous metropolitan area and region. Downtown Fresno, the civic and cultural epicenter of the central valley, must provide even a greater array of services than what exists to solidify itself as a destination point. This includes providing entertainment options, live work units, and mixed use developments that incorporate sustainable measures, centered on a regional multi-modal system.

Section I-B.4: Regional and Metropolitan Wide Planning efforts - Presently being conducted by the city and Council of Fresno County Governments (COG), the Activity Center and Transit Corridor Study and Phase 2 of the Public Transportation Infrastructure/Bus Rapid Transit Study ("PTIS"), will provide a unique and particularly cost effective opportunity to utilize up-to-date information, analyses and computer assisted modeling tools to make long range planning decisions which consider development and market demand trends, economic and

demographic characteristics, travel tendencies and transportation preferences, and other factors which should be considered in projecting the allocation of land uses and their intensities. Moreover, the city also retained Moule & Polyzoides, to help draft a Specific Plan for Downtown and its surrounding neighborhoods while Calthorpe Associates is preparing the Southeast Growth Area (SEGA) Plan. The timing presents an opportune time to coordinate all efforts to leverage ongoing studies to maximize the results.

Section I-B.5: Source of financial wherewithal - The financial wherewithal for all aspects of Downtown and community revitalization, and broad-based sustainability of our city in general, is contingent upon having a diverse and growing metropolitan and regional scale economy that produces a self-reinforcing trend of significant new and cumulative investments of human talent and capital in multiplying and expanding entrepreneurial and corporate business enterprises that create well paying jobs.

Section I-B.6: New fiscal and sustainability impact models - The city's financial health depends upon finding ways to optimize utilization of land, resources, infrastructure, and community reinvestment. The city needs to find ways to better analyze the full range of fiscal impacts of land use decisions, and ways to ensure that sustainability initiatives accomplish resource protections while supporting fiscal benefits.

Section I-B.7: New metropolitan urban form - The land use and transportation system of the Fresno metropolitan area must change to a new urban form with a transit-orientation, complete neighborhoods, compelling design features, new development and resource management standards, and new infrastructure financing and development strategies that measurably create economic competitiveness, environmental sustainability, and an attractive city that will draw significant investments of human talent and capital and provide high quality-of-life opportunities for all residents of Fresno.

Section I-B.8: New methods of phasing and timing development - In order to maximize infill and reinvestment, a combination of incentives and land use controls is needed to ensure that Downtown, transportation corridor, and activity center development is enhanced in order to thwart sprawl and low-efficiency land uses in the city.

Section I-B.9: The Fresno Green Development Code and General Plan Update project - While very ambitious - can and will succeed at supporting the pre-conditions, understandings, and assumptions offered above, the goals they imply, and the Project's stated purpose, and will be accomplished with the resources anticipated to be available and within the time frames allocated.

SECTION I-C: MAJOR TRENDS A NEW CODE AND UPDATED GENERAL PLAN MUST ADDRESS

Section I-C-1: Respond to environmental quality and climate change legislation



There is a formidable array of major trends, resource challenges, and evolving legislative mandates this Project must address to achieve its stated goals. The discussion below begins the enumeration and articulation of these issues and how they relate to this Project.

Starting with the California Governor's Executive Order No. S-03-05 dealing with global warming (climate change), there have been an increasing number of regulations and mandates at the regional, state, and federal levels to reduce the generation of greenhouse gases (GHGs). These are emissions, carbon dioxide chief among them, which accumulate in the atmosphere and have the effect of trapping solar energy in a way that can de-stabilize global climate patterns. The largest human-caused sources of these emissions are related to combustion-powered machinery, vehicle engines and equipment used to generate power and heat.

Through the Governor's Executive Orders and further state actions, California assumed a leadership role in controlling adverse climate change by:

- Adoption of the comprehensive Global Warming Solutions Act of 2006 (often referred to as "Assembly Bill 32") in 2006 to reaffirm and provide additional regulatory detail supporting Executive Order No. S-03-05. AB 32 defined 1990 as the baseline year for GHG emissions; provided for Air Resources Board administration of a broad scale Climate Action Plan, incorporating incentives and regulatory controls, to achieve significant GHG emission reductions by key dates in the coming decade: at least a 28% decrease by Year 2020 and a 50% decrease by 2050.
- Senate Bill 375 recognized the link between GHG emissions and planning of land uses and transportation facilities. It tasks the California's regional metropolitan and transportation planning agencies (e.g., the Fresno COG) with achieving GHG reductions through their Regional Transportation Plan (RTPs) updates. SB 375 expands the RTP process from one primarily used to plan and fund major transportation facilities, into a tool which is intended to allocate land uses in a way that best reduces vehicle miles traveled and supports mass transit.
- State took early formal action to restrict GHG emissions from new vehicles to be sold in California, defending this limit in court despite an initial rejection by the U.S. Environmental Protection Agency (EPA) (this pre-emption has since been reversed by the U.S. EPA).
- Senate Bill 175 amended the California Environmental Quality Act (CEQA) to require assessment and mitigation of GHG emission when projects are considered.
- Water conservation legislation under consideration as of this writing will mandate a 20% decrease in per capita water consumption. For Fresno, the required reduction will be nearly 60 gallons/person/day.
- More recently, the Governor signed a follow-up Executive Order mandating that an increased percentage of state electricity be generated by renewable sources.

The regional San Joaquin Valley Air Pollution Control District originated its own Climate Change Action Plan earlier this year, proposing to establish a regional carbon exchange program (to facilitate local benefit of carbon offsets) and a formal guidance document for CEQA analysis (scheduled for adoption November 5, 2009).

A major economic stimulus program being administered by DOE involves grants to states and local jurisdictions for the purpose of increasing energy efficiency and thereby reducing GHG emissions by reducing the amount of fossil fuels used to generate power. The DOE recognizes that land use and transportation planning are major determinants of fossil fuel use throughout the nation, and has provided that its Sustainability grant can be used by local agencies to improve their plans and ordinances to reduce GHG emissions through reducing vehicle miles traveled, enhancing mass transportation, fostering recycling, water conservation, energy conservation and renewable sources of energy, and limiting urban sprawl to preserve greenfields.

The City's Sustainability program, approved and funded by DOE, includes dedicated staff to "green" the city's plans and codes.

Section I-C-2: Address depleting energy and limited water resources

All analyses of the future of fossil fuels point to a scenario of decreased availability and increasing costs over the coming decades. Some experts say that petroleum-based fuels will begin their ultimate depletion cycle within the next 10 to 20 years, and most analysts concede that these fuels will become generally unavailable for vehicular travel, power generation, and home heating within the next 100 years. For a city that is already into its second century of existence, this is a visible horizon for energy planning that needs to be addressed in current land use planning so that Fresno can grow and develop now in a way that will provide for its future viability.



While a variety of non-petroleum fueled power plants have been proposed to meet future needs of our region, all have proven controversial and difficult to site. Most natural gas is currently derived from petroleum fields; it is not yet available from recycling and biogenerating operations in sufficient quantity to provide electricity or to supply utility pipelines on a metropolitan scale. Fuel handling for coal, biowaste, and nuclear power plants have implications for air pollution and other health issues (including noise). Although the public concedes that additional electrical power may be needed, power plants are not welcomed into metropolitan neighborhoods.

Hydroelectric power is proposed as one potential alternative energy solution, but has its own limitations and potential adverse impacts. Expanding this energy source requires major power transmission lines to be constructed from mountainous areas (where most of this power is generated but very little would be consumed) to urbanized areas; nobody seems to welcome new high-tension lines running through their neighborhoods. More importantly, one of the perils of global climate change is a potentially drastic reduction in Sierra snowpack. This will adversely effect hydropower generation as a solution to our energy limitations.

Fresno has excellent prospects for achieving reductions in current and future power demand through energy efficiency and conservation measures, and through use of photovoltaic (solar) installations to replace petroleum as a source of electricity and thermal energy. These solutions are primarily envisioned as being applicable to building and utility energy needs.



Replacing petroleum required for transportation will involve some technological innovations, but will primarily require that the city find ways to reduce the overall number of vehicle miles traveled. This requires that Fresno institute changes in its land use patterns to increase density and establish cost-effective mass transportation corridors.

As noted above, California's water supply is facing constraints from global climate change, which will exacerbate the overall water supply/demand crisis that was already envisioned to occur simply from population and economic growth in the state. Fresno's recently-approved Urban Water Management Plan makes it clear that the city needs to implement firm measures to reduce water consumption simply to meet the population envisioned in 2025 Fresno GP. Foreseeing that population growth will not stop in Year 2025, Fresno faces the need to initiate a new round of urban and water planning that will serve population increases of future decades.

Section I-C-3: Seek a new urban form to address resource issues

Fresno's growth pattern, largely classified as fringe development, has proven to be highly inefficient and costly for the public and the city. It is widely acknowledged that suburban type development patterns cost more given that they require more vehicle miles traveled, are more expensive to maintain due to more extensive public infrastructure systems, and use more finite resources in comparison to compact development, such as mixed use, as suggested by the GP and ongoing studies. As part of this Project, staff will propose that the city comprehensively update its codes to encourage, and in some areas require, compact development with uses in close proximity of one another that encourage active modes of transportation, such as walking to help minimize

our dependence on automobiles. Other benefits include reducing the premature conversion of agricultural land to urban uses, efficient use of land, reducing water use, primarily from a reduction of watering private lawns, optimizing passive heating and cooling opportunities through building placement and orientation and simply reducing energy costs such as reducing street lights given that less would be required.

Section I-C-4: Connect studies that are underway

The city is heavily relying on studies being conducted by consultants to identify intensity corridors which will be incorporated into the GP update. Two of the ongoing studies, the Activity Center and Transit Corridor Study and Phase 2 of the Public Transportation Infrastructure/Bus Rapid Transit Study (“PTIS”), will further help the city refine the location and intensity of the activity centers which can then be translated into the code update.

Fresno has been an active participant in the San Joaquin Valley Blueprint process, the Freeway Interchange Deficiency and Regional Transportation Mitigation Fee Studies, in addition, the city is presently preparing a Bicycle, Pedestrian and Trails Master Plan that will update these components of the 2025 Fresno General Plan by identifying a more complete system for non-motorized travel.

Implementation measures and priorities for bicycle, pedestrian and trail facilities will be identified that the city can employ to help realize the benefits of integrated land use and transportation relationships resulting in a strong patronage of an effective and attractive public transportation system.

Recently, the city retained Moule & Polyzoides, a highly recognized and reputable planning firm, to help draft a Specific Plan for Downtown and its surrounding neighborhoods. In 2007 the city hired Calthorpe Associates to assist in drafting the Southeast Growth Area (SEGA) Plan. All of the teams will need to coordinate to ensure that efforts are not duplicated or contradictory. Although the three of the teams are focusing on different geographies, the city would benefit from consistent language, approaches, understanding what each is doing, constraints, etc. In short, by participating in these studies, the city can minimize its costs for future studies while also leveraging each others efforts.

Ongoing Studies

- Downtown & surrounding neighborhoods Specific Plan (Moule & Polyzoides)
- Southeast Growth Area (Calthorpe Associates)
- Public Transportation/Bus Rapid Transit Study (Kimley & Horn)
- Activity Center & Transit Corridor Study (VRPA/Architecture + Design)
- San Joaquin Valley Blueprint



Section I-C-5: Increase Equitable Housing Options

One of the longstanding problems for housing in Fresno has been a dichotomy between the types of homes built, and the housing needs of the population. For nearly seventy years, the most common type of dwelling unit constructed in Fresno has been a detached single-family house with lots at approximately 6,000 square feet in size or greater. This practice does not adequately accommodate the people who live in Fresno, who require multiple family, condominiums, townhouses, mother-in-law, and mixed use units and will be even less suitable in the future.

As the Census Bureau’s recently-released (2008)-American Community Survey (ACS) data show, the proportions of single adults and seniors in Fresno’s population has been increasing over the past 50 years. These proportions are projected to increase further in coming decades. Trends show that as the population ages, they prefer alternative

housing options to the conventional single family home with private yards.

The city's 2008 Housing Element concluded that 31 percent of city households were in need of housing assistance. In addition to insufficient available numbers of dwelling units to serve this constituency, the Housing Element noted that nearly 12 percent of Fresno's existing housing stock was in need of rehabilitation—a likely consequence, given that some 14 percent of housing units existing as of 2008 were determined to have overcrowded conditions which lead to additional wear and tear on individual homes, neighborhood institutions, and utility facilities

Housing Facts (2008)

- 31% of households were in need of housing assistance
- 12% of homes need rehabilitation
- 14% were considered overcrowded

That Housing Element was predicated on demographic information collected prior to 2007. Since 2007, economic conditions have deteriorated significantly, exacerbating Fresno's already high level of need. Analysts who reviewed the 2008 survey results concluded that a decade of nationwide prosperity gains had been wiped out in the recent downturn.

The San Joaquin Valley has been injured by this Downtown worse than the rest of the state, with local economic effects nearly twice as severe as those occurring statewide. Fresno County's poverty levels worsened significantly. Between 2007 and 2008, County median household income declined nearly 12%. While California's median household income was over \$61,000 in 2008, Fresno County median household income stood at only \$48,558 (having declined from \$55,058 in a single year). In 2008, the City's median household income was even lower: \$40,134.

As was reported in the *Fresno Bee*, over 22% of Fresno County residents and 17.3% of County families now live in poverty (*i.e.*, have less than \$10,991 of income for single-persons, or less than \$22,025 income to support a family of four), markedly higher than the statewide poverty figures of 13.3% of all residents and 10% of all families. What was not reported were the 2008 ACS Survey results for the city: 25.5% of all residents, and over 20% of families, were found to be living below poverty level.

	Measures of Hardship		
	California	Fresno County	City of Fresno
Median household income	\$60,021	\$48,558	\$40,134
Families below poverty level	10%	17.3%	20.2%
Individuals below poverty level	13.3%	22.3%	25.5%

data source: 2008 ACS Survey

The job market has been severely affected, in large part, due to losses in the construction sector (which has folded tributary to the mortgage lending crisis). In 1997, Fresno County unemployment stood at 13.6 percent, near its long-term average. Through the ensuing decade, which saw the height of the real estate and construction boom, local unemployment had steadily decreased until it reached 8.1 percent in 2006.

Again, Fresno County fared worse than the statewide economy. California sustained unemployment rates of only 6.4 percent in 1997, and reached a nadir of unemployment (4.9%) in 2006. The Economic Policy Institute in Washington, DC noted that unemployment rates have doubled since the 2008 ACS data were collected (the ACS survey found only 4.9% of Californians unemployed in 2008, a figure which has since more than doubled statewide, and recently reached 15.2% in Fresno County, according to one estimate.

The Economic Policy Institute anticipates worsening poverty and unemployment levels will be revealed by the 2010 Census, which would translate to a corresponding local economic crisis on a par with that created by the citrus freeze disaster of December, 1990. However, unlike that single-industry wipeout, the current crisis is rooted in a number of causes and is affecting communities throughout the nation and jobs in all domestic industries across the board. These economic statistics translate to tangible problems that our citizens face in their daily lives: how to pay basic expenses and how to find shelter.

Unemployment, then and now

Annual figures, 1997

California: 6.4% unemployment rate
Fresno County: 13.6% unemployment rate

Annual figures, 2006

California: 4.9% unemployment rate
Fresno County: 8.1% unemployment rate

September, 2009

California: 12.2% unemployment rate
Fresno County: 14.1% unemployment

Fresno has never constructed sufficient high-density affordable housing for the lower income segments of its population, despite subsidies, incentives and a series of Housing Elements and Consolidated Plans. The 2008 Housing Element concluded that, by June of 2013, our local market area would require construction of nearly 21,000 total dwelling units (averaging over 3,200 per year) for households of all income levels, just to address current unmet housing needs and keep pace with population growth. At the peak of the building boom (FY06), the city was able to exceed this goal (2,890 single-family construction permits were issued, along with permits for 1,032 multi-family units ranging from duplexes through apartments), although these permits were issued predominately for market rate housing.

Effects of the nationwide “housing bust” have been particularly acute in the Central Valley. Collapse of the residential lending market has adversely impacted construction of all housing categories. Sources of public housing funds have been constrained as well. With the “mortgage crisis” comes an incipient local housing crisis: in the most recent fiscal year (FY09), Fresno issued 1,018 permits and permits for single family home construction and permits for only 164 multi-family units.

It should be noted that the above permit issuance figures represent predominantly “market rate” units. Construction of units affordable to lower-income households comprised only a small component of total housing construction, due to lack of funding sources. However, the 2008 Housing Element mandates that over 8,500 (over 40%) of the total dwelling units required to be constructed by 2013 are supposed to be priced to accommodate lower-income households.

Housing Facts

- Only 44 acres have been identified as shovel ready for multi-family development
- The City has committed to redesignating 700 acres to the high density land use designation

When development potential for affordable housing projects was inventoried in 2008, only 44 acres of land was found to exist in the city that was “construction-ready:” available (vacant), appropriately planned, zoned, and provided with water and sewer service to allow construction of higher-density housing. Development of those 44 acres would have accounted for only 310 dwelling units, less than half of even a single year’s average affordable housing unit construction requirement under the 2008 Housing Element.

To respond to Fresno’s very high level of need for affordable housing, the 2008 Housing Element obligated the city to commit to far-reaching measures in order to increase affordable housing stock through major land use and zoning changes. City-wide, some 700 acres (over one square mile) of vacant land planned for residential uses needs to be re-designated for higher densities. This would command 4% of the city’s inventory of vacant planned residential land lying within the Sphere of Influence. Additionally, this land would need to have adequate public services (water, sewer utilities, etc.) and would need to be zoned and have multi-family entitlements facilitated as

follows:

- 500 acres needs to be pre-zoned to provide for a minimum of 20 units per acre (R-2 and R-3 zoning)
- 200 acres needs to be pre-zoned to provide for a minimum of 38 units per acre (R-3 and R-4 zoning)
- Construction of high density housing at these minimum densities needs to be guaranteed through creation of by-right development opportunities (no conditional use permit required). This provision was mandated because many affordable housing proposals fail to survive neighborhood opposition.

The current dearth of development activity means that Fresno risks failing badly in performance of Housing Element implementation. The compliance and program funding implications for the city as an institution pale in comparison to the real and tragic consequences for families and individuals who simply cannot find a decent place to live in this town.



Fundamental and rapid change in Fresno’s planning and zoning policies is, therefore, called for in order to bring the numbers and types of dwelling units constructed into sync with the current and future needs of Fresno’s citizens. Since residential lending has been constrained and may remain a tighter market in the foreseeable future, the efficiency of home construction needs to be increased, to best leverage available private and public investment.



Section I-C-6: Foster new economic development

Given the pressing need to improve conditions for its residents, and as the “regional capitol” of the Valley, Fresno needs to assume leadership in re-establishing economic gains.

As noted above, the downturn in construction and other economic sectors since 2007 have caused local unemployment rates of some 15 percent. Unemployment figures do not capture the significant proportion of adults who are not receiving unemployment checks, but who are on public assistance. The 2007 Fresno County Employment Study (done by the Workforce Investment Board) anticipated that only some 13,605 new jobs would be created in major County economic sectors through 2011. The Employment Study projected that 8,000 new jobs would be created 2009 (a figure which would not even employ a majority of this year’s Fresno County high school graduates), but the Study could not have predicted the loss of major area employers and West Side agricultural water supplies. While Fresno’s Workforce Investment Board has made progress toward matching education and training programs with employer needs, the numbers of residents needing jobs exceeds the positions available, and greatly exceeds the number of positions offering sufficient compensation for households to be economically successful.



The Fresno Economic Development Corporation and local jurisdictions have worked diligently to recruit new

industries and major employers into the area. Natural resource and infrastructure constraints have thwarted many of these efforts. Therefore, one of the planning goals for Sustainable Fresno is to reduce resource problems such as air pollution and limits on potable water supply, and to ensure that infrastructure and transportation capacity will exist to allow businesses to cost-effectively locate and expand here.

A move toward higher density housing and increased mass transit would support households economically by reducing their expenses, freeing up time and money that could be invested in education. A better prepared population of workers would, in turn, attract more employers to Fresno and foster true economic diversity.

Mixed use neighborhoods oriented to mass transit corridors would form an ideal “incubator” environment for startup and small businesses. Nationwide, small business is estimated to provide 70 percent of all jobs, so Fresno cannot afford to neglect this level of economic activity. With effective mixed use neighborhoods, entrepreneurs would have the opportunity to negotiate with a variety of landlords to find office, retail, and light industrial workspaces. Provision of a range of housing types close to workspaces obviates the need for daily auto commutes that drain time and money (resources that could otherwise be devoted to building small businesses). By living in the same neighborhoods where they are offering goods and services, business owners would have continuous input to their clients’ needs and preferences. Their businesses would have a built-in customer base. The diversity of housing types in the corridor would ensure availability of workers with a variety of skills and salary expectations.



Another anticipated benefit of sustainability is a boost in the “green economy” that would ensue from adopting new energy and water efficiency provisions of Fresno’s codes. More construction and technical workers will be required to complete retrofits and alternative energy installations on existing and new building sites. Unlike new construction, which is expected to be impacted by mortgage lending industry problems for some time in the future, there are available funding mechanisms for this economic sector right now. Specific Federal and state tax credits make it attractive and cost-effective for businesses and homeowners to install alternative energy equipment. The Sustainable Fresno initiative is also evaluating ways to leverage local, state, and federal funding to provide a revolving loan program that would furnish seed money for broad-based retrofit programs in the city.

Section I-C-7: Analyze fiscal impacts

Simply stated, lower density development has required installation of excess roadway, sidewalk, and pipelines per capita or per dwelling unit, without providing sufficient revenues to repair and eventually replace these facilities when they wear out.

Fresno has to find a way to revitalize older neighborhoods and increase public revenue and private reinvestment in its facilities.

Existing Roadways

- 1,600 miles of existing pavement
- 20 linear feet per resident
- 400 miles of roadway are major streets
- \$13 million to maintain annually

Annual per capita water consumption

- Fresno: 300± gallons per day
- Clovis: 240± gallons per day
- Los Angeles: 150± gallons per day
- Oakland: 110± gallons per day

Since development and public facility decisions start with the GP, Fresno needs to concentrate on policies that would achieve these goals in its updated plan.

While the “no neighborhood left behind” program, Code Enforcement, and Redevelopment Plans address some blighted areas, Fresno’s needs for repair and rehabilitation of public and

private facilities increases with each passing decade. A vast extent of water, sewer, and street infrastructure was constructed in the second half of the 20th century, and that infrastructure is approaching the end of its estimated useful life.

The city is already experiencing difficulty with financing replacement and major rehabilitation of these facilities. The city's bonding capacity is finite; assessment districts have not fared well in the polls; and leveraging opportunities are increasingly constrained. It seems clear that general property tax and utility revenues need to be enhanced in older areas through fostering new construction and optimizing land utilization. Infill development, increased densities, and a greater mix of commercial and residential uses will revitalize older neighborhoods. Increasing the number of city utility customers will provide additional revenue and will elevate the overall tax base, and making it more cost-effective to improve infrastructure. When this development is designed to conserve water and reduce vehicle miles traveled, the additional increment of density should not overburden utilities and streets.

Household Water Consumption

- Single Family Large Lot: 800 gal/day
- Single Family Small Lot: 360

Fresno's recent impact fee studies have been oriented toward single-factor construction costs for utilities, parks, fire stations, and so forth. Utility rate studies have, similarly, focused on average service operations and replacing a fixed amount of deteriorated infrastructure per year. However, there is a need to better address public facility life cycle costs: to provide adequate funding for future maintenance of newly installed infrastructure; and to meet the maintenance and replacement needs for aging infrastructure,



As Council was recently informed by the Public Works Department, the city has some 1,600 miles of existing pavements (which calculates to approximately 20 linear feet per resident). In order to maintain the existing street system in an acceptable condition, the annual expense would be some \$13 million (with future adjustments for inflation and construction cost index). Available funding programs will not adequately meet these street maintenance costs (source: Public Works Dept.).



Recent assessments of city utilities have also revealed problems related to declining water well production, aging and under-capacity sewer trunks, and water mains that cannot accommodate the flows now needed to support planned development. Incrementally replacing and upgrading these facilities for individual projects is not an acceptable solution, because any segments of water and sewer utilities that are substandard can lead to failures. A more comprehensive approach is underway to support the Downtown area's proposed development, but similar efforts are needed throughout the city wherever activity centers and transit corridors are proposed.

Through the GP Update, Public Works and Public Utilities will be asked to evaluate alternative strategies for city growth (e.g., intensified and transit-oriented areas, vs. the historic dispersed and automobile-dependant pattern). One expected outcome will be analytic tools that will be capable of evaluating development impacts more thoroughly than simply determining the cost for 'X' miles of new pipes and pavement. The update will seek out infrastructure analysis tools capable of determining and comparing costs and benefits of various sustainability measures by including longer-range assessment of infrastructure cost and a wider range of city and county services.

SECTION I-D: IMPROVING THE CURRENT CODES

The organization of Fresno's Zoning Ordinance is currently cumbersome and difficult to follow--on paper or online. Its information is virtually hidden in repetitive cross-references and obscure isolated sections that lack references to other pertinent sections. Its language is convoluted and hard to follow even for legal professionals.

Streamlining the Permitting Process

- Public participation occurs during the drafting of the plan and reduced during individual plan review
- Reduce the number of discretionary permits (i.e., CUPs & Variances) to more by right uses
- Update land uses
- Reduce the need for Planned Developments
- Provide design standards to eliminate lengthy negotiations
- Simplify the entitlement amendment process

When new industries are created, the process to add them to the Code as allowable uses is unnecessarily cumbersome and can take months if not years. The Code does not address aesthetics or design in any way.

A national survey of contemporary zoning and development codes in the U.S. reveals a refreshing move toward utilization of clear, succinct tables and graphics to delineate development standards and to illustrate definitions and concepts. These codes utilize newer, streamlined approaches to evaluating and approving development applications and maintaining a good-quality urban environment. Streamlined approaches commonly rely less on discretionary permits, such as Conditional Use Permit, Variances, and Planned Developments which can be time consuming for staff, expensive for applicants, and unpredictable, to more by right uses, with a shift on focus to design rather than specific use. However communities that have more streamlined approaches typically rely on Design Review Committees to ensure compatibility with the neighborhood while de-emphasizing use. Consequently discretionary review and public noticing requirements may be reduced however there is extensive public outreach during the

drafting of the plan. Thus, the plan is well vetted on the front end while individual projects are simply reviewed for consistency with the adopted plan and are not noticed.

Staff will also identify properties that may benefit from being rezoned consistent with the land use designation. Potential benefits include reducing entitlement processing times for applicants while also helping encourage growth to desired areas.

SECTION I-E: DESIRED RESULTS

As noted in the subsection above, Fresno's nearly 50 year-old zoning code is not up to the tasks suggested above given that it suffers from a half century of incremental changes that have made it unduly complicated and cumbersome. Furthermore, its provisions do not easily and coherently allow for achieving new goals for the desirable development and sustainability of Fresno. In short, the code lacks the following:

- Comprehensive energy and water efficiency, conservation, innovation, and other critical standards to ensure environmental and resource sustainability
- An effective tool for implementing a new urban form with compelling design features or for achieving the geographic organization Fresno needs to prevent sprawl and be a highly competitive and high quality-of-life city.
- Does not specifically encourage new economic development concepts, revitalization, infill, compact, or transit-oriented projects that are efficient, attractive, and fiscally sustainable

The current code is not like many state-of-the-art zoning codes in the U.S. which are consolidated and integrated with other land development policies and regulations (subdivision, building, urban design, historic preservation, green, etc) into comprehensive development codes, made fully web accessible and user-friendly, and represent

and designed to coherent, streamlined, and easy-to-use tools for planning and development by the public and private sectors.

The purpose of the GP Update is to extend the principles and time horizon of the Fresno 2025 GP to the year 2035 and establish a revised goal and policy framework that promotes and sustains a vibrant Downtown and revitalized neighborhoods connected within a functional metropolitan scale network of transit-intensity activity centers, and corridors. The concurrent GP Update process would assess and formally designate the appropriate locations for new and revised zone districts and the application of new design and development standards formulated in the proposed FGDC.

SECTION I-F: SYNERGY FROM COMBINING GREEN PROGRAMS, PLANS, POLICIES, CODES, PERMIT PROCESSES AND PUBLIC INVESTMENT PRIORITIES TO CREATE SUSTAINABILITY, COMPETITIVE ADVANTAGE AND STRONG ECONOMIC GROWTH

The green resource programs and comprehensive urban plan and policy combination being designed and woven together in Fresno by this Project – when augmented by priorities for public infrastructure and other investments in key target areas, city initiated pre-zoning and pre-entitlement actions, and coordinated streamlined permitting processes - suggest tremendous potential for creating competitive advantage for Fresno with new and expanded business development, job creation, and overall economic growth opportunities.

- Effective energy and water efficiency, conservation, and innovation programs will positively address the scale of resource constraints and environmental quality issues facing the built environment. These programs will not only directly produce new jobs via metro-scale building and development site retrofit activity designed to reduce resource demand, use, and costs – but also create significant new energy and water resource budgets which can support future growth (that would not otherwise be available to Fresno) from the net cumulative resource savings achieved.
- New green strategies and standards for revising and updating city plans, policies, and development codes when applied to new development in green field, infill, and revitalization areas will accomplish more prudent and sustainable buildings and land uses in all new development – and make Fresno an attractive center for green ideas, practices and results that encourage even more innovation, investment and clusters of new green entrepreneurs and enterprises based here to serve existing and new development.
- Strategic public infrastructure investment priorities targeted to promote Downtown, community revitalization, infill, and significantly more intense development and redevelopment in appropriate transit-intensity activity centers and along selected bus rapid transit corridors, make these geographic areas very cost competitive and attractive for private investment and development.
- New comprehensive, clear, coordinated and easy-to-use plans, policies, codes and streamlined permitting, plus city initiated rezoning to create general plan conformance, plus Master EIR efficiencies– reduce time frames for entitlement and encourage a broader audience of investors, developers and builders to look at Fresno.
- When these green programs, plans, policies, codes, zoning, streamlined environmental and permit processes, and public investment priorities combine to produce the desired private investments that in turn create local examples of desirable, new, exciting, efficient, and sustainable urban forms connected by a convenient rapid transit system – we will have something aesthetically, physically and spatially coherent and competitive for attracting even more creative economy workers, entrepreneurs, investors and developers who are now seeking these types of urban environments and experiences elsewhere.
- When we have succeeded at producing new Fresno urban environments that are widely praised as aesthetically, physically and spatially coherent, competitive, and attractive, we can become a positive and productive model for sustainability and growth for our children and others.

Scope of Work

- If Fresno offers a nearly complete urban sustainability and growth model, it will have regional implications for replication by other jurisdictions throughout the Valley, and hopefully spur the self-reinforcing and virtuous cycles of innovation for even more sustainable development at the regional level we and all future generations must achieve in order to continue to live, work, invest and prosper here.

SECTION II: ORGANIZING PRINCIPLES

SECTION II-A: ADVANCING 2025 GP GOALS BY UPDATING URBAN FORM COMPONENT AND RELATED POLICIES

As noted above, the 2025 Fresno GP contained 17 over-arching goal statements. The GP update and Zoning/Building Code revisions are needed to accelerate implementation of the GP goals by:

- Enhancing protection of health and safety by better addressing global climate change
- Facilitating well-planned development that increases affordable housing and ensures development of intensified mixed uses in planned activity centers and transit corridors
- Creating more opportunities for a healthy business environment and diversified employment opportunities
- Manage growth to balance Fresno's urban form in a manner that will promote the revitalization of Downtown and surrounding neighborhoods and coordinate land use intensification which will support a viable and integrated multi-modal transportation network
- Further conserving and protecting natural and cultural resources
- Ensuring functional, coordinated, and fiscally sound infrastructure and public service networks to accommodate the city's growing population
- Improving the city's visual image
- More efficiently processing development applications

All these efforts are intended to support the No. 1 General Plan goal of enhancing the quality of life for the citizens of Fresno.

SECTION II-B: BALANCING OBJECTIVES

There seem to be natural opposing forces or nearly universal polarities that must be astutely managed (and not chosen between) for a successful plan and code project. The balancing objectives we have identified that will help us manage these both/and opportunities versus defaulting to either/or consequences are:

- Environment/Economy: Green and SMART enough to achieve environmental sustainability goals and a new urban form and support a robust economy;
- Form/Function: Design focused enough to emphasize the productive aspects of form-based design coding and retain the essential strengths of traditional use-based zoning and land development codes;
- Simple/Technical: Elegant, user-friendly, and comprehensible enough to be a practical and helpful tool for residents, businesses, agencies, code administrators, and policy makers and meet the technical requirements of real estate, finance, planning, design, engineering, construction and development professionals;
- Macro/Micro: Comprehensive and coherent enough to be metropolitan in scope as a standalone development code that promotes widespread health, safety, appropriate continuity and creativity and represent the supporting code platform necessary for new, innovative, unique and geographically focused specific plans, overlay and zone districts, and related policy frameworks adopted for activity centers, intensity corridors, and other sub-metropolitan focus areas targeted for new development and revitalization;



- Local/Global: Developed with extensive local public, professional, and technical advisory committee input enough to have a broad-base of local ownership, oversight, and ongoing support and be well informed and influenced by global-national-state best practices and models that push Fresno to be state-of-the-art, globally oriented and innovative; and
- Short-Term/Long-Term: Reviewed, evaluated, and updated enough to remain balanced, relevant, and of high utility to all users and continue to be a reliable guide for achieving community development investment, integrity and resilience.

SECTION II-C: IMPLEMENTING GREEN CODES

Increasingly, communities nationwide have come to accept that good development should be “sustainable.” Sustainability involves the ability of a community to meet the needs of its present population, while ensuring that future generations have the same or better opportunities. There are increasing concerns that we are using resources at a faster rate than we are replenishing them and are creating communities that are not sustainable.

The Council recently adopted sustainability policy as part of Fresno Green strategies. These strategies will serve as a platform for implementation and further development of a green sustainable element in the new FGDC. The city also has a voluntary Fresno Green building rating system standard that needs to be reevaluated in light of current and upcoming state code requirements, other accepted green point rating standards, benchmark city evaluations and possible incorporation into the FGDC.

There are also State initiatives that necessitate broader implementation of the Fresno Green strategies and the Fresno Green building rating system standard. They mandate that public and City operations continue to optimize conservation. They also require private development to participate in far-reaching conservation and sustainability efforts. These requirements need to be translated into local building and development ordinances, policies, standards, and incentive programs, and that local land use agencies perform detailed tracking and analysis of progress toward reducing GHGs.

The FGDC would require environmentally sensitive development by promoting sustainability in the following areas:

- Land use and community design with efficient and low-impact transportation systems
- Energy conservation through efficiency, energy recovery, and alternative/renewable sources
- Water conservation through efficiency and recycling
- Waste reduction and recycling
- Green Building practices
- Natural resource preservation

All with a common objective of improving environmental health, encouraging economic development and advancing Fresno as a sustainable city.

SECTION II-D: IMPROVING COORDINATION OF GENERAL PLAN IMPLEMENTATION THROUGH STREAMLINED CEQA REVIEW

The California Environmental Quality Act (CEQA) requires that all local government agency actions which may result in a change to the physical environment have a thorough analysis of what potential impacts may occur, and to attempt to prevent or reduce adverse impacts to the environment. Even actions undertaken to improve the environment must be examined for potential adverse effects. The intent of this proposal to make sustainability-based modifications in the GP and the FGDC update is, therefore, subject to the requirements of CEQA, even

though it seeks to reduce the adverse environmental effects associated with growth by instituting energy and water efficiency measures, reducing vehicular travel, and curtailing sprawl. For the reasons set forth below, the CEQA review required for the GP and Development Code updates affords the city to utilize this analysis to streamline future environmental review of development projects that are consistent with the updated GP.

What's CEQA?

- Adopted in 1972, the California Environmental Quality Act, commonly referred to as CEQA, mandates that local jurisdictions consider environmental impacts prior to taking action on proposed projects

Based upon current CEQA regulations and case law, the preparation of a programmatic or master environmental impact report (EIR) to analyze the potential environmental impacts associated with implementation of the updated GP and Development Code would provide the best avenue for achieving the goals of streamlining subsequent project reviews while providing for an effective universal mitigation strategy to avoid, minimize, and/or rectify potential adverse environmental impacts. This is because subsequent development projects that are appropriately identified in the GP may rely upon the environmental

analysis contained in the EIR. This accelerates the environmental review process for specific projects as the project specific environmental review need only analyze those potential environmental effects associated with the project that were not identified and analyzed in the EIR. Therefore, the EIR approach should reduce the cost and time needed to provide environmental analysis for most individual development projects that are consistent with and implement the GP.

The preparation of this EIR is expected to yield mitigation programs that can reduce analytic and mitigation burdens on individual projects by providing fair and effective methods to reduce and offset impacts associated with development this is important because state and regional mandates require that development projects be examined with regard to their success in reducing greenhouse gas and air pollutant emissions, and in achieving water conservation.

In addition, the preparation of this EIR provides an excellent opportunity to evaluate these (and other) impacts, in a city-wide and regional context, and to establish broad-based programs that address potentially adverse impacts and consistently apply pre-determined mitigation measures to individual projects.

Increasingly, environmental goals and impact thresholds are determined by state, regional, and federal regulatory agencies. Some of these goals will be met through the sustainable planning and coding effort itself, but the EIR will need to quantify and verify that these goals will actually be met. For instance, the intention of the San Joaquin Valley Air Pollution Control District (SJVAPCD) is to address global climate change through a performance-based evaluation of whether projects conform to adopted overall GHG reduction strategies. Therefore, the CEQA analysis of the updated GP and Code will need to demonstrate its achievement of GHG reductions.

In addition to examining performance of the updated GP and Development Code with regard to achieving environmental goals set by other responsible and trustee agencies, the EIR will need to examine and appropriately address impacts to the city's own services and infrastructure.

Technical requirements for traffic, air quality, greenhouse gas, and water analyses will require specialized expertise from outside consultants to help complete the environmental documentation and to ensure that mitigation measures actually achieve intended reductions in environmental impacts. The result of technical analysis and mitigation programs should be an EIR that accurately assesses potential impacts of the GP and Code update and achieves the maximum feasible reduction in potential adverse impacts.

The attached Detailed Scope of Work and Timeline offers the possibility that the Development Code update (or one or more components of the Code update) may be analyzed using an Initial Study process for CEQA compliance, which could result in a finding of Mitigated Negative Declaration, based on considerable broad policy direction for sustainability is already contained in written policies of the 2025 Fresno GP. However, the determination of whether the Development Code Update would require an EIR would only be made after completion of the Initial Study.

SECTION II-E: ORGANIZATION AND FORMAT TO ENSURE USER-FRIENDLINESS

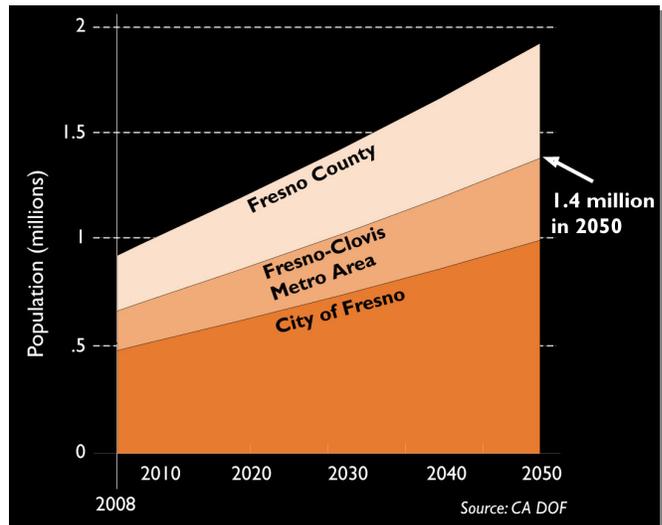
The existing Fresno Municipal Code (FMC) is not alone in being the subject of decades of criticism for being convoluted and fragmented. Since the code's adoption in 1960 (based on 1927 nationwide Model Zoning Ordinance from the Department of Commerce), there have been numerous amendments, director classifications and variety packs that have often resulted in less consistency, further degrading the document's logical and efficient cohesiveness. The goal is to draft a user-friendly tool in an effort to improve the organized structure, appearance and overall readability of a more comprehensive development code.

SECTION III: KEY TASKS

SECTION III-A: UPDATING THE GENERAL PLAN

Section III-A-1: Extending the time horizon of the General Plan

Fresno's metropolitan population was approximately 415,000 when the 2025 Fresno GP was adopted; currently it is estimated at just fewer than 496,000. Our census is projected to reach nearly 700,000 people in the year 2025; 800,000 people by 2035; and approximately one million by the year 2050. To accommodate the projected population, promote economic activities necessary to provide adequate employment, manage critical resources such as energy and water supply, and reduce deleterious effects upon our environment such as poor air quality and adverse climate conditions it is imperative that the 2025 Fresno GP's strategies be comprehensively updated and enhanced.



Planning and research efforts are presently being conducted to identify the intensity, location and relationship of land uses appropriate to support a high quality and attractive public transportation system. This system must have the capacity and amenities necessary to attract users who would otherwise chose to travel in a single occupant vehicle. Development of such a transit system, together with well connected and integrated multiple-use neighborhoods, will facilitate patterns of daily living that are anticipated to be more efficient, productive and appealing to the diverse population prerequisite to a sustainable and economically vibrant community. This land use and transportation planning approach integrates strategic planning for the location of transit oriented land uses with strategic planning for the provision of transportation and public utility infrastructure. The linkage of these land use and transportation strategies necessitates extending the city's long range planning horizon to at least the year 2035. Although this commitment to a sustainable, integrated and transportation oriented urban configuration would be expected to establish the basis of the metropolitan urban form extending through the horizon year of 2050.

Need to Update the GP

- Incorporate contemporary sustainable measures
- Accommodate Population growth
- Implement Activity Center/PTIS study results
- Regional Planning efforts
- SEGA
- Changes in state law
- Infrastructure Planning

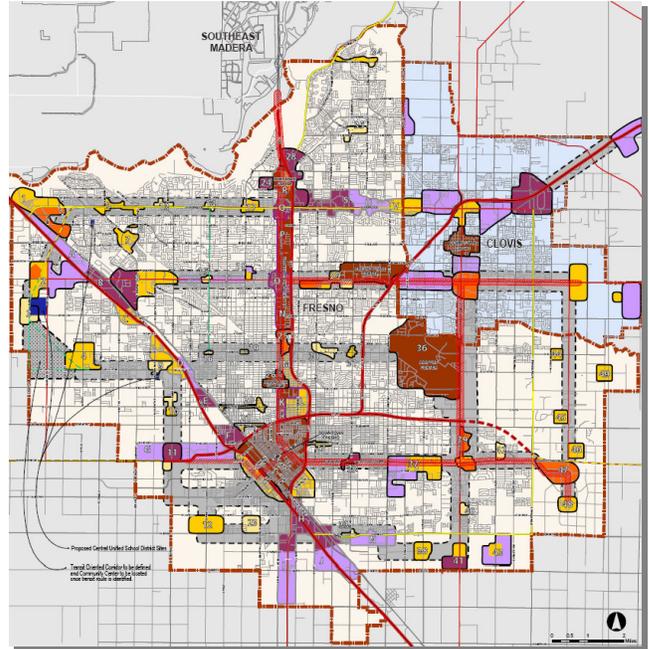
Section III-A-2: Change Fresno's Urban Form: Transit Corridors and Activity Centers

The 2025 GP calls for mixed-use transit-oriented development to effect activity centers and transportation corridors identified in Figure 6 of the GP Update (a future urban form map). A great deal of policy direction in the 2025 GP is aimed at expanding and enhancing mass transit opportunities for Fresno.

The Activity Center and Transit Corridor Study and Phase 2 of the PTIS are underway to further refine these GP strategies and combine to present a vision of a network of transit-intensity activity centers, corridors, and

adjoining districts served by Bus Rapid Transit and other transit alternatives anchored in the Downtown core area providing service along key corridors. It is envisioned that initial Bus Rapid Transit (BRT) corridors would lie along Ventura-Kings Canyon and Blackstone. Eventually, as the market creates support, these corridors and activity centers would be expanded across the metro area via major corridors, with activity centers to be created in Downtown Fresno and at other strategic corridors.

Successful use of mass transit systems in other metropolitan areas has demonstrated that higher density residential development is necessary to support viable mass transit systems. A residential customer base with discretionary income is also necessary to maintain successful retail commercial development in activity centers such as urban Downtowns. The existing Fresno Municipal Code and General Plan land use formula do not have the capacity to create vibrant mixed use neighborhoods. Therefore, if Fresno intends to actualize its activity centers and transit corridors, its land use planning and development regulation programs need to take a new approach. Using the potential network of transit-intensity activity centers, corridors, and adjoining districts suggested by the GP and these ongoing studies will help frame the organizing principles for a new urban.



Section III-A-3: Strategic Growth Policy

This Project proposes to evaluate the utility of the city adopting a careful and effective Strategic Growth Policy to assist in prioritizing and accomplishing important urban growth goals. Fresno is now focusing much deserved attention and resources on the revitalization of Downtown Fresno and surrounding neighborhoods, and will also be encouraging significantly more intense infill development and redevelopment in appropriate transit-intensity activity centers and along selected bus rapid transit corridors. Transit supportive land use densities and intensities will be crucial to the creation of high ridership potential and the long-term transit economics required for sustainable operations through higher fare box receipts.

Preliminary economic analyses associated rapid transit feasibility suggest that the Fresno market and economy cannot currently support unlimited greenfield development, plus the scale of investment desired for Downtown and neighborhood revitalization and key transit-based activity centers and corridor segments. These realities elevate the immediate need for Fresno to consider a Strategic Growth Policy as part of the General Plan Update. A coherent and balanced Strategic Growth Policy should reduce the number and magnitude of spatially fragmented and potentially premature development proposals that detract from targeted area growth priorities and can represent an unwise use of scarce water, energy, and fiscal resources. A Strategic Growth Policy would also address the importance of metropolitan-wide urban growth and economic development with the appropriate distribution of land uses throughout the metro area that are not suitable for Downtown but in fact are the critical mass that provide a long term customer base and market area for Downtown.

Some of the categories to be studied as part this research and policy development activity include:

1. High priority public and private investment target areas.
 - a. Downtown

- b. Neighborhoods for Revitalization
 - c. Initial BRT corridor segments and activity center station areas
2. New public and private infrastructure financing mechanisms to support public and private investment within targeted areas.
3. Phased financing and projection of infrastructure in identified green field growth areas such as.
 - a. SEGA planned, financed, and phased development in pre-identified sub-areas over 50 years
 - b. West Area planned, financed, and phased development in pre-identified sub-areas over 30 years
4. Possible designation of urban reserve areas in the county (unincorporated) portions of the Sphere of Influence (SOI), with a high level of understanding from the County of Fresno, where attainment of specified resource availability thresholds and implementation of new cost allocation arrangements would be prerequisites for determining the appropriate timing of annexation and the granting of development entitlements
5. Formulate and implement infrastructure cost allocation measures which assure that all green field development is cost neutral with respect to construction, maintenance and operation of public facilities and services.
6. Provide a policy framework for making decisions that balance both metropolitan scale and target area urban growth and economic development goals.

Section III-A-4: SEGA as template for greenfield development

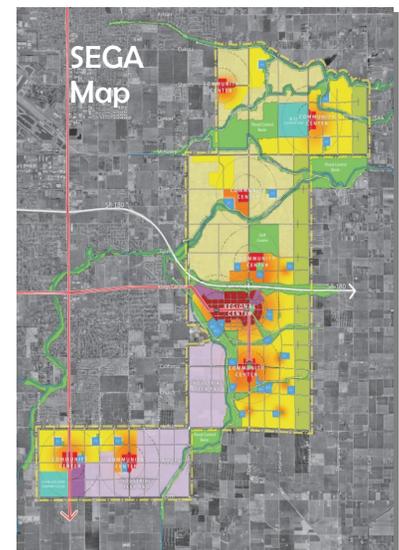
The Southeast Growth Area Plan (SEGA) is well underway to guide urbanization of a 14 square mile area added to Fresno's Sphere of Influence after adoption of the 2025 Fresno GP. The SEGA Plan is being formulated with the assistance of Peter Calthorpe's consulting firm and incorporates contemporary sustainability and form-based principles that will provide a template for greenfield development throughout the rest of Fresno. The proposed GP update and FGDC are expected to incorporate principles and policies pioneered in the SEGA Plan, where appropriate.

Section III-A-5: Sustainability/Green provisions

Through its previous GP, the city has made substantial commitments to protecting and improving the environment and the 2025 Fresno GP goals focused almost entirely on quality of life and environmental issues. It called for a new development pattern for the city: "in, up, and mixed." GP policies have also been implemented and augmented by efforts of the Fresno Green Team which drafted 23 strategies for achieving sustainability. In 2008 the city Council adopted these strategies as policy. These strategies address a wide range of environmental issues organized according to five Visions:

New City Beautiful through good urban design with priority given to public health, open spaces, public art, historic preservation, urban forests and the protection of natural habitats.

1. Develop and Implement new urbanist principles and Green building standards.



Scope of Work

2. Build municipal buildings to a green building rating system and adopt green technology for the retrofit of existing city buildings.
3. Plan new residential areas and retrofit existing neighborhoods to be within one half mile of public parks, school playgrounds and/or recreational open space.
4. Plant and maintain trees in order to achieve shading of at least 50% of all hardscaped parking and pedestrian surfaces.
5. Protect critical habitat corridors and key habitat characteristics from unsuitable development.
6. Reduce the use of disposable toxic or non-renewable products through environmentally preferred purchasing policies.



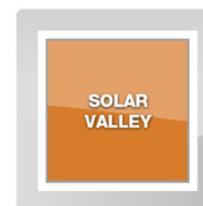
Sierra View 2025 focuses on making the Sierra Nevada mountain range clearly visible to all Valley residents by 2025 thus improving public health with cleaner air, enhanced public transportation and increased opportunities for walking and cycling.

7. Implement enhanced public transit and traffic light synchronization programs to reduce commute time.
8. Reduce city fleets air pollutant emissions and Fresno GHG emissions.
9. Reduce the number of commute trips by single occupancy vehicles.
10. Meet federal clean air standards.



Solar Valley will allow Fresno to become a leader in renewable energy use by maximizing new renewable sources. With its abundant sunshine, the opportunity exists to improve air quality, reduce dependence on foreign energy, and provide attractive new jobs by harnessing solar power.

11. Increase use of renewable energy to meet 50% of annual electrical consumption for city operations.
12. Reduce the city's peak electrical load by 10% through energy efficiency and conservation measures and shifting the timing of energy demands.
13. Reduce citywide GHG emissions to meet requirements of State AB 32.



Green Enterprises and Economic Development sets the stage for Fresno to become the Valley center for innovative business enterprises with a focus on the "triple bottom line" of providing environmental, economic and social benefits.

14. Position Fresno as a regional center for Green Enterprises.
15. Create environmentally beneficial jobs in low-income neighborhoods.
16. Promote and support locally grown and organic foods.



City as Good Steward puts forth Fresno as a city that leads by example in greening up its facilities and practices, embracing a zero waste initiative, providing appropriate staff resources, and collaborating with other municipalities and agencies to develop regionally-based Green programs.



17. Achieve 75% diversion to Landfills by 2012 and Zero Waste to landfills by 2025.
18. Develop and Implement an Integrated Pest Management (IPM) program.
19. Protect integrity of Fresno’s primary drinking water sources through an update of the GP.
20. Develop and implement environmentally responsible policies and practices.
21. Market the Fresno Green program throughout the community.
22. Incorporate sustainable policies into Green Element of Fresno’s GP
23. Measure successes of Fresno Green Strategies and present annual report to Council.

Though the Council has approved this policy with its strategies there is still work for city Departments to do to fully implement each of them. The GP update and the FGDC are expected to incorporate principles, policies, standards and codes to support many of these key strategies in the areas of land use and community design, energy conservation, water conservation, waste reduction and recycling, green building practices and natural resource preservation.

Also, through the “benchmarking” process already undertaken by the Sustainability Division, examples of best practices--innovative and successful “Green” ordinances and programs--have been catalogued from a wide range of other cities and organizations. An early part of Fresno’s Sustainability coding process will be to evaluate successful ordinances and programs, to determine their suitability for Fresno and the degree of benefit they could provide here. This evaluation step is necessary to strategically tailor the “Green” components to our city’s needs.

Section III-A-5.1: Land use and community design with efficient and low-impact transportation systems

Planned land uses and zoning effectively dictate what our neighborhoods look like and how they function, determining what can be built, where and how. Most plans have broad policy language that defers specific requirements to zoning and building codes.

However, traditional zoning and building codes—and Fresno’s existing Municipal Code—have not addressed issues of sustainability in a comprehensive manner. In some cases, zoning regulations actually inhibit sustainable development efforts by zoning restrictions that may make mixed use development harder to develop; by requiring discretionary reviews for multi-family housing, by requiring overly large lots that lead to excess turfed areas; by failing to protect solar access, and so forth.

Efforts to achieve sustainability necessitate reversing local development patterns that threaten our global climate and unduly burden our resources and the city’s ability to maintain its infrastructure. The comprehensive update of the city’s GP, zoning and building codes will incorporate new urban development principles which favor a built environment that will minimize production of human induced greenhouses gases (GHGs). Applying these planning principles achieves sustainability through reduction of auto-dependence (and the air pollution and GHGs that come from all those vehicle trips), and also by minimizing energy and water consumption.

New Urbanist development principles provide significant collateral benefits for our community’s overall quality of life. Application of these principles promotes a more healthy community by creating attractive opportunities for biking, walking, and living spaces: engaging street frontages, interesting public spaces connected to accessible open spaces, a wider range of affordable housing opportunities located in proximity to workspaces, and a diversity of opportunities for synergistic community engagement.

The proposed GP and other components of the Development Code update will address land use and transportation aspects of sustainable built environments. The “Green Coding” component of the Sustainable

Development Code update project will complement those broad-based efforts in specific subject matter areas to incorporating sustainability measures into individual properties and buildings throughout Fresno. These proposed “Green coding” revisions fall into five general subject categories, described in more detail below:

Section III-A-5.2: Energy conservation through efficiency, energy recovery, and alternative/renewable sources

In order to achieve Fresno’s intended 28% reduction of GHGs by 2020, it will be necessary to reduce not only vehicle travel, but to also decrease our consumption of electricity and heat that are generated by combustion of carbon-based fuels. Reducing Fresno’s power consumption rate will free up power and transmission resources to support new industries and housing without having to construct power plants, “high tension” lines, or substations which most neighborhoods do not readily accept. Reducing expenditures for power and fuel will help the financial situations of households, businesses, and the City itself, providing fiscal sustainability and allowing capital to be invested in job creation and other endeavors.



Major initiatives have already been promulgated at the state level through California’s Energy Code and the new Green Building Code (“Title 24”). The city will need to adopt, and perhaps modify, those statewide codes to increase local conservation. Insulation standards need to be raised, and power consumption reduced from lighting and equipment such as HVAC installations and swimming pool pumps.

Better protection of solar access will be codified, and measures will be evaluated to facilitate wider incorporation of alternative/renewable energy sources into projects (e.g., biomass conversion, cogeneration). Energy conservation is a major component of Green Building programs, explained in more detail below.

Section III-A-5.3: Water conservation through efficiency and recycling

It was assumed for decades that Fresno’s urban growth was adequately supported by groundwater and surface water rights that accrued to the City when its Sphere of Influence was successively expanded onto irrigated farmland. However, 150 years of experience has shown that an ever-expanding development pattern has not provided for water balance. The aquifer has continued to decline in most of the Fresno-Clovis metropolitan area, despite a great deal of groundwater recharge by the city and cooperating water agencies.



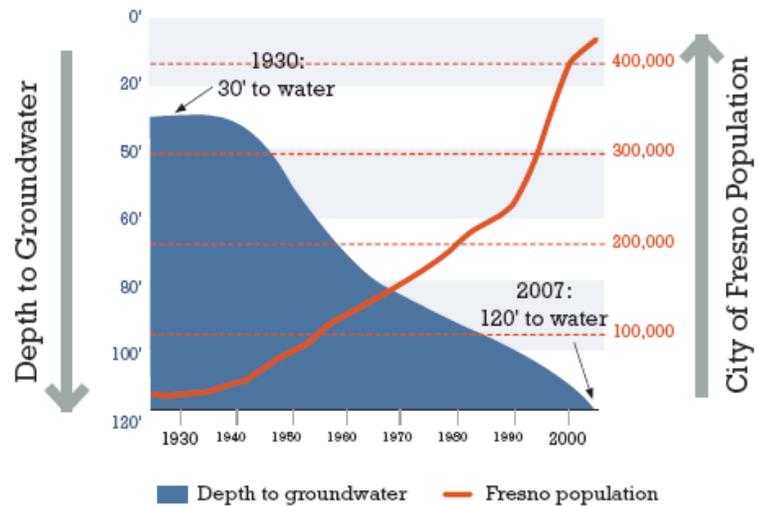
Surface water rights on the two major river systems supplying the city (the Kings and San Joaquin Rivers) are fully allocated. Both river systems are facing additional and competitive demands for urban, agricultural, and environmental restoration uses throughout the Central Valley. The City has invested nearly \$40 million into its Northeast Surface Water Treatment Plant, and is planning to invest some \$200 million in a southeast area surface treatment plant, to maximize its beneficial use of Kings and San Joaquin River supplies. Although additional storage on the San Joaquin River is advocated, no dams have been approved and no funding source has been identified to construct new dams (it is further unclear how much of any new stored water that the city would obtain for urban use).

It seems clear that the key to long-term survival of Fresno will be to find ways to sustain its current and future population on the water supply that is

currently available. If Fresno is going to continue to grow and develop “in, up, and mixed” as called for in the 2025 Fresno General Plan, we have to find ways to live within a reasonable water budget.

With the city’s unusually high rate of per capita water consumption, there are many opportunities to achieve a sustainable water balance through conservation and recycling. Water efficiency measures have obvious resource and cost saving benefits for households, businesses, and the public sector. There are also major benefits for other utilities:

- Less water wasted via plumbing fixtures translates to less treatment cost at the Regional Wastewater and Recycling Facility and less need to make capital improvements to the plant and sewer mains.
- Rainwater that can be retained for on-site percolation reduces the expense of adding capacity to the storm drainage and ponding basin systems operated by the Fresno Metropolitan Flood Control District.
- Water vapor is one of the greenhouse gases that traps heat in the atmosphere, so reducing unnecessary evaporation will help prevent adverse global climate change.



In conjunction with universal water metering required by the Central Valley Project Improvement Act (as a condition of renewing the city’s San Joaquin River water supply contracts), the City has undertaken updates of its Urban Water Management Plan (UWMP) and Metropolitan Water Resource Management Plan. The UWMP adopted in late 2008 utilized water consumption data from established land uses as the baseline condition, projected future water usage based on the 2025 Fresno General Plan, and set per-acre water consumption targets for single family, multi-family, commercial, and industrial land uses as necessary to achieve conservation goals. These targets for single-use projects were memorialized in the updated Master Environmental Impact Report mitigation measures for the General Plan.

However, when mixed land uses and higher-intensity, multi-story developments are contemplated for areas such as activity centers and transit corridors, technical analysis using the UWMP’s single-use per-acre factors becomes difficult. Therefore, the EIR for the updated General Plan and Sustainable Development Code will need to explore an alternative way of framing and evaluating water conservation for mixed use and higher-intensity projects, perhaps an evaluation method based on per capita instead of per acre water demand associated with these complex projects.

The first effort toward modifying the Fresno Municipal Code to provide for additional water conservation will be city adoption of the California Model Water Efficient Landscape Ordinance, which is supposed to occur by the beginning of 2010 pursuant to a 2006 legislative mandate (Assembly Bill 1881/Laird) and administrative regulations that were completed by the Department of Water Resources in mid-September of this year. The Code update effort



Scope of Work

will also look at ways to modify this Model Ordinance for Fresno’s specific needs.

The Department of Public Utilities is in the process of formulating several conservation initiatives, including use of reclaimed water, so that the city can balance groundwater conditions by the build-out date of that General Plan. In conjunction with the Department of Public Utilities, the city will begin to create delivery capacity and requirements for using its high-quality recycled water, to be dedicated solely for non-potable uses (a “purple pipe system”). Wherever feasible, it is envisioned that the Municipal Code will require development projects to use this new recycled water supply.

Other water conservation strategies will be evaluated in the Green Building Program (covered below), city adoption of statewide plumbing fixture measures (e.g., AB 2496), possible provisions for industrial recycling and graywater re-use, and a re-examination of all the city’s current water conservation ordinances and programs.

Section III-A-5.4: Waste reduction and recycling

Fresno has already achieved the major distinction of having one of the highest recycling rates of large cities in the nation. However, the Solid Waste Division is aware of even more opportunities to reduce waste generation and to re-use materials that would otherwise need to be landfilled. The Code update will work with the city’s recycling program to ensure that development projects and construction activity minimize their waste generation and facilitate good recycling practices. Hazardous material handling and disposal will also be examined with an eye toward incorporating performance standards into the new FGDC, in order to ensure protection of public health and to facilitate environmental justice efforts.



Section III-A-5.5: Green Building practices



The Code update project will consider a more comprehensive and synergistic “Green Building” program, where evaluation of building and site design in conjunction with an efficient transportation system is melded with energy and water conservation, waste reduction, and recycling requirements to optimize overall sustainability. “Green Building” certification is done according to scoring systems such as those used by the Leadership in Energy Efficiency Design (LEED), EnergyStar, Build It Green, the (existing, voluntary) Fresno Green Building Program, etc.. These scoring programs provide a systematic way to verify that various conservation criteria are met or exceeded, in order to confirm that conservation efforts are effective and have measurable benefits.

Section III-A-5.6: Natural resource preservation

The 2025 GP contained an extensive Resource Conservation Element that set out direction for protecting Fresno’s diverse resources, which are essential to preserve in and of themselves, but which also preserve the quality of life and attractiveness of Fresno. The Code update project will include implementation measures to ensure that these policies translate into clear, usable regulations that can be understood by property owners and developers and appropriately administered by city staff. A necessary component of this part of the Code update project will be coordination with responsible and trustee agencies having primary regulatory authority over



various resources (e.g., the San Joaquin Valley Air Pollution Control District; the California Department of Conservation; the federal and state wildlife and game agencies).

As part of updating the environmental analysis of the GP and Code, an assessment will be made of Plan and Code provisions to ensure that they protect resources to the maximum extent feasible through application of city regulation and mitigation measures.

SECTION III-B: DIAGNOSIS OF CURRENT CODES

Section III-B-1: Zoning Ordinance

The existing Zoning Ordinance was adopted in 1960 and is located primarily in Chapter 12 of the Fresno Municipal Code, with some zoning-related issues organized into other Chapters. Taking a brief look back, Fresno adopted the model Euclidean zoning ordinance, first adopted in Euclid, Ohio, with the noblest intentions of segregating uses based on size, height, noise, pollution, parking, etc. which at the time was considered advanced. Consequently, this has contributed to much of the criticized suburban sprawl, automobile dependence and other unsustainable development patterns, which so significantly tax our infrastructure and environment that we have no other choice in many respects than to comprehensively reassess our standard practices.

Why now?

- Department lacked adequate funding until now which was made possible through a grant from the Dept. of Energy via the Energy Efficiency and Conservation Block Grant
- PTIS and Activity Center Studies had to mature
- Needed updated Housing Element
- SEGA was needed to help provide the framework for other greenfield developments

The city has understood the need to update its zoning ordinance since the adoption of the 2025 GP because its mantra of up, in and mixed would be difficult to achieve with the existing code, which until recently required strict separation of land uses. Unfortunately, the city has not had the opportunity of a comprehensive update due to the lack of funding from either the general or enterprise fund, and because additional studies, as suggested by the GP, were needed to help identify the areas of change. The former has been addressed via a grant from the EECBG while the latter is currently underway in collaboration with the County Council of Governments. Collectively, the two agencies commissioned two studies, the PTIS and the

Activity Center Study, aimed of making mass transit more feasible and finding ways to achieve build out of the GP's envisioned activity centers. In addition, a comprehensive update would have been difficult without the benefit of the visioning process of the 2025 GP which established the framework for creating pedestrian friendly neighborhoods, activity centers, and greater attention to public spaces.

Since its initial adoption in 1960, the city has had four General Plans and processed extensive modifications to the Code and accompanying policies to address recognized deficiencies and inconsistencies, while others were required by state law. These include:

- 216 Director's Classifications (1968 – ongoing)
- 20 Policies and Procedures (1996 – ongoing)
- Condominium Conversion process (c. 1981)
- Local Planning and Procedures Ordinance (1987)
- Sign Ordinance (December, 1991)
- Variety Packs 1 through 4 which included several hundred modifications (c. 1999 – 2008)

Scope of Work

- Automobile Dealership Ordinance (2001)
- Group Home Ordinance (2004)
- Infill Design Guidelines (2005)
- Open Space Guidelines (2006)
- Addition of special use provisions (e.g. Section 12-304-B)
- Several unwritten policies, such as limiting drive-thru to one per major street frontage, and code interpretations (ongoing)
- Addition of special purpose districts, such as overlays (EA, CCO) and planned developments (ongoing)
- Air Quality Update to the GP Resource Conservation Element (2009)
- Restaurants with Alcohol Sales, Taverns and Night Club Ordinance (2009)
- Adoption of the density bonus ordinance which allows a bonus of up to 35 percent
- Elimination of the “drop-down” provision that allowed residential development to occur at densities lower than those called for by the 2025 GP (2007)
- Adoption of the mixed-use ordinance which allows residential development in commercial zone districts
- Adoption of provisions that allow 100 percent residential development in the C-P zone district

As evidenced by the litany of changes, city staff has attempted to address the code’s shortcomings by drafting new provisions and policies to address contemporary issues. However these amendments were not informed by recent global warming legislation, land use, transportation, and energy and water resource studies.

Although the city has made several significant code changes, the primary focus of these changes has been on content rather than the format. Thus, although the code may contain some language reflective of contemporary planning practices because it is difficult to understand, much time and energy is focused on navigating the code rather than desired results.

Not surprisingly, the format of the current regulations:

- Lack illustrations, tables, flowcharts
- Lack varying font sizes that highlight key elements or to illustrate the hierarchy of topics
- Contain numerous cross references which are often confusing or do not provide proper cross references
- Contain inconsistent language throughout the ordinance and results in conventional development
- Contain extensive lists of permitted uses rather than more flexible land uses
- Distinguish land uses by employing trivial criteria

The Planning entitlement process of the city has also been described as difficult to navigate. Although the process is largely contained in one section of the current code it is difficult to comprehend given that it relies on text rather than charts or tables and does not contain design guidelines.

Thus, the existing application entitlement process can be summarized as:

- Relying on lengthy case-by-case negotiations and interpretations that may not be based on objective criteria

- Lacking adequate public input, or provides for public input too late in the process to allow for early exploration of alternatives and modification of proposals
- Lacking transparency required for mutual accountability of all parties
- Occasionally internally inconsistent

Due to the complexity of changes in technology, business models, laws, etc., it is not surprising that the current regulations do not reflect contemporary practices. Rather, they focus on specific uses, private property development standards, building massing and placement, and separation of land uses rather than current trends which focus on the spatial relationship of private and public spaces and connectivity. Therefore, the existing regulations have resulted in a built environment that ignores infrastructure maintenance needs, climate impacts, or use of finite resources, and have not been fully informed by progress in other cities related to new building types and public space, sustainable measures, or block pattern arrangements that encourage alternative modes of transportation.

Section III-B-2: Benchmarking best practices and background research

The city has been researching other communities, current literature and pertinent regulations to ensure that the code reflects contemporary practices for land development regulation and sustainability. To date, the city has identified the following communities as those that have either adopted, or are in the process of drafting, sustainability (“green”) programs, comprehensive Development and Form-Based Codes:

Alameda County*	Fremont, CA	Modesto, CA	San Ramon, CA
Albuquerque, NM*	Gainesville, FL	Montgomery, AL	Santa Ana, CA
Anaheim, CA	Glendale, AZ	Oakland, CA	Santa Monica, CA*
Arcata, CA	Glendale, CA	Oklahoma City, OK*	Santa Rosa, CA*
Arlington, TX	Grass Valley, CA	Onondaga County, NY	Sarasota County, FL
Arlington, VA*	Irvine, CA	Palo Alto, CA*	Scottsdale, AZ*
Austin, TX*	Kansas City, MO	Peoria, IL	Seattle, WA*
Benicia, CA	Kendall, FL	Petaluma, CA	Sonoma, CA
Berkeley, CA*	Leander, TX	Phoenix, CA	Springfield, OR
Boulder, CO*	Livermore, CA*	Pomona, CA	St. Lucie County, FL
Calabasas, CA	Lodi, CA	Portland, CA*	Stockton, CA
Chicago, IL*	Long Beach, CA	Riverside, CA	Taos, NM
Chico, CA	Los Angeles, CA*	Sacramento, CA	Tucson, AZ*
Denver, CO*	Marin County, CA	San Antonio, CA	Vancouver, BC*
El Paso, TX	Marshall, PA	San Bernardino, CA	Ventura, CA
Eugene, OR	Miami, FL	San Diego, CA	Visalia, CA
Farmers Branch, TX	Milpitas, CA	San Francisco, CA*	Washington DC*
Flagstaff, AZ	Milwaukee, WI*	San Jose, CA*	West Sacramento, CA

**benchmarked for “green” regulations, policies, and programs*

There are a myriad of planning techniques and tools available to develop a framework for the continuing development and redevelopment of our built environment. Following a survey of dozens of cities across the nation, there are about as many approaches as there are cities.

Regardless of the approach selected, our guiding principal should be whether it effectively achieves the stated goals and objectives of the city. Fresno, much like any other city, consists of unique and diverse attributes, with a

character and value system that is more deserving than any single template or “one size fits all” model code can provide.

Influenced both by necessity and new urban and growth ideologies, Fresno is setting out to restructure our regulatory environment through the development and adoption of a replacement development code; a code that values form over function, sustainability, walkability, mixing of uses and a general re-orientation toward the health and efficient mobility of individuals.

Through extensive research of numerous jurisdictions, it is staff’s recommendation that our dated FMC be replaced with a unified development code, which would include the zoning and subdivision codes together into one central location with a common organization, format and vocabulary.

SECTION III-C: UNIFIED APPROACH TO ADOPTING NEW CODES

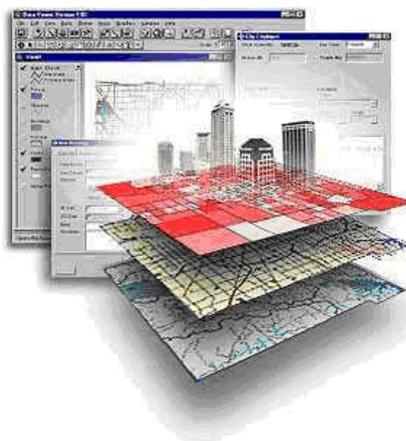
Section III-C-1: Identifying Existing Geographies and Mapping

As part of this process, staff would employ Geographic Information Systems (GIS) technology to map the built environment, existing land uses and planned land uses. The mapping process would identify the following distinct geographies:

- Downtown
- Areas of change
 - Activity centers and corridors
 - Transportation Oriented Developments
 - Infill opportunities
 - Redevelopment areas
 - Other areas apt to intensify
- Areas of stability (conventional neighborhoods unlikely to change in the next 25 years. The goal is maintain the character of these areas.)
 - Traditional neighborhood developments
 - Bedroom suburbs
- Greenfield opportunities, including:
 - New Centers
 - New Neighborhoods
 - Southeast Growth Area
 - West Growth Area
 - Traditional Neighborhood Developments

Comparison of City Approaches

- *Miami, FL*: citywide mandatory application of Smart Code
- *Grass Valley, CA*: hybrid of form based and updated development code
- *Ventura, CA*: using specific plans to apply form based code
- *Montgomery, AL*: citywide FBC with optional application (floating) at the developer’s discretion
- *Denver, CO*: Context Based/Form Based citywide application, preserving portions of code & adding in sustainability provisions



- Special Districts
- Industrial

In coordination with the PTIS and Activity Center Study, the spatial analysis process will provide insight on which areas are likely to intensify or are likely to remain static for the foreseeable future. Areas likely to change, most of which are developed to varying degrees, will be coded appropriately to encourage their redevelopment and intensification, while the areas of stability will be coded to properly reflect and preserve the built environment notwithstanding modifications to the zoning ordinance.

Section III-C-2: Review and amendment of the Local Planning and Procedures Ordinance

Adopted in 1987, the Local Planning and Procedure Ordinance (LPPO) formalized the frequency of GP updates, outlined plan priorities, land use and zone district consistency requirements, established the relationship of Redevelopment Plans with other plans, and outlined the procedures for adopting, repealing and amending city plans. Prior to its adoption, the Council could adopt rezone applications that were inconsistent with adopted plans. As a result, there is property in the city that the land use and zone districts are inconsistent. Moreover, the LPPO permits properties zoned prior to its adoption to be developed inconsistent with adopted plans.

Since the adoption of the LPPO, the city has repealed 14 specific plans, updated numerous community plans and reclassified the land use designation of various parcels during the GP update eliminating many of these inconsistencies. Each of these efforts has had intended consequence however, it has also led to confusion at times amongst planning professionals. Review of other communities' planning procedures hint that there may be a more effective approach to regulating plan consistency than our current approach which will be studied in depth as part of this project.

Section III-C-3: Administering the Code and Administrative Bodies

Fresno has historically granted the Planning Director discretion to review projects for both land use consistency and design. Due to the lack of concise regulations, the Director and staff commonly negotiate conditions which often lead to lengthy timelines. Fresno has relied on negotiating and the discretionary permit process to raise the bar on development projects. Although this approach is flexible, it has also led to undesirable development and an unpredictable process and outcome for applicants.

Defining a Form-Based Code

Primary emphasis is placed on building type, dimensions, parking location and façade features, and less emphasis on uses. They stress the appearance of the streetscape, or public realm, over long lists of different types. Common characteristics include:

- Organized around districts, neighborhoods and corridors
- Market forces dictate use while regulating building form
- Mixing uses in close proximity
- Emphasis on engaging streetscape with building facades
- Design-focused public participation process

-Modified definition by Paul Crawford, AICP

As part of the code update staff will propose modifying the procedural elements while also taking into consideration modifying approval authority and potentially adding new review boards. Potential boards include:

- Architectural Review Boards/Design Review Commissions
- Zoning Administrator

Staff will also review the duties of the Planning Commission and Subdivision Review Committees to ensure that their duties are relevant and reflect contemporary planning practices.

Section III-C-4: Form-Based Code for Areas of Change

A central component of the FGDC will be the application of a form-based approach. Form Based-Codes (FBC) have recently become very popular among planning professionals as a viable alternative to the existing Euclidean style codes (*use separation & auto-oriented*) that have heavily contributed to the planning of most major cities in the U.S. following World War II. In essence, FBC's directly address the form of the built environment and de-emphasize land use as a basis for regulation.

It is also anticipated that the FBC approach will also be applied to SEGA, as well as the Downtown and surrounding neighborhoods Specific Plan to be drafted by Moule & Polyzoides. Thus, the teams will need to coordinate their efforts to ensure that common language is employed to minimize potential confusion by the end users.

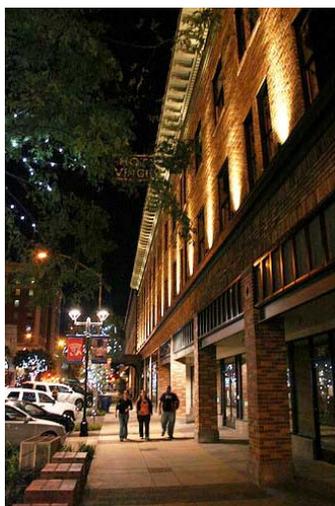
Section III-C-4.1: How important is our urban form and why change anything?

Fresno is the fifth largest city in the state and is centrally located between the coast and the Sierras and between two of the world's mega-cities (SF to the north & LA to the south). A Google Earth's perspective shows Fresno as a geographically prime location filled with immense social and economic potential. Zooming in however, reveals an old underutilized Downtown, oriented toward the railroad tracks and a web of freeways which enabled decades of low density urban grids sprawling outward; a patchwork of unconnected housing tracts that back onto roads primarily serviced by strip commercial and fast food.

Our growth over the past 50 years has been dictated largely by our de facto value system of convenience, personal privacy and distance to *other* places. Only recently has it become accepted that our community cannot sustain these patterns any longer. We have real and immediate challenges with our infrastructure, our health (asthma, obesity, etc.) and our economy (education, workforce, poverty) that cannot be ignored. Our urban form provides an opportunity to either inhibit or foster our quality of life by defining our primary means of movement among spaces where we live-work-play.



Urban-Advantage sample



Urban-Advantage sample

Fresno deserves an urban form that provides a daily quality experience. Places to gather outdoors in plazas and squares close and connected to retail and open spaces, which enhance social interaction, stimulate creativity thereby improving the human experience in our urban environments. These characteristics of an urban form begin to describe all of the *other* places people love to go and spend the day. We are much more drawn to areas where people congregate, not in parking lots or jammed on a freeway, but multi-purposed pedestrian traffic such

as residents, office workers, kids at play, tourists, museum-goers—all using the space in a different way creating an urban buzz and a genuine sense of place.

Fresno already has a handful of these main street successes, but how do we further encourage and define neighborhoods around places where we love to walk, shop and engage in favorite past times such as “people-watching” in the Tower District? How do we guide our developing commercial areas like West Shaw, likely to transform over the next couple of decades, to draw more than the single purpose shopper who makes a “B-line” to a big box recessed behind acres of parking spaces. A form-based approach would require the stores to build to the sidewalk, with transparent windows, falling in line with similarly sized and shaped buildings enticing you to continue your walking experience.

Section III-C-4.2: But what does it really mean to focus on “form over use”?

Another way to describe it would be as a deliberate effort to control the placement and massing of buildings according to how they interface and address the public streetscape. This would look different based upon the desire to either preserve or transform a particular section of the city.

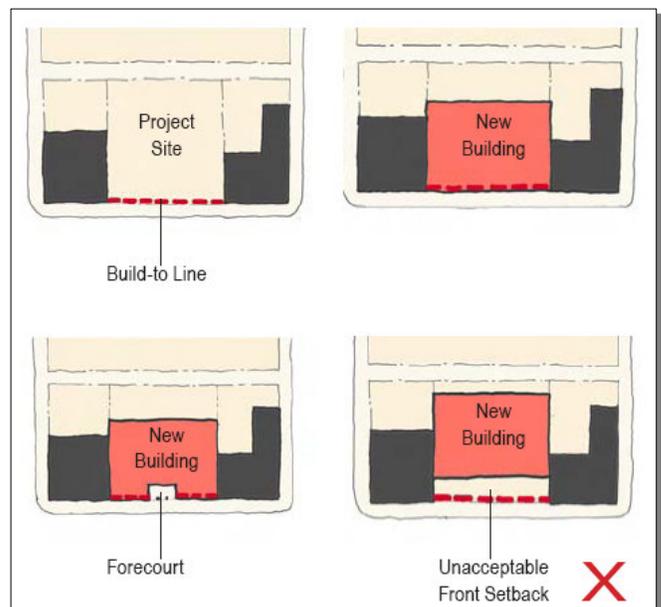
FBC have been described by Parolek & Crawford, two of most recognized urban planners, as holistic, in that they address both private and public space design to create a whole place, including buildings, streets, sidewalks, parks and parking. They attempt to regulate private development *only as much as it impacts the public realm*.

Take a local example of the Downtown section of Kern Street. Portions have great character and a distinct urban form as a “main street” that most would want to preserve and further through future infill or redevelopment efforts. To achieve this, an FBC would apply a typological form to this area which would establish standards for items such as: building heights, scale, position, stories, entry locations, windows, etc. All of these standards establish a pre-determined “form” that is acceptable to the community as appropriate for this location. Significantly less energy is focused on distinguishing about whether it is occupied by an art gallery, museum or tanning salon.

In the absence of such standards, we are more likely to be recipients of infill and other development projects that degrade consistent linear storefronts for window shopping or allow buildings to be constructed out of scale to a pedestrian and dissimilar to those they immediately adjoin. Ultimately, the goal of this type of approach is to:

- Reinforce and establish Fresno’s local character and culture
- Revitalize and encourage reinvestment in urban, historic; neighborhoods and activity centers; and
- Promote the creation of compact, walkable neighborhoods

One of the collateral benefits to intentionally engaging the storefronts to the public realm through form-based standards deals with the impact on both actual and perceived safety of a neighborhood. You often hear the phrase “eyes on the street,” originally coined by the renowned urbanist, Jane Jacobs, which references the concept that good building design provides windows and porches that allow a clear view of the street and the neighborhood. Active building fronts (porches, shops, outdoor dining) with transparent glass provide both



opportunity for visual and retail interaction while further contributing positively to the overall safety and sense of place. In fact, the entire field of Crime Prevention through Environmental Design (CPTED) has emerged based on these same principles.

Beyond controlling the urban form, the ability to provide clearly articulated standards assures the development community consistent and predictable application, void of individualized and subjective discretion.

Because FBC take a proactive approach by engaging the community's vision to establish standards, it is foreseeable that development project reviews would receive fewer challenges and also conform to prior environmental reviews, thereby reducing processing timelines further contributing to existing efforts to streamline the development process.

Section III-C-4.3: Where FBC's should be applied?



As stated above, FBC are primarily used as a method of preservation, transformation and encouraging the development of sustainable neighborhoods. That being said, there are certain areas of the city, such as suburban residential neighborhoods, which are completely built out with little to no infill opportunities. The character of these areas is less distinct in terms of deserving preservation. Nonetheless, they are not likely or desired to substantially transform away from their existing character. Therefore, they would benefit very little from a newly developed and applied FBC. Areas such as these are proposed to be virtually unaffected by an FBC, but would benefit from a reorganization of the existing code.

Targeted areas for FBC application will be selected based upon their geography as well as the long term goals and objectives, which further the sustainable model being established citywide. These areas can be generally categorized as follows:

Areas of change:

- Activity Centers and transportation corridors
- Transit Orientated Developments
- Traditional Neighborhood Developments
- Downtown

Greenfield opportunities:

- Existing large undeveloped regions
- SEGA
- West Growth Area



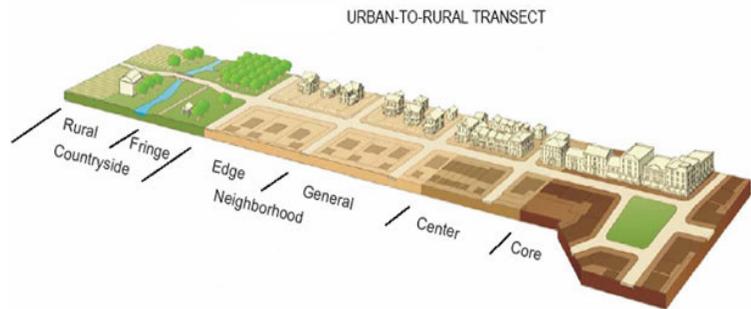
Section III-C-4.4: How are FBC's integrated with other codes and standards?

Understanding that some areas of the city will be regulated using a form-based approach, while others are subject to different standards (updated development code, specific plans or other regulatory tools), it raises three primary challenges that will ultimately need to be addressed. The first is establishing a **vocabulary** to be common throughout each approach and to be applied citywide. It would unnecessarily complicate attempts to comply and administer multiple standards to different areas of the city, if terms and definitions were not shared.

The second challenge will be to coordinate matters of **administration**. Many of the standards and objectives of the form-based and the updated zoning code differ, and each would use discrete review and approval processes;

they would engage public input in the application and review process much differently. For example, a Design Review Committee would act *administratively* on a project within the FBC jurisdiction, while a Design Review Committee or Zoning Administrator (if one were established to administer the updated zoning code's jurisdiction) would administer the *discretionary review and public hearing process* that governs applications in the updated zoning code's jurisdiction. Admittedly, one of the benefits of an FBC is that the public input has been proactively sought out and addressed at the time of the FBC adoption, allowing for a broader range of development by right.

The third challenge will be to develop a method of fluid **transition** between each area with a different set of standards. For example, development occurring on or near a transportation corridor will be encouraged to develop at much greater densities in order to achieve the necessary dwelling units per acre to support rapid transit. As development moves away from the corridor, it needs to seamlessly transition by gradually reducing building heights and densities back to the single family neighborhoods and eventually out to the countryside.



Section III-C-4.5: Sustainability via Form-based code

Although very difficult to quantify, it is foreseeable that providing more compact, dense and mixed use development patterns will contribute to a significant reduction in energy demand as well as green house gas emissions. A large part of this reduction can be attributed to the anticipated decrease in vehicle miles travelled (VMT) which is accomplished by orienting and focusing the urban form around transportation corridors which provide a range of alternative transportation options in addition to grouping services within significant pedestrian sheds (under ¼ mile is generally accepted as walkable). Standardizing additional principles such as building orientation, massing and fenestration could also lead to energy efficiencies that, when considered cumulatively, could result in a significant decrease in energy demand.

Section III-C-4.6: Form-based code elements:

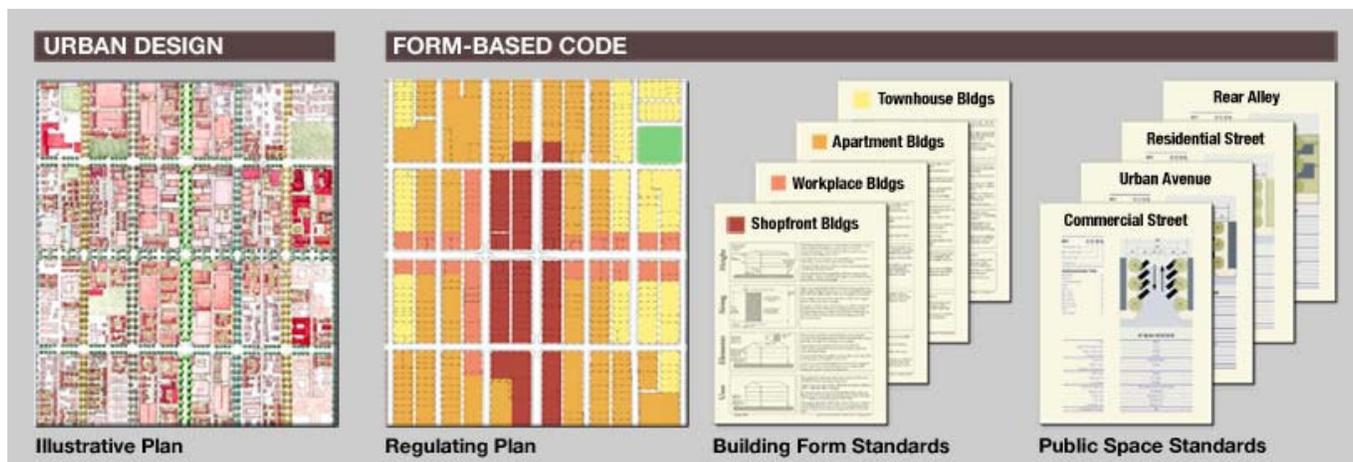
There are five primary components of an FBC which require a significant amount of investment to customize.

The key elements are as follows:

1. **Regulating Plan:** A plan or map of the regulated area designating the locations where different building form standards apply based on clear community intentions regarding the physical character of the area being coded.
2. **Building Form Standards:** Regulations controlling the configuration, features, and functions of buildings which define and shape the public realm.
3. **Public Space and Street Standards:** Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, street trees, street furniture, etc.).
4. **Administration:** A clearly defined application and project review processes.
5. **Definitions:** A glossary to ensure the precise use of technical terms.

FBC also sometimes include:

- **Architectural Standards:** Regulations controlling external architectural materials and quality.
- **Annotation:** Text and illustrations explaining the intentions of specific code provisions.



For a step by step outline on how to develop an FBC, please refer to attached Appendix A.

<u>EUCLIDEAN ZONING</u>	VS.	<u>FORM-BASED ZONING</u>
<p>Goals:</p> <ul style="list-style-type: none"> ▪ Density reduction ▪ Separate & regulate according to land use ▪ Single use districts ▪ Auto-oriented connectivity ▪ Regulate to create buildings <p>Outcomes:</p> <ul style="list-style-type: none"> ▪ Reactive to development proposals ▪ Subjective with inconsistent interpretation ▪ Suburban sprawl ▪ Long lists of land uses ▪ Excess parking ▪ Increased auto trips ▪ May be unpredictable & can lead lengthy review process ▪ Challenge to implement & comply with ▪ Disconnected projects creating hodge-podge patterns 		<p>Goals:</p> <ul style="list-style-type: none"> ▪ Appropriate allocation of density ▪ Focus on building form over specific use ▪ Mixing of uses ▪ Promoting walkability & public transit ▪ Regulate to create form ▪ Pedestrian-oriented <p>Outcomes:</p> <ul style="list-style-type: none"> ▪ Proactive community standards ▪ Proximity-work-live-play ▪ Multiple transit options ▪ Reduced auto trips ▪ Predictable & concise review process ▪ Development guided to focused infrastructure ▪ Activity Centers & Urban Corridors ▪ Quality neighborhoods fostering citizen engagement ▪ Human scale integrated development

Section III-C-5: Updating the Code for Areas of Stability

Areas of stability are those areas that will experience minimal change during the next 25 years. Thus, rather than attempting to transform them, we want to protect and enhance these areas. However, when these areas experience new development, the design, access and intensity must be appropriate and must help balance the needs of the neighborhood. Areas of stability, such as single family neighborhoods, represent the bulk of the city

and will retain similar property development standards, albeit reorganized in a more user friendly format. These areas would also benefit from updated zoning strategies highly influenced by smart growth, energy/water efficiency and other sustainable methods.

Beyond the overall consolidation of the code, numerous code improvements include:

- Assessing existing land uses and organizing them within larger categories and subcategories rather than differentiating uses by trivial criteria
- Consolidating land uses in a single set of tables that are organized by land use types (i.e., residential, commercial, industrial) rather than zone district (i.e., R-1, R-1-AH, etc.)
- Collapsing zone districts with similar characteristics, such as the R-1-A, R-1-AH, and R-1-EH zone districts
- Creating new zone districts with more flexibility to encourage creativity in project design
- Consolidating the definitions
- Language amendments throughout the code
- Assessing the entitlement and subdivision review processes
- Relocating all procedural requirements into the administration chapter rather than listing them per section (i.e., subdivisions vs. plan amendments)
- Combining and amending property development standards including:
 - Building setbacks, including build-to-lines
 - Building heights, minimums and maximums
 - Minimum floor area ratios
 - Parking standards including maximums
 - Wall and fence requirements
 - Landscaping requirements, including plant and tree species and irrigation practices
 - Open space requirements
 - Accessory structures
- Re-evaluating the use of Overlay Zone Districts which have historically been adopted to address shortcomings in the Zoning Ordinance
- Addressing temporary uses, such as one day events, parking lot sales, outdoor storage, etc.
- Encouraging reuse of older buildings
- Re-evaluating the Department’s amendment procedures for developed sites
- Re-evaluating the Planned Development process to ensure that community benefits are provided beyond those required by code for modifying property development standards
- Clearly outlining the Variance Application and Findings process
- Re-evaluating the roles and authority of Planning Director and the Planning Commission
- Rewriting the entitlement review process to reduce discretionary approvals, such as Conditional Use Permit and Variance applicants
- Re-evaluating enforcement regulations to ensure that they contain the necessary “teeth”
- Re-evaluating how non-conforming uses and structures are regulated

Scope of Work

- Drafting procedures and standards for Development Agreements

In short, there are areas in the city that will retain similar property development standards. As part of the spatial analysis described above, staff will identify non-corridor or activity center areas that are likely to remain static due to parcel configuration, existing land uses and infrastructure and will develop the proper codes that reflect the existing environment notwithstanding format changes.



Section III-C-6: Revise the list of zone districts

There are 34 zone districts, plus six overlay zone districts in the city. Part of the process will include assessing which districts are worth salvaging. For example, the differences between the M-2 and M-3 zone districts are nominal; therefore, the city may elect to collapse the two under a new zoning classification system.

This update will also consider making districts more closely follow use designations of the GP to eliminate confusion. Other updates may include introducing new districts that convey more information in comparison to existing zone classifications. For example, a district may contain the letters MU for mixed use and the number 6,000 for a minimum parcel size and a 2 for the minimum number of stories. Additional modifications include expanding industrial zone districts to meet ever changing demands.

Similar to design standards, overlay zone districts have been traditionally added to protect public resources (i.e., historic themes or structures) or to create a distinct type of environment or urban landscape. Fresno has relied on its six overlay zone districts for similar reasons and to address issues not effectively covered by the zoning ordinance. Part of this process will be to assess these districts and to determine their applicability considering design standards may be a more effective implementation tool.

Existing Code

- 34 Zone Districts
- 6 Overlay Zone Districts
- 55 Special Standards of Practice
- 216 Director's Classifications
- 20 Department Policies and Procedures

Section III-C-7: Adaptability

The existing regulations heavily rely on regulating land uses in comparison to more contemporary codes which focus on the form of the building and the relationship between the private and public realm. Moreover, until

recently the city solely relied on the Director’s Classification process to add new uses to the ordinance which requires that an applicant submit a letter and pay the appropriate processing fee. This approach is costly, time consuming and does not allow for public review. As part of this effort, staff will design a code that can easily be updated over time to reflect contemporary planning practices, rather than adding them through a lengthy process.

Section III-C-8: Adopt design standards to improve quality of development

Design standards are adopted to inform project applicants of the city’s expectations for the type and quality of design, to maintain a certain type of architectural style, to protect public resources (i.e., historic themes or structures) or to create a distinct type of environment. Unlike many cities, Fresno does not have a strong sense of design and has largely left design up to individual applicants. In response to poor quality design, the city implemented the Tower District Design Guidelines and Infill Residential Design Guidelines in mid-2005; however these guidelines are limited in their application. Thus, the city does not have a uniform design or theme.

As a result of not having design standards, there are a plethora of developments that do not properly address public spaces, are not compatible with neighboring properties or simply lack an overall appearance of good design. Furthermore, Fresno’s current approach has resulted in staff negotiating design on a case- by-case basis which is highly subjective and time consuming.

In order to encourage good quality design, staff will propose design standards to accomplish the following:

- Ensure that projects are attractive and distinct and of highly quality
- Ensure consistency and predictably while minimizing arbitrary discretion
- Create minimum development standards that are easy to read in a user friendly format
- Avoid massive and repetitive appearances while simultaneously adding visual interest
- Avoid lengthy negotiations between applicants and city staff that may lead to conflict

Design standards vary in appearance, format, content, and implementation among communities. After assessing numerous cities’ design standards, the following methods will be evaluated:

- General Design Standards
- Nonresidential Standards
- “Big Box” Commercial Standards
- Multiple Family Residential Design Standards
- Single Family Residential Design Standards, including Subdivision Design
- Overlay Zone Districts (OZD)
- Infill/Small Lot Development Design Standards

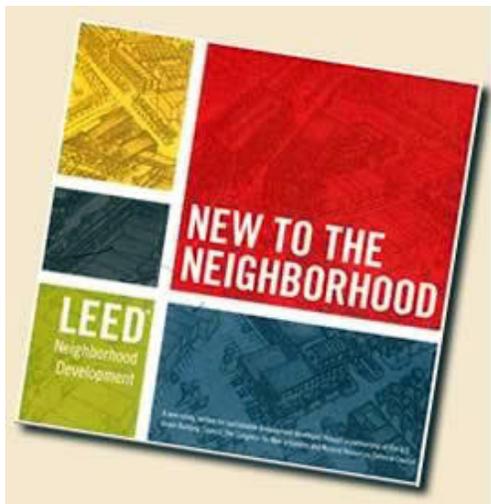
Elements of the FGDC

- General Provisions
- FBC, where appropriate
- Zone Districts & Land Uses
- Property Development Standards, including Design Standards
- Subdivision requirements
- Sign provisions
- Administration (Review Procedures)
- Enforcement of regulations
- Nonconforming Uses
- Definitions

Section III-C-9: LEED – Neighborhood Developments (currently in Pilot)

The U.S. Green Building Council (USGBC), Congress for the New Urbanism (CNU), and Natural Resources Defense Council (NRDC)— three organizations which represent the nation’s leaders among progressive design professionals, builders, developers, and the environmental community—have come together to develop a national standard for neighborhood design that integrates the principles of green building and smart growth.

Their stated goal of this partnership is to establish consensus-based standards for assessing the impacts of development projects using the rating framework of the LEED (Leadership in Energy and Environmental Design) Green Building Rating System™ that has already become the national standard for high performance buildings.

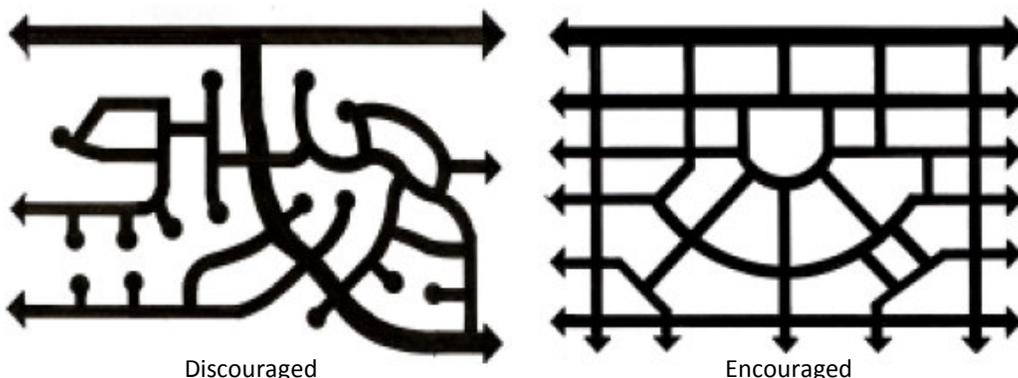


Whereas other LEED products focus primarily on green building practices, with only a few credits regarding site selection, LEED for Neighborhood Developments (LEED-ND) emphasizes smart growth aspects of development while still incorporating a selection of the most important green building practices. The scope of what would be considered smart growth design would be guided by the Smart Growth Network’s ten principles of smart growth, and would include density, proximity to transit, mixed use, mixed housing type, and pedestrian- and bicycle- friendly design. LEED-ND would then provide an objective basis on which to certify developments as smart growth (source: www.usgbc.org).

Just as the city used several aspects of the existing LEED Rating System as a guideline for developing the city’s Fresno Green Program, the LEED-ND set of standards should also serve as a concrete model to influence the development of this Project’s zoning and building codes to obtain, better location, design, and construction of neighborhoods and buildings. The drafters of LEED-ND go as far as to suggest that its implementation can be used to revitalize existing urban areas, decrease land consumption, decrease vehicle miles traveled, improve air quality, decrease polluted stormwater runoff, and built communities where people of a variety of income levels can thrive, and where jobs and services are accessible by foot or transit.

Section III-C-10: Updating the Subdivision Ordinance

Similar to the discretionary permit process, Fresno has relied on case by-case-negotiations for subdivision design, open space, building envelopes and connectivity. However, the city has been relatively silent in regards to building appearance, architectural



styles, or materials. Recently, the city attempted to implement on-site open space requirements for subdivisions with a minimum of 10 acres, however due to market conditions only a small number of subdivisions were reviewed under the auspices of these standards.

Recent trends suggest that communities have begun to review block and street patterns to ensure connectivity and to create passive open space. For example, the City of Santa Rosa provides a street pattern diagram that discourages cul-de-sac street patterns while encouraging traditional type development that provide greater connectivity and walkability. Although disconnected streets offer greater privacy and are believed to deter crime, they limit walking and connectivity and lead to longer vehicle trips. Thus, staff will analyze implementing regulations that require street patterns that foster alternative modes of transportation, while also taking into consideration safety and market demands.

While the California Subdivision Map Act requires that local governments ensure lot patterns are conducive for natural heating and cooling, the city has taken a laissez-faire approach and has relied on the project designer to inform the city on how they will comply with this state mandate. As part of the FGDC, we will propose clear regulations that ensure optimal passive natural heating and cooling possibilities, such as parcel configuration and building placement. This will also include assessing regulations that may deter the installation of alternative energy equipment such as small scale windmills.

Key Changes to Subdivision Regulations

- Clearly articulate standards with use of photos, tables, etc.
- Outline pedestrian connectivity requirements
- Outline sustainability requirements

Section III-C-11: Update Nonconforming Provisions

Nonconforming uses and buildings can be defined as uses that were lawful when established however due to code amendments would no longer be permitted under existing regulations. Currently, nonconforming uses are not permitted to be expanded, however buildings that do not conform to building setbacks may be enlarged. Although the existing code contains amortization provisions, the city has been lax on its enforcement and does not have a program to eliminate or phase out nonconforming uses. Rather the city has relied on the market to dictate which non-conforming uses are eliminated. As part of the code update, staff will re-assess and will request feedback how nonconforming uses are treated and will recommend appropriate changes.

Section III-C-12: Enforcement

It is largely recognized that enforcement of the existing code is problematic due to a variety of reasons, some of which include outdated and/or vague definitions, inconsistencies, etc. As part of this process, staff will consolidate all enforcement provisions while also outlining corrective action to remedy violations. This will require collaboration and additional training for the Code Enforcement and Planning Divisions to ensure consistency.

SECTION III-D: COORDINATION, COMMUNICATION AND OUTREACH

Section III-D-1: Direction & Coordination of Plan and Code Update

As a result of the analysis of existing city codes and higher standards of practice throughout the US, staff has outlined this scope of work. Similar to other citywide planning efforts, staff will request input and feedback from the city Council prior to drafting proposed codes. This will ensure that Council is cognizant of staff's efforts and will provide for initial input from policy makers.

Interdepartmental and interagency review is essential to any sustainability-oriented Plan and Code update, to ensure that the city's planning and development regulations and programs are aligned with the efforts of other conservation and resource protection goals.

In benchmarking other jurisdictions' recent and ongoing sustainability updates, city staff has been exposed to new techniques for engaging public participation to efficiently and effectively providing up-to-date information on the process and gathering input. It is proposed that the sustainability updates of Fresno's GP and creation of a FGDC will utilize the internet in several ways (more interactive techniques to post information, comment forums and surveys, online broadcast of meetings with the ability to send questions). In addition to holding the traditional hearings and public meetings, the form-based component will involve "charrettes," multi-day participatory and decision-making meetings.

Section III-D-2: Implement findings of Activity Center/Transit Corridor Study and Public Transit Infrastructure Study/Bus Rapid Transit

In 2007, the Fresno County Council of Governments and the city commissioned two important studies with the aims of making mass transit more feasible and finding ways to achieve build out of the GP's envisioned activity centers and transit corridors. These two studies are nearing conclusion, and their results need to be translated into planning policies (and land use designations); furthermore, the city's zoning ordinance will have to be modified to fully realize the concept of more intense development that will support a transportation system that truly achieves the desired reduction in single-passenger vehicle travel. A side benefit of this type of development will be increased conformity to Housing Element goals and policies, and a development pattern that better nurtures and supports private sector entrepreneurship.

In addition, the knowledge and implementation tools established through the preparation of the Bicycle, Pedestrian and Trails Master Plan, which is presently in progress, will provide the where-with-all to incorporate appropriate standards and requirements within the Green Development Code to accomplish well connected neighborhoods and communities.

Section III-D-3: Coordination with Downtown Plan and redevelopment plans

Downtown Fresno, bordered by three state highways, is the functional center of metropolitan area's circulation system, while also being the civic and cultural center of the San Joaquin Valley. Unfortunately, unlike other parts of the community, Downtown and its surrounding neighborhoods have not experienced an influx of private development, thus much of the area can be categorized as underdeveloped. In response, the city recently retained Moule & Polyzoides, a planning consulting firm, to help draft a Specific Plan for the Downtown region. The goal of the Specific Plan is to create a predictable and precise plan that will help transform Downtown into a live-work-play destination with a focus on becoming an entertainment district. This area will be the "proving ground" for planning initiatives intended to combine housing, jobs and entertainment in compact, transit-oriented neighborhoods. Thus coordination between the teams will be imperative to ensure that efforts are not duplicated and that vital data is shared.

COORDINATION

- City Council
- Inter-departmental
- County of Fresno
- LAFCO
- Council of Governments
- Other government agencies including:
 - School Districts
 - PG & E
 - Private sewer & water providers
 - Fresno Irrigation District
 - Flood Control District
 - Valley Air
- Regional Planning Efforts
- State Laws (climate change)
- Public Utilities (sewer & water)
- Public Input
- Advisory Committee
- Technical Committee

The RDA development standards will also need to be reviewed for consistency with the updated GP and code.

Section III-D-4: Inter-departmental Coordination

A new urban form will be dependent on infrastructure capacity, in particular sewage collection and treatment, water supply, transportation and fire protection. Although the city has adequate facilities to serve the present population, urban development would necessitate new or expanded facilities which will only be exacerbated by a new, more intense urban form than originally envisioned by the 2025 Fresno GP. Studies suggest that even though the city may have the capacity to accommodate such growth, existing facilities may not be sited on intensification routes which will require in-depth analysis to ensure that public services are adequate. For example, preliminary transportation and land use studies have identified the Kings Canyon corridor as ideal for urban intensification however the Public Utilities Department will need to determine if the age and condition of existing sewer lines can accommodate such growth. As a result, timely, informative, and accurate interdepartmental coordination and collaboration will be crucial during the development of the plans.

Section III-D-5: Coordination with sovereign governments

The City relies on numerous sovereign government entities and agencies to provide urban services. These include school districts, the Fresno Metropolitan Flood Control District, the Fresno Irrigation District, private water providers, the San Joaquin Valley Air Pollution Control District, the Department of Transportation (Caltrans), PG & E, Comcast, Department of Fish and Game, etc. Although several of these entities have relatively minor impacts on the urban fabric of the community, others such as the school districts and ponding basins play key roles in the built environment. For example, schools can anchor and define a neighborhood while also serving as a focal point for social events if designed for joint use, such as programmed sporting events. Joint use arrangements can help optimize their role in the community and may also reduce overall costs for participating agencies given that they can share in acquisition, development and maintenance costs.



School design and layout also play imperative roles. For many families schools act as daily destination points, therefore schools should be designed to encourage walking and biking as an alternative to the automobile to reduce vehicle miles traveled. This can be accomplished by collaborating on planned locations, providing dedicated paths and paseos to schools or by the layout of the school. Special attention should also be given to the design and the materials used in school construction to ensure that they are aesthetically pleasing while also incorporating sustainable measures which can reduce future operating costs while also creating a healthier environment and providing educational opportunities.

Section III-D-6: Collaboration with the County

As documented in the 2025 Fresno General Plan, regional cooperation is a complex issue as growth does not necessarily respect jurisdictional boundaries. The city's ultimate urban boundary or Sphere of Influence was first established in 1983, has never been breached, and contains significant rural and agricultural acreage still within unincorporated county areas. The effect is a city bordered on the east, west and south by parcels developed with rural residences that are not likely to be redeveloped with more conventional urban development. Thus rural development has placed a considerable strain on the city's ability to provide urban services in a cost effective manner as it grows toward its formal urban boundary. It has resulted in conflicts as urban use types are introduced into established rural neighborhoods with semi-rural or estate characteristics. Although it is understood that these development patterns are inefficient and costly, the County of Fresno has historically allowed property owners to subdivide their land into parcels that are not conducive for future urban redevelopment or intensification. Consequently, the landscape, particularly the 33 square miles west of State

Route 99, is scattered with rural parcels and residences. The problem is exacerbated because adequate dedication of rights-of-way or street improvements consistent with the city's standards have not been required. Although difficult to quantify, it can be estimated that this practice has resulted in millions of dollars in additional costs because the city and land developers have to purchase homes and other improvements that have been developed within the ultimate rights-of-way. In addition, within and surrounded by the city incorporated areas, there are numerous unincorporated county islands with varying mixtures of county and city services that represent spatial barriers to achievement of the efficient delivery of public services that urban unification would provide.

Thus, as part of the GP update staff will review and may propose policies that would establish urban reserves within the Sphere of Influence to ensure that development coincides with the phasing of infrastructure to properly allocate urban resources and to maintain the integrity of the GP, and suggest policies for complete urban unification and efficient public service delivery.

Section III-D-7: Managing Urban Growth on fringe areas

Fresno's main technique for controlling and directing development has been the Urban Growth Management Program (UGM), which required that fringe area projects pay the extra increment of infrastructure costs engendered by leapfrog urbanization. A survey of growth management strategies throughout California found that 21% of Central Valley cities used infrastructure as a growth control measure, and over 9% used residential fee increases to this end. In contrast, only 11% of Southern California cities and 13% of Bay Area cities used infrastructure capital improvement projects to control the rate or location of residential development. The reason that infrastructure financing has been so widely used in the Central Valley probably lies in the fact infrastructure costs (and impact fees) a higher percentage of new home cost in the Central Valley than in those other two regions. Some 59% of developers in the Central Valley consider the cost of new infrastructure to be an important or very important issue for development; whereas, only 23% of Bay Area developers and 30% of Southern California developers would rate its importance that highly.

However, the UGM program alone has not been effective in preventing sprawl and discontinuous development in Fresno. The city has too many residential subdivisions that poorly linked with the rest of the urbanized area by two-lane roads lacking sidewalks, drainage, and transit service. Developers who chose to build at the fringe have complained that the UGM reimbursement process was so slow, they effectively never were properly reimbursed by advancing funding to extend infrastructure. A great deal of local financial resources have been devoted to low-density residential development, while established neighborhoods have languished for lack of investment. A more effective and strategic approach to growth management is needed for Fresno.



A range of growth control/direction efforts exist throughout California. Some may be highly amenable to use in Fresno, but others would not be useful or could adversely affect achievement of Housing Element goals. For instance, measures which limit the numbers of building permits issued, or utility connections allowed, would

interfere with reaching targets for dwelling unit construction and would likely favor market rate housing over affordable units.

Population and residential caps have been adopted by very few cities in any region of the state, which appears to be acknowledgement of the fact that population growth is outside municipal control, and residential development needs to serve the population which exists.

The availability of developable land is a constraint in most other regions of California, but has not been seen as an effective limiting factor in the Central Valley where most cities have had the option of successively expanding their spheres of influence onto surrounding agricultural areas. This is changing, and if Valley cities make a serious effort to hold their urban boundary lines then land availability will be a future growth-limiting factor.

Growth management through the annexation process is reported by over a quarter of all cities in California, and over half of Central Valley cities. This is a logical extension of the legislated role of Local Agency Formation Commissions. For example, the City of Clovis has negotiated its growth control measures with Fresno County through a Memorandum of Understanding relating to annexation.

Growth Management Elements in their General Plans and urban limit lines are favored by Northern California cities and large cities of 100,000 or more. Use of an urban limit line or urban growth boundary is a fairly common practice. The City of Visalia General Plan delineates various growth area boundaries, and opens these areas upon attainment of set population levels. (In order to provide for a more compact and intensive urban form, Visalia is considering increasing the population numbers which would trigger opening new development areas.

Cross-zoning, upzoning and downzoning programs of parcels has been attempted by some 7% of cities throughout the state. Downzoning is most commonly attempted by large cities having populations of 100,000 or more.

Plebiscite controls (requiring a majority of voters to approve new development) is more common in other regions (the Coast and Northern California), but has rarely been attempted in the Central Valley. Special elections and ballot measures are costly to administer.

Over 35% of cities in both the Central Valley and the Bay Area have policies that encouraged residential development to be sited in already-developed areas, and four times as many Bay Area cities had formal policies restricting residential development to already-developed areas.

Section III-D-8: Coordination with COG's SB 375 planning process and ARB /Air District AB 32 efforts

State mandates such as AB 32 and SB 375 call for greenhouse gas (GHG) emissions to be reduced to 1990 levels by 2020. SB 375 has a far-reaching mandate for local agencies to implement sustainable communities strategies to link climate policy with transportation and land use planning, using the regional transportation plan to accurately account for transportation, air quality and climate change impacts of land use decisions. Based on direction contained in state legislation, the California Energy Commission has set a goal of zero net residential energy use by 2020, and by 2030 a corresponding zero net energy use for commercial development.

Section III-D-9: Enhanced coordination with water plans

Under the auspices of the Department of Energy grant, the Planning and Development Department will initiate a wide-ranging update of its zoning, building, and nuisance ordinances, formal Public Works and Development standards, and city policies to implement a greater range and number of sustainability measures throughout Fresno. As part of this work:

Scope of Work

- Incentive-based programs of the Fresno Green program will be reviewed and enhanced, and some measures that are currently voluntary may become mandatory in order to achieve Fresno's target of a 28% reduction in GHG emissions by 2020.
- Nationwide and statewide programs for energy-efficiency and sustainability (such as Leadership in Energy Efficiency Design [LEED], EnergyStar, Build It Green, and others) will be reviewed for their applicability to various types of Fresno development.

Recently-enacted conservation policies of the Urban Water Management Plan will be translated into new city regulations and standards for construction and development, to ensure that land use decisions are consistent with, and carry out, Department of Public Utilities policies.

Strategy will be formulated to foster "green industry" development.

Section III-D-10: Public participation and advisory committee process

Participation of a broad spectrum of stakeholders is essential for the new Code and GP update to be successful.

The following segments will be cycled through the stakeholder groups:

- The Scope of Work for the Sustainable Fresno GP and Code updates
- Case studies to determine regulatory approaches
- The Urban Form component of the GP
- Policy components of the GP
- Components of the FGDC
- Zoning administration and code reformatting
- Form-based coding
- Green" building and sustainability
- Master Environmental Impact Report

Having all stakeholders review the proposed GP update and draft Code will provide a range of expertise and perspectives that can keep the project on track and true to the goals and objectives. Fresh perspectives and outside expertise inform the process and are important for preventing errors, inconsistencies, and unintended consequences.

The city's Planning Guidelines require that the Council appoint a citizens advisory committee for GP updates because these updates reflect the goals, objectives, and values of the community. The GP and its zoning and building codes are used by real estate and construction professionals who are most conversant with economic realities and technologies; those groups are envisioned as important participants to inform the Plan and Code update process.

Frequent and genuine public participation is essential to develop a consensus based FGDC that reflects and desires of the constituents of individual communities. It is important to establish a framework for this process at the outset, while retaining the flexibility to respond to changing conditions over the project's expected time frame. The plan should establish a basis for outreach to the community covering various topics such as project oversight, media outreach, roles and responsibilities of staff and consultants, etc.

A sampling of some of the successful examples implemented include:

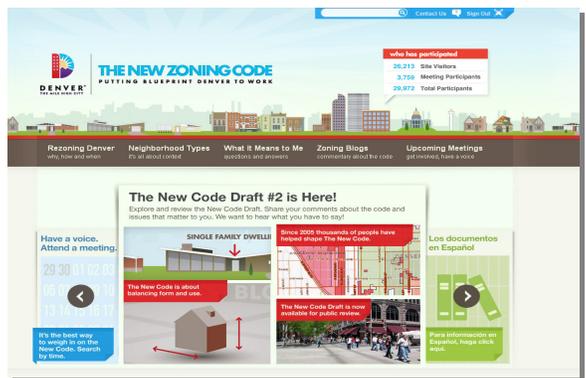
- Postcards

- Surveys
- Newsletters
- Hosting a new FGDC website

Section III-D-11: Website & Electronic Communication: Tools of Engagement

The Institute for Public Policy reported in 2007 that 68% of households in the U.S. have computers in the home and specifically, California is ahead of the curve with 47% having access to broadband. Given that additional access is often provided at the workplace, public libraries, and quickly spreading as a common mobile phone feature, this will be the single most effective tool we have to generate awareness and engage the public. The City of Miami, whose citywide FBC was recently approved, touts their website as being the primary source of information about their project, receiving an average of 100,000 monthly visits. Denver, Colorado's website tracks their internet traffic and posts a running count on their homepage which is currently just shy of 30,000 active participants in developing their new code. Having a professionally prepared website would greatly benefit the project. Elements include:

- Visualizations, photos and text to introduce the goals and objectives of the Project
- Ability to engage visitors and public participants, providing them an opportunity to submit contact information for future updates and reminders
- Post most frequently asked questions and corresponding answers
- Introduce the "team," similar to Denver's personal approach adding photos and brief bios
- Primary medium to release draft versions of code, maps and other proposed standards and guidelines
- Ability to electronically intake general feedback and questions in addition to specific comments in reference to a particular map, plan, or other proposed regulation (see Baltimore & Denver)
- Provide a list of practical ways to get involved by attending meetings, participating in a charrettes or providing fieldwork assistance
- Provide a calendar of events to announce latest developments but also document and provide ability to review the Project's history as well as list of all significant events.
- Explore ability to provide an interactive blog to capture the current buzz as well as provide an opportunity to focus on specific and more controversial topics
- Provide an ability to Sign up (right on the homepage) to receive email alerts and updates



There is a simplistic elegance achieved by substituting pages of text with “standard sheets” such as those used in Grass Valley’s recent citywide development code revision. They typically contain specific images detailing a building’s form in both planned and elevation views, along with standards for building placement and envisioned uses. Such specificity can provide essential predictability for developers when assessing value and preparing initial design concepts.

KEY FORMAT CHANGES

- Incorporate graphics
- Add illustrations and tables
- Use clear and concise language
- Consolidate and properly cross reference

Another useful summarization tool recently put forth by Montgomery County in Maryland are zoning fact sheets. With 34 zoning districts, a color coded table with photos and summarized development standards in chart form listing setbacks, parking and height requirements, etc., could prove to be an excellent quick reference.

Section III-E-2: Cross-referencing and document navigation tools

The very nature of a zoning code often makes it necessary to refer to a number of different maps, code sections, plans, standards, etc. to determine whether a particular action is or is not permissible. For example, to determine whether a particular commercial development could be built on a certain lot, one might 1) start by looking at a GP to identify the planned land use; 2) review zoning map to identify the zone district; 3) flip to the specific zone district to identify what uses are permitted in that zone district; 4) search for any exceptions; 5) review the design guideline section; and 6) review the property development standard section. Reviewing multiple sections is often unavoidable and needs to be accommodated through multiple references to assimilate all of the referenced documents together. This can be greatly enhanced with a web-based version through hyperlinks as is discussed in further detail below.

Additional formatting tools that can further enhance navigation would include:

- Dynamic headers
- Prominent fonts and titles
- Balance between text and white space
- Document titles
- Page numbers
- Adoption dates

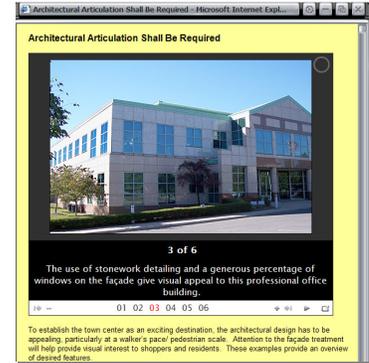
Section III-E-3: Consolidation

The Sustainable Fresno Division’s efforts encompass the full range of codes, policies and plans that affect every aspect of development within the city. Rewriting the code is a great opportunity to integrate these efforts. A new code makes it easier to comprehend and often results in reducing the bulk of the overall document. Common themes for consolidation include:

The collage includes:

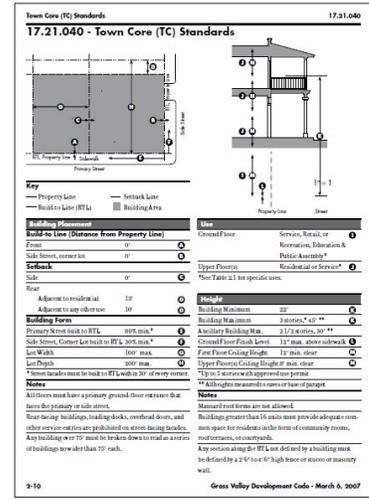
- A page from the 'MUNICIPAL CODE CITY OF FRESNO' showing text about secondary effects of residential development.
- A diagram titled 'Minimum Building Height' showing a building with a height limit and a 'NO' sign, and another building with a height limit and a 'YES' sign.
- A diagram titled 'Large-Scale Development' showing a large building with a height limit and a 'YES' sign.
- A diagram titled 'Line Buildings' showing a row of buildings with a height limit and a 'NO' sign.
- A diagram titled 'Mass of Large-Scale Development' showing a large building with a height limit and a 'NO' sign.
- A screenshot of a web browser showing the 'Marshall Township, PA Zoning and Subdivision and Land Development Codes' website. The browser shows a search bar, a list of codes, and a table of contents.

- Combining zoning and subdivision materials in one code
- Consolidating all definitions in a Definitions Article (FMC already has and should preserve and relocate to the end of the document)
- Consolidating zoning and subdivision review procedures and relocate them in the FGDC.
- Identifying what procedures such as submittal requirements can be removed from the code in separate user's guide
- Keeping policies and procedures out of the code so that they can be updated without formal code amendments
- Grouping zone districts in one Article and also relocate all use standards to a single chapter.
- Organizing the text in order to see overlaps between sections and make future amendments easier
- Combining all development standards in one article



Section III-E-4: City's Present Format Media

- Paper Copy: Traditionally in the city, the municipal code has been printed and distributed in hard copy for use by staff and review by the public. The dominant zoning codification firm in the U.S. has been Municipal Code Corporation (MCC) out of Tallahassee, Florida. Historically, organizations such as MCC would oversee the general maintenance and distribute updates as inserts for each individual copy. This process has recently proven to be much less efficient in comparison to existing electronic and web-based formats.
- Web Based: With the growing availability of the internet, companies such as MCC have moved to a web-based format. Currently, Fresno's code is maintained by MCC, which is updated and made available as a link (www.municode.com) from the city's website. They now also have a desktop version called Folio that provides some additional functionality, such as advanced queries, custom comments, and bookmarking. The code is also available in PDF format.



Section III-E-5: Visual Interactive Codes

The next generation of the web based online code is known as the Visual Interactive Code (VIC) which is a dynamic multimedia format that reconnects regulations with reality. It is innovative in several respects:

- regulations can be extensively illustrated with colorful graphics, pictures and video-clips, which makes the information easier to grasp and helps ground the policy in a specific place
- VIC's hyper-links provide instant connections between related information, thereby allowing the user to gain a broader understanding of the interrelated issues and influences
- the full-text search and keyword index features allow easy access to any query, which makes the information less confusing because it is easier to find
- customized content and dynamic table-of-contents provide a hierarchical list that continuously tracks your location, which reduces user intimidation and disorientation

An example of a contemporary development code can be found on the website of the City of Marshall, Pennsylvania. The concept of a VIC is commonplace and integral to the success of many internet websites today. The VIC Group has been a pioneer in first applying this format to municipal codes.

SECTION III-F: IMPLEMENT A FORM-BASED APPROACH TO SPECIFIED AREAS

A key component of the proposed FGDC will be a form based land development code component. An FBC directly addresses the form of the built environment and de-emphasizes land use as a basis for regulation.

- FBCs focus on building locations, massing and design
- FBCs emphasize the relationships between different properties, and between public space and private property, resulting in harmonious development that establishes a “sense of place.”
- FBCs provide for a greater mix of densities and a greater diversity of development types (and uses) in close proximity to each other.
- Neighborhoods created with this approach are more walkable and resource-efficient
- The FBC regulatory approach minimizes discretionary reviews: most uses are allowed by right, and most new buildings can be approved administratively.

The present Zoning Ordinance focuses on categorizing and segregating uses, discouraging many types of development that have an urban character. In contrast, the FBC will enhance compact urbanism. As part of this project and in collaboration with other agencies and consultants, areas in Fresno where an FBC is appropriate will be identified. Streamlining development reviews and reducing processing times with FBC will provide cost savings for the city and applicants and will foster economic development and job creation.

FORM BASED CODE

- Focus is on the built environment rather than specific land uses
- Emphasis is placed on the relationship between private and public spaces
- Predictable outcomes that create a sense of place

An FBC is a method of regulating development to achieve a specific urban form. Form-based codes address the relationship between building façades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only the separation of land-uses. Form-based codes create a predictable public realm by controlling physical form, primarily, with a lesser focus on land use. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory; in Fresno’s case, part of the Municipal Code. This is in contrast to conventional zoning’s focus on the segregation of land-use types, permissible property uses, and the control of development intensity through simple numerical parameters (e.g., FAR, dwellings per acre, height limits, setbacks, parking ratios).

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a form-based code implements.

Section III-F-1: Form-based code elements

- Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply based on clear community intentions regarding the physical character of the area being coded.
- Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- Public Space and Street Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, street trees, street furniture, etc.).
- Administration. A clearly defined application and project review process.
- Definitions. A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

- Architectural Standards. Regulations controlling external architectural materials and quality.
- Annotation. Text and illustrations explaining the intentions of specific code provisions.

For a step by step outline on how to develop a FBC, please refer to attached Appendix A.

SECTION IV: TIMELINE

<p>Research, Benchmarking and Draft a Scope of Work and timeline for GP Update and FGDC (“Code”) Update (see Task 1 in attached Detailed Scoping and Timeline document for detail)</p> <p>Assess need to revise Planning Guidelines and amend LPPO prior to beginning work on GP (GP) Update (Task 1)</p>	<p>1Q FY10 (July-Sept 2009)</p>
<p>Review and revise Scope of Work with stakeholder groups – residents and property owners, business and industry, interdepartmental, interagency, environmental, etc. ??</p> <p>Review current codes and Redevelopment agency standards for needs and strengths</p> <p>Develop proposal for public participation program – advisory committee roles, media, public information campaign</p> <p>Develop proposal for revising LPPO and Fresno Planning Guidelines</p> <p>Conduct Planning Commission (PC) workshop and city Council (CC) hearings on Scope of Work, and timeline for updating GP and Code, and revised LPPO and Fresno Planning Guidelines</p> <p>Begin case studies with Public Transit Improvement Study (PTIS), Intensity Corridor and Activity Center Study, and other planning efforts including Downtown and Revitalization specific plans, with regard to urban form, form-based and “Green” components; consult with Department of Public Utilities and other service providers on concepts</p> <p>Detailed assessment of existing and potential strategies, programs, and regulations for sustainability elements of the Code (energy and water conservation, waste reduction and recycling, “green” development, and other greenhouse gas reduction measures)</p> <p>Creation of detailed, GIS-based analysis and compilation of database on current development, zoning, and approved entitlements to support GP and Code updates</p> <p>Prepare Fresno Municipal Code (FMC) amendments to adopt California Model Landscaping Code and develop implementation program</p>	<p>2Q FY10 (Oct-Dec 2009)</p>

<p>Completion of GP Update work with advisory committees and public presentation of draft GP Update to PC and CC for formal initiation</p> <p>Completion of draft Code Update work with advisory committees and public presentation of proposed Code to PC and CC for formal initiation</p> <p>Determine whether GP Update and Code Update will utilize a unified CEQA analysis</p> <p>Hearings for adoption of SEGA</p>	<p>3Q FY11 (Jan-March 2011)</p>
<p>Prepare and issue Notice of Preparation (NOP) for GP Update (and Code Update, if unified CEQA analysis will be done)</p> <p>PC and CC workshops and public outreach on proposed Code Update</p> <p>Prepare and issue Initial Study for Code Update if the Code will utilize a separate and non-EIR level of analysis</p> <p>Complete technical studies for EIR</p>	<p>4Q FY11 (April-June 2011)</p> <p>4Q FY11 (continued)</p>
<p>Publish Draft EIR; hold public hearing on Draft EIR; analyze comments and prepare Final EIR</p> <p>Formal initiation of Code Update at CC hearing</p> <p>final adoption of Fulton Corridor Specific Plan (Downtown and Neighborhood Revitalization Department)</p>	<p>1Q FY12 (July-Sept 2011)</p>
<p>Hearings on certification of EIR and adoption of GP Update</p> <p>Hearings on adoption of Code Update</p> <p>Post-adoption work on GP and Code updates (public information, industry and staff education, and continuous improvement programs will continue past the end of this timeframe)</p>	<p>2QFY12 (Oct – Dec 2011)</p>

SECTION V: GLOSSARY & ACRONYMS

2025 Fresno General Plan, adopted by the City Council in 2025 with approximately 120 subsequent specific updates, is our current community vision for Fresno's future.

ACS, American Community Survey

Areas of Change are places where new investment would be the most beneficial, and increased density and change of use is appropriate. This is a concept under review for the General Plan Update process would incorporate.

Areas of Stability are established residential neighborhoods where reinvestment and change will occur while the density and type of use will remain largely as it is. This is another concept under review for incorporation in the General Plan Update.

BRT, Bus Rapid Transit

CEQA, California Environmental Quality Act

COG, Council of Fresno County Council of Governments

Context is the moiety of elements which together comprise a built environment. Context elements would include street, block, and lot patterns, as well as land use, and building form and scale.

Context-based Zoning derives zoning regulations from the desirable attributes or development characteristics of existing neighborhoods or planned places (i.e., the "context").

CPTED, Crime Prevention Through Environmental Design

Density is the permitted concentration of residential units in an area of land, or the permitted ratio of building size to land area.

DOE, United States Department of Energy

EECBG, Energy Efficiency and Conservation Block Grant

EIR, Environmental Impact Report

EPA, United States Environmental Protection Agency

FGDC, Fresno Green Development Code (this project)

FMC, Fresno Municipal Code

Form-Based Zoning emphasizes regulation of building "form" (versus just "use") to assure a building's general shape, massing, height and orientation positively contribute to the existing or desired neighborhood context.

GHS, Greenhouse Gases

GP, 2025 Fresno General Plan (see above)

LEED, Leadership in Energy and Environmental Design

LLPO, Local Planning and Procedures Ordinance

Main Street Zoning are "context-based" and "form-based" regulations to emphasize the incorporation of mixed uses along transportation thoroughfares.

MEIR, Master Environmental Impact Report

Mixed Use Zoning allows mixing of different land uses, such as residential, retail and office, either in the same building or in the same district/area.

Multi-Modal refers to giving travelers more choices than simply using their cars such as rail and bus transit, car pools, walking, biking, and shuttle service.

New Urbanist, a multi-disciplinary approach to creating walkable, mixed-used neighborhoods as an alternative to urban sprawl

Overlay Zoning is a technique whereby certain additional zoning requirements are added to the underlying "base" zoning

district.

Planned Development (PD) or Planned Unit Development (PUD) is a negotiated zoning district uniquely tailored for a specific property.

PTIS, Public Transportation Infrastructure/Bus Rapid Transit Study

Rezoning is an action of the city Council to amend the zoning map designation of a property, to apply one or more overlay zoning districts to property, or to add entirely new zone districts to the Code and apply them to property.

RTP, Regional Transportation Plan

SJVAPCD, San Joaquin Valley Air Pollution Control District

San Joaquin Valley Blueprint Process is an eight-county process (locally sponsored by the Fresno County Council of Governments) to frame a very long-range concept of development, open space, and transportation in the region. This effort has involved two years of community input from thousands of local citizens.

SEGA, Southeast Growth Area is a 14 square mile area generally located east of Temperance Avenue. This area was identified as the new growth area in the 2025 Fresno General Plan

Sustainability refers to the long-term social, economic and environmental health of a community.

Transit-Oriented Development (TOD) creates beautiful, vital, and walkable neighborhoods that provide housing, shopping and transportation choices as well as access to the region's jobs, government centers, healthcare facilities and cultural and recreational destinations.

UGM, Urban Growth Management. Fee based program adopted by the city in the mid 1970s to ensure adequate infrastructure for development outside of a specified area

Use-Based Zoning emphasizes regulation of the use of buildings or land to assure compatible development within an area or district. See, in comparison, "form-based zoning."

VMT, Vehicle Miles Traveled

Zoning Code is the body of local laws governing what can be built on a property, as well as how it can be used.

APPENDIX A: STEPS TO DEVELOP A FORM-BASED CODE

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a form-based code implements.

Documentation

The information from this documentation process helps re-introduce an urban design component into the development regulations in two ways. First, at the macro scale, it provides for understanding the framework of the existing place (neighborhoods, districts, centers, and corridors) to inform the Vision Plan (the public's vision for its community) and Regulating Plan (the vision memorialized in the form-based code). Second, at the micro scale (block dimensions, street widths, parcel sizes, etc.), it provides the detailed measurements for the first draft of the Form-Based Code (FBC), which will then be modified during the visioning and coding phases.

Plan, Policy, Practice, and Code Audit. In addition to describing and recognizing the key physical characteristics of the planning area, it is equally important to understand how the present plans, policies, practices, and codes support, or do not support, the goals, objectives, and policies in both the present, as well as the proposed updated GP; Fresno Green Program; the Blueprint Growth Principles; as well as the PTIS and Transit Intensity Activity Centers and Corridors Study. The principles, goals, and recommendations that support these studies and the planning and ordinance up-date programs can be translated to specific features or characteristics that should be found in Fresno.

Survey the Built Environment. A clear understanding of the current development characteristics of the community is essential to best understand how to move forward. This survey will have two complementary parts: In-house work and field work.

The in-house work has three parts: (1) the marshaling of data from a number of sources, including the PTIS and Transit Intensity Activity Centers and Corridors Study, Public Works Department data about the extent that the present and proposed infrastructure is able support the FGDC and GP Update; (2) preparation for the field work (including the selection of sample places to conduct the field work); and, (3) after the field work, the clean-up, organization, and reporting of the results of both the in-house and field work.

Part (2), above, drawing on the data assembled in Part (1), has as its products base maps, diagrams, and related material that will be used in the field work. The goals for this task are: (a) begin to understand the neighborhood, district, activity centers, and corridors framework of Fresno; (b) Become familiar with the land-use patterns and physical patterns of development within Fresno; (c) Select which places will be the subjects of the field work; (d) create an initial list of transect zones that will likely be necessary for the FBC; (e) decide whether there are any gaps in the background data that must be filled before the field work begins.

The field work includes surveying each sample location, annotating the base maps and taking measurements, photographs, and notes. This work in the field has three major purposes: (a) to document and rate the existing locations of the neighborhoods, districts, activity centers, and corridors; (b) to catalog the variety of existing thoroughfare types, building types, noting the locations of good examples of each; (c) to refine the list of applicable transect zones.

The post field work tasks of organization, analysis, and reporting have as their products (a) schematic diagrams of existing neighborhoods, districts, and special conditions, together with schematic diagrams of proposed activity centers and corridors; (b) a city-wide schematic diagram of the combined neighborhoods, districts, activity centers and corridors, and special conditions; (c) photograph sheets of examples of existing transect zones, thoroughfare types, building types, etc.; and (d) a proposed transect diagram.

Prepare Materials for the Public Participation Process. The materials developed in the documentation process will be used in the public participation process. These will include displays, both hard copy and electronic, as well as

hard copy and electronic reports that will be used in the presentations, as well as available for public perusal.

Visioning (Public Participation Process)

Preparation. Preparation for the public participation process has two parts: preparing for the public's participation and preparing the draft form-based code that they, the public, will participate in developing into a final draft code for adoption.

The public participation process begins with a stakeholder discovery process that produces a list of the stakeholders who must be involved to assure the success of the project. The news media must be considered stakeholders, and efforts made to 'bring them on-board'.

Sometimes, the most influential people in a neighborhood or in the larger community are not visibly public figures. They might not belong to any neighborhood or other groups, or hold any kind of office, but are people with authority in their neighborhoods and communities—nothing happens without their knowledge, and much of what happens in their neighborhood happens because they bless it. When they speak, people around them listen, and they are consulted about local issues. Because this is so, it is critical to discover who these people are, and engage them in the process as important stakeholders. Often, their participation is by means of confidential interviews conducted by respected 'third parties' (see Public Participation—many forms, below).

The stakeholder discovery process is followed by outreach and engagement, whose purpose is to establish contact with the individuals and organizations who are the stakeholders. The result of this initial contact should be an immediate, positive perception of the project. This first contact sets the tone and expectations, and should be orchestrated carefully with a well-crafted outreach strategy. The desired outcome of the outreach phase is for all those contacted to be excited about, and interested in, participating in the project.

The outreach process, ideally, occurs at three levels: large public gatherings, such as lectures and workshops; group meetings, such as neighborhood organization steering committee or chamber of commerce meetings; and individual or small group meetings, which consist of one to five people.

A successful outreach program is based on a clear set of main messages about the project purpose and process. These main messages should be used in all outreach communications, including press releases, presentations, and individual conversations. An effective outreach program describes the project in terms of its relevancy to the stakeholders (and the community at large), and the "wins" discovered in the stakeholder discovery and analysis process.

The second part of preparing for the public participation process, writing the draft form-based code, involves four major sets of tasks.

The first set of tasks, is determining the appropriate spatial basis for regulation. How far from the corridor right-of-way the T5, Center & Corridor (Main Street) Transect Zone extends must be determined, as well as how the T4, General Urban (Neighborhood) Transect Zone, which lies at the outer edge of the T5 Zone, dovetails into the non-FBC land development code. The transition from the form-based code governing the centers and corridors to the non-FBC land development code is important; it must be as seamless as possible.

The second set of tasks is the development of the urban standards: the public space, building form, building type, frontage type, block dimension standards, and, perhaps, other standards that are deemed appropriate for the form-based to regulate.

The third set of tasks is the illustration of the standards and the creation of the Illustrative plan (sometimes called the Visioning Plan) that will evolve into the Regulating Plan in the finished form-based code.

The fourth set of tasks is development of the content of the form-based code's administrative provisions. An important part of this task is the drafting of the development review process. The drafting of additional text of the code might be started at this stage, but will not be finished until the assembling of the final draft of the code for adoption.

Public Participation. Public participation will have many forms. Tours, both walking and by vehicle, are good ways to become familiar with a place. Technical workshops are educational events that focus on specific topics, such as transportation, housing, retail, etc. Presentations on various topics related to the project, particularly by noted experts or local persons of authority in the community, are an educational device to engage and inform groups, or interests, within the larger public of various aspects of the project. Confidential interviews are a way to elicit input from parties who cannot, or will not, speak in public (for any number of reasons), but whose input is too valuable to do without. Public workshops are events in which all stakeholders, as well as those who are only curious, have the opportunity to participate in the refining of the design of the project. In addition to these events, news media must be involved to spread the word about the merits of the project, itself, and about the date, time, and place of each of the public participation events.

The purpose of these public participation events is to provide the stakeholders in the community with a holistic picture of the topics, so that they will be informed participants, and to strengthen their stake in the successful adoption of the project. Without the stakeholders' adoption of the project as their own, the outcome of the formal consideration of the project by the City Council is ambiguous, at best.

Implementation

Assemble the Final Draft of the Code. Organize the content. All of the code's content that has been developed up to this point is organized to create a draft code document that has an order that is clear and user friendly. The intentions of the primary users, developers and staff, are a big factor in the ordering of the content of the code. The questions, "What can I build on my lot or site?" and "What must I include in the project application?" are good guides to keep in mind when creating a user friendly order to the content of the code.

Write additional content. The next step is to draft additional content, such as table of contents, glossaries, text that 'splices' the FBC into the UDC, etc.

Create graphics. The graphic materials that has been created up to this point, as well as any graphic materials that remain to be created are brought to a "final draft" state of finish.

Create page templates. Creating the page templates is can be done at the same time as bringing the graphics to a "final draft" state of finish, or can be done before or after the graphics work. Creating the page templates involves issues of clarity, usability, page size and orientation, etc. This formatting is a process that involves design and discussion that begins during the public participation process and continues through the code assembly process.

Transfer the code content to the page templates. Once the graphics and page templates are done, the content of the code is transferred to the page templates. Once this is done, the "final draft" of the FBC is ready for adoption.

Adoption. Planning Commission hearings, City Council hearings, and adoption of the Code.

Administer, monitor, Adjust. Administer. Training the staff and other users of the FBC (the public, developers, property owners, the real estate industry, etc.) will be necessary.

Monitor. We must devise a formal process to discover, memorialize, and gather up for administrative or legislative 'correction' the 'bugs' that crop up in the early days, weeks, or month (or so).

Adjust. The Council should expect to act on the FBC (the entire UDC) three times within the first year: Adoption, and two adjustments. An analogy is gunnery: the first shot short of the target, the second shot beyond the target, and the third shot, with corrections based on the data from the previous two shots, right on target.

APPENDIX B: INITIAL EVALUATION OF TASKS & RESOURCES NEEDED

Work Program			
We Can Do	We Can't Do	Leverage Other Work	Other Resources We Need
<p>Defining the project</p> <ul style="list-style-type: none"> ➤ Scope ➤ Project management ➤ Committee formation ➤ Develop schedule Public communication <ul style="list-style-type: none"> ▪ Charrette Process <p>Data collection</p> <ul style="list-style-type: none"> ○ Survey existing conditions ○ Field work(need additional help) ▪ Base mapping ▪ Depart. Interviews ▪ Stakeholder meetings ▪ Department briefings ▪ Council/Commission briefings ▪ Historic Surveys ▪ Draft GP Update ▪ Draft Updated FGDC ▪ Draft FBC ▪ Draft Design Guidelines ▪ Assess existing plans & policies ▪ Conduct Public Meetings: <ul style="list-style-type: none"> ○ GP Update ○ EIR ○ FBC ○ Non-FBC 	<ul style="list-style-type: none"> ▪ Website development & maintenance ▪ Archeological work ▪ Economic analysis ▪ Health impact assessment ▪ Environmental Study & all required technical studies <ul style="list-style-type: none"> ○ <i>Traffic analysis</i> ○ <i>Air Quality analysis</i> ○ <i>Greenhouse gas emission</i> ○ <i>Noise</i> ○ <i>Utility capacity</i> 	<ul style="list-style-type: none"> ▪ PTIS – Kimley Horn & other team consultants <ul style="list-style-type: none"> ○ Economic studies, graphics, workshops & focused corridor section studies ▪ CD&A & other team consultants <ul style="list-style-type: none"> ○ Economic studies, graphics, workshop & focused corridor section studies ▪ GIS work/Arch Map <ul style="list-style-type: none"> ○ Work done by other consultants ○ Work done by Gene/Ed ○ Potential training in house of mapping team 	<ul style="list-style-type: none"> ▪ Website development & custom graphics ▪ Software <ul style="list-style-type: none"> ○ Microsoft Project ○ Another CS3 (or CS4) license would be good once we start really pumping out content ○ Adobe Acrobat Pro for at least 1 other team member ▪ Community volunteers to survey existing conditions in neighborhoods ▪ Consultant support for charrettes process <ul style="list-style-type: none"> ○ General oversight ○ Architectural renderings with quick turn around ▪ Technical study data ultimately required for the MEIR, but needed relatively early in the process to incorporate into the charrette process <ul style="list-style-type: none"> ○ The same will be true for data/info from other city departments ▪ Historic surveys – additional resources to support Karana/in-house efforts