City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 9-30-15

APPROVED BY

DEPARTMENT DIRECTOR

September 30, 2015

FROM: DANIEL ZACK, Assistant Director
Development and Resource Management Department

SUBJECT: CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. TA-15-001, PLAN AMENDMENT APPLICATION NO. A-15-003 AND RELATED ENVIRONMENTAL ASSESSMENT FOR ADOPTION OF CITYWIDE DEVELOPMENT CODE

RECOMMENDATION

Consider Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and three resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code; repeal Chapter 12, Articles 1-6, 9-14, 17, 18 and 22; repeal Chapter 10, Article 12; amend Chapter 1, Section 1-203; amend Chapter 9, Articles 6, 9-2602 and 1; amend Chapter 10, Articles 2 and 3; and amend Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1). Upon consideration of staff evaluation, it can be concluded that proposed Text Amendment Application No. TA-15-001 and Plan Amendment Application No. A-15-003 are appropriate for the City of Fresno. Therefore, staff recommends the Planning Commission take the following actions:

1. **RECOMMEND APPROVAL to the City Council** of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;

2. **RECOMMEND APPROVAL to the City Council** of the adoption of Text Amendment Application No. TA-15-001, including all corrections enumerated in the Errata in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code; repealing Chapter 12, Articles 1-6, 9-14, 17, 18 and 22; repealing Chapter 10, Article 12; amending Chapter 1, Section 1-203; amending Chapter 9, Articles 6, 9-2602 and 1; amending Chapter 10, Articles 2 and 3; and amending Chapter 13, Article 3;

3. **RECOMMEND APPROVAL to the City Council** of the adoption of a Resolution establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and

adoption of the corresponding zoning map;

4. **RECOMMEND APPROVAL to the City Council** of the adoption of a Resolution approving Plan Amendment Application No. A-15-003, updating tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1);

5. **RECOMMEND APPROVAL to the City Council** of the adoption of a Resolution Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in coordination with the City Attorney's Office; and

6. **RECOMMEND APPROVAL to the City Council** of the adoption of a Resolution Authorizing Development and Resource Management Director or her designee to update the text, policies, maps, tables and exhibits contained in the Citywide Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

EXECUTIVE SUMMARY

A new Citywide Development Code has been created which is intended to be one of the City's primary implementation tools for the new General Plan, which was adopted in December of 2014. The new Citywide Development Code was created in tandem with the General Plan, and in the nine months since the adoption of the General Plan the Code has been released for public comment and refined to reflect comments received during that period. If adopted, the Citywide Development Code will replace the current Zoning Ordinance and Subdivision Ordinance in their entirety. Thus, it will carry forward many important policies of the General Plan, such as the distribution of land uses and densities, the physical form of various parts of the city, and goals relating to improved walkability and connectivity.

ENVIRONMENTAL FINDING

Environmental Assessment No. TA-15-001/A-15-003, an Addendum, was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines Sections 15164 (see Exhibit B).

The adoption of the Fresno General Plan and Citywide Development Code were previously analyzed in Master Environmental Impact Report ("MEIR") SCH No. 2012111015, certified by the Fresno City Council on December 18, 2014. The Introduction to the MEIR specifically stated that "[t]he City of Fresno proposes to update their General Plan and Development Code and this Master Environmental Impact Report (MEIR) has been prepared to assess the impacts of those actions on the environment." The repeal and amendment of sections of the Fresno Municipal Code, including chapter 12, and the inclusion of Chapter 15 were identified in

the MEIR as components of the Development Code Update. The Citywide Development Code was further identified as the City's most effective legal tool for implementing consistent land use policy and that it was developed to facilitate revitalization, infill, transit-oriented development, and more sustainable development practices.

The Executive Summary of the MEIR includes the Citywide Development Code in both the Purpose and Project Summary discussions and identifies the Development Code as the second of two components of the project analyzed by the MEIR (the first component is identified as the General Plan Update.) Analysis of the impacts of the Citywide Development Code was woven throughout the body of the MEIR alongside analysis of the impacts of the Fresno General Plan. In this way, the Citywide Development Code, previously called the Development Code Update, was assessed as a part of the comprehensive project analyzed by the MEIR. However, the Development Code has been revised since certification of the MEIR. As such, this addendum analyzes the changes that have occurred as a result of those revisions.

Based on the environmental review contained in the MEIR, the revisions to the Citywide Development Code as identified in the Summary of Changes document would not result in any new significant or substantial changes to the evaluation of the environmental resources within and outside of the Planning Area beyond those that were addressed in the MEIR.

Since the proposed project will not result in additional impacts, it may be determined that: (1) The project falls within the scope of MEIR No. SCH 2012111015 prepared for the Citywide Development Code; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the environmental finding for MEIR No. SCH 2012111015 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

BACKGROUND / ANALYSIS

After several years of community participation, writing, and revising, the Fresno General Plan was adopted on December 18, 2014. The General Plan established a bold new vision which aims to preserve the desirable qualities that make Fresno a good place to live, while recommending strategies to address conditions that impede greater prosperity. The Plan envisions Fresno as a vibrant city with an appropriate proportion of its growth and reinvestment focused in Downtown, established neighborhoods, Bus Rapid Transit (BRT) corridors, suburban areas.

A new Citywide Development Code has been created which is intended to be one of the City's primary implementation tools for the General Plan. The Citywide Development Code was created in tandem with the General Plan, and in the nine months since the adoption of the General Plan the Code has been released for public comment and refined to reflect community input.

If adopted, the Citywide Development Code will replace the current Zoning Ordinance and Subdivision Ordinance in their entirety. Thus, it will carry forward many important policies of the General Plan, such as the distribution of land uses and densities, the physical form of various parts of the city, and goals relating to improved walkability and connectivity.

The new Code also supports the General Plan's Bus Rapid Transit concept with complimentary land uses and design, and provides necessary support to the General Plan's goal of roughly half of future growth being in the form of infill by removing regulatory impediments to contemporary infill designs and densities and by offering incentives in some instances as well. The new Code also aims to protect existing neighborhoods by requiring the setbacks and design of infill homes to be compatible and complimentary with other homes in the area.

The new Development Code modernizes language and terminology, provides a framework for emerging development trends to be viable in Fresno, and uses a wide array of tables and graphics to make the document as easy to use as possible. While the new Citywide Development Code provides clear standards for future development, it also provides alternative processes for innovative projects to be considered that may deviate from the new standards, but still accomplish the goals of the Code and the General Plan.

The staff recommendation is limited to the text of the Development Code, and does not include a new Zoning Map, which will be brought before the Commission for consideration at a later date. This is due to the fact that the new Code text will not be in effect until 30 days after adoption by the Council. The authority to adopt the new Zoning Map therefore will not be in place until 30 days after adoption. Until a new Zoning Map is able to be adopted, the Translation Table in Exhibit F will be used to apply the standards in the new Development Code to properties based on their current zoning designation.

It should be noted that the space for the Downtown Districts (Article 15) is reserved and does not yet have standards. The Downtown Development Code had been originally conceived as a completely separate document. To improve the ease of use for the public, Commission, Council, and staff by creating a unified set of terms and procedures, the Downtown Development Code will be folded into the Citywide Development Code at a later date. Currently, the Program Environmental Impact Report for the Downtown Development Code is being updated, and the Downtown Development Code's standards are being converted into Citywide Development Code format. It is anticipated that this work will be completed and ready for adoption in the spring of 2016. In the meantime, the standards of the Citywide Development Code would be applied to the Downtown Planning Area as put forth in the Translation Table in Exhibit F.

Council District Plan Implementation & Other Committee Review

The Council District Plan Implementation Committees requesting to review the Development Code have had at least one opportunity to review and comment or are scheduled to review it September 28 – September 30. Comment summaries are included in Exhibit I. Committee review status is summarized below:

Council District 1 Plan Implementation Committee – To review on September 29th
Council District 2 Plan Implementation Committee – To review on September 28th
Council District 3 Plan Implementation Committee – Declined to Review
Council District 4 Plan Implementation Committee – Reviewed on May 11, 2015
Council District 5 Plan Implementation Committee – To review on September 28th
Council District 6 Plan Implementation Committee –Reviewed on May 27 and September 21
Fulton/Lowell Design Review Committee-To review on September 28th
Tower District Design Review Committee-Reviewed on September 18th

Public Notice and Comment

A Public Hearing Notice with environmental findings published in the Fresno Bee on September 18. Four stakeholder meetings were held between September 22 and 24. Several parties requested additional changes to the Code text. These requests were analyzed by staff, and requests which were found to be consistent with the goals of the General Plan, Development Code and MEIR will be added to the Errata Sheet and the staff recommendation. Several attendees also stated a desire to delay Planning Commission and City Council action on the Development Code in order allow for more time to review the revisions to the document. An additional stakeholder meeting is scheduled for September 29 and staff will report the results of that meeting verbally on September 30.

Airport Land Use Commission

This item is scheduled for the October 5th meeting of the Airport Land Use Commission.

CONCLUSION

In conclusion, the proposed project is consistent with the goals and policies of the newly adopted General Plan. Approval of Text Amendment Application No. TA-15-001 and Plan Amendment A-15-003 for adoption of the Citywide Development Code promotes reinvestment by facilitating quality development in existing neighborhoods, preserves neighborhood character by providing standards for land uses that are compatible with the surrounding uses, and protects property values by supporting infill development on currently vacant property. In addition, it avoids or mitigates potentially significant adverse environmental impacts.

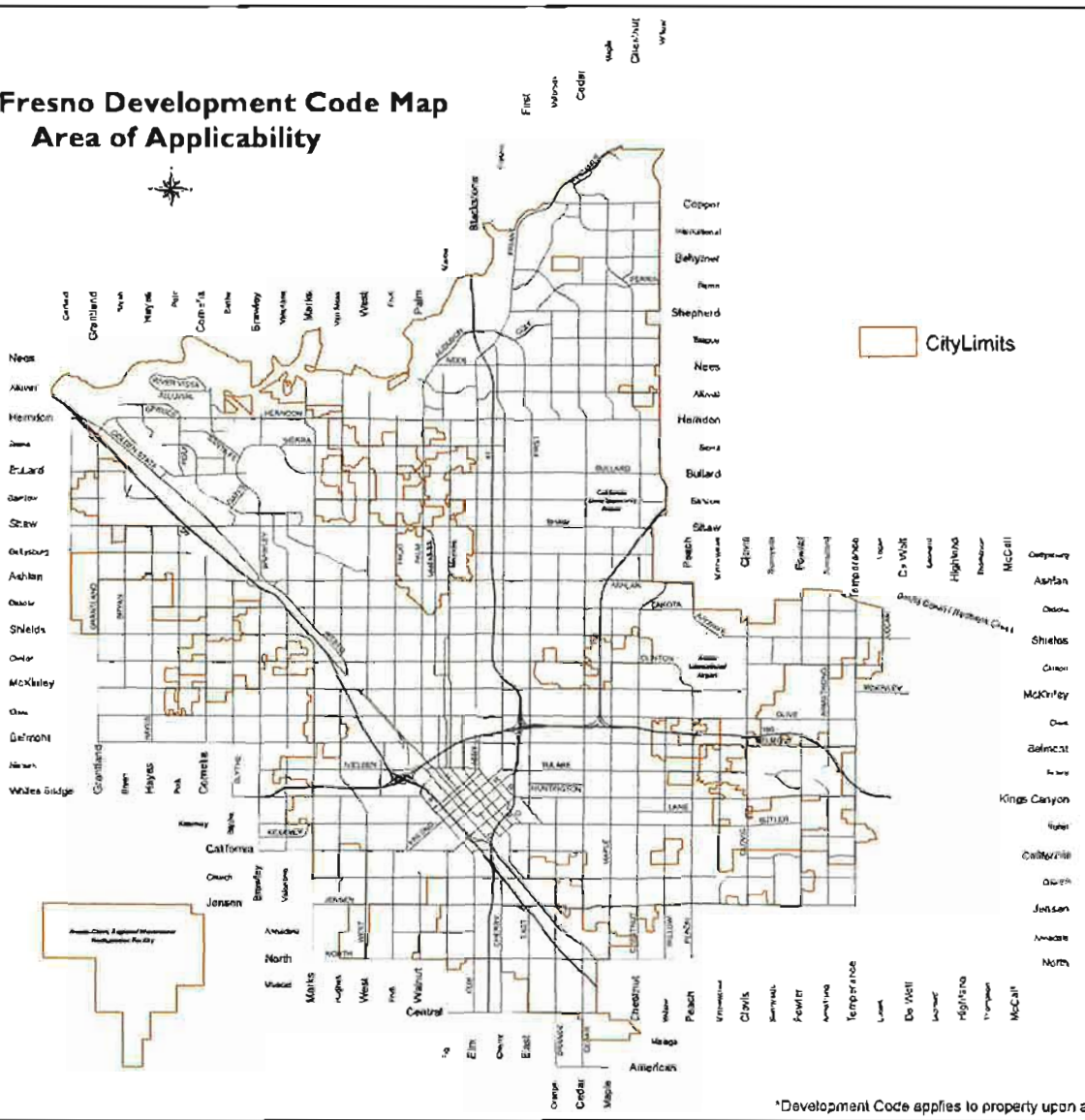
These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Text Amendment Application No. TA-15-001 and Plan Amendment Application No. A-15-003 are appropriate for the City of Fresno.

Exhibits:

Exhibit A: Vicinity Map
Exhibit B: Environmental Assessment
Exhibit C: Ordinance Bill (including the Citywide Development Code, provided under separate cover)
Exhibit D: Errata (to be provided under separate cover)
Exhibit E: Summary of Changes
Exhibit F: Resolution Adopting Zoning Designation Translation Table
Exhibit G: Plan Amendment No. A-15-003
Exhibit H: Resolution Adopting Plan Amendment No. A-15-003
Exhibit I: Comment Summary
Exhibit J: Resolution Authorizing City Clerk Corrections
Exhibit K: Resolution Authorizing DARM Director to update Citywide Development Code

Exhibit A
Vicinity Map

City of Fresno Development Code Map
Area of Applicability



*Development Code applies to property upon annexation to the city

Exhibit B
Environmental Assessment

CITY OF FRESNO
ADDENDUM TO MASTER ENVIRONMENTAL IMPACT REPORT NO. SCH 2012111015 PREPARED FOR TEXT AMENDMENT APPLICATION NO. TA-15-001 AND PLAN AMENDMENT APPLICATION NO. A-15-003 FOR THE CITYWIDE DEVELOPMENT CODE

Prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines

The full Environmental Impact Report is on file in the Development and Resource Management Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277	ENVIRONMENTAL ASSESSMENT NUMBER: TA-15-001/A-15-003: Citywide Development Code	This addendum was not circulated for public review pursuant to Section 15164(c) of the CEQA Guidelines
APPLICANT: City of Fresno 2600 Fresno Street Fresno, CA 93721	PROJECT LOCATION: The proposed Citywide Development Code would apply to all property within the Fresno City limits and upon annexation. See Map in Exhibit A.	

PROJECT DESCRIPTION:

Text Amendment Application No. TA-15-001 and Plan Amendment Application No. A-15-003 propose to amend the Fresno Municipal Code by the adoption of a new zoning ordinance (called the Citywide Development Code, previously referred to as the Development Code Update) and to amend the text of the Fresno General Plan by updating text and tables that reference the Citywide Development Code.

Text Amendment Application No. TA-15-001 would add a new Chapter 15 to the Fresno Municipal Code entitled the Citywide Development Code that would serve as the City's new zoning ordinance. It would define the standards for new development and new uses in existing buildings. It includes new zone districts, new regulations that apply across various zone districts, land division regulations, and administration procedures. In addition, Text Amendment Application No. TA-15-001 would repeal or amend the following other sections of the Fresno Municipal Code to maintain consistency:

To Be Repealed

Chapter 12

Article 1 - General Provisions Applicable To Zoning;

Article 2 - Establishment of Land Use Districts and Regulations Applicable Therein;

Article 3 - General Conditions Applicable To Zoning;

Article 4 - Procedures Applicable to Zoning;

Article 5 - Environmental Quality;

Article 6 - Local Planning and Procedures;

Article 9 - Condominium Conversions;

Article 10 - Subdivision of Real Property;

Article 11 - Street Name Procedure;

Article 12 - Parcel Maps;

Article 13 - Address Numbering Of Property;
Article 14 - Planned Communities;
Article 17 - Signs;
Article 18 - Advertising;
Article 22 - Outdoor Dining

Chapter 10
Article 12 - Vehicle Sales

To Be Amended

Chapter 1
Sec. 1-203 - Code Numbering

Chapter 9
Article 11 - Mobile Vendor Ordinance
Article 6 - Pawnbrokers and Secondhand Dealers
Sec. 9-2602 - Public Nudity Prohibited

Chapter 10
Article 2 - Animals
Article 3 - Animal Shelter

Chapter 13
Article 3 - Street Trees and Parkways

Plan Amendment Application No. A-15-003 would update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1)

The adoption of the Fresno General Plan and Citywide Development Code were previously analyzed in Master Environmental Impact Report ("MEIR") SCH No. 2012111015, certified by the Fresno City Council on December 18, 2014. The Introduction to the MEIR specifically stated that "[t]he City of Fresno proposes to update their General Plan and Development Code and this Master Environmental Impact Report (MEIR) has been prepared to assess the impacts of those actions on the environment." The repeal and amendment of sections of the Fresno Municipal Code, including chapter 12, and the inclusion of Chapter 15 were identified in the MEIR as components of the Development Code Update. The Citywide Development Code was further identified as the City's most effective legal tool for implementing consistent land use policy and that it was developed to facilitate revitalization, infill, transit-oriented development, and more sustainable development practices. The Executive Summary of the MEIR includes the Citywide Development Code in both the Purpose and Project Summary discussions and identifies the Development Code as the second of two components of the project analyzed by the MEIR (the first component is identified as the General Plan Update.) Analysis of the impacts of the Citywide Development Code were woven throughout the body of the MEIR alongside analysis of the impacts of the Fresno General Plan. In this way, the Citywide Development Code, previously called the Development Code Update, was assessed as a part of the comprehensive project

CEQA guidelines state that Master Environmental Impact Reports are appropriate for analyzing the impacts of large and/or multi-phased projects such as general plans or for rules or regulations that will be implemented by later projects, such as zoning ordinances (Section 15175(b)(4)). However, individual projects constructed pursuant to the Fresno General Plan or Citywide Development Code may require additional environmental review if they would cause an impact that was not previously identified in the MEIR.

Based on the environmental review contained in the MEIR, the revisions to the Citywide Development Code as identified in the Summary of Changes document would not result in any new significant or substantial changes to the evaluation of the environmental resources within and outside of the Planning Area beyond those that were addressed in the MEIR.

Since the proposed project will not result in additional impacts, it may be determined that: (1) The project falls within the scope of MEIR No. SCH 2012111015 prepared for the Citywide Development Code; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the environmental finding for MEIR No. SCH 2012111015 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

Section 15162 provides that when a EIR has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.

(1) Substantial changes are proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Finding (1):	The revisions that have occurred to the Citywide Development Code are still within the scope of the MEIR. No geographical boundaries or densities or intensities were altered outside of the ranges designated in the Fresno General Plan and analyzed in the MEIR. It should also be noted that the Citywide Development Code includes Performance Standards in Article 25 that regulate property maintenance, noise, vibration, lighting and glare, shadow casting, odors, heat, air contaminants, liquid and solid waste, fire and explosive hazards, electromagnetic interference, and radioactivity. These standards provide added protections to ensure environmental impacts are not created beyond those analyzed in the MEIR. Finally, organizational and format changes to the Citywide Development Code were also made for clarity and ease of use.

analyzed by the MEIR. However, the Development Code has been revised since certification of the MEIR. As such, this addendum analyzes the changes that have occurred as a result of those revisions. A Summary of Major Changes is included in Exhibit B.

The potential environmental impacts identified in the MEIR for the Fresno General Plan and the Citywide Development Code are classified in three categories. These categories include (1) issues found to be significant and unavoidable, (2) issues found to be less than significant with mitigation measures, and (3) issues found to have no impact or less than significant without mitigation measures.

With the incorporation of the revisions to the Citywide Development Code as identified in the Summary of Changes document, the issues that were identified as significant and unavoidable in the Master EIR (MEIR) will continue to cause significant and unavoidable impacts. These issues include aesthetics (visual character and illumination of the dark sky), agricultural resources (loss of farmland and removal of Williamson Act contract land), air quality (criteria air pollutants and toxic air contaminant pollutant concentrations), cultural resources (removal of historic resources), greenhouse gas emissions (increase in emissions beyond the Year 2020), noise (exceed noise standards and substantial permanent increase in noise standards), transportation and traffic (exceed levels of service thresholds for facilities under County of Fresno, City of Clovis, and Caltrans jurisdictions), and utility and service systems (construction impacts related to agriculture and air quality). The proposed changes identified in the Summary of Changes will still contribute to potential significant and unavoidable impacts related to aesthetics, agricultural resources, cultural resources, noise, and utility/service systems. However, the proposed code changes will not substantially increase the severity of the impacts that were addressed in the Master EIR.

The issues found to be less than significant with mitigation measures in the MEIR will continue to be less than significant with mitigation measures with the incorporation of the revisions to the Citywide Development Code as identified in the Summary of Changes document. These issues include biological resources (habitat, plan and wildlife species, and wetlands), cultural resources (archaeology, paleontology, and human remains), hazards (airport and emergency response plan), hydrology (groundwater supplies and polluted runoff), public services (construction of facilities), and utilities/service systems (capacities for water, sewer, drainage, and landfill facilities). The mitigation measures that were identified for each of these environmental issues will be required with the approval of land use entitlements, when applicable. The implementation of these measures is anticipated to reduce potential significant impacts to less than significant impacts for each of these issues.

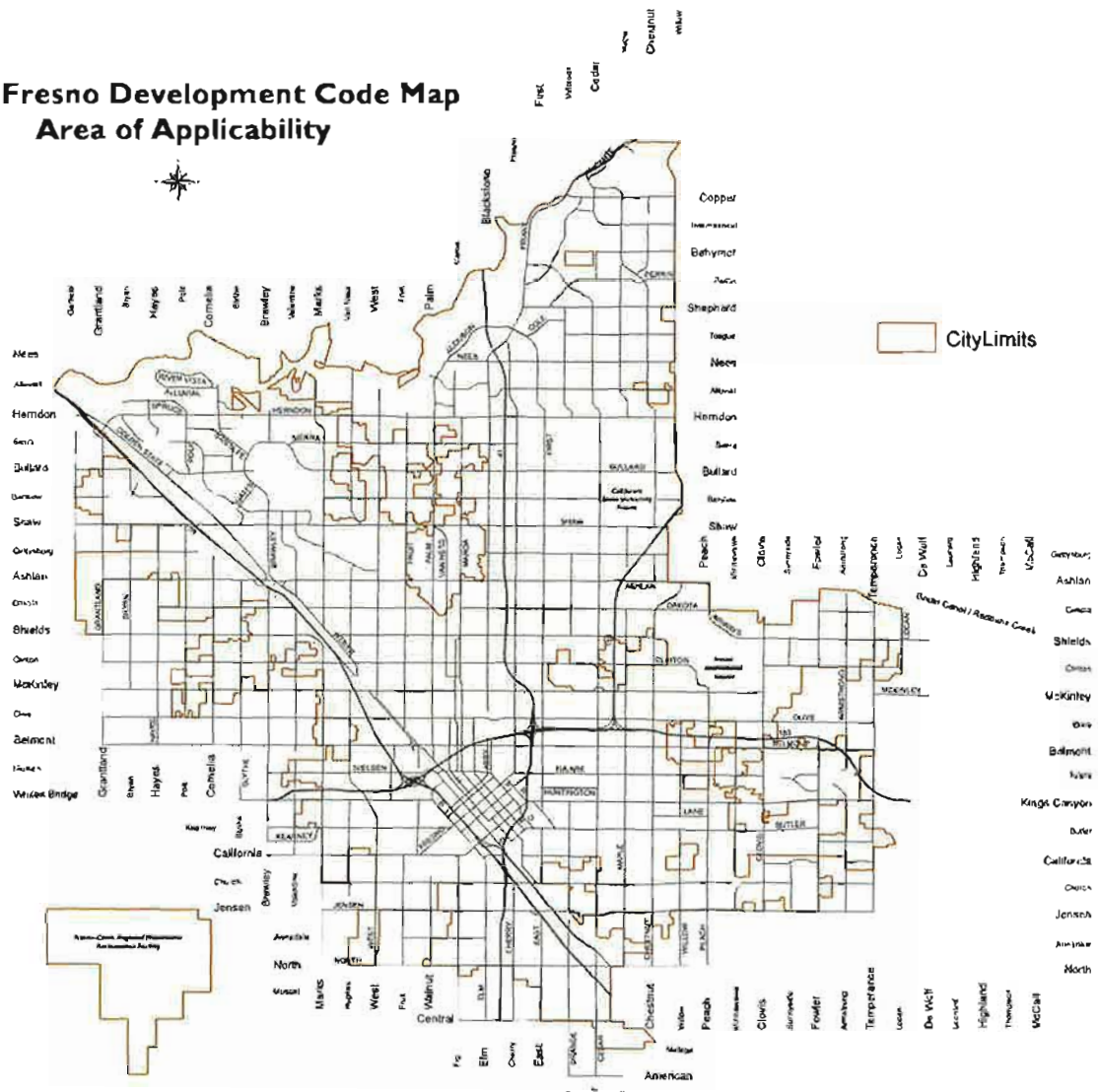
The issues found to have no impact or less than significant impacts without mitigation measures will continue to have no impact or less than significant impacts without the need for any mitigation measures with the incorporation of the revisions to the Citywide Development Code as identified in the Summary of Changes document. These issues include geology and soils, hazardous materials, land use and planning, noise (groundborne vibration, construction noise, and aircraft noise), population and housing, transportation and traffic (roadways within the City's jurisdiction and emergency access), and mineral resources. The revisions to the Citywide Development Code may increase these environmental impacts for certain projects or in certain locations; however, the level of impact will continue to be less than significant and no mitigation measures will be required.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,	
Finding (2):	The Citywide Development Code was intended to implement the General Plan. Its use as a key implementation tool is mentioned in nearly every element of the General Plan. No substantial changes have occurred with respect to the circumstances under which the Citywide Development Code is being adopted that would require major revisions to the previous MEIR as no new impacts have been generated during the revision and refinement of the Citywide Development Code. It remains consistent with the General Plan and fully within the scope of the MEIR.
(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MEIR was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous MEIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous MEIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous MEIR, would substantially reduce one or more significant effects on the environment.	
Finding (3):	No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental determination was adopted, has become available. No mitigation measures or alternatives previously found not to be feasible are now determined to be feasible and no mitigation measures or alternatives which are considerably different from those analyzed in the previous MEIR would substantially reduce one of more significant effects on the environment. The mitigation measures identified in the Mitigation and Monitoring Reporting Program of the MEIR are still appropriate and feasible and no additional mitigation measures are necessary, since no additional impacts have been identified.

ADDENDUM PREPARED BY: Sophia Pagoulatos, Planning Manager	SUBMITTED BY: Sophia Pagoulatos, Planning Manager CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
DATE: September 25, 2015	

Exhibit B
Exhibit A: Vicinity Map

City of Fresno Development Code Map
Area of Applicability



*Development Code applies to property upon annexation to the city.

Date: 8/13/2018

Exhibit B

Exhibit B: Summary of Changes

Summary of Major Changes

City of Fresno Citywide Development Code - Public Review Draft

Revised 9/23/2015

On March 31, 2015 the Development and Resource Management (DARM) Department released the Public Review Draft of the new Citywide Development Code. The public was invited to submit comments through June 1. Forty-five comment letters and emails were received, with 383 individual edits requested. After a thorough assessment of each request, DARM staff made revisions to the document. On September 11, 2015 the updated Planning Commission and City Council Review Draft was released. Below is an article-by-article synopsis of the most significant changes that were made. Please note that most articles were renumbered, and the article numbers listed below coincide with the September draft, not the March draft.

Article 1 Introductory Provisions

Changes were made to the Applicability section, 15-104, to recognize authority of State and federal agencies. The explanation of the priority of plans was restructured and expanded for clarity.

Article 2 Rules for Construction of Language

No significant changes.

Article 3 Rules of Measurement

Changes were made to clarify that the maximum number of units is to be determined by the Base District as opposed to the General Plan Land Use; alterations were made to height measurement and the definition of a "story"; and calculations of residential density and frontage coverage were updated.

Article 4 Non-Conforming Uses, Structures, Site Features, and Lots

Updates were made to 15-402, Determination of Non-Conforming Status, to include in the definition of a non-conforming use, compliance with terms and conditions imposed on said use. The Deemed Approved Use exception was deleted and information on the abandonment of Legal Non-Conforming Uses was added. Finally, an exception for the creation of Non-Conforming Lots through eminent domain causes was added.

Article 5 (Reserved)

This article was added to allow for future expansion of the Code.

Article 6 (Reserved)

This article was added to allow for future expansion of the Code.

Article 7 (Reserved)

This article was added to allow for future expansion of the Code.

Article 8 Buffer District (B)

Allowed uses were added to this district.

Article 9 Residential Single-Family Districts (RS)

Allowed uses were added to these districts and lot sizes and setbacks were adjusted, reflecting added options to the Enhanced Streetscape incentives section. Garage frontage requirements and façade elements were deleted and made optional under Enhanced Streetscapes. Building articulation requirements were deleted while duplex and multi-unit standards for the RS-5 district were added. Building orientation to streets, façade variation for multiple-home projects were relocated from the subdivision design section.

Article 10 Residential Multi-Family Districts (RM)

Allowed uses were added to these districts and setbacks were adjusted. Minimum densities were added. Screening requirements between RM and RS were added to enhance privacy, parking setbacks were more clearly defined, and standards relating to carports were deleted. Common open space requirements were shortened and storage space requirements were deleted, while standards for external pedestrian connections were added. Building articulation and materials requirements were altered and porch and balcony standards were adjusted.

Article 11 Mixed-Use Districts (MX)

Uses were added, deleted, and adjusted in these districts. The maximum height in NMX was adjusted by five feet, frontage regulations were adjusted, and requirements regarding acceptable active uses near sidewalks were more clearly defined. Screening requirements between MX and RS were added to enhance privacy, parking setbacks were more clearly defined, and standards relating to carports were deleted. Common open space requirements were shortened and storage space requirements were deleted, while sidewalk standards and standards for external pedestrian connections were added. Building articulation and materials requirements were altered and porch and balcony standards were adjusted. Façade alignment provisions were added.

Article 12 Commercial Districts (C)

Uses were added, deleted, and altered in these districts and setbacks were adjusted. Screening requirements between C and RS were added to enhance privacy. Building orientation, transparency, and façade element requirements were folded into incentivized options under a new Enhanced Streetscape section, while external pedestrian connection standards were added. Building articulation and materials visibility requirements were altered.

Article 13 Employment Districts (E)

Uses were added and adjusted in these districts. Front setback options were altered, screening requirements were added to enhance privacy between E and RS, and building orientation requirements were made optional under Enhanced Streetscapes, a section that was added along with external pedestrian connection standards for O districts. Building articulation standards and materials applicability for E districts were altered.

Article 14 Public and Semi-Public Districts (PSP)

Uses were added, deleted, and adjusted in these districts and density restrictions provided for the added allowance of on-campus housing. A provision to allow enhanced protections for the San Joaquin River Corridor was added.

Article 15 Downtown Districts

This article was added to reserve space for the future addition of Downtown standards.

Article 16 Overlay Districts

The Planned Development (PD) Overlay District, Airport Environs (AE) Overlay District, Bluff Protection (BP) Overlay District, and Expressway Area (EA) Overlay District were moved to this article.

The Residential Modifying (RM) Overlay District and Annexed Rural Residential Transitional (ANX) Overlay District were transferred from Chapter 12 and modified.

The Equine (EQ) Overlay District, Mining (M) Overlay District, and Apartment House (AH) Overlay District were added to this article.

Article 17 (Reserved)

This article was added to allow for future expansion of the Code.

Article 18 (Reserved)

This article was added to allow for future expansion of the Code.

Article 19 (Reserved)

This article was added to allow for future expansion of the Code.

Article 20 General Site Regulations

Under this article, instructions regarding the measurement of setbacks were deleted to avoid conflicts with Section 15-313. Regulations regarding trail landscaping and crossings were added, and standards regarding noise barriers were moved to 15-2506, Noise. Screening requirements between land uses were deleted and incorporated within District regulations under Part II. Security and Electrical fencing had small adjustments regarding location and height, and projection/encroachment limitations were given to outdoor dining areas. Stormwater pollution prevention requirements were added to 15-2016, Trash and Refuse Collection Areas.

Article 21 TOD Height and Density Bonus

Content regarding Concept Plans under former Article 17 (now numbered 21) was moved to Article 51, Concept Plans, Pre-Zoning, and Annexation. New content regarding a TOD Height and Density Bonus was added.

Article 22 Affordable Housing Density Bonus

Applicability, allowed maximums, and locations were updated and defined more clearly.

Article 23 Landscape

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A section regarding the permissibility of Model Homes was added.

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In the Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges section, language was added to make clear that such uses would require a conditional use permit, except in Downtown Districts.

A restriction limiting the number of Service Stations within a shopping center was removed.

Language was altered to provide clarity and consistency regarding the number of guests and the length of stay under Single Room Occupancy Hotels.

Tobacco and Vapor Sales was expanded to include a wider range of smoking substances and related paraphernalia and the range of commercial advertising restrictions near sensitive uses was increased.

A section was added to regulate Unattended Donation Bins.

Video surveillance measures were added to ATM requirements under Walk-Up Facilities.

Article 28 (Reserved)

This article was added to allow for future expansion of the Code.

Article 29 (Reserved)

This article was added to allow for future expansion of the Code.

Article 30 (Reserved)

This article was added to allow for future expansion of the Code.

Article 31 General Provisions

No significant changes.

Article 32 Required Maps

No significant changes.

Article 33 Tentative Parcel and Tentative Map Filing and Processing

Some structural reorganization occurred in this article. Clarification was provided to note that public comments may include written and/or verbal testimony, and language was added to ensure projects will not exceed available infrastructure and resource capacity and that they shall comply with floodplain regulations. Grounds for denying or approving a subdivision in a flood zone were clarified.

Article 34 Vesting Tentative Maps

Requirements for the inclusion of building information were removed.

Article 35 Parcel Maps

No significant changes.

Article 36 Final Maps

No significant changes.

Article 37 Dedications and Reservations

No significant changes.

Article 38 Improvements and Security

No significant changes.

Article 39 Common Interest Developments (Condominiums & Conversions)

Some structural reorganization occurred in this article to clearly identify notification and Relocation Assistance Program (RAP) requirements. Items were added to the RAP, language for Mobile Home Park compliance was added as special regulations guide their conversion, and standards for building materials were removed to instead reference the standards of the Base District. Changes were made to the Notice of Intent to Convert section to provide clarity and an approval process to ensure all required information items are included on the notice. Additional items were added to the required information list. Language providing for the mailing of notice of public hearing was added and it was clarified that public comment includes both written and verbal testimony.

Article 40 Covenants, Conditions, and Restrictions

No significant changes.

Article 41 Subdivision Design Standards

There were structural changes made in this article to provide a more coherent hierarchy. Language regarding canals was either deleted or amended to ensure compatibility with the Fresno Irrigation District's authority over them. Information related to subdivision connectivity requirements was restructured and refined, requirements related to park accessibility were added, consistent with the General Plan, and Building Design and Orientation elements were relocated to Article 9.

Article 42 Lot Line Adjustments, Mergers, and Reversions

An allowance for a minor deviation was added to this article.

Article 43 Corrections and Amendments of Maps

No significant changes.

Article 44 Enforcement and Judicial Review

No significant changes.

Article 45 Surveys and Monuments

No significant changes.

Article 46 (Reserved)

This article was added to allow for future expansion of the Code.

Article 47 (Reserved)

This article was added to allow for future expansion of the Code.

Article 48 (Reserved)

This article was added to allow for future expansion of the Code.

Article 49 Planning Authorities

Provisions for Council District Project Review Committees, formerly known as Plan Implementation Committees, were added to this article. The Summary of Review Authorities table was altered to instead depict a Summary of Primary Planning Permits and Actions, which reflects a more user-friendly structure.

Article 50 Common Procedures

The section detailing information on the Priority of Plans was deleted as this was duplicative of information given elsewhere in the Code. A section detailing the process of a Neighborhood Meeting was added to consolidate similar information previously located in multiple places in the Code. Dual noticing was called out as an allowed process under Public Notice. The process for Reestablishing a Permit within One Year was removed and an allowance for Concurrent Processing was added. Under Building Permits, a requirement for Conformance with Associated Planning Entitlements was also added to this article.

Article 51 Zone Clearance

This article was significantly altered to more clearly articulate the scope of its provisions.

Article 52 Development Permit (Formerly Site Plan Review)

This article was renamed and substantially simplified. Requirements regarding resources and infrastructure were added to the Conditions of Approval section.

Article 53 Conditional Use Permits

Information regarding when a CUP is required was updated and expanded, particularly to except some uses and features within the Downtown Districts. The Application Requirements were rewritten and expanded for uniformity with other sections and the Public Notice section was made more explicit. A section discussing the Expiration of CUPs and the exceptions to expirations was added.

Article 54 Temporary Use Permits

Some sections of this article were rearranged to improve clarity.

Article 55 Variances

Some sections of this article were rearranged to improve clarity.

Article 56 Minor Deviations

A higher than the standard deviation percent was allowed for Lot Consolidations. Information regarding the duties of the Review Authority was updated and expanded and information regarding Public Noticing requirements was added.

Article 57 Reasonable Accommodations for Housing

Some sections of this article were rearranged to improve clarity.

Article 58 Amendments to Development Code Text, Rezones, and Plan Amendments

A section detailing the process of a Community Meeting was deleted due to consolidation of the procedures under Neighborhood Meeting in Article 50. The section detailing information on the Priority of Plans was deleted as this was duplicative of information given in Article 1.

Article 59 Planned Development Permits

No significant changes.

Article 60 Development Agreements

No significant changes.

Article 61 Concept Plans, Pre-Zoning, and Annexations

Concept Plans were modified and relocated to this article. Fair and Proportional Payments was added to Annexation Criteria and the scope of Pre-Zoning was more clearly defined.

Article 62 Street Names & Addressing

No significant changes.

Article 63 Enforcement

A Standing to Sue provision was added to this article.

Article 64 (Reserved)

This article was added to allow for future expansion of the Code.

Article 65 (Reserved)

This article was added to allow for future expansion of the Code.

Article 66 (Reserved)

This article was added to allow for future expansion of the Code.

Article 67 Use Classifications

Some classifications were added, modified, or deleted.

Article 68 Terms and Definitions

Some definitions were added, modified, or deleted.

Exhibit C
Ordinance Bill

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING CHAPTER 15 TO THE FRESNO MUNICIPAL CODE, REPEALING CHAPTER 12, ARTICLES 1-6, 9-14, 17, 18 AND 22, REPEALING CHAPTER 10, ARTICLE 12; AND AMENDING CHAPTER 1, SECTION 1-203, CHAPTER 9, ARTICLES 6, 9-2602 AND 1; CHAPTER 10, ARTICLES 2 AND 3; AND CHAPTER 13, ARTICLE 3. OF THE FRESNO MUNICIPAL CODE, RELATING TO THE CITYWIDE DEVELOPMENT CODE

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Fresno Municipal Code is amended to add a new part, to be numbered and to read as follows:

[Chapter 15: Citywide Development Code, including Errata]

SECTION 2. The following Articles in Chapter 12, Land Use Planning and Zoning, are repealed in their entirety:

Article 1 - General Provisions Applicable To Zoning;

Article 2 - Establishment of Land Use Districts and Regulations Applicable Therein;

Article 3 - General Conditions Applicable To Zoning;

Article 4 - Procedures Applicable to Zoning;

Article 5 - Environmental Quality;

Article 6 - Local Planning and Procedures;

Article 9 - Condominium Conversions;

Article 10 - Subdivision of Real Property;

Article 11 - Street Name Procedure;

Article 12 - Parcel Maps;

Article 13 - Address Numbering Of Property;

Article 14 - Planned Communities;

Article 17 - Signs;

Article 18 - Advertising;

Article 22 - Outdoor Dining

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

SECTION 3. The following Article in Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, is repealed in its entirety:

Article 12 – Vehicle Sales

SECTION 4. The name of Chapter 12 is amended as follows:

~~Land Use Planning and Zoning~~ [Impact Fees, Historic Resources, and Other Miscellaneous Topics]

SECTION 5. Chapter 1-203, related to Code Numbering, is amended to read as follows:

(a) In this Code, except for Chapter 12 [and Chapter 15], the following order shall be used for classification of provisions: Chapter, Article, Section, Subsection, Subdivision, and subpart with Chapter covering the broadest category and subpart covering the smallest category.

SECTION 6. Chapter 9-601(c), related to Definitions, is amended as follows:

(a) A "secondhand dealer" is defined as a person engaged in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares and merchandise, including radios for use in or upon automobiles, except secondhand household furniture and furnishings, as herein defined.[This definition does not include secondhand or thrift stores as defined in Chapter 15.]

SECTION 7. Article 11 of Chapter 9 related to Mobile Vendors is amended as follows:

~~**SEC. 9-1101. - TITLE.**~~

~~This article shall be known as the "Mobile Vendor Ordinance." (Added Ord. 2003-67, § 29, eff. 8-31-03).~~

SEC. 9-1102. - DEFINITIONS.

(a) ~~"Mobile Vendor" shall mean any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks or merchandise on any street,~~

~~sidewalk, alley, or other public right of way, by means of a stand, wagon, pushcart, handcart, bicycle, motorized cart or other vehicle, or from a basket or other container carried on a person.~~ [Mobile Vendor shall mean any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks, or merchandise by means of a motorized or non-motorized vehicle, such as a wagon, push cart, hand cart, bicycle, motorized cart, food truck, or other itinerant method.] Where one person employs another person to sell food, drinks or merchandise or one person leases or rents equipment or a vehicle to another person to allow them to sell food, drinks or merchandise, both individuals shall be considered Mobile Vendors. Mobile Vendor shall not mean any person operating under a concession agreement or other agreement with the city as a party to the agreement.

SEC. 9-1107. - ~~RESTRICTIONS.~~[REQUIREMENTS]

[See Chapter 15-2740 for requirements.]

~~The following restrictions shall apply to anyone engaged in mobile vending within the city:~~

~~(a) **Display of Permit.** No mobile vendor shall sell or vend food, beverages, or merchandise from their vehicle or person in the city without prominently displaying on their person and/or vehicle a city-issued sticker or badge designating them as a duly permitted mobile vendor.~~

~~(b) **Noise Regulations.** Mobile vendors shall comply with all local and State regulations regarding noise levels, including the Noise Ordinance of the City of Fresno (Chapter 10, Article 1). In addition, no vendor shall be so loud as to be heard inside the premises of an adjacent building or structure while the entrance door to the premises is closed.~~

~~(c) **Display of Name.** The mobile vendor's name, the business name, address, telephone number, the city permit number, city tax permit, and Fresno County Department of Health number shall be visible on both sides of any vehicle (including, ice cream trucks, bakery wagons, push carts, and bicycles). If the vehicle is a truck, the display shall also be on the rear of the vehicle. The letter size for the name, telephone number and city permit number shall be at least two inches in height and shall be clearly visible at fifty feet.~~

~~(d) **Maintenance.** All vehicles shall be maintained and kept in good operating order and visual appearance, including the removal of graffiti.~~

~~(e) **Cleanup Responsibility.** A mobile vendor shall keep any area they vend at litter free. The mobile vendor shall remove litter caused by his or her product from any public or private property. Mobile vendors shall keep a trash container, whether a bag, can or basket, with them at all times.~~

~~(f) **Stopping or Standing.** Mobile vendors may stand, stop or park only at the request of a bonafide purchaser for the purpose of making a sale, and only so long as it takes to make a sale unless the mobile vendor has obtained the necessary permits to sell from a designated location for certain periods of time and the mobile vendor is in compliance with all terms of his or her permit(s).~~

~~(g) **Location Restrictions Around Schools.** No mobile vendor shall stand, stop or park within one thousand feet of the property line of any public or private school intended to educate individuals eighteen years of age or younger between the hours of 7:00 a.m. and 7:00 p.m. on days when school is in session.~~

~~(h) **No Blocking of Pedestrians.** No mobile vendor shall block or obstruct the free movement of pedestrians or vehicles on any sidewalk, street, alley or other public right of way.~~

~~(i) **Compliance With the Law.** All mobile vendors shall comply with all applicable laws.~~

~~(Added Ord. 2003-67, § 29, eff. 8-31-03; Am. Ord. 2007-95, § 1, eff. 1-20-08).~~

SECTION 8. Chapter 9-2602(e), related to Public Nudity, is amended as follows:

(e) This section shall not apply to existing businesses which have previously been granted a conditional use permit which allows live nude entertainment in accordance with this Code's requirements for adult use businesses. [This section shall also not apply to new adult oriented uses that are regulated and in compliance with Chapter 15-2705.]

SECTION 9. Chapter 10-202, related to Keeping Wild Animals and Bees Prohibited, is repealed in its entirety:

No person shall keep, transport, or allow to be kept or transported in the city any cheetah, jaguar, bear, lion, tiger, leopard, panther, cougar, lynx, wildcat, ocelot, wolf, or other mammal or reptile belonging to a wild and predatory species, or any animal of a species known to be vicious or dangerous; provided, however, that the Council may by resolution grant a permit for the keeping or transporting in the city of any wild animal or animals, or reptile, solely for exhibition or

experimental purposes under such conditions as may be imposed and for such period of time as may be allowed. No person shall keep bees within the city, except in connection with bona fide schools, colleges, universities, research organizations and laboratories engaged in the field of scientific research and education, or as specifically permitted in a district established by the zoning ordinance. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Am. Ord. 5780, 1960; Rep. and Added Ord. 6769, 1966, based on former Secs. 8-207, 8-209.1).

SECTION 10. Chapter 10-324, related to Number of Animals Permitted, is repealed in its entirety:

No person shall keep, harbor, or maintain, or cause or allow to be kept, harbored, or maintained, a total number of more than four dogs or four cats or a combination of dogs and cats totalling more than four such animals over four months of age or more than fifty permitted animals (other than fish) on any premises other than in a commercial establishment or kennel operating in accordance with a valid city business license, or in a zoo. (Repealed Ord. 5757, 1960; Added Ord. 72-147, 1973; Am. Ord. 91-35, § 2, eff. 5-24-91).

CHAPTER 13. Chapter 13-304, related to Tree Beautification, is amended as follows:

New Development. Number and Size of Parkway Trees. The Director shall cause to be planted, in parkways, or public tree easements, at ~~approximately~~ [not more than] ~~sixty~~ [forty]-foot intervals, at least one tree taken from a minimum of a five-gallon container for each lot or parcel. If the property owner desires more trees than the Master Tree Plan indicates that he is entitled to, or larger trees, or a combination of both, the Director may cause the planting of such tree or trees provided that such property owner pays the additional cost in advance and such trees, considering the criteria specified in subsection (b) of this section, are acceptable to the Director.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY:_____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY:_____
[Name] [Date]
Assistant / Deputy

Attachment: Exhibit A – Citywide Development Code and Errata

atty:secty [doc name/disk] 01-07-15

Exhibit D
Errata
(To be provided under separate cover)

Exhibit E:
Summary of Changes

Summary of Major Changes

City of Fresno Citywide Development Code - Public Review Draft

Revised 9/23/2015

On March 31, 2015 the Development and Resource Management (DARM) Department released the Public Review Draft of the new Citywide Development Code. The public was invited to submit comments through June 1. Forty-five comment letters and emails were received, with 383 individual edits requested. After a thorough assessment of each request, DARM staff made revisions to the document. On September 11, 2015 the updated Planning Commission and City Council Review Draft was released. Below is an article-by-article synopsis of the most significant changes that were made. Please note that most articles were renumbered, and the article numbers listed below coincide with the September draft, not the March draft.

Article 1 Introductory Provisions

Changes were made to the Applicability section, 15-104, to recognize authority of State and federal agencies. The explanation of the priority of plans was restructured and expanded for clarity.

Article 2 Rules for Construction of Language

No significant changes.

Article 3 Rules of Measurement

Changes were made to clarify that the maximum number of units is to be determined by the Base District as opposed to the General Plan Land Use; alterations were made to height measurement and the definition of a "story"; and calculations of residential density and frontage coverage were updated.

Article 4 Non-Conforming Uses, Structures, Site Features, and Lots

Updates were made to 15-402, Determination of Non-Conforming Status, to include in the definition of a non-conforming use, compliance with terms and conditions imposed on said use. The Deemed Approved Use exception was deleted and information on the abandonment of Legal Non-Conforming Uses was added. Finally, an exception for the creation of Non-Conforming Lots through eminent domain causes was added.

Article 5 (Reserved)

This article was added to allow for future expansion of the Code.

Article 6 (Reserved)

This article was added to allow for future expansion of the Code.

Article 7 (Reserved)

This article was added to allow for future expansion of the Code.

Article 8 Buffer District (B)

Allowed uses were added to this district.

Article 9 Residential Single-Family Districts (RS)

Allowed uses were added to these districts and lot sizes and setbacks were adjusted, reflecting added options to the Enhanced Streetscape incentives section. Garage frontage requirements and façade elements were deleted and made optional under Enhanced Streetscapes. Building articulation requirements were deleted while duplex and multi-unit standards for the RS-5 district were added. Building orientation to streets, façade variation for multiple-home projects were relocated from the subdivision design section.

Article 10 Residential Multi-Family Districts (RM)

Allowed uses were added to these districts and setbacks were adjusted. Minimum densities were added. Screening requirements between RM and RS were added to enhance privacy, parking setbacks were more clearly defined, and standards relating to carports were deleted. Common open space requirements were shortened and storage space requirements were deleted, while standards for external pedestrian connections were added. Building articulation and materials requirements were altered and porch and balcony standards were adjusted.

Article 11 Mixed-Use Districts (MX)

Uses were added, deleted, and adjusted in these districts. The maximum height in NMX was adjusted by five feet, frontage regulations were adjusted, and requirements regarding acceptable active uses near sidewalks were more clearly defined. Screening requirements between MX and RS were added to enhance privacy, parking setbacks were more clearly defined, and standards relating to carports were deleted. Common open space requirements were shortened and storage space requirements were deleted, while sidewalk standards and standards for external pedestrian connections were added. Building articulation and materials requirements were altered and porch and balcony standards were adjusted. Façade alignment provisions were added.

Article 12 Commercial Districts (C)

Uses were added, deleted, and altered in these districts and setbacks were adjusted. Screening requirements between C and RS were added to enhance privacy. Building orientation, transparency, and façade element requirements were folded into incentivized options under a new Enhanced Streetscape section, while external pedestrian connection standards were added. Building articulation and materials visibility requirements were altered.

Article 13 Employment Districts (E)

Uses were added and adjusted in these districts. Front setback options were altered, screening requirements were added to enhance privacy between E and RS, and building orientation requirements were made optional under Enhanced Streetscapes, a section that was added along with external pedestrian connection standards for O districts. Building articulation standards and materials applicability for E districts were altered.

Article 14 Public and Semi-Public Districts (PSP)

Uses were added, deleted, and adjusted in these districts and density restrictions provided for the added allowance of on-campus housing. A provision to allow enhanced protections for the San Joaquin River Corridor was added.

Article 15 Downtown Districts

This article was added to reserve space for the future addition of Downtown standards.

Article 16 Overlay Districts

The Planned Development (PD) Overlay District, Airport Environs (AE) Overlay District, Bluff Protection (BP) Overlay District, and Expressway Area (EA) Overlay District were moved to this article.

The Residential Modifying (RM) Overlay District and Annexed Rural Residential Transitional (ANX) Overlay District were transferred from Chapter 12 and modified.

The Equine (EQ) Overlay District, Mining (M) Overlay District, and Apartment House (AH) Overlay District were added to this article.

Article 17 (Reserved)

This article was added to allow for future expansion of the Code.

Article 18 (Reserved)

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Article 19 (Reserved)

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Article 20 General Site Regulations

Under this article, instructions regarding the measurement of setbacks were deleted to avoid conflicts with Section 15-313. Regulations regarding trail landscaping and crossings were added, and standards regarding noise barriers were moved to 15-2506, Noise. Screening requirements between land uses were deleted and incorporated within District regulations under Part II. Security and Electrical fencing had small adjustments regarding location and height, and projection/encroachment limitations were given to outdoor dining areas. Stormwater pollution prevention requirements were added to 15-2016, Trash and Refuse Collection Areas.

Article 21 TOD Height and Density Bonus

Content regarding Concept Plans under former Article 17 (now numbered 21) was moved to Article 51, Concept Plans, Pre-Zoning, and Annexation. New content regarding a TOD Height and Density Bonus was added.

Article 22 Affordable Housing Density Bonus

Applicability, allowed maximums, and locations were updated and defined more clearly.

Article 23 Landscape

Many of the changes found within this section reflect editing for clarity, reducing verbose text where unnecessary and elaborating where helpful. A statement defining the role between the Code and State laws was added and the applicability of the section was clarified. The location of landscape structures was added to required plans, while provisions regarding landscape construction plans were deleted to reduce repetition of information. Adjustments related to plants and irrigation systems, as they pertain to landscape setbacks, were made and building perimeter landscaping requirements were clarified in regards to buildings adjacent to sidewalks. Buffering requirements were added for projects next to natural areas to preserve the character of the natural space. Rules regarding non-plant coverage (decorative rocks, synthetic turf) were changed to be more flexible.

Article 24 Parking and Loading

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Many adjustments were made to this article to consolidate information for clarity and to improve its hierarchical structure. A section outlining what permits are required and when they are required was added to help improve clarity. Restrictions on agricultural sign content, grand openings, and timing for political signs were removed and outdoor scoreboard advertising standards were made more flexible. The total maximum sign area standards were adjusted for Mixed-Use and Employment districts and lighting standards were added to certain sign types. Regulations permitting roof signs were added, Downtown Districts were exempted from Master Sign Program requirements, and regulations regarding electronic copy were updated.

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A restriction limiting the number of Service Stations within a shopping center was removed.

Language was altered to provide clarity and consistency regarding the number of guests and the length of stay under Single Room Occupancy Hotels.

Tobacco and Vapor Sales was expanded to include a wider range of smoking substances and related paraphernalia and the range of commercial advertising restrictions near sensitive uses was increased.

A section was added to regulate Unattended Donation Bins.

Video surveillance measures were added to ATM requirements under Walk-Up Facilities.

Article 28 (Reserved)

This article was added to allow for future expansion of the Code.

Article 29 (Reserved)

This article was added to allow for future expansion of the Code.

Article 30 (Reserved)

This article was added to allow for future expansion of the Code.

Article 31 General Provisions

No significant changes.

Article 32 Required Maps

No significant changes.

Article 33 Tentative Parcel and Tentative Map Filing and Processing

Some structural reorganization occurred in this article. Clarification was provided to note that public comments may include written and/or verbal testimony, and language was added to ensure projects will not exceed available infrastructure and resource capacity and that they shall comply with floodplain regulations. Grounds for denying or approving a subdivision in a flood zone were clarified.

Article 34 Vesting Tentative Maps

Requirements for the inclusion of building information were removed.

Article 35 Parcel Maps

No significant changes.

Article 36 Final Maps

No significant changes.

Article 37 Dedications and Reservations

No significant changes.

Article 38 Improvements and Security

No significant changes.

Article 39 Common Interest Developments (Condominiums & Conversions)

Some structural reorganization occurred in this article to clearly identify notification and Relocation Assistance Program (RAP) requirements. Items were added to the RAP, language for Mobile Home Park compliance was added as special regulations guide their conversion, and standards for building materials were removed to instead reference the standards of the Base District. Changes were made to the Notice of Intent to Convert section to provide clarity and an approval process to ensure all required information items are included on the notice. Additional items were added to the required information list. Language providing for the mailing of notice of public hearing was added and it was clarified that public comment includes both written and verbal testimony.

Article 40 Covenants, Conditions, and Restrictions

No significant changes.

Article 41 Subdivision Design Standards

There were structural changes made in this article to provide a more coherent hierarchy. Language regarding canals was either deleted or amended to ensure compatibility with the Fresno Irrigation District's authority over them. Information related to subdivision connectivity requirements was restructured and refined, requirements related to park accessibility were added, consistent with the General Plan, and Building Design and Orientation elements were relocated to Article 9.

Article 42 Lot Line Adjustments, Mergers, and Reversions

An allowance for a minor deviation was added to this article.

Article 43 Corrections and Amendments of Maps

No significant changes.

Article 44 Enforcement and Judicial Review

No significant changes.

Article 45 Surveys and Monuments

No significant changes.

Article 46 (Reserved)

This article was added to allow for future expansion of the Code.

Article 47 (Reserved)

This article was added to allow for future expansion of the Code.

Article 48 (Reserved)

This article was added to allow for future expansion of the Code.

Article 49 Planning Authorities

Provisions for Council District Project Review Committees, formerly known as Plan Implementation Committees, were added to this article. The Summary of Review Authorities table was altered to instead depict a Summary of Primary Planning Permits and Actions, which reflects a more user-friendly structure.

Article 50 Common Procedures

The section detailing information on the Priority of Plans was deleted as this was duplicative of information given elsewhere in the Code. A section detailing the process of a Neighborhood Meeting was added to consolidate similar information previously located in multiple places in the Code. Dual noticing was called out as an allowed process under Public Notice. The process for Reestablishing a Permit within One Year was removed and an allowance for Concurrent Processing was added. Under Building Permits, a requirement for Conformance with Associated Planning Entitlements was also added to this article.

Article 51 Zone Clearance

This article was significantly altered to more clearly articulate the scope of its provisions.

Article 52 Development Permit (Formerly Site Plan Review)

This article was renamed and substantially simplified. Requirements regarding resources and infrastructure were added to the Conditions of Approval section.

Article 53 Conditional Use Permits

Information regarding when a CUP is required was updated and expanded, particularly to except some uses and features within the Downtown Districts. The Application Requirements were rewritten and expanded for uniformity with other sections and the Public Notice section was made more explicit. A section discussing the Expiration of CUPs and the exceptions to expirations was added.

Article 54 Temporary Use Permits

Some sections of this article were rearranged to improve clarity.

Article 55 Variances

Some sections of this article were rearranged to improve clarity.

Article 56 Minor Deviations

A higher than the standard deviation percent was allowed for Lot Consolidations. Information regarding the duties of the Review Authority was updated and expanded and information regarding Public Noticing requirements was added.

Article 57 Reasonable Accommodations for Housing

Some sections of this article were rearranged to improve clarity.

Article 58 Amendments to Development Code Text, Rezones, and Plan Amendments

A section detailing the process of a Community Meeting was deleted due to consolidation of the procedures under Neighborhood Meeting in Article 50. The section detailing information on the Priority of Plans was deleted as this was duplicative of information given in Article 1.

Article 59 Planned Development Permits

No significant changes.

Article 60 Development Agreements

No significant changes.

Article 61 Concept Plans, Pre-Zoning, and Annexations

Concept Plans were modified and relocated to this article. Fair and Proportional Payments was added to Annexation Criteria and the scope of Pre-Zoning was more clearly defined.

Article 62 Street Names & Addressing

No significant changes.

Article 63 Enforcement

A Standing to Sue provision was added to this article.

Article 64 (Reserved)

This article was added to allow for future expansion of the Code.

Article 65 (Reserved)

This article was added to allow for future expansion of the Code.

Article 66 (Reserved)

This article was added to allow for future expansion of the Code.

Article 67 Use Classifications

Some classifications were added, modified, or deleted.

Article 68 Terms and Definitions

Some definitions were added, modified, or deleted.

Exhibit F:
Resolution Adopting Zoning Designation Translation Table

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO IMPLEMENT THE ZONING DESIGNATION TRANSLATION TABLE

WHEREAS, on November ____, 2015 the City Council adopted Fresno Municipal Code Chapter 15: Citywide Development Code ("Development Code"); and

WHEREAS, adoption of the Development Code included the repeal of Section 12-201 of the Fresno Municipal Code which designated zoning districts throughout the City; and

WHEREAS, adoption of the Development Code also resulted in the creation of new base and overlay zoning districts intended to replace the previous zoning districts; and

WHEREAS, until land within the City limits is rezoned to apply the new base and overlay zoning districts identified in the Development Code, all parcels retain the zoning districts that were identified in repealed Section 12-201; and

WHEREAS, the new base and overlay zoning districts in the Development Code correspond to certain zoning districts identified in repealed Section 12-201 of the Fresno Municipal Code; and

WHEREAS, it is in the best interests of the City of Fresno to allow for continued development prior to any future action to rezone parcels to incorporate the new base and overlay zoning districts; and

WHEREAS, formal adoption of the Zoning Designation Translation Table will allow for a streamlined and orderly transition to use of the new Development Code.

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Zoning Designation Translation Table, attached as Exhibit "A", is hereby adopted.

2. Parcels within the City of Fresno will be subject to the applicable standards that correspond to that parcel's existing zoning designation, as identified on the Zoning Designation Translation Table.

3. The Zoning Designation Translation Table will remain in effect until parcels are rezoned to apply the new base and overlay zoning districts as identified in the Development Code.

4. If a parcel is individually rezoned to a new base or overlay zoning district as identified in the Development Code, the Zoning Designation Translation Table will no longer apply to that parcel.

5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By:_____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:_____
Talia Kolluri-Barbick [Date]
Senior Deputy City Attorney

Attachment: Exhibit A

TKB:jd 69132jd/tkb] Rev. 09-25-15

Exhibit F

Exhibit A: Zoning Designation Translation Table

Zoning Designation Translation Table

Existing Zoning Designation		Applicable Standards	
AE-20	Exclusive Twenty Acre Agricultural District	B	Buffer
AE-5	Exclusive Five Acre Agricultural District	RE	Residential Estate
R-A	Single Family Residential-Agricultural	RS-1	Residential Single Family, Extremely Low Density
R-1-E	Single Family Residential Estate	RS-1	Residential Single Family, Extremely Low Density
R-1-EH	Single Family Residential Estate (Horses)	RS-1 EQ	Residential Single Family, Extremely Low Density Equine Overlay
R-1-A	Single Family Residential	RS-2	Residential Single Family, Very Low Density
R-1-AH	Single Family Residential (Horses)	RS-2 EQ	Residential Single Family, Very Low Density Equine Overlay
R-1-B	Single Family Residential	RS-3	Residential Single Family, Low Density
R-1-C	Single Family Residential	RS-3	Residential Single Family, Low Density
R-1	Single Family Residential	RS-4	Residential Single Family, Medium Low Density
R-2-A	Low Density Multiple Family Residential– One Story	RM-1	Residential Multi-Family, Medium High Density
R-2	Low Density Multiple Family Residential District	RM-2	Residential Multi-Family, Urban Neighborhood
R-3	Medium Density Multiple Family Residential	RM-2	Residential Multi-Family, Urban Neighborhood
R-4	High Density Multiple Family Residential	RM-3	Residential Multi-Family, High Density
MH	Mobile Home Single Family Residential	RM-MH	Mobile Home Park
T-P	Trailer Park Residential	RM-MH	Mobile Home Park
CL	Limited Neighborhood Shopping Center	CC	Commercial - Community
C-1	Neighborhood Shopping Center	CC	Commercial - Community
C-2	Community Shopping Center	CC	Commercial - Community
C-3	Regional Shopping Center	CR	Commercial - Regional
C-4	Central Trading	RMX	Regional Mixed Use
C-5	General Commercial	CMS	Commercial - Main Street
C-6	Heavy Commercial	CH	Commercial - Highway and Auto
CR	Commercial Recreation	CRC	Commercial - Recreation
R-P	Residential and Professional Office District	O	Office
RP-L	Residential and Professional Limited Office District	O	Office
CC	Civic Center District	RMX	Regional Mixed Use
C-P	Administrative and Professional Office District	O	Office
C-M	Commercial and Light Manufacturing District	IL	Light Industrial
S-L	Storage/Limited, Mini Storage Facility District	O	Office
M-1-P	Industrial Park Manufacturing District	IL	Light Industrial
M-1	Light Manufacturing District	IL	Light Industrial
M-2	General Industrial District	IH	Heavy Industrial
M-3	Heavy Industrial District	IH	Heavy Industrial
O	Open Conservation District	OS	Open Space
P	Off-Street Parking District	PI	Public and Institutional
ANX	Annexed Rural Residential Transitional Overlay District	ANX	Annexed Rural Residential Transitional Overlay District
BA	Boulevard Area Overlay District	None	
BP	Bluff Preservation Overlay District	BP	Bluff Preservation Overlay District
CCO	Civic Center Area Modifying Overlay District	None	
EA	Expressway Area Overlay District	EA	Expressway Area Overlay District
R-M	Residential Modifying Overlay District	RM	Residential Modifying Overlay District

Exhibit G:
Plan Amendment No. A-15-003

Exhibit G
Part A: Existing General Plan Text

Table 3-1 | Existing General Plan Text (pg. 3-36)

TABLE 3-1: CITYWIDE STANDARDS FOR DENSITY AND DEVELOPMENT INTENSITY

Land Use	Minimum to Maximum Residential Density (du/net acre)[1,2,3]	Maximum Floor Area Ratio
Buffer	Max = 0.05 (1 unit per 20 net acres)	-
Residential		
Low Density	Min = 1 unit per 5 acres Max = 3.5 units per acre	-
Medium Low Density	Min = 3.5 units per acre Max = 6 units per acre	-
Medium Density	Min = 5 units per acre Max = 12 units per acre	-
Medium High Density	Min = 12 units per acre Max = 16 units per acre	-
Urban Neighborhood Density	Min = 16 units per acre Max = 30 units per acre	-
High Density	Min = 30 units per acre Max = 45 units per acre	-
Commercial		
Main Street		1.0
Community		1.0
Recreation		0.5
General		2.0
Highway & Auto		0.75
Regional		1.0
Mixed-Use		
Neighborhood Mixed-Use	Min = 12 units per acre Max = 16 units per acre Minimum 50% Residential	1.5
Corridor/Center Mixed-Use	Min = 16 units per acre Max = 30 units per acre Minimum 40% Residential	1.5
Regional Mixed-Use	Min = 30 units per acre Max = 45 units per acre Minimum 30% Residential	2.0
Employment		
Office	-	2.0
Business Park	-	1.0
Regional Business Park	-	1.0
Light Industrial	-	1.5
Heavy Industrial	-	1.5

1. Based on Net Acreage.
2. Residential density refers to the ratio of residential dwelling units per acre (43,560 square feet) of land which is calculated by dividing the number of existing or proposed residential dwelling units by the land area of the property designated for, or proposed for development with, a residential use. The residential land area includes property upon which the residential and ancillary structures are located, together with yards and other private or common open spaces, and includes vehicle access drives and parking areas together with public and private roadways. The residential land area does not include major streets or State Routes designated by Figure MT-1: General Plan Circulation Diagram, and does not include schools or regional trails.
3. Additional density may be allowed for affordable housing or provision of community benefits (pursuant to *California* Government Code Sections *65915 – 65918, as may be amended).*

Table 3-3 | Existing General Plan Text (pg. 3-47 to 3-48)

TABLE 3-3: GENERAL PLAN LAND USE DESIGNATIONS AND ZONE DISTRICTS		
Land Use Designation	Zone District	
Buffer	B	Buffer
Residential		
Low Density	RE	Residential Estate
	RS-36	Single Family
	RS-20	
	RS-12	
Medium Low Density	RS-12	Single Family
	RS-9	
	RS-5	
Medium Density	RS-5	Single Family
	RS-2.5	
Medium High Density	RS-2.5	Single Family
	RM-2.5	Multi-Family
Urban Neighborhood Density	RM-1.5	Multi-Family
High Density	RM-1	Multi-Family
	RM-MH	Mobile Home Park
Commercial		
Main Street	MSC	Main Street Commercial
Community	CC	Community Commercial
Regional	RC	Regional Commercial
General	GC	General Commercial
Highway and Auto	HAC	Highway and Auto Commercial
Recreation	CR	Commercial Recreation
Mixed-Use		
Neighborhood Mixed-Use	NMX	Neighborhood Mixed-Use
Corridor/Center Mixed-Use	CMX	Corridor/Center Mixed-Use
Regional Mixed-Use	RMX	Regional Mixed-Use
Employment		
Office	O	Office
Business Park	BP	Business Park
Regional Business Park	RBP	Regional Business Park
Light Industrial	LI	Light Industrial
Heavy Industrial	HI	Heavy Industrial
Other		
Open Space	OS	Open Space
	PK	Park
Public Facilities	PI	Public and Institutional
Overlay District		
	BA	Boulevard Area
	RM	Residential Modifying
	BP	Bluff Protection
	S	Special Setback
	ANX	Annexed Rural Residential Transitional Overlay
	PD	Planned Development
Downtown Land Use[1] Compared To Implementing Existing Zone Districts		
Central Business District	CBD	Central Trading
Civic Center	CC	Civic Center
Town Center	C-2	Community Shopping
	C-6	Heavy Commercial

TABLE 3-3: GENERAL PLAN LAND USE DESIGNATIONS AND ZONE DISTRICTS		
Land Use Designation	Zone District	
Neighborhood Center	C-1	Neighborhood Shopping Center
	C-2	Community Shopping
	C-5	General Commercial
Chinatown District	C-4	Central Trading
Cultural Arts District	C-4	Central Trading
Corridor General	C-1	Neighborhood Shopping Center
	C-2	Community Shopping
	C-5	General Commercial
Neighborhood	R-1	Single Family Residential
	R-2	Low Density Multi-family Residential (MFR)
	R-3	Medium Density MFR
	R-4	High Density MFR
Special Districts	C-M	Comm. & Light Manufacturing
	M-1	Light Manufacturing
Open Conservation	O	Open Conservation
South Stadium	C-M	Comm. & Light Manufacturing

1. Specific zoned districts associated with Downtown land uses are established in the existing Zoning Code and are anticipated to be refined by subsequent amendment when more specific Downtown plans and Development Code sections are approved.

Table 11-3 | Existing General Plan Text (pg. 11-6 to 11-16)

TABLE 11-3: CONSISTENCY MATRIX	
Goals, Policies and Programs of the Housing Element	General Plan Consistency
Goal 1 – General Plan Implementation	
Policy 1.1 – Continue the Housing Support Activities of the City and RDA	The General Plan is not inconsistent with this Policy. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. Housing activities are supported by the General Plan as noted in the Programs. For example: Objective LU-5, Objective HC-2 and Objective HC-3.
Program 1.1.1 –Implementation of General Plan Policies (affordable housing policies and policies for compact and mixed use development)	The General Plan is not inconsistent with the affordable housing policies and policies for compact and mixed use development in this program. Examples include: Creates a range of housing opportunities and choices. See General Plan Goals 7, 8 and 10; Objectives HC-3, UF-1, LU-2 and LU-5; Policies HC-3-a, UF-1-a, and UF-1-d. Creates walkable neighborhoods. See General Plan Goals 8, 9, 10, and 14; Objectives HC-2, D-4; UF-13, UF-14, MT-5; Policies HC-2-a, HC-2-c, HC-2-d, HC-2-e, HC-6-a, MT-6-g , UF-12-a, UF 14-b and UF-14-c. Recognizes mixed land uses, including Corridor/Center Mixed Use, Regional Mixed Use and Neighborhood Mixed-Use. See General Plan Goals 7 and 8; Objective UF-12; Policies UF-12-d, UF-12-f, LU-3-b; and Figure LU-1 (Land Use Diagram). Takes advantage of compact building designs. See General Plan Goal 10, Objective LU-2, Policies LU-1-c, LU-1-e, LU-2-a, LU-2-b, LU-2-c, LU-3-b, LU-3-c, LU-5-e, LU-5-f, and UF-12-b. Policy LU-3-b explicitly encourages development of mixed-use urban corridors, with other policies supporting infill and higher density, compact development. Additionally, the General Plan is implemented through an updated Development Code, which allows housing to take advantage of compact building designs. It will provide considerable additional opportunities for medium-high (12 to 16 dwelling units per acre), urban neighborhood densities (16 to 30 units per acre) and high density (30 to 45 dwelling units per acre) residential development in close proximity to public transit and employment opportunities. Compact building designs are contemplated to accommodate for these greater densities. Additionally, the adoption of a comprehensive update of the Development Code is part of the implementation of this General Plan. Form-based codes are anticipated for the Downtown

	Planning Area as part of the pending community and Specific Plans for that area. This General Plan provides a land use plan for SEDA. See Figure LU-1 (Land Use Diagram)
Program 1.1.2 – One Stop Processing	The General Plan is not inconsistent with this program. This Program has been incorporated into the General Plan, which promotes streamlining of applications, etc. For examples, see Goal 1 commentary, Goal 13; Objective LU-5; Policies D-4-a, LU-2-b, LU-2-f, and RC-1-c. The MEIR will also allow for streamlining for certain environmental review, and a comprehensive update of the Development Code (including the streamlining of permit approval) will be adopted as part of the implementation of this General Plan. Finally, Policy LU-4-c takes this a step further by creating an interagency housing task force to further synchronize programs and to further develop a coordinated affordable housing plan.
Program 1.1.3 – Reduced Housing Costs	N/A. Nevertheless, the General Plan is not inconsistent with this program, as this Program has been incorporated into the General Plan, which promotes reduced housing costs. For examples, see Goals 7, 8 and 9; Objectives LU-4, LU-5, HC-3; Implementing Policies LU-2-b, LU-2-c, LU-2-d, LU-4-b, LU-4-c, LU-5-e, LU-5-f, HC-3-c, HC-3-d.
Program 1.1.4 – Institutional Barriers	There were no institutional barriers identified during the last reporting period. However, even if any institutional barriers were identified, the General Plan will update land use policies, ordinances, and procedures to fully address such issues. See also Tables 3-1 and 3-2 (standards for density and development intensity) and Objective LU-5.
Program 1.1.5 – Complaint Referral	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5. Policy HC-1-a supports implementation of this Program, including continuing compliance, information dissemination, and referral services through neighborhood associations. Objective HC-4 and Implementing Policies HC-4-c and HC-4-d support code enforcement and resolution of landlord/tenant issues.
Program 1.1.6 – Support of Current Law	The General Plan is not inconsistent with this program. See Objective LU-5. The City has been contributing financial support to the FHCCC; for example, see also HC-3-c and related commentary.
Program 1.1.7 – Fresno Green	The General Plan is not inconsistent with this program and will assist implementation of the Fresno Green program. For example, see Goals 3, 4, 9 and 16; Implementing Objectives LU-5 and HCR-3, RC-4, RC-5, RC-8, HC-2, HC-3; supporting policies RC-5-c, HC-2-e, HC-3-f and UF-12-g. Most of the objectives and programs that support these strategies are embedded throughout the General Plan, particularly in the implementing policies of the Resource Conservation Element. See also Resource Conservation and Resilience narrative entitled "Fresno Green – The City of Fresno's Strategy for Achieving Sustainability."

Program 1.1.8 – Funding Energy Saving Improvements	The General Plan is not inconsistent with this program. The General Plan promotes incentives for energy efficient improvements. For example, see Goal 3; Objectives LU-1, LU-5, RC-8, HCR-3, and Policies RC-5-c, RC-8-c, RC-8-d, and HC-3-d.
Goal 2 – New Construction of Affordable Housing	
Policy 2.1 New Construction	The General Plan is not inconsistent with this program. As discussed above in the narrative, the Regional Housing Needs Allocation (RHNA) identified a need for approximately 20,967 units for the 2008-2013 planning period. The number of potential dwelling units allowable in the land use designations proposed by the General Plan, and by zoning in the updated Development Code meet and exceed this amount. Details can be found throughout the General Plan, including increased density and development intensity (such as Table 3-1 and Table 3-2) and infill/growth area construction (Objectives UF-1, UF-12, UF-13, LU-2, LU-4, and LU-5 and supporting Policies).
Program 2.1.1 – Land Demand	The General Plan is not inconsistent with this program. Land use designations are designed to accommodate population growth through 2035, and zoning is consistent with this planned growth. Policies focus on supporting and encouraging infill development to make better use of underutilized lots such as providing infrastructure (LU-2-d) or other incentives (LU-2-c) to make infill more feasible and attractive to the development community. For example, see Objectives UF-12, UF-13, LU-2, LU-5; Policies UF-12-a, UF-12-b, UF-13-a, LU-1-e, LU-1-f, ED-1-d and ED-1-e.
Program 2.1.2 – Reduction in Density	The General Plan is not inconsistent with this program and will continue to comply with State law regarding density reduction. The General Plan allows an overall increase in residential density and development intensity as compared to the 2025 General Plan. (See Goal 8 and 10, Tables 3-1 and 3-2) As such, under this General Plan the City will more than exceed its fair housing obligation and there will be no net loss of residential capacity.
Program 2.1.3 – Central Community Plan Area Housing	Even though Community Plans, and their potential requirements, are not part of the General Plan and are either being amended or repealed to ensure consistency, Program 2.1.3 references the Central Community Plan for the limited purpose of identifying specific geographical regions. As such, the boundaries are still applicable for the purposes of the Program. The General Plan is not inconsistent with this program. For example, see Commentary to Goal 1, Goal 13; Objective LU-5; Policies LU-1-d, LU-2-a, LU-2-b, RC-1-c and D-4-a. Additionally, the MEIR will also allow for a streamlined process for certain environmental review. A comprehensive update of the Development Code (including the streamlining of permit approval) is being adopted as part of the implementation of this Plan. (See Resource

	Conservation and Resilience Element narrative including "CEQA Tiering and Streamlining Analysis of Greenhouse Gas Emissions.") Further, the General Plan anticipates community plans and Specific Plans will be approved for the revitalization and continued development of the Downtown neighborhoods, and contemplates adoption of a development code specific to the Downtown which will support and streamline the infill process. For example, see Objective LU-3; Policy LU-3-a.
Program 2.1.4 – Inner City Residential Development	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 2 and LU-5. Additionally, infill development is a significant component of the General Plan. For examples, see Goals 2 and 10; Objectives UF-5, UF-12, LU-2, LU-4, LU-9; Policies PU-4-b, ED-1-d, ED-3-f, POSS-1-d, NS-1-p, HCR-3-c, RC-2-a, RC-2-b, MT-2-c, UF-1-a, UF-12-f, LU-1-d, LU-2-a, LU-2-b, LU-2-c, LU-2-d, LU-2-e, LU-2-f. Also see Urban Form Element narrative on "Infill Development," Infill Development Act, and Land Use Diagram Figure LU-1.
Program 2.1.5 – Other Infill Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5. Other infill housing is also a significant component of the General Plan, as is affordable housing. See discussion at Program 2.1.4; Goals 7, 8 and 9; Objectives HC-3, LU-4; Policies HC-3-a, HC-3-c, HC-3-d, LU-2-b, LU-2-c LU-4-c, LU-5-e, LU-5-f, LU-5-h, and LU-5-i; Healthy Communities Element narrative "Safe and Affordable Housing."
Program 2.1.6 – Multi-Family Land Supply	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5, including through the updated Development Code. The General Plan expands the amount of available supply of land designated for multi-family residential uses. (See Land Use Diagram, Figure LU-1) Finally, the General Plan also supports large-scale rezones to promote consistency with its land use designations, including zoned districts for multi-family uses.
Program 2.1.6A – Facilitate the Development of Multi-Family Housing Affordable to Lower Income Households	The General Plan is not inconsistent with this program. The proposed land use changes in the General Plan provide for a total of 38,835 additional dwelling units, which exceeds the 38,469 additional dwelling units identified by the rezoning under this program (Rezone 500 acres of vacant land to the R-2 or R-3 zoning district at a minimum of 20 units per acre and rezone 200 acres of vacant land to R-3 or R-4 zoning district at a minimum of 38 units per acre).[1] The increased density throughout various locations in the city and conversion of commercially zoned land to mixed use districts provides for this increased capacity consistent with this program. This additional housing, outside the Downtown Planning Area, is distributed within the land use categories and densities shown in Tables 3-1 and 3-2 along with the total units for the Downtown Planning Area.

[1] Housing Element 2008-2013 Amendment I.

	The Development Code update will also allow for second dwelling units as a permitted use and will also assist with providing additional affordable housing to lower income households. See also Objective LU-5 and Implementing Policy LU-5-f. Any remaining actions are N/A.
Program 2.1.7 – Increase Housing Yields	N/A. Nevertheless, the General Plan is not inconsistent with this program. The General Plan and Development Code update are being prepared consistent with State law. The General Plan is increasing density to increase housing yield per acre. Also see Goal 8, Objectives LU-2, LU-4, LU-5, and MT-8. The Development Code Update will further promote streamlining and/or eliminating some discretionary permits to remove governmental constraints to accomplish increased housing yields.
Program 2.1.7A – Maximum Density	The General Plan is not inconsistent with this program. See Goal 8, Objectives LU-2, LU-4, LU-5, D-3 to create green streets, MT-2 to make efficient use of the existing transportation system, and MT-8. Also LU-1-a to encourage new development and infill in the Downtown, along BRT corridors, and on vacant land within the City Limits (boundary as of December 31, 2012). Allowable residential densities per acre have been increased, which allows for increased housing yields. See Tables 3-1 and 3-2. The General Plan also supports large-scale rezones to promote consistency with its land use designations, including Residential use classifications. Any remaining actions are N/A.
Program 2.1.8 – Mixed-Use Zoning	The General Plan is not inconsistent with this program. Mixed use is a recognized and promoted land use. (See Tables 3-1 and 3-2) The Urban Form, Land Use, and Design Element, as well as the Development Code update, provide design standards for Activity Centers and transit corridors. (For examples, see Urban Form, Land Use, and Design Element narrative entitled "Major Strategic Directions for Future Growth" and "BRT Corridors & Centers;" Figure UF-1; Objective LU-5; Policies UF-1-a, UF-1-c, UF-12-b through UF-12-f, LU-5-f, LU-6-d, LU-9-b through LU-9-d, D-1-b and D-2-a.) The General Plan also supports a form-based zoning code update for the Downtown Planning Area as a component of the Development Code.
Program 2.1.9 – Farmworker Housing Funding and Development	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5, and HC-3; and Implementing Policies LU-2-b, LU-2-d, and LU-4-c.
Program 2.1.10 – Emergency Shelter Grant Allocations	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy HC-2-b.
Program 2.1.11 – Zoning for Emergency and Homeless Shelters	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and HC-3; and implementing policy HC-2-b.
Program 2.1.12 – Zoning for Special Needs Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5; implementing policy HC-2-a, LU-5-i.

Program 2.1.13 – Transitional and Supportive Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2 and LU-5 and implementing policies LU-4-c and HC-2-b and HC-3-c.
Program 2.1.14 – Single Room Occupancy Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy LU-4-c, and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program, allowing Limited Residential Care in all residential zones as a permitted use and General Residential Care with a Conditional Use Permit in most residential districts (See Table 11-7).
Program 2.1.15 – Very-Low Income Large Family Single and Multi-Family Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and Implementing Policies LU-2-b, LU-2-d and LU-4-c.
Program 2.1.16 – Extremely Low, Very Low, and Low-Income Senior Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy LU-4-c and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program.
Program 2.1.17 – Other Extremely Low and Very Low-Income Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and implementing policy LU-4-c and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program by allowing second dwelling units in all single family residential zones as a permitted use.
Program 2.1.18 – Inclusionary and Alternative Housing Policy Programs	The General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. In addition, see Objective LU-5 and Implementing Policy LU-4-c, and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program.
Program 2.1.19 –Proposition 1C Program	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5; implementing policy LU-4-c.
Program 2.1.20 – Strengthening Partnerships with Affordable Housing Developers	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policy LU-4-c. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno.

Program 2.1.21 – Zoning for Agricultural Employees (Farmworker) Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and HC-3; and Implementing Policies LU-2-b, LU-2-d, and LU-4-c.
Program 2.1.22 – Single Room Occupancy Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-4-c and HC-2-b. The Development Code update also addresses this program.
Goal 3 – Housing Rehabilitation, Acquisition and Neighborhood Improvements	
Policy 3.1 – Neighborhood Revitalization	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. See Goal 7, 8, and 9; also Objective LU-5.
Program 3.1.1 – Comprehensive Code Enforcement	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-4 and LU-5, and Implementing Policies LU-4-a, LU-4-b, and LU-4-c. All demonstrate the General Plan's support for this program.
Program 3.1.2 – Neighborhood Infrastructure	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9; Objective LU-1, LU-4, LU-5, LU-11, MT-5, and UF-6; also Implementing Policy LU-1-a, LU-4-bMT-5-a, and MT-5-b.
Program 3.1.3 –Public Utilities Sewer and Water Deficiencies	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9, Objectives LU-1 and LU-5, and Implementing Policies LU-1-a, LU-11, and UF-6.
Program 3.1.4 – Enhanced Police Service to High-Crime Neighborhoods	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9, Implementing Objectives LU-5, PU-1, and Implementing Policies PU-1-a and PU-1-g.
Policy 3.2 – Housing Rehabilitation, Replacement and Home Buyer Assistance	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c. They all support this policy and its subsequent Programs; 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5.
Program 3.2.1 – Housing Rehabilitation	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno,

	and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.2 – Housing Replacement	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.3 – Home Buyer Assistance	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.4 – Redevelopment Housing Sites	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.5 – Comprehensive Housing Quality Survey and Upgrade Geographic Information System (GIS)	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the

	Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b.
Goal 4 – Redevelopment and Relocation	
Policy 4.1 – Preservation of Affordability of At-Risk Housing	N/A. Nevertheless, the General Plan is not inconsistent with this policy. See Goal 7 and Goal 9; also, Objectives LU-2 and LU-5; and Implementing Policies LU-2-b, LU-5-e, and LU-5-f; and comments below.
Program 4.1.1 – At-Risk Housing	N/A. Nevertheless, the General Plan is not inconsistent with securing the continued affordability of at-risk housing units through preservation and replacement. This is demonstrated in Goal 7 and Goal 9, As well, Objectives LU-2, LU-4, and LU-5; and Implementing Policies LU-2-b, LU-4-a, LU-4-b, and LU-4-c.
Program 4.1.2 – Prevention and Alleviating Foreclosures	N/A. Nevertheless, the General Plan is not inconsistent with preventing and alleviating foreclosures. See Objective UF-12, LU-4, and LU-5; and Implementing Policies LU-4-a, LU-4-b, and LU-4-c.
Policy 4.2 – Relocation of Residents	N/A. Nevertheless, the General Plan is not inconsistent with this program. See response to Program 4.2.1 that addresses relocation of residents and LU-5.
Program 4.2.1 – Provide Relocation Services as Needed	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The City shall continue to provide relocation assistance to individuals and families displaced due to redevelopment activities as prescribed by law. See also Objective LU-5.
Policy 4.3 -Accountability	N/A. Nevertheless, the General Plan is not inconsistent with this program. See responses to programs 4.3.1 and 4.3.2 that address accountability and Objective LU-5.
Program 4.3.1 – Required Reporting by Regional Housing Need Allocation Income Category	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-5-e and LU-5-f.
Program 4.3.2 – Citywide Public Services Processing for Affordable Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-5-e and LU-5-f.

Table 11-4 | Existing General Plan Text (pg. 11-16 to 11-17)

TABLE 11-4: TERM EQUIVALENCY MATRIX	
Term Used in Adopted Housing Element	Equivalent Use in General Plan
Planning and Development Department	Development and Resource Management Department
Redevelopment Agency of the City of Fresno (RDA)	The function of the RDA is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno
Community Plans	Note: The adopted Housing Element references several Community Plans for the limited purpose of identifying specific geographical regions or to identify potential regulations that may affect mixed-use projects. Those Community Plans, and their potential requirements, are not part of the General Plan and are either being amended or repealed to ensure consistency. The General Plan essentially consolidates many aspects of those Community Plans into a centralized planning document and remains consistent with the goals, policies and programs of the adopted Housing Element[2]
Zoning Ordinance	Development Code (Also referred to as the Development Code Update) Downtown Development Code

[2] Following the adoption of the General Plan, a form-based development code is anticipated to be adopted, which will serve as the zoning ordinance applicable to the Downtown Planning Area.

Table 11-5 | Existing General Plan Text (pg. 11-17 to 11-18)

Table 11-5 translates the zoning district terminology used citywide for the General Plan to the equivalent zoning districts used when the Housing Element was adopted in 2008.

TABLE 11-5: ZONING DISTRICTS EQUIVALENCY MATRIX			
Zoning District When Housing Element Adopted		Equivalent Zoning District in General Plan	
Exclusive Agricultural	AE-20, AE-5	(None)	
None	None	B	Buffer
Residential			
Single Family	None	RE	Residential Estate
	R-A ,R-1-E, R-1-EH	RS-36	Single Family
	R-1-A, R-1-AH	RS-20	
	R-1-B	RS-12	
	R-1-C	RS-9	
	R-1	RS-5	
	None	RS-2.5	
Multi-Family	R-2	RM-2.5	Multi-Family
	R-3	RM-1.5	
	R-4	RM-1	
Mobile Home Park	MH	RM-MH	Mobile Home Park

Table 11-7 | Existing General Plan Text (pg. 11-20 to 11-21)

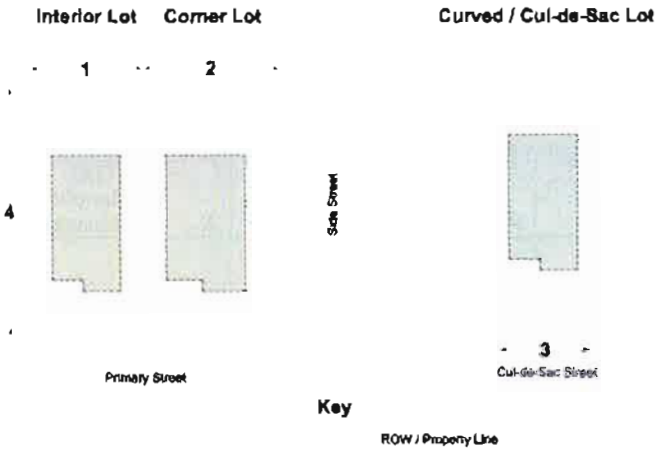
TABLE 11-7: HOUSING TYPES[3] PERMITTED BY ZONING DISTRICTS IN GENERAL PLAN									
District	RE	RS-36	RS-20	RS-12	RS-9	RS-5	RS-2.5	RS-MH	Additional Regulations
Residential Use Classifications									
Residential Housing Type	See sub classifications below								
Single-Unit Dwelling, Detached	P	P	P	P	P	P	P	X	§TBD, Manufactured Housing
Single-Unit Dwelling, Attached	X	X	X	X	C	P	P	X	
Second Dwelling Unit	P	P	P	P	P	P	P	X	§TBD, Second Dwelling Unit
Adult Family Day Care	See sub classifications below								
Small	P	P	P	P	P	P	P	P	
Large	X	C	C	C	C	C	C	X	§TBD, Day Care
Family Day Care	See sub classifications below								
Small	P	P	P	P	P	P	P	P	
Large	X	C	C	C	C	C	C	C	§TBD, Day Care
Mobile Home Parks	X	X	X	X	X	X	X	C	§TBD, Manufactured Housing; §TBD, Mobile Home Parks
Residential Care Facilities	See sub classifications below								
Residential Care, General	X	C	C	C	C	C	C	X	
Residential Care, Limited	P	P	P	P	P	P	P	P	
Other Applicable Types									
Accessory Uses and Structures	§TBD, Accessory Uses								
Accessory Living Quarters	P	P	P	P	P	P	P	P	
Backyard Cottage	P	P	P	P	P	P	P	P	
Home Occupations	P	P	P	P	P	P	P	P	
Transitional and Supportive Housing	§TBD, Transitional and Supportive Housing								

[3] P = Permitted; X = Not Allowed; C = Conditional Use Permit Required

Table 11-8 | Existing General Plan Text (pg. 11-22 to 11-23)

TABLE 11-8: LOT AND DENSITY STANDARDS—RESIDENTIAL SINGLE-FAMILY IN GENERAL PLAN

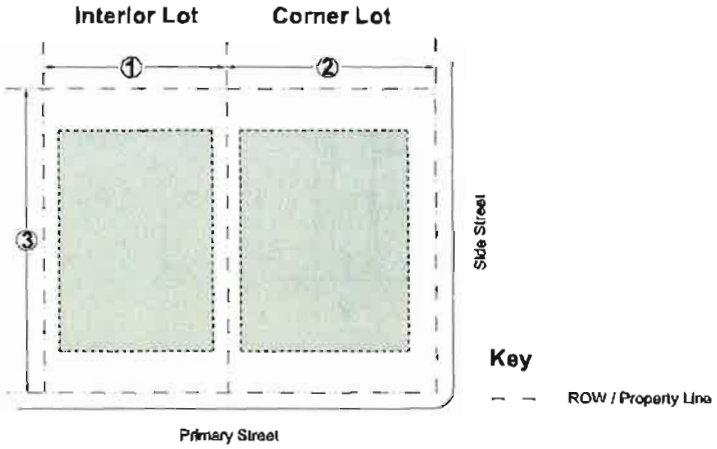
NOT TO SCALE



District	RE	RS-36	RS-20	RS-12	RS-9	RS-5	RS-2.5	Additional Regulations	#
Maximum Density (du/lot)	1	1	1	1	1	1	1	§15-12, 2nd Dwelling, Accessory Units	
Minimum Lot Size (sq. ft)	2.5 acres	36,000	20,000	12,000	9,000	5,000	2,500		
Minimum Lot Area per Dwelling Unit (sq. ft)	2.5 acres	36,000	20,000	12,000	9,000	5,000	2,500		
Minimum Lot Width (ft)									
General Standard	130	130	110	80	70	50	25		❶
Corner	130	130	110	90	80	60	30		❷
Reversed Corner	130	130	110	95	85	65	35		
Where Side Property Line Abuts a Major Street, Freeway or Railroad	160	160	130	100	90	80	-	§15-12, Setback Overlay	
Curved/Cul-de-Sac	-	-	80	60	50	40	-		❸
Minimum Lot Depth (ft)									
General Standard	200	200	130	110	110	90	90		❹
Where Front or Rear Property Line Abuts a Major Street (in addition to landscape easements required elsewhere in this Code or operative Plan.	200	200	130	120	120	115	100		❹
Where a Front or Rear Property Line Abuts a Freeway or Railroad	200	200	150	150	130	130	-	§15-12, Setback Overlay	❺

Table 11-9 | Existing General Plan Text (pg. 11-24)

TABLE 11-9: LOT AND DENSITY STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS IN GENERAL PLAN



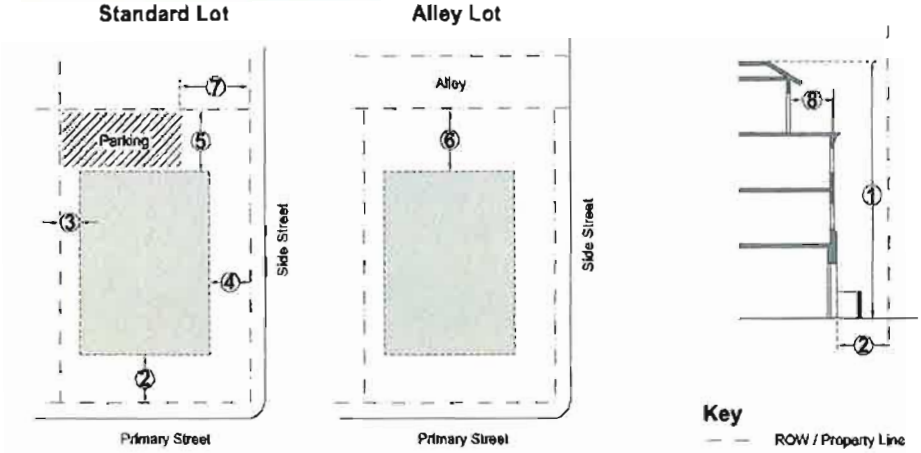
NOT TO SCALE

District	RM-2.5	RM-1.5	RM-1	RM-MH	Additional Regulations	#
Maximum Density	1 du/2,500 sq. ft	1 du/1,500 sq. ft	1 du/1,000 sq. ft	1 du/2,400 sq. ft		
Minimum Lot Size (sq. ft)	6,000	7,500	10,000	3 acres		
Minimum Lot Area per Dwelling Unit (sq. ft)	2,500	1,500	1,000	2,400		
Minimum Lot Width (ft)						
General Standard	50	60	65	110		❶
Corner	60	65	75	110		❷
Reversed Corner	65	70	80	110		
Where Side Property Line Abuts a Major Street, Freeway or Railroad	80	110	110	130	§15-12, Setback Overlay	
Minimum Lot Depth (ft)						
General Standard	90	110	110	130		❸
Where Front or Rear Property Line Abuts a Major Street	115	120	120	130		❸
Where Front or Rear Property Line Abuts a Freeway or Railroad	130	150	150	150	§15-12, Setback Overlay	❸

Table 11-10 | Existing General Plan Text (pg. 11-25)

TABLE 11-10: BUILDING FORM AND LOCATION STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS IN GENERAL PLAN

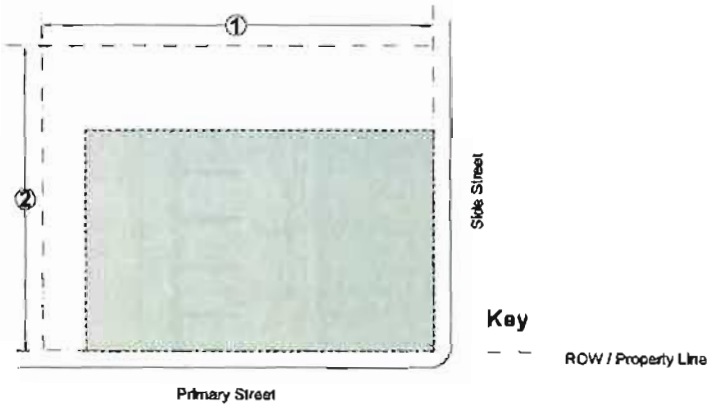
NOT TO SCALE



District	RM-2.5	RM-1.5	RM-1	RM-MH	Additional Regulations	#
Maximum Height (ft)	35	40(A)	60(A)	35(A)	§TBD, Heights and Height Exceptions	❶
Minimum Setbacks (ft)						
Front	15	15(A)	15(A)	15(A)	(C) and §TBD, Projections/ Encroachments into Yards	❷
Interior Side	10 total, min. 4/side	5(A)	5(A)	5(A)	(B) and §TBD, Projections/Encroachments into Yards	❸
Street Side	10	10	10	10	(C) and §TBD, Projections/ Encroachments into Yards	❹
Rear	20	15(A)	15(A)	10(A)	§TBD, Projections/ Encroachments into Yards	❺
Alley	3	3	3	3	§TBD, Projections/ Encroachments into Yards	❻
Parking, from street facing property line	30	30	30	30	(D)	❼
Fourth Floor Stepback (min. ft from building street front elevation)	-	10	10	-		❽
Maximum Lot Coverage (% of Lot)	50	50	60	50	§TBD, Rules of Measurement	
Minimum Common Open Space (% of lot)	20	20	20	20	(E)	
Minimum Private Open Space (sq. ft/unit for 75% of units)	50	50	50	50	(F)	

Table 11-11 | Existing General Plan Text (pg. 11-26)

TABLE 11-11: LOT AND DENSITY STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN

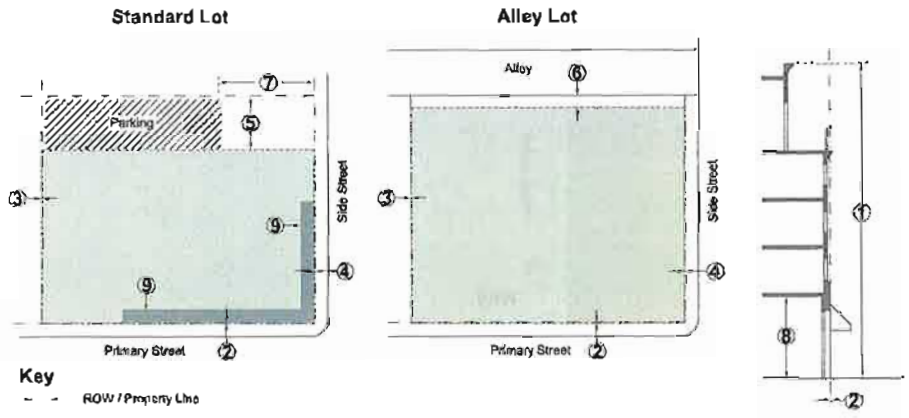


NOT TO SCALE

District	NMX	CMX	RMX	Additional Regulations	#
Minimum Lot Size (sq. ft)	5,000	15,000	60,000		
Minimum Lot Width (ft)	50	100	200		❶
Minimum Lot Depth (ft)	100	150	200		❷
Minimum Residential Density (du per acre)	50	30	15		
Minimum Floor Area Ratio (Non-Residential)	0.5	0.5	0.5		
Minimum % of Ground Floor Building Area that must be active uses	25	50	75		
Maximum Residential Density (du per acre)	16	30	45		
Maximum Floor Area Ratio (Non-Residential)	1.5	2.0	2.0	§TBD, Rules of Measurement	

Table 11-12 | Existing General Plan Text (pg. 11-27)

TABLE 11-12: BUILDING FORM AND LOCATION STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN



NOT TO SCALE

District	NMX	CMX	RMX	Additional Regulations	#
Maximum Height (ft)	35	60	75	(A) and §TBD, Heights and Height Exceptions	❶
Minimum Ground Floor Ceiling Height (ft)	15	15	15		❽
Minimum Setbacks (ft)					
Front	0	0	0	(A) and (B)	❷
Interior Side	0	0	20	(A) and §TBD, Projections/ Encroachments into Yards	❸
Street Side	0	0	0	(B)	❹
Rear	10	10	20	(A) and §TBD, Projections/ Encroachments into Yards	❺
Alley	3	3	5	§TBD, Projections/ Encroachments into Yards	❻
Parking, from street facing lot line	30	30	30	(C)	❼
Minimum Building Frontage on or within 5 ft of Front and Street Side Setback Line (% of setback line)	60	60	-		❾
Corner Frontage (ft, measured from property corner)	15	30	50	(D)	
Minimum Common Open Space (% of lot)	20	20	20	(E)	
Minimum Private Open Space (sq. ft/unit for at least 75% of units)	50	50	50	(F)	

Table 11-13 | Existing General Plan Text (pg. 11-28)

TABLE 11-13: REQUIRED ON-SITE PARKING SPACES FOR ZONE DISTRICTS IN GENERAL PLAN		
Land Use Classification	Required Parking Spaces	
Residential Use Classifications		
Single-Unit Residential constructed prior to the date this ordinance is adopted	1 space per dwelling unit	One covered space.
Single-Unit Residential, up to 2 bedrooms	1 space per dwelling unit	Must be within a garage.
Single-Unit Residential, 3 or more bedrooms	2 spaces per dwelling unit	Must be within a garage.
Accessory Living Quarters	No extra parking spaces are required	
Second Dwelling Unit	1 space for each. See Section TBD, Second Dwelling Units	
Affordable Housing Developments (Moderate Income and Below)		
Studio, One- or two-bedroom	.75 space per unit	One covered space shall be designated for each unit. One additional guest parking space must be provided for every 4 units.
Three or more bedrooms	1.5 spaces per unit	
Multi-unit Residential (2 or more units)		
Studio	.75 space per unit	One covered space shall be designated for each unit. One additional guest parking space must be provided for every 2 units.
One- or two-bedroom	1 spaces per unit	
Three or more bedrooms	1.5 spaces per unit	
Elderly and Long Term Care	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Group Residential	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Residential Care, Limited	None in addition to what is required for the residential use.	
Residential Care, General	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Residential Care, Senior	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Single Room Occupancy	0.5 spaces per unit.	

Table 12-1 | Existing General Plan Text (pg. 12-21 to 12-22)

TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Buffer	B	Buffer
Residential		
Low Density	RE	Residential Estate
	RS-36	Single-Family
	RS-20	
	RS-12	
Medium Low Density	RS-12	Single-Family
	RS-9	
	RS-5	
Medium Density	RS-5	Single-Family
	RS-2.5	
Medium High Density	RS-2.5	Single-Family
	RM-2.5	Multi-Family
Urban Neighborhood Density	RM-1.5	Multi-Family
High Density	RM-1	Multi-Family
Commercial		
Main Street	MSC	Main Street Commercial
Community	CC	Community Commercial
Regional	RC	Regional Commercial
General	CG	General Commercial
Highway and Auto	HAC	Highway and Auto Commercial
Recreation	CR	Commercial Recreation
Mixed-Use		
Neighborhood Mixed-Use	NMX	Neighborhood Mixed-Use
Corridor/Center Mixed-Use	CMX	Corridor/Center Mixed-Use
Regional Mixed-Use	RMX	Regional Mixed-Use
Employment		
Office	O	Office
Business Park	BP	Business Park
Regional Business Park	RBP	Small Business Park
Light Industrial	IL	Light Industrial
Heavy Industrial	IH	Heavy Industrial
Other		
Open Space	OS	Open Space
	PK	Park
Public Facilities	PI	Public and Institutional
Overlay District		
	BA	Boulevard Area
	RM	Residential Modifying
	BP	Bluff Protection
	S	Special Setback
	ANX	Annexed Rural Residential Transitional Overlay
	PD	Planned Development
	AE	Airport Environs
Downtown Land Use Compared To Implementing Existing Zone Districts[1]		
Central Business District	CBD	Central Trading
Civic Center	CC	Civic Center
Town Center	C-2	Community Shopping
	C-6	Heavy Commercial

TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	**Development Code Zoning District**	
Neighborhood Center	C-1 C-2 C-5	Neighborhood Shopping Center Community Shopping General Commercial
Chinatown	C-4	Central Trading
Cultural Arts	C-4	Central Trading
Corridor General	C-1 C-2 C-5	Neighborhood Shopping Center Community Shopping General Commercial
Neighborhood General Neighborhood General Preservation Neighborhood General Revitalization Neighborhood Edge	R-1 R-2 R-3 R-4	Single-Family Residential Low Density MFR Medium Density MFR High Density MFR
Special Districts 1 & 2 Special District - Hospital	C-M M-1	Comm. & Light Manufacturing Light Manufacturing
Open Conservation	O	Open Conservation
South Stadium	C-M	Comm. & Light Manufacturing

1. Specific zoned districts associated with Downtown land uses are established in the existing Zoning Code and are anticipated to be refined by subsequent amendment when more specific Downtown plans and a Downtown Development Code sections are approved.

Exhibit G
Part B: Proposed General Plan Text

Table 3-1 | Proposed General Plan Text

TABLE 3-1: CITYWIDE STANDARDS FOR DENSITY AND DEVELOPMENT INTENSITY		
Land Use	Minimum to Maximum Residential Density (du/net acre)[1,2,3]	Maximum Floor Area Ratio
Buffer	Max = 0.05 (1 unit per 20 net acres)	-
Residential		
Low Density	Min = 1 unit per 5 acres Max = 3.5 units per acre	-
Medium Low Density	Min = 3.5 units per acre Max = 6 units per acre	-
Medium Density	Min = 5 units per acre Max = 12 units per acre	-
Medium High Density	Min = 12 units per acre Max = 16 units per acre	-
Urban Neighborhood Density	Min = 16 units per acre Max = 30 units per acre	-
High Density	Min = 30 units per acre Max = 45 units per acre	-
Commercial		
Main Street		1.0
Community		1.0
Recreation		0.5
General		2.0
Highway & Auto		0.75
Regional		1.0
Mixed-Use		
Neighborhood Mixed-Use	Min = 12 units per acre Max = 16 units per acre	1.5
Corridor/Center Mixed-Use	Min = 16 units per acre Max = 30 units per acre	1.5
Regional Mixed-Use	Min = 30 units per acre Max = 45 units per acre	2.0
Employment		
Office	-	2.0
Business Park	-	1.0
Regional Business Park	-	1.0
Light Industrial	-	1.5
Heavy Industrial	-	1.5

1. Based on Net Acreage.
2. Residential density refers to the ratio of residential dwelling units per acre (43,560 square feet) of land which is calculated by dividing the number of existing or proposed residential dwelling units by the land area of the property designated for, or proposed for development with, a residential use. The residential land area includes property upon which the residential and ancillary structures are located, together with yards and other private or common open spaces, and includes vehicle access drives and parking areas together with public and private roadways. The residential land area does not include major streets or State Routes designated by Figure MT-1 General Plan Circulation Diagram, and does not include schools or regional trails.
3. Additional density may be allowed for affordable housing or provision of community benefits (pursuant to California Government *Code Sections* 65915 – 65918, as may be amended).

Table 3-3 | Proposed General Plan Text

TABLE 3-3: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Buffer	B	Buffer
Residential		
Low Density	RE	Residential Estate
	RS-1	Residential Single Family, Extremely Low Density
	RS-2	Residential Single Family, Very Low Density
	RS-3	Residential Single Family, Low Density
Medium Low Density	RS-4	Residential Single Family, Medium Low Density
Medium Density	RS-5	Residential Single Family, Medium Density
Medium High Density	RM-MH	Mobile Home Park
	RM-1	Residential Multi-Family, Medium High Density
Urban Neighborhood	RM-2	Residential Multi-Family, Urban Neighborhood
High Density	RM-3	Residential Multi-Family, High Density
Mixed-Use		
Neighborhood	NMX	Neighborhood Mixed Use
Corridor/Center	CMX	Corridor/Center Mixed Use
Regional	RMX	Regional Mixed Use
Commercial		
Main Street	CMS	Commercial - Main Street
Community	CC	Commercial - Community
Regional	CR	Commercial - Regional
General	CG	Commercial - General
Highway and Auto	CH	Commercial - Highway and Auto
Recreation	CRC	Commercial - Recreation
Employment		
Office	O	Office
Business Park	BP	Business Park
Regional Business Park	RBP	Regional Business Park
Light Industrial	IL	Light Industrial
Heavy Industrial	IH	Heavy Industrial
Other		
Open Space	OS	Open Space
	PR	Parks and Recreation
Public Facilities	PI	Public and Institutional
Downtown Planning Area Anticipated Zoning Districts		
Central Business District	DTC	Downtown Core
	DTG	Downtown General
Civic Center	DTG	Downtown General
Town Center	DTN	Downtown Neighborhood
Chinatown		

TABLE 3-3: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Cultural Arts		
South Stadium		
Neighborhood Center	NMX	Neighborhood Mixed Use
Corridor General		
Neighborhoods	RS-5	Residential Single Family, Medium Density
	RS-4	Residential Single Family, Medium Low Density
Special Districts	IL	Light Industrial
Public Facility	PI	Public and Institutional
Open Conservation	OS	Open Space
	PR	Parks and Recreation

Table 11-3 | Proposed General Plan Text

TABLE 11-3: CONSISTENCY MATRIX	
Goals, Policies and Programs of the Housing Element	General Plan Consistency
Goal 1 – General Plan Implementation	
Policy 1.1 – Continue the Housing Support Activities of the City and RDA	The General Plan is not inconsistent with this Policy. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. Housing activities are supported by the General Plan as noted in the Programs. For example: Objective LU-5, Objective HC-2 and Objective HC-3.
Program 1.1.1 –Implementation of General Plan Policies (affordable housing policies and policies for compact and mixed use development)	The General Plan is not inconsistent with the affordable housing policies and policies for compact and mixed use development in this program. Examples include: Creates a range of housing opportunities and choices. See General Plan Goals 7, 8 and 10; Objectives HC-3, UF-1, LU-2 and LU-5; Policies HC-3-a, UF-1-a, and UF-1-d. Creates walkable neighborhoods. See General Plan Goals 8, 9, 10, and 14; Objectives HC-2, D-4; UF-13, UF-14, MT-5; Policies HC-2-a, HC-2-c, HC-2-d, HC-2-e, HC-6-a, MT-6-g , UF-12-a, UF 14-b and UF-14-c. Recognizes mixed land uses, including Corridor/Center Mixed Use, Regional Mixed Use and Neighborhood Mixed-Use. See General Plan Goals 7 and 8; Objective UF-12; Policies UF-12-d, UF-12-f, LU-3-b; and Figure LU-1 (Land Use Diagram). Takes advantage of compact building designs. See General Plan Goal 10, Objective LU-2, Policies LU-1-c, LU-1-e, LU-2-a, LU-2-b, LU-2-c, LU-3-b, LU-3-c, LU-5-e, LU-5-f, and UF-12-b. Policy LU-3-b explicitly encourages development of mixed-use urban corridors, with other policies supporting infill and higher density, compact development. Additionally, the General Plan is implemented through an updated Development Code, which allows housing to take advantage of compact building designs. It will provide considerable additional opportunities for medium-high (12 to 16 dwelling units per acre), urban neighborhood densities (16 to 30 units per acre) and high density (30 to 45 dwelling units per acre) residential development in close proximity to public transit and employment opportunities. Compact building designs are contemplated to accommodate for these greater densities. Additionally, the adoption of a comprehensive update of the Development Code is part of the implementation of this General Plan. Form-based codes are anticipated for the Downtown

	Planning Area as part of the pending community and Specific Plans for that area. This General Plan provides a land use plan for SEDA. See Figure LU-1 (Land Use Diagram)
Program 1.1.2 – One Stop Processing	The General Plan is not inconsistent with this program. This Program has been incorporated into the General Plan, which promotes streamlining of applications, etc. For examples, see Goal 1 commentary, Goal 13; Objective LU-5; Policies D-4-a, LU-2-b, LU-2-f, and RC-1-c. The MEIR will also allow for streamlining for certain environmental review, and the adoption of a comprehensively updated Development Code (including the streamlining of permit approval) is part of the implementation of this General Plan. Finally, Policy LU-4-c takes this a step further by creating an interagency housing task force to further synchronize programs and to further develop a coordinated affordable housing plan.
Program 1.1.3 – Reduced Housing Costs	N/A. Nevertheless, the General Plan is not inconsistent with this program, as this Program has been incorporated into the General Plan, which promotes reduced housing costs. For examples, see Goals 7, 8 and 9; Objectives LU-4, LU-5, HC-3; Implementing Policies LU-2-b, LU-2-c, LU-2-d, LU-4-b, LU-4-c, LU-5-e, LU-5-f, HC-3-c, HC-3-d.
Program 1.1.4 – Institutional Barriers	There were no institutional barriers identified during the last reporting period. However, even if any institutional barriers were identified, the General Plan will update land use policies, ordinances, and procedures to fully address such issues. See also Tables 3-1 and 3-2 (standards for density and development intensity) and Objective LU-5.
Program 1.1.5 – Complaint Referral	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5. Policy HC-1-a supports implementation of this Program, including continuing compliance, information dissemination, and referral services through neighborhood associations. Objective HC-4 and Implementing Policies HC-4-c and HC-4-d support code enforcement and resolution of landlord/tenant issues.
Program 1.1.6 – Support of Current Law	The General Plan is not inconsistent with this program. See Objective LU-5. The City has been contributing financial support to the FHCCC; for example, see also HC-3-c and related commentary.
Program 1.1.7 – Fresno Green	The General Plan is not inconsistent with this program and will assist implementation of the Fresno Green program. For example, see Goals 3, 4, 9 and 16; Implementing Objectives LU-5 and HCR-3, RC-4, RC-5, RC-8, HC-2, HC-3; supporting policies RC-5-c, HC-2-e, HC-3-f and UF-12-g. Most of the objectives and programs that support these strategies are embedded throughout the General Plan, particularly in the implementing policies of the Resource Conservation Element. See also Resource Conservation and Resilience narrative entitled "Fresno Green – The City of Fresno's Strategy for Achieving Sustainability."

Program 1.1.8 – Funding Energy Saving Improvements	The General Plan is not inconsistent with this program. The General Plan promotes incentives for energy efficient improvements. For example, see Goal 3; Objectives LU-1, LU-5, RC-8, HCR-3, and Policies RC-5-c, RC-8-c, RC-8-d, and HC-3-d.
Goal 2 – New Construction of Affordable Housing	
Policy 2.1 New Construction	The General Plan is not inconsistent with this program. As discussed above in the narrative, the Regional Housing Needs Allocation (RHNA) identified a need for approximately 20,967 units for the 2008-2013 planning period. The number of potential dwelling units allowable in the land use designations proposed by the General Plan, and by zoning in the updated Development Code meet and exceed this amount. Details can be found throughout the General Plan, including increased density and development intensity (such as Table 3-1 and Table 3-2) and infill/growth area construction (Objectives UF-1, UF-12, UF-13, LU-2, LU-4, and LU-5 and supporting Policies).
Program 2.1.1 – Land Demand	The General Plan is not inconsistent with this program. Land use designations are designed to accommodate population growth through 2035, and zoning is consistent with this planned growth. Policies focus on supporting and encouraging infill development to make better use of underutilized lots such as providing infrastructure (LU-2-d) or other incentives (LU-2-c) to make infill more feasible and attractive to the development community. For example, see Objectives UF-12, UF-13, LU-2, LU-5; Policies UF-12-a, UF-12-b, UF-13-a, LU-1-e, LU-1-f, ED-1-d and ED-1-e.
Program 2.1.2 – Reduction in Density	The General Plan is not inconsistent with this program and will continue to comply with State law regarding density reduction. The General Plan allows an overall increase in residential density and development intensity as compared to the 2025 General Plan. (See Goal 8 and 10, Tables 3-1 and 3-2) As such, under this General Plan the City will more than exceed its fair housing obligation and there will be no net loss of residential capacity.
Program 2.1.3 – Central Community Plan Area Housing	Even though Community Plans, and their potential requirements, are not part of the General Plan and are either being amended or repealed to ensure consistency, Program 2.1.3 references the Central Community Plan for the limited purpose of identifying specific geographical regions. As such, the boundaries are still applicable for the purposes of the Program. The General Plan is not inconsistent with this program. For example, see Commentary to Goal 1, Goal 13; Objective LU-5; Policies LU-1-d, LU-2-a, LU-2-b, RC-1-c and D-4-a. Additionally, the MEIR will also allow for a streamlined process for certain environmental review. The adoption of a comprehensively updated Development Code (including the streamlining of permit approval) is part of the implementation of this Plan. (See Resource

	Conservation and Resilience Element narrative including "CEQA Tiering and Streamlining Analysis of Greenhouse Gas Emissions.") Further, the General Plan anticipates community plans and Specific Plans will be approved for the revitalization and continued development of the Downtown neighborhoods, and contemplates adoption of zoning districts specific to the Downtown which will support and streamline the infill process. For example, see Objective LU-3; Policy LU-3-a.
Program 2.1.4 – Inner City Residential Development	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 2 and LU-5. Additionally, infill development is a significant component of the General Plan. For examples, see Goals 2 and 10; Objectives UF-5, UF-12, LU-2, LU-4, LU-9; Policies PU-4-b, ED-1-d, ED-3-f, POSS-1-d, NS-1-p, HCR-3-c, RC-2-a, RC-2-b, MT-2-c, UF-1-a, UF-12-f, LU-1-d, LU-2-a, LU-2-b, LU-2-c, LU-2-d, LU-2-e, LU-2-f. Also see Urban Form Element narrative on "Infill Development," Infill Development Act, and Land Use Diagram Figure LU-1.
Program 2.1.5 – Other Infill Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5. Other infill housing is also a significant component of the General Plan, as is affordable housing. See discussion at Program 2.1.4; Goals 7, 8 and 9; Objectives HC-3, LU-4; Policies HC-3-a, HC-3-c, HC-3-d, LU-2-b, LU-2-c LU-4-c, LU-5-e, LU-5-f, LU-5-h, and LU-5-i; Healthy Communities Element narrative "Safe and Affordable Housing."
Program 2.1.6 – Multi-Family Land Supply	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and the updated Development Code. The General Plan expands the amount of available supply of land designated for multi-family residential uses. (See Land Use Diagram, Figure LU-1) Finally, the General Plan also supports large-scale rezones to promote consistency with its land use designations, including zoned districts for multi-family uses.
Program 2.1.6A – Facilitate the Development of Multi-Family Housing Affordable to Lower Income Households	The General Plan is not inconsistent with this program. The proposed land use changes in the General Plan provide for a total of 38,835 additional dwelling units, which exceeds the 38,469 additional dwelling units identified by the rezoning under this program (Rezone 500 acres of vacant land to the R-2 or R-3 zoning district at a minimum of 20 units per acre and rezone 200 acres of vacant land to R-3 or R-4 zoning district at a minimum of 38 units per acre).[1] The increased density throughout various locations in the city and conversion of commercially zoned land to mixed use districts provides for this increased capacity consistent with this program. This additional housing, outside the Downtown Planning Area, is distributed within the land use categories and densities shown in Tables 3-1 and 3-2 along with the total units for the Downtown Planning Area.

[1] Housing Element 2008-2013 Amendment 1.

	The Development Code update also allows for second dwelling units as a permitted use and will assist with providing additional affordable housing to lower income households. See also Objective LU-5 and Implementing Policy LU-5-f. Any remaining actions are N/A.
Program 2.1.7 – Increase Housing Yields	N/A. Nevertheless, the General Plan is not inconsistent with this program. The General Plan and Development Code are prepared consistent with State law. The General Plan is increasing density to increase housing yield per acre. Also see Goal 8, Objectives LU-2, LU-4, LU-5, and MT-8. The Development Code Update further promotes streamlining and/or eliminating some discretionary permits to remove governmental constraints to accomplish increased housing yields.
Program 2.1.7A – Maximum Density	The General Plan is not inconsistent with this program. See Goal 8, Objectives LU-2, LU-4, LU-5, D-3 to create green streets, MT-2 to make efficient use of the existing transportation system, and MT-8. Also LU-1-a to encourage new development and infill in the Downtown, along BRT corridors, and on vacant land within the City Limits (boundary as of December 31, 2012). Allowable residential densities per acre have been increased, which allows for increased housing yields. See Tables 3-1 and 3-2. The General Plan also supports large-scale rezones to promote consistency with its land use designations, including Residential use classifications. Any remaining actions are N/A.
Program 2.1.8 – Mixed-Use Zoning	The General Plan is not inconsistent with this program. Mixed use is a recognized and promoted land use. (See Tables 3-1 and 3-2) The Urban Form, Land Use, and Design Element, as well as the Development Code update, provide design standards for Activity Centers and transit corridors. (For examples, see Urban Form, Land Use, and Design Element narrative entitled "Major Strategic Directions for Future Growth" and "BRT Corridors & Centers;" Figure UF-1; Objective LU-5; Policies UF-1-a, UF-1-c, UF-12-b through UF-12-f, LU-5-f, LU-6-d, LU-9-b through LU-9-d, D-1-b and D-2-a.) The General Plan also supports a form-based zoning code update for the Downtown Planning Area as a component of the Development Code.
Program 2.1.9 – Farmworker Housing Funding and Development	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5, and HC-3; and Implementing Policies LU-2-b, LU-2-d, and LU-4-c.
Program 2.1.10 – Emergency Shelter Grant Allocations	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy HC-2-b.
Program 2.1.11 – Zoning for Emergency and Homeless Shelters	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and HC-3; and implementing policy HC-2-b.
Program 2.1.12 – Zoning for Special Needs Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5; implementing policy HC-2-a, LU-5-i.

Program 2.1.13 – Transitional and Supportive Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2 and LU-5 and implementing policies LU-4-c and HC-2-b and HC-3-c.
Program 2.1.14 – Single Room Occupancy Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy LU-4-c, and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program, allowing Limited Residential Care in all residential zones as a permitted use and General Residential Care with a Conditional Use Permit in most residential districts (See Table 11-7).
Program 2.1.15 – Very-Low Income Large Family Single and Multi-Family Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and Implementing Policies LU-2-b, LU-2-d and LU-4-c.
Program 2.1.16 – Extremely Low, Very Low, and Low-Income Senior Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy LU-4-c and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program.
Program 2.1.17 – Other Extremely Low and Very Low-Income Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and implementing policy LU-4-c and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program by allowing second dwelling units in all single family residential zones as a permitted use.
Program 2.1.18 – Inclusionary and Alternative Housing Policy Programs	The General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. In addition, see Objective LU-5 and Implementing Policy LU-4-c, and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program.
Program 2.1.19 –Proposition 1C Program	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5; implementing policy LU-4-c.
Program 2.1.20 – Strengthening Partnerships with Affordable Housing Developers	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policy LU-4-c. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno.

Program 2.1.21 – Zoning for Agricultural Employees (Farmworker) Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and HC-3; and Implementing Policies LU-2-b, LU-2-d, and LU-4-c.
Program 2.1.22 – Single Room Occupancy Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-4-c and HC-2-b. The Development Code update also addresses this program.
Goal 3 – Housing Rehabilitation, Acquisition and Neighborhood Improvements	
Policy 3.1 – Neighborhood Revitalization	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. See Goal 7, 8, and 9; also Objective LU-5.
Program 3.1.1 – Comprehensive Code Enforcement	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-4 and LU-5, and Implementing Policies LU-4-a, LU-4-b, and LU-4-c. All demonstrate the General Plan's support for this program.
Program 3.1.2 – Neighborhood Infrastructure	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9; Objective LU-1, LU-4, LU-5, LU-11, MT-5, and UF-6; also Implementing Policy LU-1-a, LU-4-bMT-5-a, and MT-5-b.
Program 3.1.3 –Public Utilities Sewer and Water Deficiencies	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9, Objectives LU-1 and LU-5, and Implementing Policies LU-1-a, LU-11, and UF-6.
Program 3.1.4 – Enhanced Police Service to High-Crime Neighborhoods	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9, Implementing Objectives LU-5, PU-1, and Implementing Policies PU-1-a and PU-1-g.
Policy 3.2 – Housing Rehabilitation, Replacement and Home Buyer Assistance	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c. They all support this policy and its subsequent Programs; 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5.
Program 3.2.1 – Housing Rehabilitation	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno,

	and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.2 – Housing Replacement	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.3 – Home Buyer Assistance	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.4 – Redevelopment Housing Sites	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.5 – Comprehensive Housing Quality Survey and Upgrade Geographic Information System (GIS)	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the

	Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b.
Goal 4 – Redevelopment and Relocation	
Policy 4.1 – Preservation of Affordability of At-Risk Housing	N/A. Nevertheless, the General Plan is not inconsistent with this policy. See Goal 7 and Goal 9; also, Objectives LU-2 and LU-5; and Implementing Policies LU-2-b, LU-5-e, and LU-5-f; and comments below.
Program 4.1.1 – At-Risk Housing	N/A. Nevertheless, the General Plan is not inconsistent with securing the continued affordability of at-risk housing units through preservation and replacement. This is demonstrated in Goal 7 and Goal 9, As well, Objectives LU-2, LU-4, and LU-5; and Implementing Policies LU-2-b, LU-4-a, LU-4-b, and LU-4-c.
Program 4.1.2 – Prevention and Alleviating Foreclosures	N/A. Nevertheless, the General Plan is not inconsistent with preventing and alleviating foreclosures. See Objective UF-12, LU-4, and LU-5; and Implementing Policies LU-4-a, LU-4-b, and LU-4-c.
Policy 4.2 – Relocation of Residents	N/A. Nevertheless, the General Plan is not inconsistent with this program. See response to Program 4.2.1 that addresses relocation of residents and LU-5.
Program 4.2.1 – Provide Relocation Services as Needed	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The City shall continue to provide relocation assistance to individuals and families displaced due to redevelopment activities as prescribed by law. See also Objective LU-5.
Policy 4.3 -Accountability	N/A. Nevertheless, the General Plan is not inconsistent with this program. See responses to programs 4.3.1 and 4.3.2 that address accountability and Objective LU-5.
Program 4.3.1 – Required Reporting by Regional Housing Need Allocation Income Category	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-5-e and LU-5-f.
Program 4.3.2 – Citywide Public Services Processing for Affordable Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-5-e and LU-5-f.

Table 11-4 | Proposed General Plan Text

TABLE 11-4: TERM EQUIVALENCY MATRIX	
Term Used in Adopted Housing Element	Equivalent Use in General Plan
Planning and Development Department	Development and Resource Management Department
Redevelopment Agency of the City of Fresno (RDA)	The function of the RDA is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno
Community Plans	Note: The adopted Housing Element references several Community Plans for the limited purpose of identifying specific geographical regions or to identify potential regulations that may affect mixed-use projects. Those Community Plans, and their potential requirements, are not part of the General Plan and are either being amended or repealed to ensure consistency. The General Plan essentially consolidates many aspects of those Community Plans into a centralized planning document and remains consistent with the goals, policies and programs of the adopted Housing Element
Zoning Ordinance	Development Code

Table 11-5 | Proposed General Plan Text

Table 11-5 translates the zoning district terminology used citywide for the General Plan to the most equivalent zoning districts used when the Housing Element was adopted in 2008.

TABLE 11-5: ZONING DISTRICTS TRANSLATION MATRIX			
Zoning District When Housing Element Adopted		Zone District in new Citywide Development Code	
Exclusive Agricultural	AE-20	B	Buffer
	AE-5	RE	Residential Estate
Residential			
Single-Family	R-A, R-1-E, R-1-EH	RS-1, EQ[1]	Single Family
	R-1-A, R-1-AH	RS-2, EQ[1]	
	R-1-B, R-1-C	RS-3	
	R-1	RS-4	
	None	RS-5	
Multi-Family	R-2-A	RM-1	Multi-Family
	R-2, R-3	RM-2	
	R-4	RM-3	
Mobile Home Park	MH, T-P	RM-MH	Mobile Home Park

1. Equine Overlay District

Table 11-7 | Proposed General Plan Text

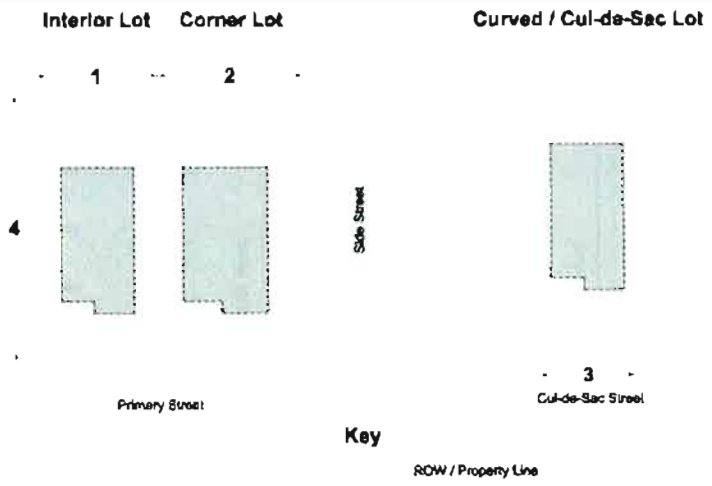
TABLE 11-7: HOUSING TYPES[3] PERMITTED BY ZONING DISTRICTS IN GENERAL PLAN							
District	RE	RS-1	RS-2	RS-3	RS-4	RS-5	Additional Regulations
Residential Use Classifications							
Residential Housing Type							
Single-Unit Dwelling, Detached	P	P	P	P	P	P	§15-2738, Manufactured Homes
Single-Unit Dwelling, Attached	–	–	–	–	C	P	
Second Dwelling Unit	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Cottage Housing Development	–	–	–	–	–	P	§15-2723, Cottage Housing Developments (Pocket Neighborhoods)
Duplex	–	–	–	–	–	P	§15-906, Duplex and Multi-Unit Residential Standards
Multi-Unit Residential	–	–	–	–	–	P	§15-906, Duplex and Multi-Unit Residential Standards
Adult Family Day Care							
Small (6 clients or less)	P	P	P	P	P	P	
Large (7 to 12 clients)	–	C	C	C	C	C	
Domestic Violence Shelter							
Small (6 persons or less)	P	P	P	P	P	P	
Family Day Care							
Small (8 children or less)	P	P	P	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	–	C	C	C	C	C	
Group Residential							
Small (6 persons or less)	P	P	P	P	P	P	
Residential Care Facilities							
Residential Care, General	–	C	C	C	C	C	
Residential Care, Limited	P	P	P	P	P	P	
Other Applicable Types							
Accessory Uses and Structures	§15-2703, Accessory Uses						

[3] P = Permitted; - = Not Allowed; C = Conditional Use Permit Required

TABLE 11-7: HOUSING TYPES[3] PERMITTED BY ZONING DISTRICTS IN GENERAL PLAN							
District	RE	RS-1	RS-2	RS-3	RS-4	RS-5	Additional Regulations
Accessory Living Quarters	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Home Occupations	§15-2735, Home Occupations						
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing						

Table 11-8 | Proposed General Plan Text

TABLE 11-8: LOT AND DENSITY STANDARDS—RESIDENTIAL SINGLE-FAMILY IN GENERAL PLAN

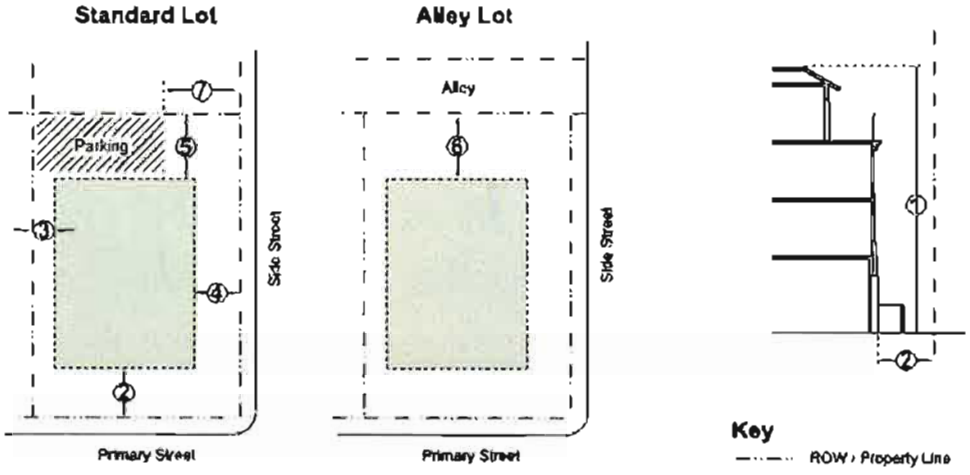


NOT TO SCALE

District	RE	RS-1	RS-2	RS-3	RS-4	RS-5	Additional Regulations	#
Minimum Lot Size (sq. ft.)	5 acres	36,000	20,000	9,000	5,000	4,000		
Minimum Lot Size, with Enhanced Streetscape (sq. ft.)	-	-	-	-	-	2,700	§15-904-B, Enhanced Streetscape	
Maximum Lot Size	-	-	-	32,000	9,000	6,500		
Residential Density (dwelling units per lot)	1	1	1	1	1	1	§15-310, Determining Residential Density	
Minimum Lot Width (ft.)								
General Standard	110	110	110	70	50	35		❶
Corner	110	110	110	80	55	40		❷
Reversed Corner	110	110	110	90	60	50		
Where Side Property Line Abuts a Major Street, Freeway or Railroad	160	160	130	90	70	60		
Curved/Cul-de-Sac	80	80	80	60	40	30		❸
Minimum Lot Depth (ft.)								
General Standard	130	130	130	100	85	70		❹
Where Front or Rear Property Line Abuts a Major Street	200	200	130	110	100	90		❹
Where a Front or Rear Property Line Abuts a Freeway or Railroad	200	200	150	150	120	120		❹

Table 11-9 | Proposed General Plan Text

TABLE 11-9: BUILDING FORM, LOT, AND DENSITY STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS IN GENERAL PLAN



NOT TO SCALE

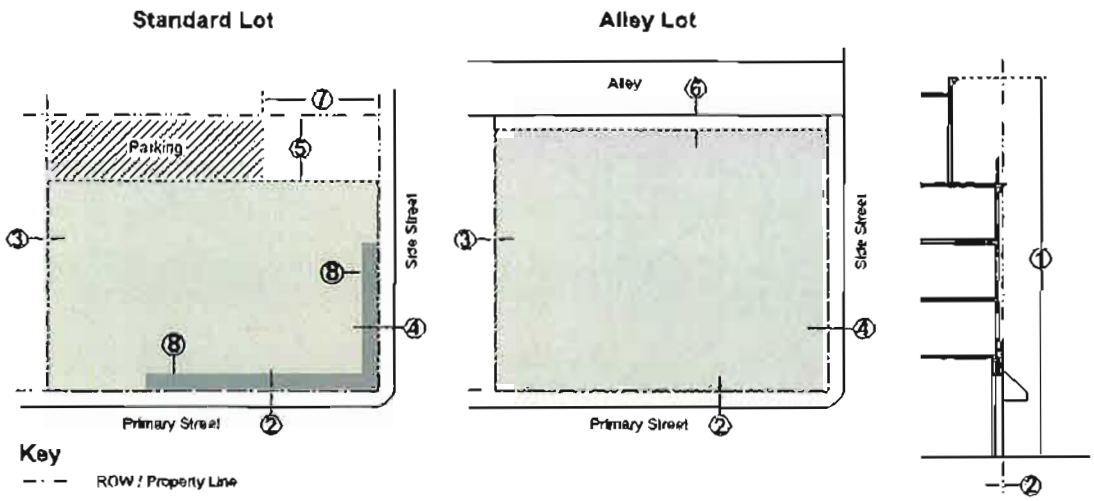
District	RM-1	RM-2	RM-3	RM-MH	Additional Regulations	#
Maximum Density (du/ac) (min./max.)	12/16	16/30	30/45	12/16	§15-310, Determining Residential Density	
Maximum Height (ft.)	40	50	60	35	§15-2012, Heights and Height Exceptions, 15-1003-A, RS Transition Standards	❶
Setbacks (ft.)						
Front (min. / max.)	10 / 20	10 / 20	10 / 20	10 / 20	§15-313, Determining Setbacks and Yards §15-1004-A, RS Transition Standards §15-1004-B, Side Setbacks for Attached Dwellings §15-1004-C, Parking Setback §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped	❷
Interior Side (min.)	10 total, min. 4/side	5	5	5		❸
Street Side (min.) (Parcel <125 ft. in depth)	10	10	10	10		❹
Street Side (min.) (Parcel >125 ft. in depth)	15	15	15	15		❹
Rear (min.)	20	15	15	10		❺
Alley (min.)	3	3	3	3		❻
Parking, from back of sidewalk or curb (min.)	30	30	30	30		❼
Minimum Frontage Coverage (%)	50	50	50	-	§15-317, Determining Frontage Coverage	
Maximum Lot Coverage (% of lot)	50	50	60	50	§15-311, Determining Lot Coverage	
Minimum On-Site Open Space (% of Lot Area)	20	15	10	-		

Table 11-10 | Proposed General Plan Text

(To be deleted due to consolidation to one table under proposed Table 11-9)

Table 11-11 | Proposed General Plan Text (renumber to Table 11-10)

TABLE 11-10: LOT AND DENSITY STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN



NOT TO SCALE

District	NMX	CMX	RMX	Additional Regulations	#
Floor Area Ratio (max.)	1.5	1.5	2.0	§15-309, Determining Floor Area Ratio	
Residential Density, du/ac (min./max.)	12/16	16/30	30/45	§15-310, Determining Residential Density Min. res. density shall not be required for the following: projects on lots less than 20,000 sq. ft. in area; projects further than 1,000 feet from a planned or existing BRT route; and projects which submit a Development Permit application prior to January 1, 2019.	
Maximum Height (ft.)	40	60	75	§15-1104-B, RS Transition Standards and §15-2012, Heights and Height Exceptions	❶
Setbacks (ft.)					
Front (min./max.)	0/10	0/10	0/10	§15-313, Determining Setbacks and Yards §15-1104-B, RS Transition Standards §15-1104-D, Parking Setback §15-2305, Areas to be Landscaped	❷
Interior Side (min.)	0	0	0		❸
Street Side (min.)	0	0	0		❹
Rear (min.)	0	0	0		❺
Alley (min.)	3	3	3		❻
Parking, from back of sidewalk or curb (min.)	30	30	30		❼
Minimum Frontage Coverage (%)	60	70	80	§15-317, Determining Frontage Coverage	
Corner Frontage (ft., measured from property corner)	15	30	50	§15-1104-C, Corner Frontage	❽
Minimum On-Site Open Space (% of Lot Area)	15	10	8	§15-1104-E, On-Site Open Space	

Table 11-12 | Proposed General Plan Text

(To be deleted due to consolidation to one table under proposed Table 11-10)

Table 11-13 | Proposed General Plan Text (renumber to Table 11-11)

TABLE 11-11: REQUIRED ON-SITE PARKING SPACES FOR ZONE DISTRICTS IN GENERAL PLAN		
Land Use Classification	Required Parking Spaces	
Residential Use Classifications		
Single-Unit Residential constructed prior to the adoption date of this Code	1 space per dwelling unit	Must be covered.
Single-Unit Residential	1 space per dwelling unit	Must be within a garage.
Backyard Cottages, Second Dwelling Units, or Accessory Living Quarters	Refer to Section 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters.	
Affordable Housing Developments (Moderate Income and Below) per the Government Code		
Studio; One- or two-bedroom	.75 space per unit	One covered space shall be designated for each unit. One additional guest parking space must be provided for every 4 units.
Three or more bedrooms	1.5 spaces per unit	
Multi-Unit Residential (2 or more units)		
Studio	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 4 units.
One- or two-bedroom	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 2 units.
Three or more bedrooms	1.5 spaces per unit	
Small Family Day Care	None in addition to what is required for the residential use.	
Large Family Day Care	1 per employee plus an area for loading and unloading children, on or off-site. Required spaces and the residential driveway for the primary residential use may be counted toward meeting these requirements.	
Elderly and Long-Term Care	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Group Residential	1 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Residential Care, Limited	None in addition to what is required for the residential use.	
Residential Care, General	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Residential Care, Senior	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Single Room Occupancy	0.5 space per unit	

Table 12-1 | Proposed General Plan Text

TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Buffer	B	Buffer
Residential		
Low Density	RE	Residential Estate
	RS-1	Residential Single Family, Extremely Low Density
	RS-2	Residential Single Family, Very Low Density
	RS-3	Residential Single Family, Low Density
Medium Low Density	RS-4	Residential Single Family, Medium Low Density
Medium Density	RS-5	Residential Single Family, Medium Density
Medium High Density	RM-MH	Mobile Home Park
	RM-1	Residential Multi-Family, Medium High Density
Urban Neighborhood	RM-2	Residential Multi-Family, Urban Neighborhood
High Density	RM-3	Residential Multi-Family, High Density
Mixed-Use		
Neighborhood	NMX	Neighborhood Mixed Use
Corridor/Center	CMX	Corridor/Center Mixed Use
Regional	RMX	Regional Mixed Use
Commercial		
Main Street	CMS	Commercial - Main Street
Community	CC	Commercial - Community
Regional	CR	Commercial - Regional
General	CG	Commercial - General
Highway and Auto	CH	Commercial - Highway and Auto
Recreation	CRC	Commercial - Recreation
Employment		
Office	O	Office
Business Park	BP	Business Park
Regional Business Park	RBP	Regional Business Park
Light Industrial	IL	Light Industrial
Heavy Industrial	IH	Heavy Industrial
Other		
Open Space	OS	Open Space
	PR	Parks and Recreation
Public Facilities	PI	Public and Institutional
Downtown Planning Area Anticipated Zoning Districts		
Central Business District	DTC	Downtown Core
	DTG	Downtown General
Civic Center	DTG	Downtown General
Town Center	DTN	Downtown Neighborhood
Chinatown		

TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Cultural Arts		
South Stadium		
Neighborhood Center	NMX	Neighborhood Mixed Use
Corridor General		
Neighborhoods	RS-5	Residential Single Family, Medium Density
	RS-4	Residential Single Family, Medium Low Density
Special Districts	IL	Light Industrial
Public Facility	PI	Public and Institutional
Open Conservation	OS	Open Space
	PR	Parks and Recreation

Exhibit G

Part C: Redlined Proposed General Plan Text

Table 3-1 | Proposed General Plan Text

TABLE 3-1: CITYWIDE STANDARDS FOR DENSITY AND DEVELOPMENT INTENSITY		
Land Use	Minimum to Maximum Residential Density (du/net acre)[1,2,3]	Maximum Floor Area Ratio
Buffer	Max = 0.05 (1 unit per 20 net acres)	-
Residential		
Low Density	Min = 1 unit per 5 acres Max = 3.5 units per acre	-
Medium Low Density	Min = 3.5 units per acre Max = 6 units per acre	-
Medium Density	Min = 5 units per acre Max = 12 units per acre	-
Medium High Density	Min = 12 units per acre Max = 16 units per acre	-
Urban Neighborhood Density	Min = 16 units per acre Max = 30 units per acre	-
High Density	Min = 30 units per acre Max = 45 units per acre	-
Commercial		
Main Street		1.0
Community		1.0
Recreation		0.5
General		2.0
Highway & Auto		0.75
Regional		1.0
Mixed-Use		
Neighborhood Mixed-Use	Min = 12 units per acre Max = 16 units per acre ~~Minimum 50% Residential~~	1.5
Corridor/Center Mixed-Use	Min = 16 units per acre Max = 30 units per acre ~~Minimum 40% Residential~~	1.5
Regional Mixed-Use	Min = 30 units per acre Max = 45 units per acre ~~Minimum 30% Residential~~	2.0
Employment		
Office	-	2.0
Business Park	-	1.0
Regional Business Park	-	1.0
Light Industrial	-	1.5
Heavy Industrial	-	1.5

1. Based on Net Acreage.
2. Residential density refers to the ratio of residential dwelling units per acre (43,560 square feet) of land which is calculated by dividing the number of existing or proposed residential dwelling units by the land area of the property designated for, or proposed for development with, a residential use. The residential land area includes property upon which the residential and ancillary structures are located, together with yards and other private or common open spaces, and includes vehicle access drives and parking areas together with public and private roadways. The residential land area does not include major streets or State Routes designated by Figure MT-1: General Plan Circulation Diagram, and does not include schools or regional trails.
3. Additional density may be allowed for affordable housing or provision of community benefits (pursuant to California Government *Code Sections* 65915 – 65918, as may be amended).

Table 3-3 | Proposed General Plan Text

TABLE 3-3: GENERAL PLAN LAND USE DESIGNATIONS AND ZONEING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoneing District	
Buffer	B	Buffer
Residential		
Low Density	RE	Residential Estate
	RS-1	Residential Single Family, Extremely Low Density
	RS-2	Residential Single Family, Very Low Density
	RS-3	Residential Single Family, Low Density
Medium Low Density	RS-4	Residential Single Family, Medium Low Density
Medium Density	RS-5	Residential Single Family, Medium Density
Medium High Density	RM-MH	Mobile Home Park
	RM-1	Residential Multi-Family, Medium High Density
Urban Neighborhood	RM-2	Residential Multi-Family, Urban Neighborhood
High Density	RM-3	Residential Multi-Family, High Density
	~~RM-MH~~	~~Mobile Home Park~~
Mixed-Use		
Neighborhood	NMX	Neighborhood Mixed Use
Corridor/Center	CMX	Corridor/Center Mixed Use
Regional	RMX	Regional Mixed Use
Commercial		
Main Street	CMS~~G~~	~~Main Street~~ Commercial - Main Street
Community	CC	~~Community~~ Commercial - Community
Regional	CR~~G~~	~~Regional~~ Commercial - Regional
General	CG~~G~~	~~General~~ Commercial - General
Highway and Auto	~~HA~~CH	~~Highway and Auto~~ Commercial - Highway and Auto
Recreation	CRC	Commercial - -Recreation
~~**Mixed-Use**~~		
~~Neighborhood Mixed-Use~~	~~NMX~~	~~Neighborhood Mixed-Use~~
~~Corridor/Center Mixed-Use~~	~~CMX~~	~~Corridor/Center Mixed-Use~~
~~Regional Mixed-Use~~	~~RMX~~	~~Regional Mixed-Use~~
Employment		
Office	O	Office
Business Park	BP	Business Park
Regional Business Park	RBP	Regional Business Park
Light Industrial	~~L~~IL	Light Industrial
Heavy Industrial	~~H~~IH	Heavy Industrial
Other ~~**Other**~~		
Open Space	OS	Open Space

TABLE 3-3: GENERAL PLAN LAND USE DESIGNATIONS AND ZONEING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoneing District	
	PR	Parks and Recreation
Public Facilities	PI	Public and Institutional
Downtown Planning Area Anticipated Zoning Districts		
Central Business District	DTC	Downtown Core
	DTG	Downtown General
Civic Center	DTG	Downtown General
Town Center	DTN	Downtown Neighborhood
Chinatown		
Cultural Arts		
South Stadium		
Neighborhood Center	NMX	Neighborhood Mixed Use
Corridor General		
Neighborhoods	RS-5	Residential Single Family, Medium Density
	RS-4	Residential Single Family, Medium Low Density
Special Districts	IL	Light Industrial
Public Facility	PI	Public and Institutional
Open Conservation	OS	Open Space
	PR	Parks and Recreation
~~Downtown Land Use[1] Compared To Implementing Existing Zone Districts~~		
~~Central Business District~~	~~CBD~~	~~Central Trading~~
~~Civic Center~~	~~CC~~	~~Civic Center~~
~~Town Center~~	~~C-2~~ ~~C-6~~	~~Community Shopping~~ ~~Heavy Commercial~~
~~Neighborhood Center~~	~~C-1~~ ~~C-2~~ ~~C-5~~	~~Neighborhood Shopping Center~~ ~~Community Shopping~~ ~~General Commercial~~
~~Chinatown District~~	~~C-4~~	~~Central Trading~~
~~Cultural Arts District~~	~~C-4~~	~~Central Trading~~
~~Corridor General~~	~~C-1~~ ~~C-2~~ ~~C-5~~	~~Neighborhood Shopping Center~~ ~~Community Shopping~~ ~~General Commercial~~
~~Neighborhood~~	~~R-1~~ ~~R-2~~ ~~R-3~~ ~~R-4~~	~~Single Family Residential~~ ~~Low Density Multi-family Residential (MFR)~~ ~~Medium Density MFR~~ ~~High Density MFR~~
~~Special Districts~~	~~C-M~~ ~~M-1~~	~~Comm. & Light Manufacturing~~ ~~Light Manufacturing~~
~~Open Conservation~~	~~O~~	~~Open Conservation~~
~~South Stadium~~	~~C-M~~	~~Comm. & Light Manufacturing~~

~~1. Specific zoned districts associated with Downtown land uses are established in the existing Zoning Code and are anticipated to be refined by subsequent amendment when more specific Downtown plans and Development Code sections are approved.~~

Table 11-3 | Proposed General Plan Text

TABLE 11-3: CONSISTENCY MATRIX	
Goals, Policies and Programs of the Housing Element	General Plan Consistency
Goal 1 – General Plan Implementation	
Policy 1.1 – Continue the Housing Support Activities of the City and RDA	The General Plan is not inconsistent with this Policy. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. Housing activities are supported by the General Plan as noted in the Programs. For example: Objective LU-5, Objective HC-2 and Objective HC-3.
Program 1.1.1 –Implementation of General Plan Policies (affordable housing policies and policies for compact and mixed use development)	The General Plan is not inconsistent with the affordable housing policies and policies for compact and mixed use development in this program. Examples include: Creates a range of housing opportunities and choices. See General Plan Goals 7, 8 and 10; Objectives HC-3, UF-1, LU-2 and LU-5; Policies HC-3-a, UF-1-a, and UF-1-d. Creates walkable neighborhoods. See General Plan Goals 8, 9, 10, and 14; Objectives HC-2, D-4; UF-13, UF-14, MT-5; Policies HC-2-a, HC-2-c, HC-2-d, HC-2-e, HC-6-a, MT-6-g , UF-12-a, UF 14-b and UF-14-c. Recognizes mixed land uses, including Corridor/Center Mixed Use, Regional Mixed Use and Neighborhood Mixed-Use. See General Plan Goals 7 and 8; Objective UF-12; Policies UF-12-d, UF-12-f, LU-3-b; and Figure LU-1 (Land Use Diagram). Takes advantage of compact building designs. See General Plan Goal 10, Objective LU-2, Policies LU-1-c, LU-1-e, LU-2-a, LU-2-b, LU-2-c, LU-3-b, LU-3-c, LU-5-e, LU-5-f, and UF-12-b. Policy LU-3-b explicitly encourages development of mixed-use urban corridors, with other policies supporting infill and higher density, compact development. Additionally, the General Plan is implemented through an updated Development Code, which allows housing to take advantage of compact building designs. It will provide considerable additional opportunities for medium-high (12 to 16 dwelling units per acre), urban neighborhood densities (16 to 30 units per acre) and high density (30 to 45 dwelling units per acre) residential development in close proximity to public transit and employment opportunities. Compact building designs are contemplated to accommodate for these greater densities. Additionally, the adoption of a comprehensive update of the Development Code is part of the implementation of this General Plan. Form-based codes are anticipated for the Downtown

	Planning Area as part of the pending community and Specific Plans for that area. This General Plan provides a land use plan for SEDA. See Figure LU-1 (Land Use Diagram)
Program 1.1.2 – One Stop Processing	The General Plan is not inconsistent with this program. This Program has been incorporated into the General Plan, which promotes streamlining of applications, etc. For examples, see Goal 1 commentary, Goal 13; Objective LU-5; Policies D-4-a, LU-2-b, LU-2-f, and RC-1-c. The MEIR will also allow for streamlining for certain environmental review, and the adoption of a comprehensively updated ~~of the~~ Development Code (including the streamlining of permit approval) ~~will be adopted as~~ is part of the implementation of this General Plan. Finally, Policy LU-4-c takes this a step further by creating an interagency housing task force to further synchronize programs and to further develop a coordinated affordable housing plan.
Program 1.1.3 – Reduced Housing Costs	N/A. Nevertheless, the General Plan is not inconsistent with this program, as this Program has been incorporated into the General Plan, which promotes reduced housing costs. For examples, see Goals 7, 8 and 9; Objectives LU-4, LU-5, HC-3; Implementing Policies LU-2-b, LU-2-c, LU-2-d, LU-4-b, LU-4-c, LU-5-e, LU-5-f, HC-3-c, HC-3-d.
Program 1.1.4 – Institutional Barriers	There were no institutional barriers identified during the last reporting period. However, even if any institutional barriers were identified, the General Plan will update land use policies, ordinances, and procedures to fully address such issues. See also Tables 3-1 and 3-2 (standards for density and development intensity) and Objective LU-5.
Program 1.1.5 – Complaint Referral	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5. Policy HC-1-a supports implementation of this Program, including continuing compliance, information dissemination, and referral services through neighborhood associations. Objective HC-4 and Implementing Policies HC-4-c and HC-4-d support code enforcement and resolution of landlord/tenant issues.
Program 1.1.6 – Support of Current Law	The General Plan is not inconsistent with this program. See Objective LU-5. The City has been contributing financial support to the FHCCC; for example, see also HC-3-c and related commentary.
Program 1.1.7 – Fresno Green	The General Plan is not inconsistent with this program and will assist implementation of the Fresno Green program. For example, see Goals 3, 4, 9 and 16; Implementing Objectives LU-5 and HCR-3, RC-4, RC-5, RC-8, HC-2, HC-3; supporting policies RC-5-c, HC-2-e, HC-3-f and UF-12-g. Most of the objectives and programs that support these strategies are embedded throughout the General Plan, particularly in the implementing policies of the Resource Conservation Element. See also Resource Conservation and Resilience narrative entitled "Fresno Green – The City of Fresno's Strategy for Achieving Sustainability."

Program 1.1.8 – Funding Energy Saving Improvements	The General Plan is not inconsistent with this program. The General Plan promotes incentives for energy efficient improvements. For example, see Goal 3; Objectives LU-1, LU-5, RC-8, HCR-3, and Policies RC-5-c, RC-8-c, RC-8-d, and HC-3-d.
Goal 2 – New Construction of Affordable Housing	
Policy 2.1 New Construction	The General Plan is not inconsistent with this program. As discussed above in the narrative, the Regional Housing Needs Allocation (RHNA) identified a need for approximately 20,967 units for the 2008-2013 planning period. The number of potential dwelling units allowable in the land use designations proposed by the General Plan, and by zoning in the updated Development Code meet and exceed this amount. Details can be found throughout the General Plan, including increased density and development intensity (such as Table 3-1 and Table 3-2) and infill/growth area construction (Objectives UF-1, UF-12, UF-13, LU-2, LU-4, and LU-5 and supporting Policies).
Program 2.1.1 – Land Demand	The General Plan is not inconsistent with this program. Land use designations are designed to accommodate population growth through 2035, and zoning is consistent with this planned growth. Policies focus on supporting and encouraging infill development to make better use of underutilized lots such as providing infrastructure (LU-2-d) or other incentives (LU-2-c) to make infill more feasible and attractive to the development community. For example, see Objectives UF-12, UF-13, LU-2, LU-5; Policies UF-12-a, UF-12-b, UF-13-a, LU-1-e, LU-1-f, ED-1-d and ED-1-e.
Program 2.1.2 – Reduction in Density	The General Plan is not inconsistent with this program and will continue to comply with State law regarding density reduction. The General Plan allows an overall increase in residential density and development intensity as compared to the 2025 General Plan. (See Goal 8 and 10, Tables 3-1 and 3-2) As such, under this General Plan the City will more than exceed its fair housing obligation and there will be no net loss of residential capacity.
Program 2.1.3 – Central Community Plan Area Housing	Even though Community Plans, and their potential requirements, are not part of the General Plan and are either being amended or repealed to ensure consistency, Program 2.1.3 references the Central Community Plan for the limited purpose of identifying specific geographical regions. As such, the boundaries are still applicable for the purposes of the Program. The General Plan is not inconsistent with this program. For example, see Commentary to Goal 1, Goal 13; Objective LU-5; Policies LU-1-d, LU-2-a, LU-2-b, RC-1-c and D-4-a. Additionally, the MEIR will also allow for a streamlined process for certain environmental review. The adoption of A~~a~~ comprehensively updated ~~of the~~ Development Code (including the streamlining of permit approval) is ~~being adopted as~~ part of the implementation of this Plan. (See

	Resource Conservation and Resilience Element narrative including "CEQA Tiering and Streamlining Analysis of Greenhouse Gas Emissions.") Further, the General Plan anticipates community plans and Specific Plans will be approved for the revitalization and continued development of the Downtown neighborhoods, and contemplates adoption of a ~~development code~~zoning districts specific to the Downtown which will support and streamline the infill process. For example, see Objective LU-3; Policy LU-3-a.
Program 2.1.4 – Inner City Residential Development	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 2 and LU-5. Additionally, infill development is a significant component of the General Plan. For examples, see Goals 2 and 10; Objectives UF-5, UF-12, LU-2, LU-4, LU-9; Policies PU-4-b, ED-1-d, ED-3-f, POSS-1-d, NS-1-p, HCR-3-c, RC-2-a, RC-2-b, MT-2-c, UF-1-a, UF-12-f, LU-1-d, LU-2-a, LU-2-b, LU-2-c, LU-2-d, LU-2-e, LU-2-f. Also see Urban Form Element narrative on "Infill Development," Infill Development Act, and Land Use Diagram Figure LU-1.
Program 2.1.5 – Other Infill Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5. Other infill housing is also a significant component of the General Plan, as is affordable housing. See discussion at Program 2.1.4; Goals 7, 8 and 9; Objectives HC-3, LU-4; Policies HC-3-a, HC-3-c, HC-3-d, LU-2-b, LU-2-c LU-4-c, LU-5-e, LU-5-f, LU-5-h, and LU-5-i; Healthy Communities Element narrative "Safe and Affordable Housing."
Program 2.1.6 – Multi-Family Land Supply	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5~~, including through~~ and the updated Development Code. The General Plan expands the amount of available supply of land designated for multi-family residential uses. (See Land Use Diagram, Figure LU-1) Finally, the General Plan also supports large-scale rezones to promote consistency with its land use designations, including zoned districts for multi-family uses.
Program 2.1.6A – Facilitate the Development of Multi-Family Housing Affordable to Lower Income Households	The General Plan is not inconsistent with this program. The proposed land use changes in the General Plan provide for a total of 38,835 additional dwelling units, which exceeds the 38,469 additional dwelling units identified by the rezoning under this program (Rezone 500 acres of vacant land to the R-2 or R-3 zoning district at a minimum of 20 units per acre and rezone 200 acres of vacant land to R-3 or R-4 zoning district at a minimum of 38 units per acre).[1] The increased density throughout various locations in the city and conversion of commercially zoned land to mixed use districts provides for this increased capacity consistent with this program. This additional housing, outside the Downtown Planning Area, is distributed within the land use categories and densities shown in Tables 3-1 and 3-2 along with the total units for the

[1] Housing Element 2008-2013 Amendment I.

	Downtown Planning Area. The Development Code update ~~will~~ also allows for second dwelling units as a permitted use and will ~~also~~ assist with providing additional affordable housing to lower income households. See also Objective LU-5 and Implementing Policy LU-5-f. Any remaining actions are N/A.
Program 2.1.7 – Increase Housing Yields	N/A. Nevertheless, the General Plan is not inconsistent with this program. The General Plan and Development Code ~~update are being~~ are prepared consistent with State law. The General Plan is increasing density to increase housing yield per acre. Also see Goal 8, Objectives LU-2, LU-4, LU-5, and MT-8. The Development Code Update ~~will~~ further promotes streamlining and/or eliminating some discretionary permits to remove governmental constraints to accomplish increased housing yields.
Program 2.1.7A – Maximum Density	The General Plan is not inconsistent with this program. See Goal 8, Objectives LU-2, LU-4, LU-5, D-3 to create green streets, MT-2 to make efficient use of the existing transportation system, and MT-8. Also LU-1-a to encourage new development and infill in the Downtown, along BRT corridors, and on vacant land within the City Limits (boundary as of December 31, 2012). Allowable residential densities per acre have been increased, which allows for increased housing yields. See Tables 3-1 and 3-2. The General Plan also supports large-scale rezones to promote consistency with its land use designations, including Residential use classifications. Any remaining actions are N/A.
Program 2.1.8 – Mixed-Use Zoning	The General Plan is not inconsistent with this program. Mixed use is a recognized and promoted land use. (See Tables 3-1 and 3-2) The Urban Form, Land Use, and Design Element, as well as the Development Code update, provide design standards for Activity Centers and transit corridors. (For examples, see Urban Form, Land Use, and Design Element narrative entitled "Major Strategic Directions for Future Growth" and "BRT Corridors & Centers;" Figure UF-1; Objective LU-5; Policies UF-1-a, UF-1-c, UF-12-b through UF-12-f, LU-5-f, LU-6-d, LU-9-b through LU-9-d, D-1-b and D-2-a.) The General Plan also supports a form-based zoning code update for the Downtown Planning Area as a component of the Development Code.
Program 2.1.9 – Farmworker Housing Funding and Development	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5, and HC-3; and Implementing Policies LU-2-b, LU-2-d, and LU-4-c.
Program 2.1.10 – Emergency Shelter Grant Allocations	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy HC-2-b.
Program 2.1.11 – Zoning for Emergency and Homeless Shelters	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and HC-3; and implementing policy HC-2-b.
Program 2.1.12 – Zoning for Special Needs Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5; implementing policy HC-2-a, LU-5-i.

Program 2.1.13 – Transitional and Supportive Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2 and LU-5 and implementing policies LU-4-c and HC-2-b and HC-3-c.
Program 2.1.14 – Single Room Occupancy Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy LU-4-c, and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program, allowing Limited Residential Care in all residential zones as a permitted use and General Residential Care with a Conditional Use Permit in most residential districts (See Table 11-7).
Program 2.1.15 – Very-Low Income Large Family Single and Multi-Family Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and Implementing Policies LU-2-b, LU-2-d and LU-4-c.
Program 2.1.16 – Extremely Low, Very Low, and Low-Income Senior Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5 and implementing policy LU-4-c and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program.
Program 2.1.17 – Other Extremely Low and Very Low-Income Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and implementing policy LU-4-c and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program by allowing second dwelling units in all single family residential zones as a permitted use.
Program 2.1.18 – Inclusionary and Alternative Housing Policy Programs	The General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. In addition, see Objective LU-5 and Implementing Policy LU-4-c, and HC-2-b. These implementing policies are in support of providing a range of housing for all residents of Fresno. The Development Code update also addresses this program.
Program 2.1.19 –Proposition 1C Program	N/A. Nevertheless, the General Plan is not inconsistent with this program. See LU-5; implementing policy LU-4-c.
Program 2.1.20 – Strengthening Partnerships with Affordable Housing Developers	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policy LU-4-c. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno.

Program 2.1.21 – Zoning for Agricultural Employees (Farmworker) Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-2, LU-5 and HC-3; and Implementing Policies LU-2-b, LU-2-d, and LU-4-c.
Program 2.1.22 – Single Room Occupancy Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-4-c and HC-2-b. The Development Code update also addresses this program.
Goal 3 – Housing Rehabilitation, Acquisition and Neighborhood Improvements	
Policy 3.1 – Neighborhood Revitalization	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. See Goal 7, 8, and 9; also Objective LU-5.
Program 3.1.1 – Comprehensive Code Enforcement	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-4 and LU-5, and Implementing Policies LU-4-a, LU-4-b, and LU-4-c. All demonstrate the General Plan's support for this program.
Program 3.1.2 – Neighborhood Infrastructure	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9; Objective LU-1, LU-4, LU-5, LU-11, MT-5, and UF-6; also Implementing Policy LU-1-a, LU-4-bMT-5-a, and MT-5-b.
Program 3.1.3 –Public Utilities Sewer and Water Deficiencies	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9, Objectives LU-1 and LU-5, and Implementing Policies LU-1-a, LU-11, and UF-6.
Program 3.1.4 – Enhanced Police Service to High-Crime Neighborhoods	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Goal 9, Implementing Objectives LU-5, PU-1, and Implementing Policies PU-1-a and PU-1-g.
Policy 3.2 – Housing Rehabilitation, Replacement and Home Buyer Assistance	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c. They all support this policy and its subsequent Programs; 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5.
Program 3.2.1 – Housing Rehabilitation	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno,

	and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.2 – Housing Replacement	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.3 – Home Buyer Assistance	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.4 – Redevelopment Housing Sites	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, LU-2-b, LU-4-b, and LU-4-c.
Program 3.2.5 – Comprehensive Housing Quality Survey and Upgrade Geographic Information System (GIS)	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the

	Redevelopment Agency of the City of Fresno. The General Plan does not address directly the rehabilitation or replacement of housing; nevertheless, the General Plan is not inconsistent with this program. See Objectives LU-1, LU-2, and LU-5; and Implementing Policies LU-1-e, and LU-2-b.
Goal 4 – Redevelopment and Relocation	
Policy 4.1 – Preservation of Affordability of At-Risk Housing	N/A. Nevertheless, the General Plan is not inconsistent with this policy. See Goal 7 and Goal 9; also, Objectives LU-2 and LU-5; and Implementing Policies LU-2-b, LU-5-e, and LU-5-f; and comments below.
Program 4.1.1 – At-Risk Housing	N/A. Nevertheless, the General Plan is not inconsistent with securing the continued affordability of at-risk housing units through preservation and replacement. This is demonstrated in Goal 7 and Goal 9, As well, Objectives LU-2, LU-4, and LU-5; and Implementing Policies LU-2-b, LU-4-a, LU-4-b, and LU-4-c.
Program 4.1.2 – Prevention and Alleviating Foreclosures	N/A. Nevertheless, the General Plan is not inconsistent with preventing and alleviating foreclosures. See Objective UF-12, LU-4, and LU-5; and Implementing Policies LU-4-a, LU-4-b, and LU-4-c.
Policy 4.2 – Relocation of Residents	N/A. Nevertheless, the General Plan is not inconsistent with this program. See response to Program 4.2.1 that addresses relocation of residents and LU-5.
Program 4.2.1 – Provide Relocation Services as Needed	N/A. Nevertheless, the General Plan is not inconsistent with this program. Although the RDA has been dissolved, this General Plan recognizes and supports the function of the RDA as is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno. The City shall continue to provide relocation assistance to individuals and families displaced due to redevelopment activities as prescribed by law. See also Objective LU-5.
Policy 4.3 -Accountability	N/A. Nevertheless, the General Plan is not inconsistent with this program. See responses to programs 4.3.1 and 4.3.2 that address accountability and Objective LU-5.
Program 4.3.1 – Required Reporting by Regional Housing Need Allocation Income Category	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-5-e and LU-5-f.
Program 4.3.2 – Citywide Public Services Processing for Affordable Housing	N/A. Nevertheless, the General Plan is not inconsistent with this program. See Objective LU-5 and Implementing Policies LU-5-e and LU-5-f.

Table 11-4 | Proposed General Plan Text

TABLE 11-4: TERM EQUIVALENCY MATRIX	
Term Used in Adopted Housing Element	**Equivalent Use in General Plan**
Planning and Development Department	Development and Resource Management Department
Redevelopment Agency of the City of Fresno (RDA)	The function of the RDA is now administered by the City of Fresno in its capacity of the Housing Successor to the Redevelopment Agency of the City of Fresno, and the Successor Agency to the Redevelopment Agency of the City of Fresno
Community Plans	Note: The adopted Housing Element references several Community Plans for the limited purpose of identifying specific geographical regions or to identify potential regulations that may affect mixed-use projects. Those Community Plans, and their potential requirements, are not part of the General Plan and are either being amended or repealed to ensure consistency. The General Plan essentially consolidates many aspects of those Community Plans into a centralized planning document and remains consistent with the goals, policies and programs of the adopted Housing Element[2]
Zoning Ordinance	Development Code ~~(Also referred to as the Development Code Update) Downtown Development Code~~

~~[2] Following the adoption of the General Plan, a form-based development code is anticipated to be adopted, which will serve as the zoning ordinance applicable to the Downtown Planning Area.~~

Table 11-5 | Proposed General Plan Text

Table 11-5 translates the zoning district terminology used citywide for the General Plan to the most equivalent zoning districts used when the Housing Element was adopted in 2008.

TABLE 11-5: ZONING DISTRICTS EQUIVALENCY TRANSLATION MATRIX			
Zoning District When Housing Element Adopted		Equivalent Zoning District in General PlanZone District in new Citywide Development Code	
Exclusive Agricultural	AE-20, AE-5	B(None)	Buffer
	AE-5	RE	Residential Estate
None	None	B	Buffer
Residential			
Single-Family	R-A-, R-1-E, R-1-EH	RS-361, EQ[1]	Single Family
	R-1-A, R-1-AH	RS-2, EQ[1]20	
	R-1-B, R-1-C	RS-312	
	R-1	RS-45	
	None	RS-2.55	
Multi-Family	R-2-A	RM-2.51	Multi-Family
	R-2, R-3	RM-2	
	R-4	RM-31	
Mobile Home Park	MH, T-P	RM-MH	Mobile Home Park

1. Equine Overlay District

Table 11-7 | Proposed General Plan Text

TABLE 11-7: HOUSING TYPES[3] PERMITTED BY ZONING DISTRICTS IN GENERAL PLAN							
District	RE	RS-~~36~~1	RS-~~20~~	RS-~~12~~3	RS-~~9~~4	RS-5	~~RS-2.5~~ ~~RS-MH~~ Additional Regulations
Residential Use Classifications							
Residential Housing Type							
Single-Unit Dwelling, Detached	P	P	P	P	P	P	§15-2738, Manufactured Homes
Single-Unit Dwelling, Attached	–	–	–	–	C	P	
Second Dwelling Unit	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Cottage Housing Development	–	–	–	–	–	P	§15-2723, Cottage Housing Developments (Pocket Neighborhoods)
Duplex	–	–	–	–	–	P	§15-906, Duplex and Multi-Unit Residential Standards
Multi-Unit Residential	–	–	–	–	–	P	§15-906, Duplex and Multi-Unit Residential Standards
Adult Family Day Care							
Small (6 clients or less)	P	P	P	P	P	P	
Large (7 to 12 clients)	–	C	C	C	C	C	
Domestic Violence Shelter[CL1]							
Small (6 persons or less)	P	P	P	P	P	P	
Family Day Care							
Small (8 children or less)	P	P	P	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	–	C	C	C	C	C	
Group Residential							
Small (6 persons or less)	P	P	P	P	P	P	
Residential Care Facilities							
Residential Care, General	–	C	C	C	C	C	
Residential Care, Limited	P	P	P	P	P	P	
~~Residential Housing Type~~	~~See sub classifications below~~						

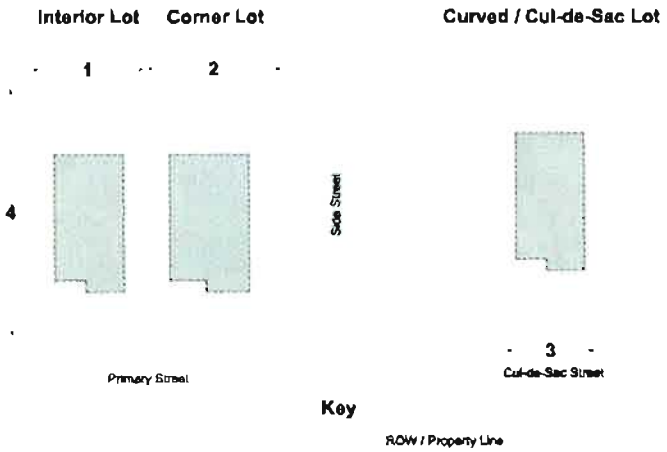
[3] P = Permitted; ~~X~~ – = Not Allowed; C = Conditional Use Permit Required

TABLE 11-7: HOUSING TYPES[3] PERMITTED BY ZONING DISTRICTS IN GENERAL PLAN									
District	RE	RS-~~36~~1	RS-2~~0~~	RS-~~12~~3	RS-~~9~~4	RS-5	~~RS-2.5~~ ~~RS-MH~~ Additional Regulations		
~~Single-Unit Dwelling, Detached~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~ ~~X~~		~~§TBD, Manufactured Housing~~
~~Single-Unit Dwelling, Attached~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~	~~P~~	~~P~~ ~~X~~		
~~Second Dwelling Unit~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~ ~~X~~		~~§TBD, Second Dwelling Unit~~
~~Adult Family Day Care~~	~~See sub-classifications below~~								
~~Small~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~ ~~P~~		
~~Large~~	~~X~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~X~~	~~§TBD, Day Care~~
~~Family Day Care~~	~~See sub-classifications below~~								
~~Small~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Large~~	~~X~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~§TBD, Day Care~~
~~Mobile Home Parks~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~	~~§TBD, Manufactured Housing; §TBD, Mobile Home Parks~~
~~Residential Care Facilities~~	~~See sub-classifications below~~								
~~Residential Care, General~~	~~X~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~X~~	
~~Residential Care, Limited~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Other Applicable Types									
Accessory Uses and Structures	§15-2703, Accessory Uses~~TBD, Accessory Uses~~								
Accessory Living Quarters	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters~~P~~ ~~P~~		
~~Backyard Cottage~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~ ~~P~~		
Home Occupations	§15-2735, Home Occupations~~P~~ ~~P~~ ~~P~~ ~~P~~ ~~P~~ ~~P~~ ~~P~~ ~~P~~								
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing~~§TBD, Transitional and Supportive Housing~~								

Table 11-8 | Proposed General Plan Text

~~TABLE 11-8: Lot and Density Standards—Residential single-family in General Plan~~

~~NOT~~ ~~TO~~

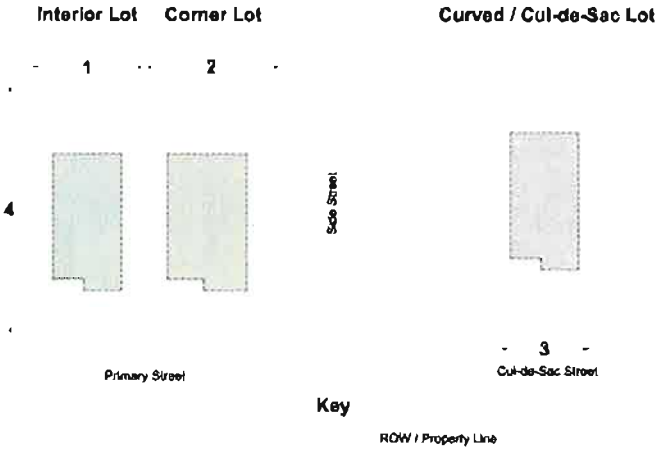


~~SCALE~~

~~District~~	~~RE~~	~~RS-36~~	~~RS-20~~	~~RS-12~~	~~RS-9~~	~~RS-5~~	~~RS-2.5~~	~~Additional Regulations~~	~~#~~
~~Maximum Density (du/lot)~~	~~1~~	~~1~~	~~1~~	~~1~~	~~1~~	~~1~~	~~1~~	~~§15-12, 2nd Dwelling, Accessory Units~~	
~~Minimum Lot Size (sq. ft)~~	~~2.5 acres~~	~~36,000~~	~~20,000~~	~~12,000~~	~~9,000~~	~~5,000~~	~~2,500~~		
~~Minimum Lot Area per Dwelling Unit (sq. ft)~~	~~2.5 acres~~	~~36,000~~	~~20,000~~	~~12,000~~	~~9,000~~	~~5,000~~	~~2,500~~		
~~Minimum Lot Width (ft)~~									

~~TABLE 11-8: Lot and Density Standards—Residential single-family in General Plan~~

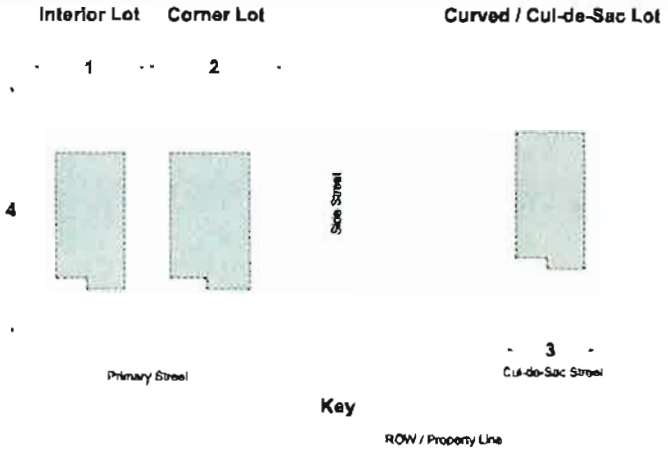
~~NOT~~ ~~TO~~ ~~SCALE~~



~~District~~	~~RE~~	~~RS-36~~	~~RS-20~~	~~RS-12~~	~~RS-9~~	~~RS-5~~	~~RS-2.5~~	~~Additional Regulations~~	~~#~~
~~General Standard~~	~~130~~	~~130~~	~~110~~	~~80~~	~~70~~	~~50~~	~~25~~		~~1~~
~~Corner~~	~~130~~	~~130~~	~~110~~	~~90~~	~~80~~	~~60~~	~~30~~		~~2~~
~~Reversed Corner~~	~~130~~	~~130~~	~~110~~	~~95~~	~~85~~	~~65~~	~~35~~		
~~Where Side Property Line Abuts a Major Street, Freeway or Railroad~~	~~160~~	~~160~~	~~130~~	~~100~~	~~90~~	~~80~~	~~-~~	~~§15-12, Setback Overlay~~	
~~Curved/Cul-de-Sac~~	~~-~~	~~-~~	~~80~~	~~60~~	~~50~~	~~40~~	~~-~~		~~3~~

~~TABLE 11-8: Lot and Density Standards—Residential single-family in General Plan~~

~~NOT~~ ~~TO~~

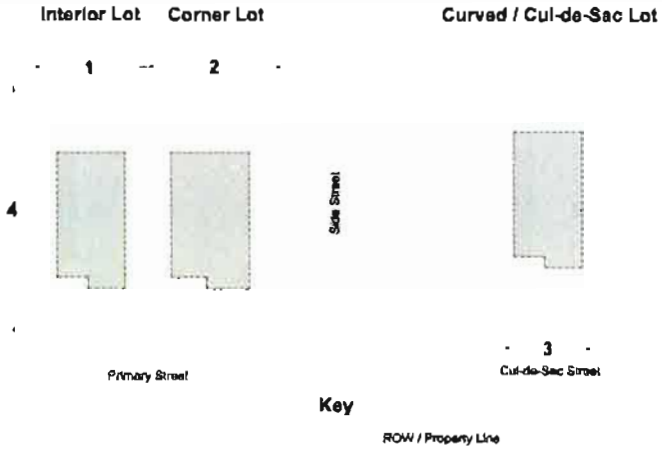


~~SCALE~~

~~District~~	~~RE~~	~~RS-36~~	~~RS-20~~	~~RS-12~~	~~RS-9~~	~~RS-5~~	~~RS-2.5~~	~~Additional Regulations~~	~~#~~
~~Minimum Lot Depth (ft)~~									
~~General Standard~~	~~200~~	~~200~~	~~130~~	~~110~~	~~110~~	~~90~~	~~90~~		~~4~~
~~Where Front or Rear Property Line Abuts a Major Street (in addition to landscape easements required elsewhere in this Code or operative Plan.~~	~~200~~	~~200~~	~~130~~	~~120~~	~~120~~	~~115~~	~~100~~		~~4~~

~~TABLE 11-8: Lot and Density Standards—Residential single-family in General Plan~~

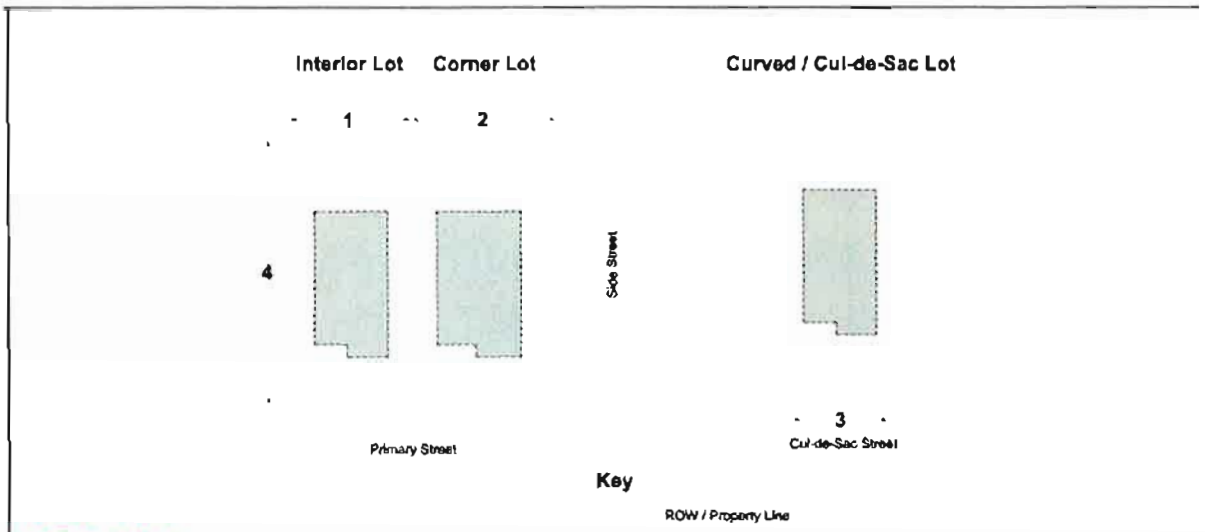
~~NOT~~ ~~TO~~



~~SCALE~~

~~District~~	~~RE~~	~~RS-36~~	~~RS-20~~	~~RS-12~~	~~RS-9~~	~~RS-5~~	~~RS-2.5~~	~~Additional Regulations~~	~~#~~
~~Where a Front or Rear Property Line Abuts a Freeway or Railroad~~	~~200~~	~~200~~	~~150~~	~~150~~	~~130~~	~~130~~	~~--~~	~~§15-12, Setback Overlay~~	~~4~~

TABLE 11-8: LOT AND DENSITY STANDARDS—RESIDENTIAL SINGLE-FAMILY IN GENERAL PLAN

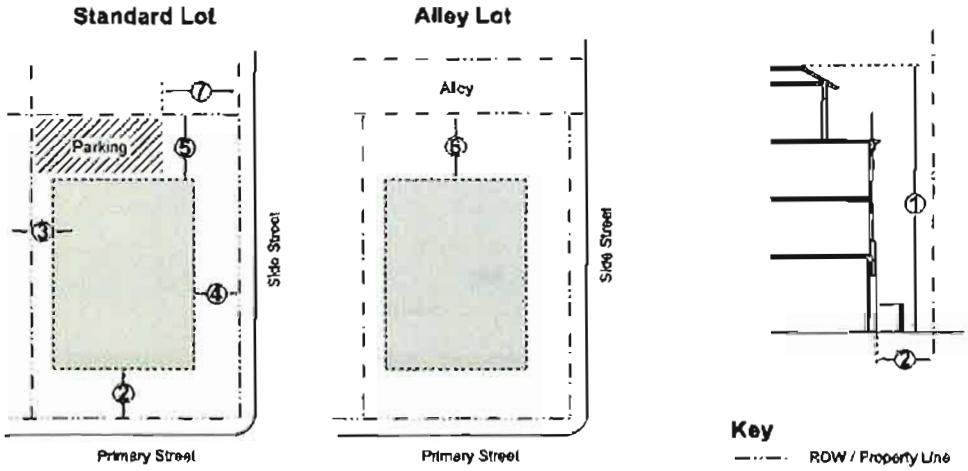


NOT TO SCALE

District	RE	RS-1	RS-2	RS-3	RS-4	RS-5	Additional Regulations	#
Minimum Lot Size (sq. ft.)	5 acres	36,000	20,000	9,000	5,000	4,000		
Minimum Lot Size, with Enhanced Streetscape (sq. ft.)	-	-	-	-	-	2,700	§15-904-B, Enhanced Streetscape	
Maximum Lot Size	-	-	-	32,000	9,000	6,500		
Residential Density (dwelling units per lot)	1	1	1	1	1	1	§15-310, Determining Residential Density	
Minimum Lot Width (ft.)								
General Standard	110	110	110	70	50	35		❶
Corner	110	110	110	80	55	40		❷
Reversed Corner	110	110	110	90	60	50		
Where Side Property Line Abuts a Major Street, Freeway or Railroad	160	160	130	90	70	60		
Curved/Cul-de-Sac	80	80	80	60	40	30		❸
Minimum Lot Depth (ft.)								
General Standard	130	130	130	100	85	70		❹
Where Front or Rear Property Line Abuts a Major Street	200	200	130	110	100	90		❹
Where a Front or Rear Property Line Abuts a Freeway or Railroad	200	200	150	150	120	120		❹

Table 11-9 | Proposed General Plan Text

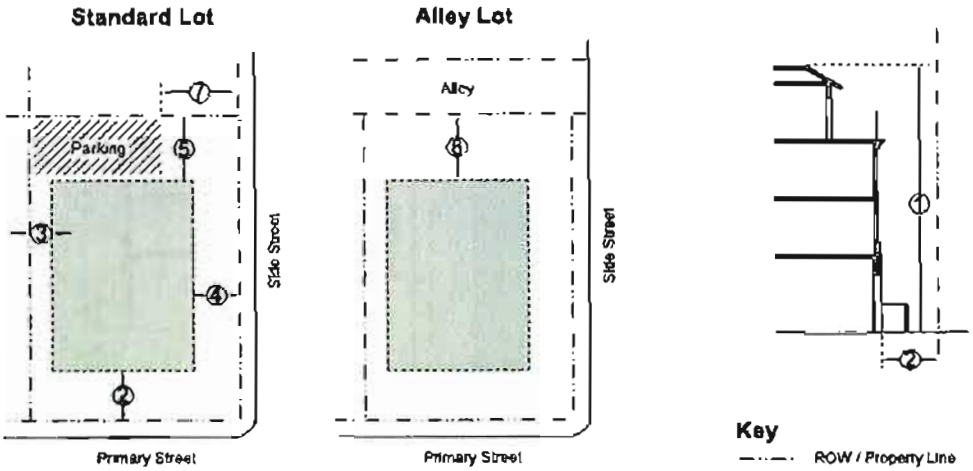
TABLE 11-9: BUILDING FORM, LOT, AND DENSITY STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS IN GENERAL PLAN



NOT TO SCALE

District	RM-~~2.5~~1	RM-~~1.5~~2	RM-~~1~~3	RM-MH	Additional Regulations	#
~~Maximum Density~~	~~1 du/2,500 sq. ft~~	~~1 du/1,500 sq. ft~~	~~1 du/1,000 sq. ft~~	~~1 du/2,400 sq. ft~~		
Maximum Density (du/ac) (min./max.)~~Minimum Lot Size (sq. ft)~~	12/16~~6,000~~	16/30~~7,500~~	30/45~~10,000~~	12/16~~3 acres~~	§15-310, Determining Residential Density	
Maximum Height (ft.)~~Minimum Lot Area per Dwelling Unit (sq. ft)~~	40~~2,500~~	50~~1,500~~	60~~1,000~~	35~~2,400~~	§15-2012, Heights and Height Exceptions, 15-1003-A, RS Transition Standards	1
Setbacks (ft.)~~Minimum Lot Width~~						

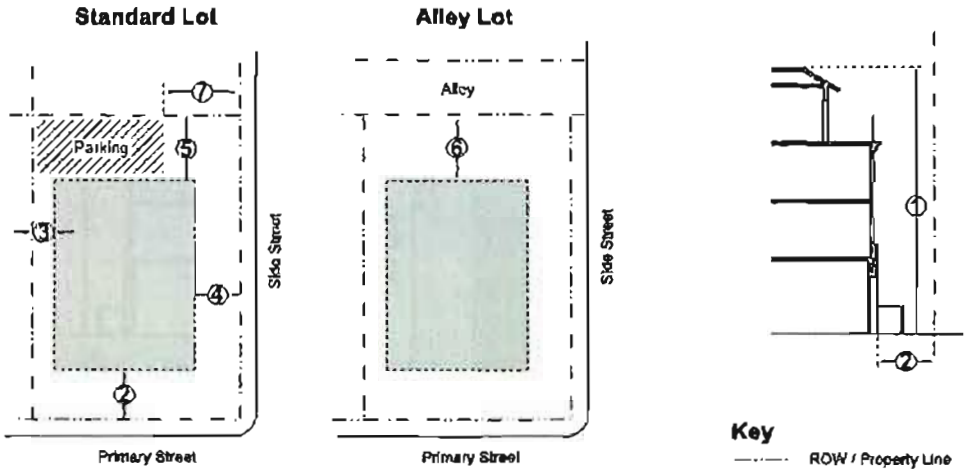
TABLE 11-9: BUILDING FORM, LOT, AND DENSITY STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS IN GENERAL PLAN



NOT TO SCALE

~~(ft)~~						
Front (min. / max.)~~General Standard~~	10 / 20~~50~~	10 / 20~~60~~	10 / 20~~65~~	10 / 20~~110~~	§15-313, Determining Setbacks and Yards §15-1004-A, RS Transition Standards §15-1004-B, Side Setbacks for Attached Dwellings §15-1004-C, Parking Setback §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped ~~§15-12, Setback~~	❷~~❶~~
Interior Side (min.)~~Corner~~	10 total, min. 4/side~~60~~	~~5~~65	~~5~~75	~~5~~110		❸~~❷~~
Street Side (min.) (Parcel <125 ft. in depth)~~Reversed Corner~~	10~~65~~	10~~70~~	10~~80~~	10~~110~~		❹
Street Side (min.) (Parcel >125 ft. in depth)~~Where Side Property Line Abuts a Major Street, Freeway or Railroad~~	15~~80~~	15~~110~~	15~~110~~	15~~130~~		❹
Rear (min.)~~Minimum Lot Depth (ft)~~	20	15	15	10		❺
Alley (min.)~~General Standard~~	3~~90~~	3~~110~~	3~~110~~	3~~130~~		❻~~❸~~

TABLE 11-9: BUILDING FORM, LOT, AND DENSITY STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS IN GENERAL PLAN



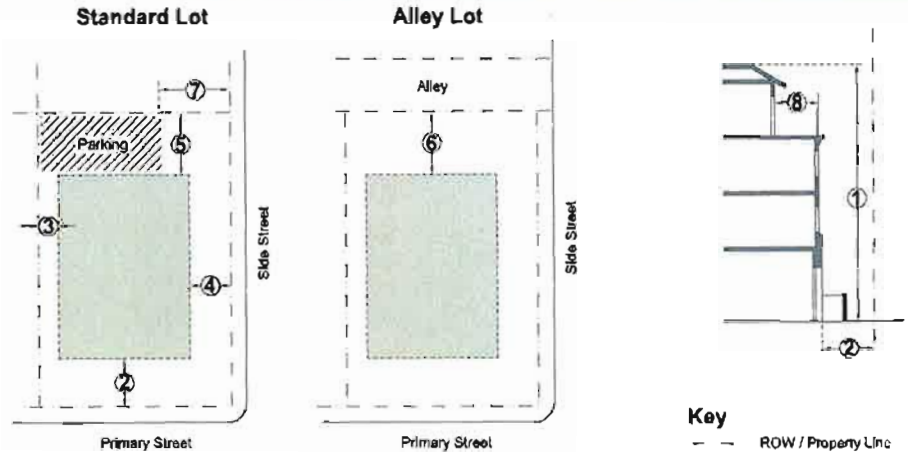
NOT TO SCALE

Parking, from back of sidewalk or curb (min.)~~Where Front or Rear Property Line Abuts a Major Street~~	30~~15~~	30~~20~~	30~~20~~	30~~30~~	~~Overlay~~	~~8~~ 7
Minimum Frontage Coverage (%)~~Where Front or Rear Property Line Abuts a Freeway or Railroad~~	50~~30~~	50~~50~~	50~~50~~	~~-50~~	§15-317, Determining Frontage Coverage~~§15-12, Setback Overlay~~	~~8~~
Maximum Lot Coverage (% of lot)	50	50	60	50	§15-311, Determining Lot Coverage	
Minimum On-Site Open Space (% of Lot Area)	20	15	10	--		

Table 11-10 | Proposed General Plan Text

~~TABLE 11-10: BUILDING FORM AND LOCATION STANDARDS—RESIDENTIAL MULTI FAMILY DISTRICTS IN GENERAL PLAN~~

~~NOT TO SCALE~~



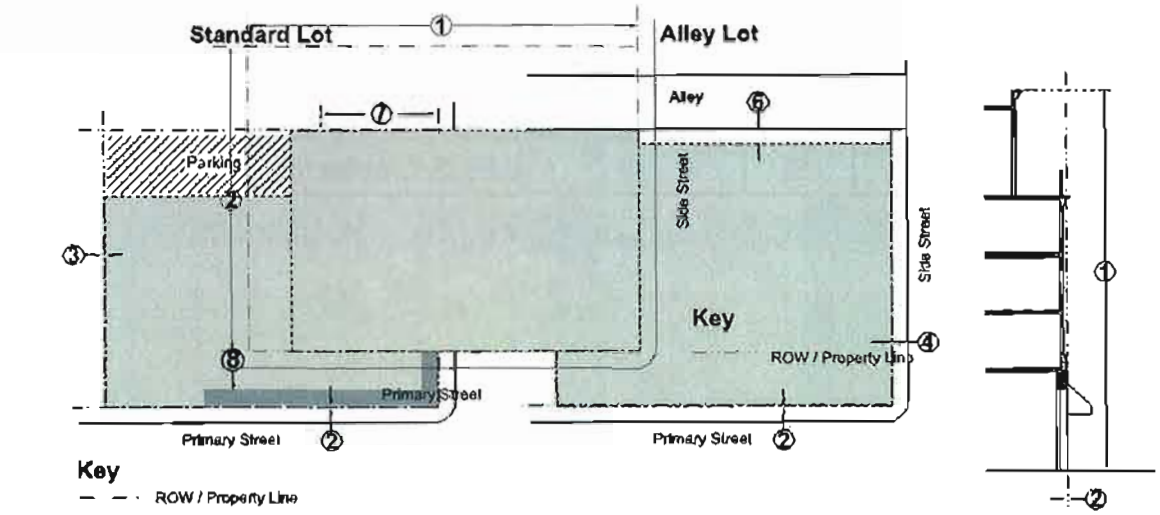
~~District~~	~~RM-2.5~~	~~RM-1.5~~	~~RM-1~~	~~RM-MH~~	~~Additional Regulations~~	~~#~~
~~Maximum Height (ft)~~	~~35~~	~~40(A)~~	~~60(A)~~	~~35(A)~~	~~§TBD, Heights and Height Exceptions~~	~~1~~
~~Minimum Setbacks (ft)~~						
~~*Front*~~	~~15~~	~~15(A)~~	~~15(A)~~	~~15(A)~~	~~(C) and §TBD, Projections/ Encroachments into Yards~~	~~2~~
~~*Interior Side*~~	~~10 total, min. 4/side~~	~~5(A)~~	~~5(A)~~	~~5(A)~~	~~(B) and §TBD, Projections/Encroachments into Yards~~	~~3~~
~~*Street Side*~~	~~10~~	~~10~~	~~10~~	~~10~~	~~(C) and §TBD, Projections/ Encroachments into Yards~~	~~4~~
~~*Rear*~~	~~20~~	~~15(A)~~	~~15(A)~~	~~10(A)~~	~~§TBD, Projections/ Encroachments into Yards~~	~~5~~
~~*Alley*~~	~~3~~	~~3~~	~~3~~	~~3~~	~~§TBD, Projections/ Encroachments into Yards~~	~~6~~
~~*Parking, from street facing property line*~~	~~30~~	~~30~~	~~30~~	~~30~~	~~(D)~~	~~7~~
~~Fourth Floor Stepback (min. ft from building street front elevation)~~	~~-~~	~~10~~	~~10~~	~~-~~		~~8~~
~~Maximum Lot Coverage (% of Lot)~~	~~50~~	~~50~~	~~60~~	~~50~~	~~§TBD, Rules of Measurement~~	
~~Minimum Common Open Space (% of lot)~~	~~20~~	~~20~~	~~20~~	~~20~~	~~(E)~~	
~~Minimum Private Open Space (sq. ft/unit for 75% of units)~~	~~50~~	~~50~~	~~50~~	~~50~~	~~(F)~~	

(To be deleted due to consolidation to one table under proposed Table 11-9)

Table 11-11 | Proposed General Plan Text (renumber to Table 11-10)

TABLE 11-1~~1~~0: LOT AND DENSITY STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN

TABLE 11-101: LOT AND DENSITY STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN



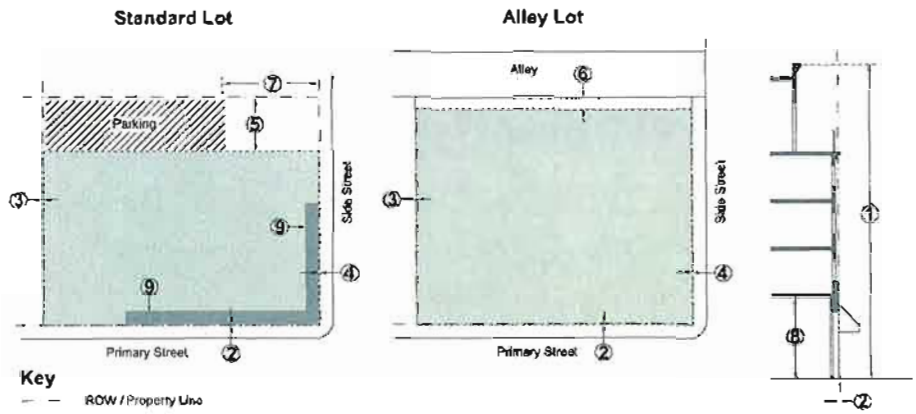
NOT TO SCALE

District	NMX	CMX	RMX	Additional Regulations	#
Floor Area Ratio (max.) Minimum Lot Size (sq. ft)	1.55,000	1.515,000	2.060,000	§15-309, Determining Floor Area Ratio	
Residential Density, du/ac (min./max.)Minimum Lot Width (ft)	12/1650	16/30100	30/45200	§15-310, Determining Residential Density Min. res. density shall not be required for the following: projects on lots less than 20,000 sq. ft. in area; projects further than 1,000 feet from a planned or existing BRT route; and projects which submit a Development Permit application prior to January 1, 2019.	1
Maximum Height (ft.)Minimum Lot Depth (ft)	40100	60150	75200	§15-1104-B, RS Transition Standards and §15-2012, Heights and Height Exceptions	2 1
Setbacks (ft.)Minimum Residential Density (du per acre)	50	30	15		
Front (min./max.) Minimum Floor Area Ratio (Non-Residential)	0/100.5	0/100.5	0/100.5	§15-313, Determining Setbacks and Yards §15-1104-B, RS Transition Standards §15-1104-D, Parking Setback §15-2305, Areas to be Landscaped §TBD, Rules of Measurement	2
Interior Side (min.)Minimum % of Ground Floor Building Area that must be active uses	025	050	075		3
Street Side (min.)Maximum Residential Density (du per acre)	016	030	045		4
Rear (min.)Maximum Floor Area Ratio (Non-Residential)	01.5	02.0	02.0		5
Alley (min.)	3	3	3		6
Parking, from back of	30	30	30		7

TABLE 11-104: LOT AND DENSITY STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN					
sidewalk or curb (min.)					
Minimum Frontage Coverage (%)	60	70	80	§15-317, Determining Frontage Coverage	
Corner Frontage (ft., measured from property corner)	15	30	50	§15-1104-C, Corner Frontage	8
Minimum On-Site Open Space (% of Lot Area)	15	10	8	§15-1104-E, On-Site Open Space	

Table 11-12 | Proposed General Plan Text

~~TABLE 11-12: BUILDING FORM AND LOCATION STANDARDS—MIXED-USE DISTRICTS IN GENERAL PLAN~~



~~NOT TO SCALE~~

~~District~~	~~NMX~~	~~CMX~~	~~RMX~~	~~Additional Regulations~~	~~#~~
~~Maximum Height (ft)~~	~~35~~	~~60~~	~~75~~	~~(A) and §TBD, Heights and Height Exceptions~~	~~1~~
~~Minimum Ground Floor Ceiling Height (ft)~~	~~15~~	~~15~~	~~15~~		~~8~~
~~Minimum Setbacks (ft)~~					
~~*Front*~~	~~0~~	~~0~~	~~0~~	~~(A) and (B)~~	~~2~~
~~*Interior Side*~~	~~0~~	~~0~~	~~20~~	~~(A) and §TBD, Projections/ Encroachments into Yards~~	~~3~~
~~*Street Side*~~	~~0~~	~~0~~	~~0~~	~~(B)~~	~~4~~
~~*Rear*~~	~~10~~	~~10~~	~~20~~	~~(A) and §TBD, Projections/ Encroachments into Yards~~	~~5~~
~~*Alley*~~	~~3~~	~~3~~	~~5~~	~~§TBD, Projections/ Encroachments into Yards~~	~~6~~
~~*Parking, from street facing lot line*~~	~~30~~	~~30~~	~~30~~	~~(C)~~	~~7~~
~~Minimum Building Frontage on or within 5 ft of Front and Street Side Setback Line (% of setback line)~~	~~60~~	~~60~~	~~-~~		~~9~~
~~Corner Frontage (ft, measured from property corner)~~	~~15~~	~~30~~	~~50~~	~~(D)~~	
~~Minimum Common Open Space (% of lot)~~	~~20~~	~~20~~	~~20~~	~~(E)~~	
~~Minimum Private Open Space (sq. ft/unit for at least 75% of units)~~	~~50~~	~~50~~	~~50~~	~~(F)~~	

(To be deleted due to consolidation to one table under proposed Table 11-10)

Table 11-13 | Proposed General Plan Text (renumber to Table 11-11)~~Table 11-13 | Existing General Plan Text (pg. 11-28)~~

TABLE 11-~~13~~11: REQUIRED ON-SITE PARKING SPACES FOR ZONE DISTRICTS IN GENERAL PLAN		
Land Use Classification	Required Parking Spaces	
Residential Use Classifications		
Single-Unit Residential constructed prior to the adoption date of this Code~~Single-Unit Residential constructed prior to the date this ordinance is adopted~~	1 space per dwelling unit~~1 space per dwelling unit~~	Must be covered.~~One covered space.~~
Single-Unit Residential ~~Single-Unit Residential, up to 2 bedrooms~~	1 space per dwelling unit~~1 space per dwelling unit~~	Must be within a garage. ~~Must be within a garage.~~
~~Single-Unit Residential, 3 or more bedrooms~~	~~2 spaces per dwelling unit~~	~~Must be within a garage.~~
Backyard Cottages, Second Dwelling Units, or Accessory Living Quarters ~~Accessory Living Quarters~~	Refer to Section 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters. ~~No extra parking spaces are required~~	
Affordable Housing Developments (Moderate Income and Below) per the Government Code~~Second Dwelling Unit~~ ~~1 space for each. See Section TBD, Second Dwelling Units~~		
~~Affordable Housing Developments (Moderate Income and Below)~~		
Studio; One- or two-bedroom ~~Studio, One- or two-bedroom~~	.75 space per unit.~~75 space per unit~~	One covered space shall be designated for each unit. One additional guest parking space must be provided for every 4 units.
Three or more bedrooms	1.5 spaces per unit	
Multi-Unit Residential (2 or more units)		
~~Multi-unit Residential (2 or more units)~~		
Studio	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 4 units.
One- or two-bedroom ~~Studio~~	1 space per unit.~~75 space per unit~~	~~One covered space shall be designated for each unit. One additional guest parking space must be provided for every 2 units.~~One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 2 units.
Three or more bedrooms~~One- or two-bedroom~~	1.5 spaces per unit~~1 spaces per unit~~	
Small Family Day Care	None in addition to what is required for the residential use.	
Large Family Day Care~~Elderly and Long Term Care~~	1 per employee plus an area for loading and unloading children, on or off-site. Required spaces and the residential driveway for the primary residential use may be counted toward meeting these requirements. ~~1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver.~~	

	employee, and doctor on-site at any one time.
Elderly and Long-Term CareGroup Residential	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time. 2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.
Group ResidentialResidential Care, Limited	1 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee. None in addition to what is required for the residential use.
Residential Care, LimitedResidential Care, General	None in addition to what is required for the residential use. 2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.
Residential Care, GeneralResidential Care, Senior	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee. 1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.
Residential Care, SeniorSingle Room Occupancy	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.0.5 spaces per unit
Single Room Occupancy	0.5 space per unit

Table 12-1 | Proposed General Plan Text

~~TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY~~		
~~General Plan Land Use Designation~~	~~Development Code Zoning District~~	
~~Buffer~~	~~B~~	~~Buffer~~
~~**Residential**~~		
~~Low Density~~	~~RE~~	~~Residential Estate~~
	~~RS-36~~	~~Single-Family~~
	~~RS-20~~	
	~~RS-12~~	
~~Medium Low Density~~	~~RS-12~~	~~Single-Family~~
	~~RS-9~~	
	~~RS-5~~	
~~Medium Density~~	~~RS-5~~	~~Single-Family~~
	~~RS-2.5~~	
~~Medium High Density~~	~~RS-2.5~~	~~Single-Family~~
	~~RM-2.5~~	~~Multi-Family~~
~~Urban Neighborhood Density~~	~~RM-1.5~~	~~Multi-Family~~
~~High Density~~	~~RM-1~~	~~Multi-Family~~
~~**Commercial**~~		
~~Main Street~~	~~MSC~~	~~Main Street Commercial~~
~~Community~~	~~CC~~	~~Community Commercial~~
~~Regional~~	~~RC~~	~~Regional Commercial~~
~~General~~	~~CG~~	~~General Commercial~~
~~Highway and Auto~~	~~HAC~~	~~Highway and Auto Commercial~~
~~Recreation~~	~~CR~~	~~Commercial Recreation~~
~~**Mixed-Use**~~		
~~Neighborhood Mixed-Use~~	~~NMX~~	~~Neighborhood Mixed-Use~~
~~Corridor/Center Mixed-Use~~	~~CMX~~	~~Corridor/Center Mixed-Use~~
~~Regional Mixed-Use~~	~~RMX~~	~~Regional Mixed-Use~~
~~**Employment**~~		
~~Office~~	~~O~~	~~Office~~
~~Business Park~~	~~BP~~	~~Business Park~~
~~Regional Business Park~~	~~RBP~~	~~Small Business Park~~
~~Light Industrial~~	~~IL~~	~~Light Industrial~~
~~Heavy Industrial~~	~~IH~~	~~Heavy Industrial~~
~~**Other**~~		
~~Open Space~~	~~OS~~	~~Open Space~~
	~~PK~~	~~Park~~
~~Public Facilities~~	~~PI~~	~~Public and Institutional~~
~~Overlay District~~		
	~~BA~~	~~Boulevard Area~~
	~~RM~~	~~Residential Modifying~~
	~~BP~~	~~Bluff Protection~~
	~~S~~	~~Special Setback~~
	~~ANX~~	~~Annexed Rural Residential Transitional Overlay~~
	~~PD~~	~~Planned Development~~
	~~AE~~	~~Airport Environs~~
~~**Downtown Land Use Compared To Implementing Existing Zone Districts***~~		
~~Central Business District~~	~~CBD~~	~~Central Trading~~
~~Civic Center~~	~~CC~~	~~Civic Center~~
~~Town Center~~	~~C-2~~	~~Community Shopping~~
	~~C-6~~	~~Heavy Commercial~~

~~TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY~~		
~~General Plan Land Use Designation~~	~~Development Code Zoning District~~	
~~Neighborhood Center~~	~~C-1~~ ~~C-2~~ ~~C-5~~	~~Neighborhood Shopping Center~~ ~~Community Shopping~~ ~~General Commercial~~
~~Chinatown~~	~~C-4~~	~~Central Trading~~
~~Cultural Arts~~	~~C-4~~	~~Central Trading~~
~~Corridor General~~	~~C-1~~ ~~C-2~~ ~~C-5~~	~~Neighborhood Shopping Center~~ ~~Community Shopping~~ ~~General Commercial~~
~~Neighborhood General~~ ~~Neighborhood General Preservation~~ ~~Neighborhood General Revitalization~~ ~~Neighborhood Edge~~	~~R-1~~ ~~R-2~~ ~~R-3~~ ~~R-4~~	~~Single-Family Residential~~ ~~Low Density MFR~~ ~~Medium Density MFR~~ ~~High Density MFR~~
~~Special Districts 1 & 2~~ ~~Special District - Hospital~~	~~C-M~~ ~~M-1~~	~~Comm. & Light Manufacturing~~ ~~Light Manufacturing~~
~~Open Conservation~~	~~O~~	~~Open Conservation~~
~~South Stadium~~	~~C-M~~	~~Comm. & Light Manufacturing~~

~~1. Specific zoned districts associated with Downtown land uses are established in the existing Zoning Code and are anticipated to be refined by subsequent amendment when more specific Downtown plans and a Downtown Development Code sections are approved.~~

TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Buffer	B	Buffer
Residential		
Low Density	RE	Residential Estate
	RS-1	Residential Single Family, Extremely Low Density
	RS-2	Residential Single Family, Very Low Density
	RS-3	Residential Single Family, Low Density
Medium Low Density	RS-4	Residential Single Family, Medium Low Density
Medium Density	RS-5	Residential Single Family, Medium Density
Medium High Density	RM-MH	Mobile Home Park
	RM-1	Residential Multi-Family, Medium High Density
Urban Neighborhood	RM-2	Residential Multi-Family, Urban Neighborhood
High Density	RM-3	Residential Multi-Family, High Density
Mixed-Use		
Neighborhood	NMX	Neighborhood Mixed Use
Corridor/Center	CMX	Corridor/Center Mixed Use
Regional	RMX	Regional Mixed Use
Commercial		
Main Street	CMS	Commercial - Main Street

TABLE 12-1: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS CONSISTENCY		
General Plan Land Use Designation	Development Code Zoning District	
Community	CC	Commercial - Community
Regional	CR	Commercial - Regional
General	CG	Commercial - General
Highway and Auto	CH	Commercial - Highway and Auto
Recreation	CRC	Commercial - Recreation
Employment		
Office	O	Office
Business Park	BP	Business Park
Regional Business Park	RBP	Regional Business Park
Light Industrial	IL	Light Industrial
Heavy Industrial	IH	Heavy Industrial
Other		
Open Space	OS	Open Space
	PR	Parks and Recreation
Public Facilities	PI	Public and Institutional
Downtown Planning Area Anticipated Zoning Districts		
Central Business District	DTC	Downtown Core
	DTG	Downtown General
Civic Center	DTG	Downtown General
Town Center	DTN	Downtown Neighborhood
Chinatown		
Cultural Arts		
South Stadium		
Neighborhood Center	NMX	Neighborhood Mixed Use
Corridor General		
Neighborhoods	RS-5	Residential Single Family, Medium Density
	RS-4	Residential Single Family, Medium Low Density
Special Districts	IL	Light Industrial
Public Facility	PI	Public and Institutional
Open Conservation	OS	Open Space
	PR	Parks and Recreation

Exhibit H:
Resolution Adopting Plan Amendment No. A-15-003

RESOLUTION NO. 2015-____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE FRESNO GENERAL PLAN TEXT BY UPDATING TABLES THAT REFERENCE THE CITYWIDE DEVELOPMENT CODE IN CHAPTER 3: URBAN FORM, LAND USE, AND DESIGN (TABLES 3-1 AND 3-3); CHAPTER 11: HOUSING ELEMENT CONSISTENCY (TABLES 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 AND 11-13); AND CHAPTER 12: IMPLEMENTATION (TABLE 12-1).

WHEREAS, on December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan, and by Resolution No. 2014-225 certified Master Environmental Impact Report SCH No. 2012111015 ("MEIR") which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and sphere of influence;

WHEREAS, the City of Fresno Development and Resource Management Director has filed an application to amend the Fresno General Plan text by updating tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1) as noted in Exhibit A;

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of an Addendum on September 25, 2015;

WHEREAS, on September 30, 2015, the Fresno City Planning Commission held a public hearing to consider Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003 and the associated Addendum prepared for Environmental Assessment No. No. TA-15-001/A-15-003; and,

WHEREAS, on September 29, 2015 the District 1 Plan Implementation Committee reviewed the text amendment and plan amendment and recommended_____;

WHEREAS, on September 28, 2015 the District 2 Plan Implementation Committee reviewed the text amendment and plan amendment and recommended _____;

WHEREAS, the District 3 Plan Implementation Committee did not comment on the proposed plan amendment;

WHEREAS, on May 11, 2015 the District 4 Plan Implementation Committee reviewed the text amendment and plan amendment and recommended _____;

WHEREAS, on September 28, 2015 the District 5 Plan Implementation Committee reviewed the text amendment and plan amendment and recommended _____;

WHEREAS, on May 27 and September 21, 2015 the District 6 Plan Implementation Committee reviewed and commented on the plan amendment;

WHEREAS, on September 28, 2015 the Fulton/Lowell Design Review Committee reviewed and commented on the plan amendment;

WHEREAS, on September 18, 2015 the Tower District Design Review Committee reviewed and commented on the plan amendment;

WHEREAS, on October 5, 2015 the Airport Land Use Commission reviewed the applicable portions of the text amendment and plan amendment and found them to be consistent with the applicable Airport Land Use Compatibility Plans;

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. _____, to recommend _____ of Text Amendment No. TA-15-001 and Plan Amendment Application No. A-15-003, which proposes to amend the Fresno General Plan text by updating tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1) as noted in Exhibit A; and,

WHEREAS, on October ____, 2015, the Fresno City Council held a public hearing to consider Text Amendment No. TA-15-001 and Plan Amendment Application No. A-15-003 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-15-003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with MEIR mitigation imposed, Plan Amendment Application No. A-15-003 may have additional significant effects on the environment that were not identified in the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 ("MEIR"), and that all applicable mitigation measures of the MEIR have been applied to the project. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and adopted; and, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the

Addendum prepared for Environmental Assessment No. TA-15-001/A-15-003 dated September 25, 2015.

2. The Council finds the adoption of the proposed Plan Amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.

3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-15-003 amending the Fresno General Plan text by updating tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1) as noted in Exhibit A.

* * * * * * * * * * * * * *

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the ____ day of October 2015, by the following vote:

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Talia Kolluri-Barbick
Senior Deputy City Attorney

Date: _____

Plan Amendment Application No. A-15-003
Filed by City of Fresno Development and Resource Management Director

Exhibit I:
Comment Summary

Exhibit I
Part A: Committee Comments

Tower District Design Review Committee – Meeting Notes for September 18, 2015

Attendees: Michael Clifton, Committee Chairman

Committee members Stephan Mintz, Kiel Schmidt, Annalisa Perea and Bill Simon

Lauren Filice, Planner III

Mike Clifton opened the meeting, with 4 committee members present.

The following item was discussed:

612 E. Weldon Ave. – Applicant was not prepared and will re-schedule.

1133 E. Olive Ave. – Lauren Filice presented the project and Committee members had the following concerns:
Annalisa –Concern that the applicant is transferring an existing adult use called the 'The Bunker' and located at Railroad Avenue to the proposed site. Are 'adult uses' allowed in the C-P? Lauren replied that fitness centers were allowed in C-P zone by Director's decision with a CUP. Adult uses are not allowed.
Bill & Annalisa – Plans show separate male and female bathrooms but not dressing areas.

- Plans should show details for use of space, including gym equipment layout, separate male and female dressing rooms, 'socializing' areas layout.

Kiel – A more comprehensive project description is required prior to making a decision.

- Applicant to identify whether the proposal is for a co-ed or single-sex gym. If not, identify how limiting membership to a single sex is not discriminatory. Describe the proposed 'socializing' activities.

Mike - The proposed 24-hour use is not feasible located so close to residential uses, having multi-family apartments adjacent to east and north sides of project site.
Bill – What is the total occupancy of the building for the use? Was an office use, proposing a fitness center - Does proposed use require a 'change of occupancy'? Will there be 'special events'?

- If so, identify the total number of members and describe the type of events, including duration and hours.

Steph – What kind of conditions of approval can the Committee require? Lauren responded that...

- No adult uses or sales to be allowed.
- No alcoholic beverage sales or service be allowed.
- Limit hours to daytime and evening (i.e. 6 am to 10 pm).
- Require a 500-foot notice be sent to the neighbors upon project approval.

The project is to be re-scheduled for another meeting (tentatively Oct. 2, 2015). Applicant is to provide requested information and any revisions that can make the project more amenable to the Tower District.

Development Code (Code) –
Dan Zack, Assistant Director, Long-range Planning, introduced himself and passed out a copy of the Code Users Guide to each committee member. Dan recalled to the committee that he was Planner on the original Tower District Specific Plan, knows the area well, and lives there now.

Changes were made to the proposed Code based on responses to comments, issues identified by staff, some re-organization, downtown integration and Articles were reserved for future use. Noted there will be a separate Downtown Code this coming spring. A city-wide rezone will follow adoption of the Code. All documents are available online at **fresno.gov/code.**

For the Tower District – The 3 main land use designations are:

- **Commercial Mixed Use** (comprised of 'Main Street Commercial along Olive Ave. and Neighborhood Mixed-Use along Blackstone Ave.
- **Residential Medium Density** – the proposed RS-5 zone district;
- **Residential High Density** – the proposed RM-3 zone district.

LF Note - Some areas of 'Commercial Community' and 'Commercial General' land use designations occur at major intersections, 'Office' along Shields Ave., and 'Residential Medium-High Density' near City College remain to reflect existing development patterns.

Existing 'Tower District Specific Plan' (TDSP) design requirements have been incorporated into the Code as zone district development requirements, and include:
Commercial - design criteria for buildings fronting on the sidewalk, parking areas located to rear of site, and allowance for reduced parking are incorporated.
Residential – For development of vacant lots, the setbacks are to match those existing in the vicinity rather than Code requirements. Facades are to be consistent with and to complement existing buildings in the vicinity. Garages to be located at rear of site.
Other allowances include offsets for parking requirements that allow for evening versus daytime uses in the same development (i.e. theatre/restaurant versus office use). Sidewalk improvements and ADA requirements will be required for development projects.
Multi-family Residential – Densities as allowed throughout City RM-1 zone, created an 'Overlay' zone for Apartment Houses to maintain small parcel pattern and orientations per TDSP.

Timing - Development Code is scheduled for review by Planning Commission on September 30, to City Council for adoption on October 29th, with Council Workshops preceding the meeting. Map adoption to follow 30 days later on December 10th. Planners will use 'Transition Tables' until the map is adopted, printed and posted to the public page.

Questions from the Committee:
Kiel – Any exceptions to the ADA requirements for Tower? None except for historical buildings. City is looking at improvements to the Building Code regarding flood requirements.
Bill – Any economic incentives to build small apartment buildings on Tower area sized lots (4-8 units)? No minimum lot sizes required. Onsite open space is limited, allows use of rooftops, patios and balconies on lots less than 20,000 square feet. Priority is to develop an 'Infill Map' with the Tower District identified as an Infill Opportunity Zone. Looking into back-funding to allow incentives and reduce fees.
Steph – What is the effect on the TDSP? The Code repeals some requirements, others to be amended.
Can the City Council still over-rule TDSP decisions? Yes – there is no change to the review and approval process. How will land use violations be handles? Code enforcement division is ramping up, adding new staff.

How does the Code affect the proposed project at 1133 E. Olive?
Code shows East Olive as RS-5 zone. Proposing map change to Main Street Commercial like Van Ness strip to north. The existing office and commercial uses would fit, as would the project site.

No other applications scheduled and no other proposals to be reviewed, the meeting ended at 4:20 p.m.

City of FRESNO

DISTRICT 4 PLAN IMPLEMENTATION COMMITTEE

MEETING ACTION AGENDA/MINUTES

MEETING

MONDAY, May 11, 2015 -- 4:30 P.M.

Room 3078N, Third Floor, Fresno City Hall 2600 Fresno Street, Fresno, CA 93721-3604

AGENDA

1. ROLL CALL

This meeting was called to order at 4:30 p.m. by R. Clark.

Present: Larson, Nelson, Poulter, Timken
Absent: Clark
Staff: McKencie Contreras & Arnoldo Rodriguez (Development and Resource Management Department)

2. APPROVAL OF AGENDA AND MINUTES

a. Agenda for May 11, 2015
b. Minutes for April 27, 2015

Timken moved and Nelson seconded the motion to approve the agenda and minutes; motion carried (M/S/C, vote 3-0-2). Larson arrived after the vote of the agenda and minutes.

3. PROJECT REVIEW – CONTINUED ITEMS

None.

4. PROJECT REVIEW – NEW ITEMS

a. **Conditional Use Permit Application No. C-15-049** was filed by Garbis Kataroyan and pertains to ±1.73 acres of property located on the north side of E. Gettysburg Ave. between N. Blackstone and N. Effie Avenues. The applicant proposes to repurpose an existing ±21,000 square-foot building on the northern part of the property for an auto body shop and paint booth and construct a 1,000 square-foot building for an auto sales office and establish a new auto sales lot on the southern part of the property fronting E. Gettysburg Ave. The property is zoned C-6 (Heavy Commercial).

APN: 427-171-21 ZONING: C-6 ADDRESS: 1821 & 1825 E. Gettysburg Ave.

Vahagn Bznouni, Givan Biznouni, and Garbis Kataroyan were in attendance representing the project.

Garbis Kataroyan stated the entire property was 1.83 acres and the site for the auto sales was 0.5 acres.

Committee member Nelson was concerned with parking, the use of residential streets for use of test driving cars, and the substantial use of car lots on Blackstone. Garbis Kataroyan stated there was adequate parking on-site and residential streets would not be used to text drive cars. He also stated they had surveillance on the site. Vahagn Bznouni stated the project would bring economic growth to a vacant site.

Larson moved and Timken seconded the motion to approve this project; motion carried (M/S/C, vote 4-0-1).

b. **Development Code Update Review** – For access to the Development Code Update please visit the City of Fresno website. The link is provided below.

http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/DevCodeUpdate.htm

Arnoldo Rodriguez, Planning Manager, was in attendance and presented the Development Code update.

5. COMMITTEE COMMENTS

None.

6. PUBLIC COMMENTS

None.

7. UNSCHEDULED MATTERS

None.

8. ADJOURNMENT

Meeting adjourned at 5:17 p.m.

City of FRESNO

DISTRICT 6 PLAN IMPLEMENTATION COMMITTEE

PROJECT REVIEW

Project Record

PROJECT INFORMATION, Agenda Item 3b.

Council District 6 Plan Implementation Committee review of the revised draft of the Development Code (dated September 11, 2014) and the staff response to the Committee's comments on the March 31st draft of the Development Code.

COMMITTEE RECOMMENDATION

☑ APPROVE ☐ APPROVE WITH CONDITIONS ☐ DENY ☐ NO ACTION

	Forrest	Brown	Engleman	Linder	Sidhu	Vecchiarelli	Walker
M / S							
Approve	~~BF~~	SB		NL			
Deny							
Abstain							
Absent			X		X	X	

COMMITTEE CONDITIONS / COMMENTS

See attached comments for further issues.

Staff Liaison: SBrock Date 9/21/15

Council District 6 Plan Implementation Committee Comments on the Revised Draft Development Code

Section/ Table	Comment or question

The Council District 6 Plan Implementation Committee met on August 17th to consider the staff responses to the Committee's comments on the March 31st version of the draft Development Code. On September 21st, the Committee considered those responses and the revised draft of the Development Code, and would like to submit the following comments. These comments relate to sections of the Development Code which were not modified after the first public draft:

Table 15-703

The Development Code should require adequate common on-site open space for play in all multi-family projects at the level of triplexes and above. The minimum common on-site open space percentage should be 20% for all projects, higher density projects as well as lower-density projects.

Only requiring 10% on site open space for higher density projects, while requiring 20% for lower-density projects, does not make sense. Higher density projects are MORE in need of recreational space.

Public park development in Fresno tends to trail residential development in a neighborhood by a period of years. For that reason, the City can't rely on off-site open space to meet recreational needs of the residents of higher density projects. The only time a multi-family development project should be able to reduce its common on-site open space below 20% (and it should never be lower than 10%) is when the multi-family project is proposed within ¼ mile of an already developed and operational public park, or a Flood Control District ponding basin already improved and open as a public park.

§15-1701.D etc.

Streets in planned [unit] developments need to be wide enough to be safe, and should comply with Public Works standards. Just because a fire engine or garbage truck can ease through does not mean the streets are safe for the people who live there. An absence of sidewalks forces people to walk in roadways, and there is not enough visibility to protect pedestrians (especially children) when there is curbside parking on these private streets.

In developments with "private" streets, sidewalks should be provided on at least one side of those streets; or, the widths of the private streets should be increased by at least four feet to provide a margin of safety for children and pedestrians.

(continued)

Council District 6 Plan Implementation Committee Comments on the Development Code

Section/ Table	Comment or question
	Common interest developments may not carry enough liability coverage to cover pedestrians killed or badly injured. These developments also do not have the capacity to enforce "no parking" areas, even if they do have CC&Rs and red-painted curbs or "NO PARKING" signs in certain areas. That leaves design of these projects as the best way to ensure pedestrian safety by building adequate walking space along and in the private roads.
§15-1907	The Development Code should clearly state that street trees are not allowed to be removed without City permission. The City of Fresno does not enforce Homeowner Association rules. Therefore, it does not seem proper for the Code to require prior approval by a Homeowners Association for a tree removal application filed with the City. The Homeowners Association itself (not individual property owners in the development) should be the party that applies for tree removal (and files modified landscape plans showing proposed changes in trees) within the common interest development.
§15-2015.B	The Code's proposed requirement for only one electric vehicle charging station per 250 parking spaces does not seem sufficient to meet future needs, especially when California is requiring over 15 percent of cars to be "zero emission" vehicles by year 2025.
§15-2212	The City should enforce its rules relating to signs, especially those posted on utility poles or other improper structures.

Exhibit I
Part B: Comment Response Table

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
Overall / No Section		Brad Greenbury	There should be clearly defined methods to meet the General Plan	Yes	Relation to Other Regulations in Article 1 explains relationship to General Plan. Part II base district uses and densities are consistent with General Plan. Conditional Use Permits, Development Permits, and Rezonings are all required in Part V to be consistent with the General Plan.
Overall / No Section		Brad Greenbury	There's no language re: building orientation to achieve min. energy use	Yes	The Subdivision Designsection requires local streets to be primarily oriented east to west in order to minimize energy use by the homes which front on those streets.
Overall / No Section		Darius Assemi	The City needs to recirculate the Master Environmental Impact Report.	No	The City Attorney has verified that recirculation is not necessary.
Overall / No Section		Darius Assemi	The City needs to rezone all properties and have a re-zone map	Yes	The adoption of the new Zoning Map will be brought to Council about 1 month after the adoption of the Development Code text.
Overall / No Section		Darius Assemi	Provide a 6-month transition window for free re-zones	Yes	About one month after the adoption of the Development Code text, all properties will be rezoned by the City at no charge to property owners.
Overall / No Section		Darius Assemi	The Code can't force people who want to expand to tear down their building	Yes	Article 4 provides protections to existing structures, and allows for expansions without removal of the original building.
Overall / No Section		Darius Assemi	Retain the C-M zone.	No	All old zones will be repealed. BP, RBP, and IL all have strong similarities to C-M, and former C-M properties should not be negatively affected.
Overall / No Section		Darius Assemi	Codify Business Friendly Fresno project approval timelines	No	Codifying timelines would reduce staff's ability to continuously improve the process. However, Part V has been designed to be very complimentary to BFF timelines.
Overall / No Section		Ken Elvington (DAC)	Document formatting should be ADA-friendly (font, etc.)	Yes	Staff will provide an ADA-friendly version after adoption.
Overall / No Section		Mike Prandini	Rezone the affected properties	Yes	The adoption of the new Zoning Map will be brought to Council about 1 month after the adoption of the Development Code text.
Overall / No Section		Mike Prandini	Ped/bike connectivity will lead to more crime	No	Staff respectfully disagrees.
Overall / No Section		Mike Prandini	Provide a zoning consistency table	Yes	The adoption of the new Zoning map will be brought to Council about one month after the text is effective. A consistency table will be provided for the intervening period.
Overall / No Section		Richard Fairbank	Wants a comparative table of new vs. old code permitted uses	Yes	A website will launch soon which facilitates this sort of comparison.
Overall / No Section		Richard Fairbank	Wants a zoning map for the new code	Yes	The proposed Zoning Map will be released with the Development Code.
Overall / No Section		Sam Monaco	Wants to be rezoned to be consistent with General Plan	Yes	The adoption of the new Zoning Map will be brought to Council about 1 month after the adoption of the Development Code text.
Overall / No Section		Steve Weil	Provide transition period (3-4 months)	No	The adoption of the new Zoning map will be brought to Council about one month after the text is effective. A consistency table will be provided for the intervening period.
Overall / No Section		Steve Weil	The Code requires separate CEQA analysis	No	The Development Code was evaluated as part of the General Plan/Development Code Master Environmental Impact Report, which was certified in December of 2014.
Overall / No Section		Sue Williams	Keep enhanced landscape setbacks from Roosevelt Plan	Yes	Roosevelt Community Plan is still in effect.
Overall / No Section		Sue Williams	Would like additional landscape setbacks for Scenic Corridors	No	Staff recommends that landscape setbacks in Development and Community Plans are sufficient.
Article 1	**Introductory Provisions**				
15-102	Purpose	Ashley Werner	Add 2 goals to the Code: 1) expand health and 2) expand participation	Yes	The new Code expands health by promoting walkble neighborhoods and transit oriented development, and expands participation by noticing prior to Conditional Use Permits and Development Permits.
15-104	Applicability	Ashley Werner	Add language that states any permit/approval issued that is inconsistent with the General Plan or other plans be null and void.	Yes	All properties will be rezoned in a manner consistent with the General Plan, all future rezonings must be consistent with the General Plan as well.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-104	Applicability	Ashley Werner	Alter sentence: "Any previously approved *and valid* entitlement or subdivision shall be honored, unless the entitlement or subdivision shall be honored, unless the entitlement expires."	No	Staff respectfully disagrees.
15-104	Applicability	Dirk Poeschel	Clarify priority of Plans versus the Development Code	Yes	Relation to Other Regulations in Article 1 explains the Code's relationship to the General Plan and other plans.
Article 3 Rules of Measurement					
15-303	Fractions	Ashley Werner	Allow extra density per state law *and* A18 (affordable housing bonus) and other provisions of the FMC	Yes	Density bonuses are allowed for affordable housing and transit-oriented development in articles 21 and 22.
15-303	Fractions	Ashley Werner	Allow res. Density to round up per state law, A18, *and* other provisions of FMC	Yes	Fractional units shall be rounded up to the next higher whole number.
15-310	Determining Residential Density	Mike Prandini	Change "density shall be measured per subdivided residential lot, regardless of size" to "density shall be measured by dividing the total lots by the acres, excluding external street r-o-w, parks, public open space or other public use, public easements, wetlands, floodplains, and setbacks for sensitive areas."	Yes	Minimum lot sizes were adjusted to reflect that approximately 25% of subdivision area is dedicated to streets, parks, etc.
Article 4 Non-Conforming Uses, Structures, Site Features, and Lots					
Article 4 Non-Conforming Uses, Str		Hector Laguna	Would like to be allowed to expand his home in a C-2 zone	Yes	Legal non-conforming single family structures in non-residential zones may be enlarged.
15-401	Purpose	Ashley Werner	Make Article 4, Non-Conforming Uses and Structures applicable only to certain uses.	No	Staff respectfully disagrees.
15-401	Purpose	Ashley Werner	Restrict the purpose to allow continuance of residential uses only	No	Staff respectfully disagrees.
15-402	Determination of Non-Conforming Status	Ashley Werner	Add to legal nonconforming status caveat that it was developed both lawfully and *in accordance with any terms and conditions attached to the property*, based on the evidence *reasonably available to the Director*	Yes	All legal non-conforming uses may remain in operation, but legal non-conforming status shall not be conferred if a business does not remain in compliance with all terms and conditions of their original approval.
15-402	Determination of Non-Conforming Status	Ashley Werner	Add to illegal nonconforming status that it was not developed both lawfully and *in accordance with any terms and conditions attached to the property*, based on the evidence *reasonably available to the Director*	Yes	All legal non-conforming uses may remain in operation, but legal non-conforming status shall not be conferred if a business does not remain in compliance with all terms and conditions of their original approval.
15-402	Determination of Non-Conforming Status	Ashley Werner	Add to legal nonconforming status caveat that it was developed both lawfully and *in accordance with any terms and conditions attached to the property*, based on the evidence *reasonably available to the Director*	Yes	All legal non-conforming uses may remain in operation, but legal non-conforming status shall not be conferred if a business does not remain in compliance with all terms and conditions of their original approval.
15-402	Determination of Non-Conforming Status	Ashley Werner	Add to illegal nonconforming status that it was not developed both lawfully and *in accordance with any terms and conditions attached to the property*, based on the evidence *reasonably available to the Director*	Yes	All legal non-conforming uses may remain in operation, but legal non-conforming status shall not be conferred if a business does not remain in compliance with all terms and conditions of their original approval.
15-404	Legal Non-Conforming Uses	Ashley Werner	Exempt Industrial from indefinite continuation of nonconforming use. Instead require that it come into conformance or be discontinued within five years.	No	Staff respectfully disagrees.
15-404	Legal Non-Conforming Uses	Ashley Werner	Do not allow Industrial to expand except into a conforming use.	No	Staff respectfully disagrees.
15-404	Legal Non-Conforming Uses	Ashley Werner	Do not allow nonconforming Industrial use to change except to conforming use	No	Staff respectfully disagrees.
15-404	Legal Non-Conforming Uses	Ashley Werner	Restrict the purpose to allow continuance of residential uses only	No	Staff respectfully disagrees.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-404	Legal Non-Conforming Uses	Ashley Werner	Require non-residential uses to become conforming within five years.	No	Staff respectfully disagrees.
15-404	Legal Non-Conforming Uses	Ashley Werner	Prohibit nonconforming non-residential uses to expand except to conformance. Allow non-residential with a Conditional Use Permit.	No	Staff respectfully disagrees.
15-404	Legal Non-Conforming Uses	Ashley Werner	Prohibit nonconforming non-residential uses to change except to conformance. Allow non-residential with a Conditional Use Permit.	No	Staff respectfully disagrees.
Article 6 Residential Single-Family Districts (RS)					
Article 6 Residential Single-Family		Mike Prandini	Change names of RS districts to reflect min. lot size (i.e. RS-5 to RS-4000)	No	Staff respectfully disagrees.
Article 6 Residential Single-Family		Mike Prandini	The General Pland designated minimum density of 5 units per acre cannot be attained by the min. lot size of RS-4 (7k sq. ft.)	Yes	Min. lot size reduced to 5,000 to account for local streets, parks, trails, etc.
15-601	Purpose	Ashley Werner	Include "housing affordable to all income groups"	No	Current language is sufficient.
15-602	Use Regulations	Ashley Werner	Allow multifamily housing in single family districts with a Conditional Use Permit	Yes	Will be allowed in RS-5 under certain circumstances, but shall not exceed General Plan density of 12 units per acre.
15-602	Use Regulations	Darius Assemi	Allow Accessory Dwelling Units in residential single-family neighborhoods near transit.	Yes	Accessory dwelling units are allowed in all RS zones.
15-602	Use Regulations	Genoveva Islas	Allow farmer's markets by right	Yes	Farmer's market section was rewritten to expand potential locations and to follow current best practices.
15-603	Density and Massing	Ashley Werner	The City must justify its selection of development standards and demonstrate they will not limit the provision of affordable housing.	No	No change is necessary.
15-603	Density and Massing	Darius Assemi	Reduce lot width from 40 ft. to 35 ft. and depth from 80 ft. to 70 ft.	Yes	These dimensions have been adjusted.
15-603	Density and Massing	Darius Assemi	Reduce interior yard to 3 ft.	Yes	Side setbacks are now 8' total, with a minimum of 3' per side.
15-603	Density and Massing	Darius Assemi	"Re-tune" corner lots	Yes	These dimensions have been reduced to reflect new lot sizes.
15-603	Density and Massing	Darius Assemi	"Re-tune" lot coverage ratios	Yes	RS-4 lot coverage is now 50%.
15-603	Density and Massing	Ken Elvington (DAC)	DAC strongly supports 18 ft. garage setbacks	Yes	Garage setbacks are 18 feet.
15-603	Density and Massing	Mike Prandini	Change corner min. lot width to 55 ft. for RS-4 and 45 ft. for RS-5 and reversed corner lot min. to 60 ft. for RS-4 and 50 ft. for RS-5.	Yes	Change has been made.
15-603	Density and Massing	Mike Prandini	Min. setback for RS-4 should be 15 ft. and RS-5 should be 12 ft.	Yes	Both have been changed to 13 feet. This accommodates an 18 foot garage setback, with the garage being 5 feet behind the living area.
15-603	Density and Massing	Mike Prandini	Front setback w/ Enhanced Streetscape should be 8 ft. for RS-4	Yes	Change has been made.
15-603	Density and Massing	Mike Prandini	Interior Side setback for RS-4 and RS-5 should be 8 ft. and 8 ft. total, respectively, with 4.5 ft. side for both	Yes	RS-4: 10 total, min 4 per side RS-5: 8 total, min 3 per side
15-603	Density and Massing	Mike Prandini	Street side setback for RS-4 should be 10 ft.	Yes	Change has been made.
15-603	Density and Massing	Mike Prandini	Garage setback from primary façade should be deleted	No	Staff respectfully disagrees.
15-603	Density and Massing	Mike Prandini	Max. lot coverage for RS-4 should be 50%	Yes	Change has been made.
15-603	Density and Massing	Rick Whitaker	RS-4 lot coverage should be 45% or higher	Yes	RS-4 lot coverage is now 50%.
15-604	Site Design	Darius Assemi	Delete garage frontage limitations (50%)	Yes	This façade enhancement is now optional, in exchange for reduced lot size and setback requirements in the RS-5 zone and reduced front setback in the RS-4 zone.
15-604	Site Design	District 6 Implementation Committee	Require that driveways are deep enough for large cars	Yes	Single family homes are required to have driveway at least 18 feet deep for this reason.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-604	Site Design	District 6 Implementation Committee	Require standards for on-site usable open space for RS	Yes	Single family homes are required to have yards for this reason.
15-604	Site Design	District 6 Implementation Committee	Include a mechanism for maintaining alleys when they are proposed	Yes	The Code requires that new alleys be maintained by a Community Facilities District.
15-604	Site Design	Mike Prandini	Delete garage frontage limitations (50%)	Yes	This façade enhancement is now optional, in exchange for reduced lot size and setback requirements in the RS-5 zone and reduced front setback in the RS-4 zone.
15-604	Site Design	Rick Whitaker	Major issue, means that high-density projects can't have two car garages. A house would need to be 60 ft. wide to have a three car garage.	Yes	This façade enhancement is now optional, in exchange for reduced lot size and setback requirements in the RS-5 zone.
15-604	Site Design	Rick Whitaker	5 ft. garage setback from front façade makes design difficult and monotonous	No	Staff respectfully disagrees.
15-605	Façade Design	Darius Assemi	Delete building articulation requirements (8 ft.)	Yes	This façade enhancement is now optional, in exchange for reduced lot size and setback requirements in the RS-5 zone and reduced front setback in the RS-4 zone.
15-605	Façade Design	Mike Prandini	Delete sections A (building articulation), B (façade alignment), and D (façade elements)	Yes	This façade enhancement is now optional, in exchange for reduced lot size and setback requirements in the RS-5 zone and reduced front setback in the RS-4 zone.
15-605	Façade Design	Mike Prandini	Exempt custom homes from Façade Compatibility	No	Staff respectfully disagrees.
15-605	Façade Design	Rick Whitaker	Building articulation means additional cost	Yes	This façade enhancement is now optional, in exchange for reduced lot size and setback requirements in the RS-5 zone and reduced front setback in the RS-4 zone.
Article 7 Residential Multi-Family Districts (RM)					
15-703	Density and Massing	Ashley Werner	The City must justify its selection of development standards and demonstrate they will not limit the provision of affordable housing.	No	Staff respectfully disagrees.
15-703	Density and Massing	Darius Assemi	Allow for buildings up to 6 stories tall in Copper River Ranch with Conditional Use Permit	No	This conflicts with the General Plan policy to direct taller buildings into Downtown.
15-703	Density and Massing	District 6 Implementation Committee	Require more than 10% to 20% of lot area for on-site open space in Residential Multifamily districts.	No	Staff respectfully disagrees.
15-704	Site Design	Arakel Arisian	Consider reducing front setback to 30 ft. and rear to 20 ft.	No	Staff respectfully disagrees.
15-704	Site Design	Arakel Arisian	Clarify if enclosed patios are included in the setback requirements	Yes	The permission for patios and porches to encroach into setbacks has been clarified.
15-704	Site Design	Arakel Arisian	Include Director-determined alternative to 30 ft. parking setback	Yes	Some exceptions are provided.
15-704	Site Design	Arakel Arisian	Clarify if parking cluster limits only apply to carports	Yes	This requirement has been removed.
15-704	Site Design	Arakel Arisian	Consider increasing cluster limit from 8 to 10	Yes	This requirement has been removed.
15-704	Site Design	Darius Assemi	Delete limitations on parking clusters (8 spaces)	Yes	This requirement has been removed.
15-704	Site Design	Darius Assemi	Reduce private open space requirement from 30 sq. ft. to 15 sq. ft.	Yes	The requirement was actually 50 sq. ft. in the March draft, and has been reduced to 25 sq. ft.
15-704	Site Design	Darius Assemi	Reduce common open space requirements	Yes	Requirement for active recreation facilities has been removed.
15-704	Site Design	Darius Assemi	Delete requirement that common open space be concentrated into larger areas; allow small open space nooks.	No	Staff respectfully disagrees.
15-704	Site Design	Darius Assemi	Allow common open space in required setbacks.	Yes	Allowed in side yards and rear yards, but not front setbacks or adjacent to single family.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-704	Site Design	Darius Assemi	Delete public plaza requirement.	Yes	Public plazas are not required. Developers who don't want to do build a public plaza can provide their open space in another form.
15-704	Site Design	Darius Assemi	Encourage bike infrastructure through open space and parking reductions	No	Staff respectfully disagrees.
15-704	Site Design	Darius Assemi	Delete private storage space requirement.	Yes	This requirement has been removed.
15-704	Site Design	District 6 Implementation Committee	Reduce 5 ft. landscaped area to 3 ft. in residential multifamily adjacent to RS	No	Staff respectfully disagrees.
15-704	Site Design	District 6 Implementation Committee	Delete limitations on parking clusters (8 spaces)	Yes	This requirement has been removed.
15-704	Site Design	District 6 Implementation Committee	50 sq. ft. in residential multifamily is not adequate.	No	Staff respectfully disagrees.
15-705	Façade Design	Arakel Arisian	Allow more flexibility with window vertical proportions	No	Staff respectfully disagrees.
15-705	Façade Design	Arakel Arisian	Reduce façade depths to 3 ft. min.	Yes	This requirement has been reduced.
15-705	Façade Design	Darius Assemi	Provide a range of design standards or delete this section	No	Staff respectfully disagrees.
15-705	Façade Design	Darius Assemi	Identify building articulation (25 ft.) as a goal, not a requirement	Yes	Articulation requirement was simplified.
15-705	Façade Design	Darius Assemi	Allow for single finish material instead of two	No	Staff respectfully disagrees.
15-705	Façade Design	Darius Assemi	Enclosing stairways should be identified as a goal, not requirement	No	Staff respectfully disagrees.
Article 8 Mixed Use Districts					
15-801	Purpose	Arakel Arisian	Exclude drive-throughs from the definition of "auto-oriented uses"	Yes	Drive-throughs have been treated independantly and clarified.
15-802	Use Regulations	Sue Williams	Don't allow auto sales in the CMX zone.	Yes	Auto sales are now required to be enclosed within in a building and to follow all other design rules.
15-802	Use Regulations	Sue Williams	Prohibit Bars, Tattoos parlors, funeral parlors, and liquor stores in NMX and CMX	Yes	Funeral parlors will not be allowed. Tatoo and liquor stores may not be near BRT stops, which limits their available sites. Bars will not be restricted.
15-802	Use Regulations	Sue Williams	Prohibit, or limit based on parcel size, drive-throughs in the NMX and CMX zones.	Yes	Drive throughs are not allowed in NMX. In CMX and RMX they are not allowed near a Bus Rapid Transit stop or between a building and the sidewalk.
15-803	Density, Intensity, and Massing	Arakel Arisian	Clarify that densities can be averaged between product types	Yes	Calculating residential density is explained in Article 3.
15-803	Density, Intensity, and Massing	Arakel Arisian	Reduce minimum frontage coverage by 10% to 20% for residential multifamily uses.	No	Staff respectfully disagrees.
15-803	Density, Intensity, and Massing	Arakel Arisian	Clarify whether minimum open space requirements apply equally to all uses in MX districts.	No	Staff feels that the requirement is sufficiently clear.
15-803	Density, Intensity, and Massing	Dirk Poeschel	Allow CMX height up to 75 ft. to match RMX.	No	Staff respectfully disagrees.
15-803	Density, Intensity, and Massing	Sue Williams	When next to residential single-family limit CMX parcels less than 10 acres to 40 ft. in height and 50 ft. for larger parcels; add architectural compatibility standards.	No	Staff respectfully disagrees. Single-family buffers are sufficient.
15-804	Site Design	Arakel Arisian	Reduce front setback to 30 ft. and rear to 20 ft.	No	Staff respecfully disagrees.
15-804	Site Design	Arakel Arisian	Reduce interior side and rear setback to 10 ft. adjacent to residential single-family.	No	Staff respectfully disagrees. Single-family buffers are sufficient.
15-804	Site Design	Arakel Arisian	Clarify if enclosed patios are included in the setback requirements.	Yes	The permission for patios and porches to encroach into setbacks has been clarified.
15-804	Site Design	Arakel Arisian	Reduce landscape planting to 5 ft. near RS.	No	Single family buffer setbacks are important and will not be reduced.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-804	Site Design	Arakel Arisian	Allow building to be located farther away if the area has active space.	Yes	This is allowed.
15-804	Site Design	Arakel Arisian	Include Director-determined alternative to 30 ft. parking setback.	No	The Code offers a landscaped buffer alternative for small parcels.
15-804	Site Design	Darius Assemi	Delete private storage space requirement (120 cubic ft.).	Yes	This requirement has been removed.
15-804	Site Design	Darius Assemi	Allow any use near Bus Rapid Transit stations.	No	Staff respectfully disagrees. Concentrating the most active uses near stations will benefit BRT riders.
15-804	Site Design	Ken Elvington (DAC)	Where pedestrian access is noted, refer to the ADAAG.	No	No change is necessary.
15-805	Façade Design	Arakel Arisian	Confirm if ground floor commercial transparency applies individually or collectively.	Yes	The entire portion of the ground floor with commercial uses will be included in the calculation. Some areas may be less than 60% transparent, as long as the entire area averages 60%.
15-805	Façade Design	Arakel Arisian	Allow a 60% director-approved reduction in window requirements.	No	Staff respectfully disagrees.
15-805	Façade Design	Arakel Arisian	Allow more flexibility with window vertical proportions.	No	Staff respectfully disagrees. This is an important requirement for high-quality mixed use architectural design.
15-805	Façade Design	Arakel Arisian	Reduce façade depths to 3 ft. min.	Yes	This requirement has been simplfied and reduced.
15-805	Façade Design	Darius Assemi	Allow stucco on ground floor of Mixed Use and less than 3 wall finishes on facades greater than 300 ft.	Yes	This requirement has been reduced to two materials.
15-805	Façade Design	District 6 Implementation Committee	Do not allow/encourage water features as a façade element.	No	Staff respectfully disagrees.
Article 9 Commercial Districts					
15-901	Purpose	Richard Fairbank	Allow drive-throughs in CMS	No	Staff respectfully disagrees.
15-902	Use Regulations	Ashley Werner	Either the City should amend the General Plan LU map to remove the CH Disitrct from SW Fresno or it should prohibit "Indoor Warehousing and Storage" in CH or require a Conditional Use Permit.	Yes	Indoor warehousing and wholesaling has been removed from the CH District.
15-902	Use Regulations	Bill Robinson	Allow full service and convenience restaurants in CH District.	Yes	Full service and convenience restaurants now allowed in CH.
15-902	Use Regulations	Sam Monaco	Allow full service and convenience restaurants in CH.	Yes	Full service and convenience restaurants now allowed in CH.
15-903	Intensity and Massing	Dirk Poeschel	Allow residential in commercial districts.	Yes	Some residential is allowed in the CMS and CR districts.
15-904	Site Design	Richard Fairbank	Public plaza standards should be determined by the director.	No	Public plazas are optional, so if a developer dislikes the required standards, they are allowed to provide their open space in another form.
15-904	Site Design	Richard Fairbank	The City should not be setting forth design standards.	No	Staff respectfully disagrees.
15-905	Façade Design	Richard Fairbank	Window transparency standards should be determined by the director.	No	Staff respectfully disagrees.
Article 10 Employment Districts					
15-1001	Purpose	Ashley Werner	Add two purposes to Employment: mitigate/prevent disproportionate industrial impacts to res/sensitive uses, esp. in low-income areas.	No	Staff respectfully disagrees.
15-1002	Use Regulations	Ashley Werner	Add "Rendering" to the use table w/Conditional Use Permit in IH zone.	Yes	This change has been made.
15-1002	Use Regulations	Ashley Werner	Has a list of uses; wants General Plan LU to be amended to remove them in some areas, or adopt a 1k ft. buffer next to sensitive uses and always require a Conditional Use Permit.	No	Staff respectfully disagrees.
15-1002	Use Regulations	Arakel Arisian	Allow entertainment and rec, esp. for business park.	Yes	This use is now allowed.
15-1002	Use Regulations	Dirk Poeschel	Allow residential in Office districts.	No	Conflicts with General Plan policy.
15-1002	Use Regulations	Dirk Poeschel	Allow employee housing in the IL Light Industrial district.	No	Conflicts with General Plan policy.
15-1002	Use Regulations	Dirk Poeschel	Relax provisions on outdoor storage (no screening, primary use)	No	Staff respectfully disagrees.
15-1002	Use Regulations	Don Pickett	Allow day cares in IL zone.	No	Staff respectfully disagrees.
15-1002	Use Regulations	Don Pickett	Allow by right cardboard and paper bailers within a building	Yes	This is allowed.
15-1002	Use Regulations	Mehmet Noyan	Allow auto sales in IL zone.	Yes	This change has been made.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-1002	Use Regulations	Mehmet Noyan	Allow retail up to 6k sq. ft. in IL zone.	Yes	This change has been made.
15-1002	Use Regulations	Mehmet Noyan	Allow daycares in IL zone.	No	Staff respectfully disagrees.
15-1003	Intensity and Massing	Arakel Arisian	Allow greater heights with Conditional Use Permit.	Yes	Some exceptions in the Woodward Park area allowed with a Conditional Use Permit. Further exceptions conflict with General Plan policy of restricting tallest buildings to Downtown.
15-1004	Site Design	Ken Elvington (DAC)	Expand pedestrian access requirements to E districts.	Yes	Enhanced streetscape provisions for the O district encourage better pedestrian connectivity. Pedestrain Access section requires pedestrian links to streets and transit in the O district.
15-1004	Site Design	Don Pickett	Reduce the requirement to match the front setback of adjacent residential uses from 75 ft. to 50 ft.	No	Staff respectfully disagrees. Residential buffers are an important feature of the Code.
15-1004	Site Design	Don Pickett	Reduce side and rear setback from 50 to 20 ft.	No	Staff respectfully disagrees. Residential buffers are an important feature of the Code.
15-1004	Site Design	Richard Fairbank	FAR should be the same as in the Mid-Rise/High-Rise area from the old code.	Yes	Provision made for height exceptions in Woodward Park area. FAR is set by the General Plan and MEIR. However, the FAR of 2.0 that is allowed in the O district is greater than the 0.75 to 1.5 allowed in the old Mid Rise/High rise ordinance.
15-1005	Façade Design	Don Pickett	4 ft. building articulation too deep, 2-2.5 ft. more appropriate	Yes	The articulation requirement has been reduced and simplified and only applies to the O district.
15-1005	Façade Design	Don Pickett	Change 300 ft. requirement for building finishes to "facing major street."	Yes	This requirement has been reduced to 100 feet, and no longer applies to IL and IH zones.
15-1005	Façade Design	Don Pickett	Reduce three exterior paint colors to two and include glass color	Yes	This is no longer required in IL and IH zones, and is optional in BP and RBP, where developers may pick 2 out of 6 architectural features to satisfy the requirement.
15-1004	Site Design	Ashley Werner	Expand transition requirements to all sensitive uses.	No	Staff respectfully disagrees.
15-1004	Site Design	Ashley Werner	Increase height limitation of 30 ft. from within 40 ft. to 100 ft.	No	Staff respectfully disagrees.
15-1004	Site Design	Ashley Werner	Increase height limitation of 40 ft. from within 50 ft. to 200 ft.	No	Staff respectfully disagrees.
15-1004	Site Design	Ashley Werner	Increase front and side street setback length from within 75 ft. to 200 ft.	No	Staff respectfully disagrees.
15-1004	Site Design	Ashley Werner	The Code should require facilities modifying or expanding to comply with site design rules.	No	Staff respectfully disagrees. However, new buildings will have to follow the new setback and height regulations.
Article 12 Planned Development (PD) District					
15-1203	Development Standards	Dirk Poeschel	Allow residential in the Office district.	No	Staff respectfully disagrees.
Article 16 General Site Regulations					
15-1603	Trails	Mike Prandini	Delete line re: access to trails shall be provided per 15-3412, Ped + Bike Paths.	No	Staff respectfully disagrees.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-1609	Security Fencing	Ashley Werner	Prohibit barbed wire where it abuts R *and where it would be visible from any street, public open space, recreation area, or R where a R is located within 1k ft.*	Yes	Security fencing in Industrial Districts has been restricted further, although not exactly as requested.
15-1610	Electric Fences	Ashley Werner	Electric fences should only allowed in Industrial land that does not 1) share a common property line with R, 2) has a caretaker's unit. Do not allow in along the front perimeter of a site located within 1k ft. of R.	No	Staff respectfully disagrees.
15-1611	Screening of Mechanical and Electrical Equipment	Don Pickett	Exclude buildings not facing a major st. or adjoining R from screening requirements	Yes	Change has been made.
15-1611	Screening of Mechanical and Electrical Equipment	Don Pickett	Apply screening of fire ladders, sprinkler risers only to parcels facing a major street. Allow them to not be visible from the street.	Yes	These requiremets only apply to major streets.
15-1613	Outdoor Service Yards and Storage	Don Pickett	Remove Public Works determination from surfacing decision	No	Staff respectfully disagrees.
15-1613	Outdoor Service Yards and Storage	Don Pickett	Allow walls/fences in required setback	No	Staff respectfully disagrees.
15-1613	Outdoor Service Yards and Storage	Don Pickett	Allow outdoor storage as the primary use.	Yes	Allowed in IL and IH zones.
Article 17 Concept Plans					
Article 17 Concept Plans		Darius Assemi	Delete the Concept Plan Requirement.	No	This would conflict with the General Plan. However, this section has been moved to the annexation and pre-zoning section, simplified, and reduced in scope.
15-1701	Purpose	District 6 Implementation Committee	Do not allow reduced street widths.	No	Street widths are part of the Public Works standards, not the Development Code.
15-1701	Purpose	Mike Prandini	Delete the Concept Plan Requirement.	No	This would conflict with the General Plan. However, this section has been moved to the annexation and pre-zoning section, simplified, and reduced in scope.
15-1702	Applicability	Mike Prandini	Substitute "shall" for "may" (to "concept plan[s]…may be prepared…"	No	This change would conflict with the General Plan.
15-1703	Preparation	Ashley Werner	Make language clear that the property owner and/or developer will commission the concept plan (not the City)	Yes	This change has been made.
15-1704	Land Use Mix and Distribution	Ashley Werner	Increase min. res from 20 to 30% be 5k sq. ft. or smaller detached, or townhouse or residential multifamily units. Add that 20% be RM. Delete exception that Council can lower if there's no conflict with the General Plan	No	Land use forumulas have changed, and will be effectuated though a concurrent General Plan amendment.
15-1706	Public Infrastructure Financing	Ashley Werner	Add that funding mechanisms for development be done in accordance with General Plan policy ED-5-b and other applicable policies	Yes	Added to Annexation Criteria in Section 15-6104.
15-1710	Required Findings	Ashley Werner	Add that approval supports the City meeting housing needs for all economic segments and with RHNA, etc.	No	Staff respectfully disagrees.
15-1711	Conditions	Ashley Werner	Add that the proposal will create housing opportunities for all economic segments	No	Staff respectfully disagrees.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
Article 19 Landscape					
Article 19 Landscape		Dianne Dalich	Ban turf and require drought-tolerant plants in new developments	Yes	Turf is not banned, but many drought-friendliness measures have been added.
Article 19 Landscape		Peter Truong	Ban turf and only allow drought-tolerant landscaping with drip irrigation	No	Staff respectfully disagrees, but many drought-friendliness measures have been added, including greter allowances for artifical turn and other non-turf materials, and reduced requirements for landscaped setbacks in some areas.
Article 19 Landscape		Peter Truong	Encourage/authorize rainwater collection systems for home use	No	This is not a Development Code issue. See California Plumbing Code Ch.17
15-1901	Purpose	District 6 Implementation Committee	Plan long-term for drought conditions.	Yes	Many drought-friendliness measure have been added.
15-1902	Applicability	District 6 Implementation Committee	Currently, there is no requirement for a homeowner to submit a landscape plan to the City for installation of a new landscape. Who at the City will review these plans and inspect the installation? What will the permit fees be?	Yes	Section 15-1902 (now section 15-1903) has been revised to be less onerous on new first time installed landscapes and re-landscaping of less than 500 square feet which is helpful to the homeowner if they install the landscaping on their own rather than the developer.
15-1903	Landscape Plans	District 6 Implementation Committee	Do not allow water features.	No	Water features are allowed with recycled water only.
15-1904	Areas to be Landscaped	District 6 Implementation Committee	Only allow water-wise landscaping for City projects and new development. Encourage desert landscaping for new commercial projects, less live turf, more desert plants and more hardscaping (rocks).	Yes	All projects are allowed to install water-wise and/or drought-tolerant landscaping which is condusive to the Fresno Climate and the City's water conservation needs. In Section 15-1907.A.1.c, the amount of hardscaping including rocks was increased from 25% to 35% of the overall landscape area. In Section 15-907 A.3, the types of uses allowed to have synthetic lawns was increased from four uses to all uses.
15-1904	Areas to be Landscaped	District 6 Implementation Committee	Medians should be planted with low-water/maintenance plants, river rocks, artificial turf, etc.	No	Medians are not a Development Code issue, but are handled by the Public Works Department.
15-1904	Landscape Plans	Don Pickett	Allow non-architects (incl. master gardeners) to develop landscape plans.	Yes	This change has been made.
15-1905	Landscape Design Standards	Don Pickett	Too subjective for staff personalities and will delay projects needlessly.	Yes	Language has been revised.
15-1906	General Landscaping Standards	District 6 Implementation Committee	Allow landscaped area to be up to 75% paved or gravel.	Yes	This allowance has been increased to 35%.
15-1906	General Landscaping Standards	Don Pickett	Allow synthetic lawns in Commercial and Employment zones.	Yes	Revised language to allow with all uses.
15-1906	General Landscaping Standards	Don Pickett	Do not designate minimum gallon container sizes for shrubs.	No	No change necessary; this is not an uncommon requirement.
15-1906	General Landscaping Standards	Don Pickett	15% min. 24-inch box trees is totally unreasonable.	No	No change necessary; this is not an uncommon requirement
15-1906	General Landscaping Standards	Don Pickett	Landscaping mound with toe located min. 12 ft. from top is unnecessary limit.	Yes	Removed language.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-1906	General Landscaping Standards	Don Pickett	Decrease min. horizontal dimension of landscaped area from 5 ft. to 4.5.	No	Staff respectfully disagrees. 2 ft car overhang plus 3' minium for plant area. Clovis requires 10'.
15-1907	Trees	District 6 Implementation Committee	The heritage tree designation/removal process is too burdensome and likely won't be enforced.	No	The proposed process matches Clovis' successful program.
15-1907	Trees	Mike Prandini	Require only 1 tree per res. lot.	No	The new Code's requirement is the same as the current requirement.
15-1909	Maintenance	District 6 Implementation Committee	Someone needs to be held accountable for City's water waste.	No	This is not a Development Code issue.
Article 20 Parking and Loading					
Article 20 Parking and Loading		Brad Greenbury	Parking stalls should be smaller.	No	The Code defers to Public Works Standards. In many cases, however, this Code reduces the number of stalls required.
15-2008	Required Parking, Other Districts	Rick Whitaker	Must provide 2 parking spots for a two bedrooms house. Current Code has 1.	No	New requirements will be the same as the current requirements.
15-2009	Maximum Number of Spaces Allowed	Brad Greenbury	Maximum parking cap is too lenient and should be smaller.	No	Staff respectfully disagrees.
15-2015	Parking Area Design and Development Standards	District 6 Implementation Committee	Will one EV charging station per 250 stalls be enough? How will formula be applied to multiple parcels?	No	Requirement is sufficient. No change necessary.
15-2016	Driveways	Don Pickett	Will parcels less than two acres only be allowed one driveway?	Yes	Less than two acres = one driveway. This has been clarified.
15-2016	Driveways	Don Pickett	Allow driveways to any street, rather than just the lowest volume.	No	Staff respectfully disagrees.
15-2016	Driveways	Don Pickett	List driveway lengths that would be determined by City Engineer and Fire.	No	See Public Works standards.
15-2017	Parking Lot Access	Don Pickett	Don't require cross-access easements.	Yes	Requirement will remain for areas with long blocks, disconnected streets, and no sidewalks--but will be removed for connected areas with sidewalks and short blocks.
15-2017	Parking Lot Access	Don Pickett	Allow parking spaces to be located within 20 ft. of an access drive.	No	Staff respectfully disagrees. This change could create traffic backups on the street.
15-2017	Parking Lot Access	Don Pickett	Exempt Industrial from 100 ft. driveway lengths	Yes	Does not apply to industrial.
15-2017	Parking Lot Access	Don Pickett	List the parking space and maneuvering dimensions	No	See Public Works standards.
15-2018	Parking Lot Surface, Striping, and Curbs	Don Pickett	Allow 3 ft. of landscape in front of parking space instead of 2 ft.	No	Staff respectfully disagrees.
15-2018	Parking Lot Surface, Striping, and Curbs	Don Pickett	List standards for parking abutting walls	No	See Public Works standards.
15-2019	Parking Lot Lighting	Don Pickett	Do wall lights count for parking lot lighting	Yes	Wall lights count.
15-2020	Parking Lot Landscaping	Don Pickett	Explain Heat Island reduction measures	Yes	This requirement shall not apply to truck loading and parking areas within Employment Districts.
15-2021	Number of Trees Required in Parking Lot	Brad Greenbury	Do not give full credit to trees on N end as they won't shade	No	Staff respectfully disagrees.
15-2021	Number of Trees Required in Parking Lot	Brad Greenbury	Increase min. planter sizes to accommodate proper tree growth	No	Staff respectfully disagrees. This could cause large parking lots to get larger.
15-2020	Parking Lot Landscaping	Don Pickett	Allow 3 ft. of landscape in front of parking space instead of 2 ft.	No	Staff respectfully disagrees.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-2027	Shopping Cart Collection Areas	District 6 Implementation Committee	Shopping carts for big stores should be equipped with auto wheel locks.	No	Article 31 of Chapter 9 of the Fresno Municipal Code requires shopping cart containment systems.
15-2028	Bicycle Parking	Don Pickett	Increase requirement for shower/change room from 20k sq. ft. to 40k sq. ft.	No	Staff respectfully disagrees.
15-2028	Bicycle Parking	John Cinatl	Require good bike racks (not wave)	Yes	This change has been made.
15-2028	Bicycle Parking	John Cinatl	Require use of APBP Bike Parking Guide	No	Staff respectfully disagrees.
15-2028	Bicycle Parking	John Cinatl	Delete shower/change room requirements and instead use APBP standards	No	Staff respectfully disagrees.
15-2028	Bicycle Parking	Nick Paladino	Add language to ensure proper bike racks are installed	Yes	This change has been made.
15-2028	Bicycle Parking	Nick Paladino	Copy better language regarding racks from long-term to short-term section	Yes	This change has been made.
15-2028	Bicycle Parking	Nick Paladino	Copy better language regarding maneuvering from long to short-term section	Yes	This change has been made.
15-2029	On-Site Loading	Ashley Werner	Apply regulations to loading bay on any non-res district (not just commercial) that's within 300 ft. (not just abuts) a R district.	No	Staff respectfully disagrees. Most residential would be built to trigger these requirements anyway.
Article 21 Performance Standards					
15-2106	Noise	Mike Prandini	Change noise standards to 65 decibels	Yes	Noise section has been revised to be consistent with the General Plan and Master Environmental Impact Report.
15-2106	Noise	Andrea Riley	Garbage collection activities in residential zones should not be exempt from noise requirements.	No	Municipal garbage collection is exempt.
15-2110	Odors	Ashley Werner	Specify that gas emissions from vehicles are exempt.	No	No change is necessary.
Article 22 Signs					
15-2201	Purpose	Richard Fairbank	Will a repair or revamp to old sign force compliance with new code?	No	Changing the copy (ie the name of the business) will not trigger full compliance. A significant redesign of the sign will need to be done in compliance with the Code.
15-2201	Purpose	Richard Fairbank	Don't limit the number of signs per street frontage	No	Staff respectfully disagrees.
15-2203	Exempt Signs	Mike Prandini	Add entry monument signs for subdivisions	No	Staff respectfully disagrees.
15-2203	Exempt Signs	Mike Prandini	Exempt subdivision location/marketing signs located off-site on private property	No	Staff respectfully disagrees.
15-2203	Exempt Signs	Mike Prandini	Exempt regulatory signs	No	Staff respectfully disagrees.
15-2209	Standards for Signs by District	Don Pickett	Allow total max sign area from .5 per linear ft. to 1	Yes	This change has been made.
15-2212	Political Signs	District 6 Implementation Committee	City should restrict political signs.	No	Conflicts with recent case law. However, there are restrictions on "snipe" signs.
15-2223	Prohibited Signs	District 6 Implementation Committee	Allow flashing/moving neon away from residential	No	This will be considered for the Downtown Code.
Article 23 Standards for Specific Uses and Activities					
Article 23 Standards for Specific Us		Ashley Werner	Allow Emergency Shelters in additional zone districts (currently in some C, E, and P)	Yes	Removed from IH. Also added to added to RMX, which provides access to transit, jobs, and services.
Article 23 Standards for Specific Us		Brandon Broussard	Allow microbreweries that sell their own product without a Conditional Use Permit	No	Inconsistent with how we deal with similar businesses.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
Article 23	Standards for Specific Us	Genoveva Islas	Offer extra incentives for Healthy Food Grocers (i.e. exempt parking requirements)	Yes	Parking requirement has been reduced by more than half.
Article 23	Standards for Specific Us	Genoveva Islas	Require Conditional Use Permit where there's 2+ convenience restaurants in 1/2 mile radius	No	Staff respectfully disagrees.
Article 23	Standards for Specific Us	Genoveva Islas	Establish moratorium on fast-food, liquor stores, and convenience stores	No	Staff respectfully disagrees, however there are additional regulations for liquor stores.
Article 23	Standards for Specific Us	Dirk Poeschel	Require an event permit for entertainment and recreation uses	No	Staff respectfully disagrees.
Article 23	Standards for Specific Us	Dirk Poeschel	Require a 1,000 ft. notice for special events.	No	Staff respectfully disagrees.
Article 23	Standards for Specific Us	Dirk Poeschel	Don't allow band stands, stages, etc. at special events.	No	Staff respectfully disagrees.
Article 23	Standards for Specific Us	Dirk Poeschel	Confine amplified music to within a shopping center for special events.	No	Staff respectfully disagrees.
Article 23	Standards for Specific Us	Dirk Poeschel	Events Lighting should be hooded and directed downward	Yes	This change has been made.
Article 23	Standards for Specific Us	Dirk Poeschel	Annual festivals, etc. should require a Conditional Use Permit, management, noise monitoring, traffic control, mitigation.	No	Special events require a Temporary Use Permit.
15-2303	Accessory Uses	Ashley Werner	Revise accessory use language and clarify that accessory uses may not affect other properties in the district.	No	Staff respectfully disagrees with proposed changes.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Add that exceptions to landscaping requirements must be for good cause.	No	Some exceptions allowed.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Increase signage restrictions from 250 ft. to 1k ft. and add from residence to list of sensitive uses	No	No change is necessary.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Add that additional security measures be implemented at the request of the Mayor or Councilmember whose district the project is in.	Yes	Section 2706-Q allows for additional security measures.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Increase location restrictions from 500 ft. to 1k ft. from any R, school, park, library…	No	No change is necessary.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Delete allowing a group of 4 or less within a 1k ft. radius of same use to prohibit 1 be located within a 1k ft. radius	No	No change is necessary.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Reword from no conditions existing to no activities associated with the establishment's presence has lead to harmful externalities.	No	No change is necessary.
15-2307	Alcohol Sales (Off-Site Sales)	Ashley Werner	Apply the Deemed Approved performance standards to all establishments	No	Staff respectfully disagrees.
15-2308	Animal Keeping	District 6 Implementation Committee	Do not allow bee keeping in residential areas.	Yes	Bee keeping is now prohibited in Residential Districts except as a temporary use in the RE and RS-1 districts.
15-2311	Automobile/Vehicle Service and Repair, Major and Minor	Ashley Werner	Include buffers and performance standards to mitigate impacts on sensitive uses.	No	Staff respectfully disagrees.
15-2311	Automobile/Vehicle Service and Repair, Major and Minor	Ashley Werner	Increase spray/paint booth requirement distance from R from 100 ft. to something greater	No	Staff respectfully disagrees.
15-2312	Automobile/Vehicle Washing	District 6 Implementation Committee	Car washes should be required to use a min. % of recycled water	No	This is regulated by the State of California.
15-2315	Body Preparation and Funeral Services	Don Pickett	Allow this use in IL	No	Staff respectfully disagrees.
15-2316	Check Cashing Businesses and Payday Lenders	Ashley Werner	Examine if we can do more to ensure that they don't engage in unfair lending practices, etc.	No	This is not a Development Code issue.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-2318	Commercial Truck Storage	Don Pickett	Allow chain link along major streets	No	Staff respectfully disagrees.
15-2327	Development of Former Landfill Sites and Hazardous Sites	Ashley Werner	Add language to ensure that no future development on landfills is done without evidence proving there will not be negative health impacts	No	Added language to clarify applicant must follow state and federal regulations.
15-2328	Drive-In and Drive-Through Facilities	Sam Monaco	Lower or delete 400 ft. distance requirement between drive-throughs in CH	Yes	CH exempted.
15-2330	Farmer's Markets	Arakel Arisian	Allow farmer's markets in RM, C, MX, E, PSP, and PD districts	Yes	Already allowed in C, MX, E, PSP. Expanded to be allowed on streets in MX zones, and on non-residential property in residential zones.
15-2330	Farmer's Markets	Genoveva Islas	Code's definition not aligned to CA's Certified Market Standards	No	Staff respectfully disagrees.
15-2330	Farmer's Markets	Genoveva Islas	Code should require markets to accept SNAP	No	Staff respectfully disagrees.
15-2330	Farmer's Markets	Genoveva Islas	Create definitions that would allow joint use w/schools/churches	Yes	Farmer's markets can be held on church or school property.
15-2332	Hazardous Waste Management Facilities	Ashley Werner	The Code should include a Water Quality analysis	No	Staff respectfully disagrees.
15-2332	Hazardous Waste Management Facilities	Ashley Werner	The Code should incorporate a provision to prevent a concentration in any area of the City	No	No change is necessary.
15-2333	Hazardous Waste Management Facilities	Ashley Werner	Applications should include a maps provided by the City that identifies all existing facilities.	No	No change is necessary.
15-2340	Mobile Vendors	Arakel Arisian	Allow food trucks in RM, C, MX, E, PSP, and PD districts	Yes	Already allowed in C, MX, E. Expanded to be allowed on streets in non-residential ones, and on non-residential property in residential zones.
15-2340	Mobile Vendors	Genoveva Islas	Code should encourage the sale of produce from mobile vendors	Yes	This language is not used, but mobile vendor regulations have been improved.
15-2340	Mobile Vendors	Genoveva Islas	Produce vendors should be exempt from moving every two hours	Yes	In non-residential districts mobile vendors can stay for 4 hours.
15-2340	Mobile Vendors	Genoveva Islas	Limit non-produce vendors from selling near schools	Yes	This change has been made.
15-2340	Mobile Vendors	Genoveva Islas	Allow schools, churches, etc. to operate a community kitchen	Yes	This is not prohibited.
15-2340	Mobile Vendors	Genoveva Islas	Mobile vendors should be allowed in more zones.	Yes	Mobile vendors are allowed in more zones.
15-2340	Mobile Vendors	Genoveva Islas	Mobile vendors need more time to be in one place.	Yes	In non-residential districts mobile vendors can stay for 4 hours.
15-2340	Mobile Vendors	Genoveva Islas	Wants support from the health department	No	This is not a Development Code issue.
15-2340	Mobile Vendors	Genoveva Islas	Allow vending near schools and clinics.	Yes	This language is not used, but mobile vendor regulations have been improved.
15-2340	Mobile Vendors	Genoveva Islas	Allow operation in Residential	Yes	This is allowed in limited circumstances.
15-2340	Mobile Vendors	Genoveva Islas	Give information on permits and where to obtain them	No	This is not a Development Code issue.
15-2350	Recycling Facilities	Ashley Werner	Clarify that "processing" does not include animal processing	Yes	Definitions have been clarified.
15-2350	Recycling Facilities	Sue Williams	Don't grandfather existing, but give transition period to relocate	No	Uses that were established lawfully will be allowed to remain.
15-2351	Restaurants with Alcohol Sales, Bars, and Nightclubs	Sue Williams	requirement 100 ft. away from R and by monitored by cameras or on-site security. Also include neighborhood meeting and approval by PC regardless of location. Explain how public redress of Conditional Use Permit can occur	No	Staff respectfully disagrees.
Article 24	**General Provisions**				
15-2401	Introductory Provisions	Ashley Werner	Add language that the purpose provides for the creation of housing opportunities for all economic and special needs segments.	No	No change is necessary.
Article 26	**Tentative Parcel and Tentative Map Filing and Processing**				

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-2604	Pre-Application Consultation	Mike Prandini	Add language to clarify that items such as open space, connectivity, etc. will be discussed but not required at the pre-application consultation.	Yes	This has been clarified.
15-2607	Referrals and Review	Ashley Werner	Add language to refer to people who have requested to receive notice regarding applications at that location or in that Council District.	No	This is not a Development Code issue.
15-2607	Referrals and Review	Ashley Werner	Add that referral should go to Public Works and Groundwater Sustainability Agencies.	No	This change is not necessary.
15-2609	Tentative Map Decision	Ashley Werner	Add to PC consideration list, comments received at SRC and written comments	Yes	Written and verbal testimony added.
15-2610	Required Findings for Tentative Parcel Maps and Tentative Maps	Ashley Werner	Delete requirement that water is sufficient to serve a subdivision with more than 500 units and add requirement that the applicant has demonstrated that there is enough water/facilities for the next 100 years.	No	Staff respectfully disagrees. City defers to the Map Act.
15-2610	Required Findings for Tentative Parcel Maps and Tentative Maps	Ashley Werner	Add requirement that the project incorporates all feasible measures to mitigate impact on water supply.	No	No change is necessary.
15-2610	Required Findings for Tentative Parcel Maps and Tentative Maps	Ashley Werner	Add requirement that the project will be consistent with groundwater management plans and contribute to achieving groundwater sustainability.	No	No change is necessary.
15-2610	Required Findings for Tentative Parcel Maps and Tentative Maps	Ashley Werner	Add requirement that the project will not impact the availability of groundwater from the same or adjacent aquifer to other users	No	No change is necessary.
15-2610	Required Findings for Tentative Parcel Maps and Tentative Maps	Ashley Werner	Add requirement that the project create housing opportunities for all economic segments and support reaching the RHNA	No	No change is necessary.
15-2612	Conditions of Approval	Ashley Werner	Include the reservation of 20% of units for low-income residents and 10% for very-low and extremely-low income residents	No	No change is necessary.
15-2612	Conditions of Approval	Ashley Werner	Add to optional conditions that the project create housing opportunities for all economic segments and further opportunities throughout the City	No	No change is necessary.
15-2614	Applicant Notification	Ashley Werner	Add anyone who has requested to receive notice.	No	This is not a Development Code issue.
Article 27 Vesting Tentative Maps					
Article 27	Vesting Tentative Maps	Darius Assemi	Delete new requirements for filing a vesting map	No	Staff respectfully disagrees.
15-2701	Vesting Tentative Maps	Mike Prandini	Delete new requirements for filing a vesting map (only requirement that "vesting map" be printed on it)	No	Staff respectfully disagrees.
15-2701	Vesting Tentative Maps	Rick Whitaker	The requirement for architecture plans is too early in the process	Yes	This requirement has been removed.
Article 31 Improvements and Security					
15-3104	Installation of Improvements	Laurence Kimura	FID is agreeable to piping impacted canals	No	Comment noted.
Article 32 Common Interest Developments (Condominiums & Conversions)					
15-3201	Purpose	Ashley Werner	Add a list of things that ultimately speak to ensuring adequate maintenance, compliance with state laws, adequate supply of RM, and anti-displacement for low-income and special needs families	No	Staff respectfully disagrees.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-320X	Precondition to Acceptance of Application for Condominium Conversions	Ashley Werner	Add section that stipulates no conversion of residential multifamily can be accepted if vacancy rate for residential multifamily rentals is below 5%	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Add to list: gender of tenants, household income, expiration date of current lease agreements, name/address of head of household and subleaser, whether utilities are included in rent	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Adopt stronger relocation assistance (could include 3 mo. Fair market rent in same neighborhood, payment of moving expenses, etc.)	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Define elderly tenant as 60+ older and include tenants w/disabilities to have lifetime leases (+ anyone w/same traits living with tenant) to have a lifetime lease	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Change that the allowable rate increase not be no more than 8% per year, but instead not exceed 50% of the annual increase in the Consumer Price Index for urban wage earners and clerical workers	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Reserve 20% of units for low-income households and 10% for very/extremely low	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	If sale units are available, developer must demonstrate how units will remain affordable in perpetuity	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	The City or Housing Authority shall screen buyers or renters to ensure conformance	No	Staff respectfully disagrees.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Add requirement that if temp relocation is needed, the applicant shall find equivalent and nearby substitute housing.	Yes	Applicant must not provide this to tendants as part of Notice of Intent to Convert, in Section 15-3909.
15-3204	Required Reports for Condominium Conversions	Ashley Werner	Add a provision that prohibits discrimination against families with minor children in either rental or sale of units	No	No change is necessary.
15-320X	Compliance and Enforcement	Ashley Werner	Add section that explains that the regulations will be enforced subject to XX section and that failing to comply means they are liable in a civil action	No	Staff respectfully disagrees.
15-3209	Notices	Ashley Werner	Add that notice be provided to existing and prospective tenants and subleasers before the application is submitted.	Yes	Reference made to Map Act
15-3209	Notices	Ashley Werner	Add that the notice be printed in all languages known to be spoken by residents	Yes	Reference made to Map Act
15-3209	Notices	Ashley Werner	Add that the notice contain contact info for a City staff person and at least one legal or affordable housing service.	Yes	Information for reloacation support must be provided.
15-3209	Notices	Ashley Werner	Add that the notice contain a complete list of comparable vacant units within 1.5 mile radius of the buildings	Yes	This change has been made.
15-320X	Restriction on Rent Increases	Ashley Werner	Add section that during the pendency of the application, rent is not increased	Yes	This change has been made.
15-3211	Scheduling of Hearing(s)	Ashley Werner	Add to notice of hearings that the City will provide written notice to hearings to each tenant head of household and subleaser	Yes	This change has been made.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-3212	Recommendation and Decision	Ashley Werner	Add to the list that PC considers: written comments received	Yes	Written and verbal testimony will be considered.
15-3213	Findings	Ashley Werner	Add more specific language that the Council shall find that the project will not affordable housing availability, nor affect tenants with special needs, nor be detrimental to health, safety, general welfare	No	Staff respectfully disagrees.
Article 34 Subdivision Design Standards					
Article 34 Subdivision Design Stand		John Cinatl	Use "open cul-de-sacs" and "closed cul-de-sacs" instead of "dead-end streets"	Yes	Cul-de-sac term has been added.
15-3403	Intensity and Location of Uses	Mike Prandini	Don't requirement development to consider adjacent uses in subdivision design	No	This conflicts with General Plan connectivity policy.
15-3405	Blocks	Laurence Kimura	FID does not allow development to front open canals	Yes	The word canal has been removed.
15-3408	Layout and Residential Density	Arakel Arisian	Separate development standards should be provided for projects located along public trails.	No	Staff respectfully disagrees.
15-3408	Layout and Residential Density	Arakel Arisian	Where the Code is not specific, the Director should be allowed to make determinations re: development regarding applicability of requirements	Yes	This Review Authority (Director, Planning Commission, or City Council, depending on the nature of the proposal) is able to make determinations in many instances.
15-3408	Layout and Residential Density	Laurence Kimura	Homes should not front onto a canal	Yes	The word canal has been removed.
15-3408	Layout and Residential Density	Laurence Kimura	Where canals are piped, the area above shall not be integrated into open space unless approved by FID	Yes	This change has been made.
15-3408	Layout and Residential Density	Mike Prandini	Delete subscribed frequency (400 ft.) of ped access points to trails or canals and 10 ft. landscaped setback for walls	No	Staff respectfully disagrees.
15-3409	Circulation Plan	Mike Prandini	Delete requirement that streets, alleys, bike ways, and ped ways form a continuous circulation network with numerous connections within and adjacent to the subdivision	No	This conflicts with General Plan connectivity policy.
15-3409	Circulation Plan	Mike Prandini	Change requirement of quarter mile street (connecting to Major Street) to only requirement if the project size and existing lot pattern allow.	Yes	Connector street has been clarified.
15-3409	Circulation Plan	Mike Prandini	Only require a conceptual plan to link two non-contiguous subdivisions.	No	Staff respectfully disagrees.
15-3409	Circulation Plan	Mike Prandini	Delete requirement that streets be aligned to create a continuous street pattern.	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3409	Circulation Plan	Mike Prandini	Don't restrict the number of cul-de-sacs within a subdivision	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3409	Circulation Plan	Mike Prandini	Allow cul-de-sacs to be 600 ft. long	Yes	Increased to 500 feet, but not to 600 feet as requested.
15-3409	Circulation Plan	Mike Prandini	Delete section (requirement that street crossings to be four-way whenever possible)	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3410	Access Points to Major Streets	Mike Prandini	Delete section (requirement in/egress into subdivision from Major St. at 1:50 res. units.)	Yes	Requirement has been reduced, but not eliminated.
15-3411	Gated Subdivision	Laurence Kimura	FID does not allow ped traffic along canals unless approved by FID	Yes	The word canal has been removed.
15-3411	Gated Subdivision	Mike Prandini	Delete section (ensure bike+ped access is maintained in subdivisions w/private streets)	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3412	Pedestrian and Bicycle Paths	Darius Assemi	Connections between commercial areas and residential neighborhoods should be optional.	No	This would conflict with the General Plan.
15-3412	Pedestrian and Bicycle Paths	Darius Assemi	Sidewalks should be 4 ft., not 5 ft.	No	Staff respectfully disagrees.
15-3412	Pedestrian and Bicycle Paths	Darius Assemi	Access points every 150 ft. or 600 ft. (major st.) should be a goal, not requirement	Yes	The 150 ft. requirement has been removed.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
15-3412	Pedestrian and Bicycle Paths	Genoveva Islas	Provide protected bike lanes	No	This is not a Development Code issue. See Public Works standards.
15-3412	Pedestrian and Bicycle Paths	Genoveva Islas	Provide bike parking on paths	No	This is not a Development Code issue. See Public Works standards.
15-3412	Pedestrian and Bicycle Paths	Mike Prandini	Delete section (requirement ped + bike access from every home to nearest school, park, etc.)	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3412	Pedestrian and Bicycle Paths	Mike Prandini	Delete section (requirement ped access from res. to commercial areas)	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3412	Pedestrian and Bicycle Paths	Mike Prandini	Delete section (requirement ped access through fencing from res. to non-res areas)	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3412	Pedestrian and Bicycle Paths	Mike Prandini	Delete section (ped access frequency)	No	Staff respectfully disagrees. This conflicts with General Plan connectivity policy.
15-3415	Street Design	Darius Assemi	Replace Complete Streets with a flexible Street Cross Section requirement	No	This is not a Development Code issue.
15-3415	Street Design	Darius Assemi	Don't limit or prohibit cul-de-sacs.	No	They are not prohibited, but they are limited in a manner appropriate to the connectivity goals of the General Plan.
15-3415	Street Design	Darius Assemi	Bike and pedestrian connections from cul-de-sacs to adjacent streets and trails should optional.	No	This would conflict with the General Plan.
15-3415	Street Design	Mike Prandini	Don't restrict the number of cul-de-sacs within a subdivision.	No	Staff respectfully disagrees. They are not prohibited, but they are limited in a manner appropriate to the connectivity goals of the General Plan.
15-3415	Street Design	Mike Prandini	Change "dead-end st." to "cul-de-sac."	Yes	Cul-de-sac term has been added.
15-3415	Street Design	Mike Prandini	Change requirement of ped/bike connectivity in cul-de-sacs to neighboring streets/trails to "consider" only if cul-de-sac abuts another street or trail.	No	Staff respectfully disagrees.
15-3415	Street Design	Rick Whitaker	Don't restrict the number of cul-de-sacs within a subdivision.	No	Staff respectfully disagrees. They are not prohibited, but they are limited in a manner appropriate to the connectivity goals of the General Plan.
15-3416	Sidewalks	Darius Assemi	Allow sidewalks on only one side of the street.	No	Staff respectfully disagrees.
15-3416	Sidewalks	Ken Elvington (DAC)	DAC strongly supports requiring sidewalks on both sides of the street.	Yes	Sidewalks are required on both sides.
15-3416	Sidewalks	Mike Prandini	Exempt private streets from requirement of sidewalks on both sides.	Yes	Private streets may be exempted if an alternative pedestrian plan is provided.
15-3417	Street Trees	Mike Prandini	Allow 1 tree per res lot instead of one per every 30 ft. (and 2 per lot).	Yes	This has been clarified.
15-3418	Street Lighting	Genoveva Islas	Incorporate Crime Prevention through Environmental Design strategies.	No	This will be considered on a case-by-case basis.
15-3419	Parks and Playgrounds	Darius Assemi	The requirement that 60% of park should abut a street should be a goal, not mandatory.	No	Staff respectfully disagrees.
15-3419	Parks and Playgrounds	Genoveva Islas	Include bike parking in parks	No	This is not a Development Code issue.
15-3419	Parks and Playgrounds	Mike Prandini	Allow exception to requirement that 60% of park abut a street if it does not affect the design of the subdivision.	No	Staff respectfully disagrees.
15-3421	Underground Utilities	Mike Prandini	Allow exception to requirement that all existing utilities be undergrounded if the utility objects.	No	Staff respectfully disagrees.
Article 35	**Lot Line Adjustments, Mergers, and Reversions**				
15-3503	Voluntary Parcel Mergers	Mike Prandini	Delete requirement that a lot line adjustment not be effective until checked by the County Surveyor and recorded by the County Recorder	No	Staff respectfully disagrees.
Article 38	**Surveys and Monuments**				
15-3803	Monument Locations	Mike Prandini	Clarify addressed monument locations and allow flexibility in placing them	No	No change necessary.
Article 39	**Planning Authorities**				

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
Article 39	**Planning Authorities**	Ashley Werner	Carry over FMC 12-611, rules etc. relating to Implementation Committees	Yes	This language has been added to Section 15-4906. The committees will not be called Council District Project Review Committees to reflect broader focus.
Article 40	**Common Procedures**				
15-4007	Public Notice	Ashley Werner	Provide that all people who request info receive notice on entitlement applications for a certain property, district, or use	No	This is not a Development Code issue.
15-4007	Public Notice	Ashley Werner	Establish an easy public tracking system for permits, etc.	No	This is not a Development Code issue.
15-4007	Public Notice	Ashley Werner	Specify that the Implementation Committees shall receive notice for applications in their district	Yes	This language has been added to Section 15-4906. The committees will not be called Council District Project Review Committees to reflect broader focus.
15-4018	Appeals	Ashley Werner	Where an action does not include public notice, extend time period for an appeal	No	No change is necessary.
Article 42	**Site Plan**				
15-4207	Required Findings	Ashley Werner	Add to findings that the project will not contribute negative, disproportionate impact to lower-income communities or protected classes.	No	No change is necessary.
Article 43	**Conditional Use Permits**				
15-4306	Required Findings	Ashley Werner	"The proposed use will not be substantially adverse to public health, safety, or general welfare…" Delete "substantially"	No	No change is necessary.
15-4306	Required Findings	Ashley Werner	"The proposed use will not be substantially adverse to public health, safety, or general welfare…" Delete "substantially"	No	No change is necessary.
15-4306	Required Findings	Ashley Werner	Add to findings that the project will not contribute negative, disproportionate impact to lower-income communities or protected classes.	No	No change is necessary.
Article 48	**Amendments to Development Code Text, Rezones, and Plan Amendments**				
15-4806	Review Procedures and Public Notice	Ashley Werner	Add that staff reports include comments from Implementation Committees, minutes from community meetings, and any other submitted comments	No	No change is necessary.
15-4807	Committee Review	Ashley Werner	Revise to state that PC nor CC shall conduct a public meeting until all implementation committees that must review have done so	No	No change is necessary.
15-4812	Criteria for Rezones and Plan Amendments	Ashley Werner	Include that the change will not adversely impact the City's ability to provide public services (unless it benefits disadvantage neighborhoods), the RHNA, fair housing, or affordable housing opportunities	No	No change is necessary.
Article 49	**Planned Developments**				
15-4904	Regulations	Dirk Poeschel	Allow rearranging of densities to any land within a Planned Development without processing a formal rezoning.	No	Staff respectfully disagrees.
15-4904	Regulations	Dirk Poeschel	Allow rearranging of zoning to any land within a Planned Development without processing a formal rezoning.	No	Staff respectfully disagrees.
15-4905	Required Findings	Ashley Werner	Add requirement for PDs to support RHNA and pay their fair share for facilities + services.	No	No change is necessary.
15-4906	Conditions of Approval	Ashley Werner	Authorize PC and Director to impose conditions to support provision of affordable and special needs housing	No	No change is necessary.

Section (March Draft)	Section Name (March Draft)	Commenter	Synopsis of Comment	Final Draft Reflects Comment?	Staff Explanation
Article 51	**Pre-Zoning and Annexation Procedure**				
15-5104	Annexation Criteria	Darius Assemi	Do not require financial guarantees for annexation plans	No	Staff respectfully disagrees. This change would conflict with General Plan policy.
15-5104	Annexation Criteria	Ashley Werner	Exempt DUCs from annexation requirements (financial guarantee, performance requirements, needed infrastructure)	No	Staff respectfully disagrees.
15-5105	Effective Date of Zoning and Time Limit	Darius Assemi	Clarify this section	Yes	This section has been clarified.
Article 53	**Enforcement**				
Article 53	Enforcement	Ashley Werner	Add language from FMC 12-411.c "Standing to sue. Any resident or property owner in the city and any resident or property owner within one mile of the city limits shall have standing to obtain a mandatory prohibitory injunction to prevent the violation of this Development Code."	Yes	This language has been added.
Article 54	**Use Classifications**				
15-5405	Industrial	Ashley Werner	Add to definition of "General Industrial" that it does not include rendering.	Yes	This change has been made.
15-5405	Industrial	Ashley Werner	Add to "Intensive Industrial" that it does include rendering.	Yes	Rendering is now a separate use classification.
15-5405	Industrial	Ashley Werner	Add to definition of "Recycling Facilities" that it does not include "recycling" of animal parts	Yes	This change has been made.
15-5406	Industrial	Ashley Werner	The definition for "Waste Transfer Facility" should include private entities.	Yes	This change has been made.
15-5407	Agricultural and Extractive	Ashley Werner	Add a separate use for "Rendering"	Yes	This change has been made.
15-5407	Agricultural and Extractive	Ashley Werner	Add to definition of "Agricultural Support Services" that it does not include rendering or transport of dead animals or by-products.	Yes	This change has been made.
Article 55	**Terms and Definitions**				
15-5502	Definitions	Mike Prandini	Alter the definition of net density.	Yes	Definition of density has not been changed, but lot sizes have been adjusted to reflect net density measurements.

Exhibit I:
Part C: Comment Letters

City of Fresno Development Code - Public Review Draft
Index of Commenters

Page #	Organization	Title	First Name	Last Name	Date Received
1	Arisian Group		Arakel	Arisian	6/1/15
5	Granville Homes	President	Darius	Assemi	6/1/15
15	Yamabe & Horn Engineering, Inc.		Brandon A.	Broussard	4/14/15, 5/29/15
23	Caltrans District 6	Bicycle Coordinator - Retired	John F.	Cinatl	5/4/15
25			Dianne	Dalich	5/1/15
26	District 6 Implementation Committee		District 6 Implementation Committee		6/1/15
34	Disability Advisory Commission		Ken	Elvington	5/27/15
37	Zinkin Development		Richard	Fairbank	5/29/15
39			Brad	Greenbury	4/16/15, 5/13/15, 6/1/15
98	Cultiva la Salud	Program Director	Genoveva	Islas, MPH	6/1/15
104	Fresno Irrigation District	Chief Engineer - Special Projects	Laurence	Kimura, P.E.	6/1/15
106			Hector	Laguna	5/24/15
107	Harvest Power	Senior Vice President - West	Sam	Monaco	5/1/15
111			Mehmet	Noyan	5/29/15
112			Nick	Paladino	5/20/15
113	Fluoresco Services, LLC		Joanne	Parvin	4/15/15
114			Don	Pickett	5/6/15
136			Dirk	Poeschel*	5/5/15
142			Dirk	Poeschel*	6/1/15
144			Dirk	Poeschel*	6/1/15
146	Building Industry Association of Fresno/Madera	President and CEO	Mike	Prandini	5/29/15

Page #	Organization	Title	First Name	Last Name	Date Received
155			Andrea	Riley	4/17/15, 4/30/15, 5/1/15
163			Bill	Robinson	5/29/15
165			Peter	Truong	4/23/15
166			Steve	Weil	5/6/15
168	Leadership Counsel for Justice and Accountability on behalf of Concerned Citizens of West Fresno (CCWF)	Attorney	Ashley	Werner	6/1/15
174	Leadership Counsel for Justice and Accountability (LCJA)	Attorney	Ashley	Werner	6/1/15
206	Benchmark Communities	Regional Vice President of Construction	Rick	Whitaker	5/15/15, 5/18/15
211	Sunnsyside Property Owners Association	Corresponding Secretary	Sue	Williams	5/17/15, 6/1/15
214	Gresham Savage, representing Electric Guard Dog		Alicen	Wong	7/28/15

* Representing multiple clients

ARISIAN GROUP

389 Clovis Avenue, Ste.200
Clovis CA 93612
559-797-4359
559-260-2070

June 1, 2015

City of Fresno, DARM Department
Dan Zack
Re: Development Code Update
2600 Fresno Street
Fresno, CA 93721

Re: Comments on Proposed Citywide Development Code Update

Dear Dan,

Thank you for the opportunity to provide comments on the proposed Fresno Development Code update. I am working with a number of property owners and development entities in the City of Fresno and would like to provide our comments to the proposed code.

Comments related to Article 7 - Residential Multifamily Districts (MF)

1. Section 15-704 A2 – Setbacks.
    a. Clarify the intent and interpretation of the front setback – how is it applied when multifamily units are facing the rear of single family residential?
    b. Consider reducing the front setback to 30 feet and rear setback to 20 feet, as the additional setback requirement may create unusable areas and/or increase water usage. One alternative is to offer reduced setback requirements if lower density multifamily units (e.g. townhomes) are placed adjacent to single family.
    c. Clarify if enclosed patios are included in the setback requirements.

2. Section 15-704 C – Parking.
    a. Consider including "other alternative exceptions to the parking setback will be allowed as approved by the Development Director" for the 30 foot setback.
    b. For Section 15-704 C4e
        i. Clarify that this section only applies to carports?
        ii. Consider increasing the uninterrupted parking spaces to 10 spaces, so long as landscape pockets are provided between stalls.

3. Section 15-705 C2 Window Design.
    a. The proposed vertical proportions may have the unintended consequence of significantly limiting window sizes and styles that can be used – consider rewording to allow for appropriate flexibility.

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4. Table 15-705-F Facades.
    a. Reduce the minimum depths on all façade elements to 3 feet minimum, as minimums of greater depth may require extra structural reinforcement and/or unwanted columns.

Comments related to Article 8 – Mixed-Use Districts (MX)

5. Mixed-Use Districts – Definitions
    a. Clarify the definition of "automobile-oriented uses" as expressed in the definition of the mixed-use districts.
        i. Ensure that the definition does NOT include drive-thru's, which may be required by certain desirable tenants (e.g. banks, pharmacies, and coffee shops). This is particularly true for the CMX Corridor/Center Mixed-Use, which by nature will be locations appropriate for such tenants.

6. Table 15-803 Density, Intensity, and Massing Standards
    a. Clarify that densities can be averaged between various product types to achieve the target density range.
    b. Consider allowing for reduced minimum frontage coverage (%) for multifamily residential uses, as compared to commercial uses.
        i. Reduce the proposed minimum requirements by 10-20%.
    c. Clarify that the minimum on-site open space standards apply equally to all land uses within a mixed–use district.

7. Section 15-804 Site Design Development Standards
    a. 15-804B RS Transition
        i. Same as Comment #1 above.
        ii. Section B3 – Reduce the landscape planting minimum to 5 feet in width where multifamily uses abut single family residential.
    b. 15-804C – allow for buildings to be located further than 5 feet if the area is being activated by other uses (e.g. patios, plazas, gardens).
    c. 15-804D – same as comment #2a

8. Section 15-805 C Window Design.
    a. C2 – Ground Floor Commercial Transparency
        i. Confirm if this requirement is applied to each building individually or to a project collectively.
        ii. Consider allowing a reduction from the 60% with Development Director approval – window requirements are tenant specific in nature.
    b. Section 15-805 C continued: C3 – Same as comment #3

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9. Table 15-805 – D Façades.
    a. Same as comment #4.

Comments related to Article 10 – Employment Districts (E)

10. Table 15-1002: Land Use Regulations
    a. Include entertainment and recreation uses in the allowed uses, particularly for the Business Park zone district.

11. Table 15-1003-2: Building Form and Location Standards
    a. Consider allowing building heights above the maximum, subject to a conditional use permit.

General Comments

12. Food trucks – allow food trucks in all residential multi-family, commercial, mixed-use, employment, public and semi-public, and planned development districts.

13. Farmers markets - allow farmers markets in all residential multi-family, commercial, mixed-use, employment, public and semi-public, and planned development districts.

14. Development along trails and easements
    a. Separate development standards should be provided for projects located along public trails. We request to be part of this process and be allowed time to review any proposed regulations for development along trails and other easements.
    b. In cases where specificity regarding development adjacent to trails is not provided, the Development Director should have the discretion to make the appropriate determinations regarding applicability of the code.

Thank you for the opportunity to comment and be a part of the development code update process. We are available to provide additional details and/or clarification on our comments and look forward to the opportunity to discuss these comments in person.

Sincerely,

Arakel A. Arisian
Arisian Group

From:	Arakel Arisian
To:	Codecomments
Cc:	Daniel Zack; Leland Parnagian (leland@fowlerpacking.com); Ricchiuti, Vincent (vincent@prfarms.com); ross@fowlerpacking.com; Trai Her
Subject:	RE: Comments on the proposed development code
Date:	Monday, June 01, 2015 5:00:14 PM

Hello,

Please include an additional comment on 15-804 B2b. We would like you to consider reducing the interior side and rear setback to 10 feet for areas where multifamily is adjacent to single family residential.

Thanks,
Arakel

Arakel A. Arisian
AICP, LEED AP
Arisian Group
389 Clovis Avenue, Ste. 200
Clovis CA 93612
Office: 559-797-4359
Mobile: 559-260-2070

http://www.arisiangroup.com

From: Arakel Arisian
Sent: Monday, June 01, 2015 4:55 PM
To: 'codecomments@fresno.gov'
Cc: Daniel Zack; Leland Parnagian (leland@fowlerpacking.com); Ricchiuti, Vincent (vincent@prfarms.com); ross@fowlerpacking.com; 'Trai Her'
Subject: Comments on the proposed development code

Hello,

Please find attached my comments to the proposed development code.

Thank you,
Arakel

Arakel A. Arisian
AICP, LEED AP
Arisian Group
389 Clovis Avenue, Ste. 200
Clovis CA 93612
Office: 559-797-4359
Mobile: 559-260-2070

June 1, 2015

Daniel Zack
Assistant Director
Development and Resource Management Department
2600 Fresno St., Rm. 3076
Fresno, CA 93721

Re: Comments on 2015 Draft Development Code

Mr. Zack:

Thank you for the opportunity to comment on the public review draft of the proposed 2015 Citywide Development Code (the proposed Development Code). Below please find a list of Granville Homes' concerns, followed by a list of comments and recommendations on specific sections of the proposed Development Code. Granville Homes will provide further comments on the proposed Development Code once the city-wide rezone map is released to the public.

Should you need any additional information, please contact me, Jeff Roberts, or Claudia Cazares at (559) 436-0900.

Sincerely,

Darius Assemi
President

Address: 1396 West Herndon Avenue, Suite 101 Fresno, California 93711
Website: www.gvhomes.com Corporate: 559.436.0900

Concerns

1. The proposed Development Code is overly prescriptive, inflexible, and costly to implement. Overly prescriptive, inflexible, and costly to implement – the proposed Development Code will drive jobs, housing, and economic development opportunities away from Fresno.

2. The current draft does not adequately solicit the participation of our local contractors, developers, and business owners. The City must incorporate the expertise of our local contractors, developers, and business owners into the Development Code and the Development Code Update process.

3. The City needs to re-circulate the 2014 Master Environmental Impact Report (MEIR). The proposed Development Code should not and cannot be certified by an MEIR that was adopted last year.

4. As part of the Development Code Update process, the City plans to rezone all properties within the City limits. The City, however, does not have a working plan or a timeline for the city-wide rezone. The City's failure to have a city-wide rezone map and failure to execute a city-wide rezone at the time it adopts the proposed Development Code raises the following issues:

    a. To implement the proposed Development Code, the City needs a city-wide rezone. A new Development Code that has no properties included in the code is absurd.

    b. Given that the City does not have a city-wide rezone map, property owners do not know how the proposed Development Code will affect their specific properties. Without a Rezone Map, property owners lack notice and the opportunity to adequately and fully comment on the Development Code.

    c. The City needs to study, quantify, and share with property owners any additional costs associated with a city-wide rezone, including, but not limited to, property insurance, recording fees, and other administrative expenses.

5. The City, and starting on the adoption day of the proposed Development Code, should provide property owners a 6 months window to file no-cost applications to rezone properties consistent with the 2035 Fresno General Plan.

6. The City needs to create a comprehensive and workable plan to address the existing properties and businesses that will become "Legal Non-Conforming Uses" when the proposed Development Code is adopted. The adoption of the proposed Development Code cannot impede:

    a. A homeowner from adding a new room or additional living space to an existing house without having to rezone and rebuild the entire house to conform to the standards of the new Development Code.

b. A business owner from expanding the physical space of an existing business without having to rezone and rebuild the entire property to conform to the standards of the new Development Code.

7. The City should retain the C-M Zone District. The C-M Zone District was the catalyst in the development of numerous business parks (e.g. Palm Bluffs) and quality retail shopping areas (e.g. the west Shaw Avenue area). If retained, the C-M Zone District will continue to be the catalyst of future development and economic growth in Fresno.

8. The timelines and essence of Business Friendly Fresno (BFF) should be codified in the proposed Development Code. The codification of BFF will ensure that future administrations and future city planners will observe not only the Development Code but also BFF.

9. Granville Homes will continue to work with the City of Fresno and other stakeholders on the development of a cost-efficient and market-driven public transit solutions for the Fresno Metropolitan area. The development of public transit, however, cannot negatively impact small business owners, economic development opportunities, and new homebuyers. In a metropolitan area where less than 2% of the population commutes by mass transit, the City of Fresno cannot have a Development Code that forces businesses, economic development opportunities, and residents to conform to and subsidize an experimental public transit vision.

Single-Family - Comments on Specific Sections of the Draft Develop. Code

1. **Minimum Required Lot Depths and Widths – Restrictive and Inefficient.** The minimum required lot depths and widths in the proposed Development Code are restrictive and inefficient. Shorter depths and narrower widths or a flexible range of depths and widths should be permitted to promote housing and the efficient use of residential land. For example, the RS-5 district lot dimensions are prescribed at 40 feet wide by 80 feet long. Allowing for a range of lot lengths from 70 feet to 85 feet and a range of widths from 35 feet to 50 feet will facilitate more efficient lot layouts, promote more efficient housing development, and allow for greater housing density. See proposed Development Code Page II-9 Table 15-603-1.

2. **Interior Side Yard Setbacks – Set to California Building Code Requirements.** The proposed minimum interior side yard setbacks should be reduced to 3 feet, as allowed in the California Building Code. Shorter side yard setbacks will facilitate more efficient lot layouts, promote more efficient housing development, and allow for greater housing density. See proposed Development Code Page II-10 Table 15-603-2.

3. **Corner and Reverse Corner Lots – Re-tuned.** The proposed minimum lot widths for corner lots and reverse corner lots in RS-4 and RS-5 districts need to be re-tuned to more closely comply with the requirements and vision of the proposed Development Code. Re-tuning the minimum widths of corner lots and reverse corner lots will facilitate more efficient lot layouts, promote more efficient housing development, and allow for greater housing density. See proposed Development Code Page II-9 Table 15-603-1 and Page II-10 Table 15-603-2.

4. **Lot Coverage Ratios – Re-tune and Allow Flexibility.** The City needs to re-tune the proposed Development Code's maximum lot coverage ratios to promote more efficient housing development and allow for greater housing density. For example, in a RS-5 district with a required minimum 4,000 sq. ft. lot, 60% lot coverage (or a 2,400 sq. ft. home) is allowed. In a RS-4 district with a required minimum 7,000 sq. ft. lot, 40% lot coverage (or a 2,800 sq. ft. home) is allowed. When upgrading from an RS-5 district to an RS-4 district, the minimum lot size increases by 75% (3,000 additional sq. ft. of lot space) while the maximum allowed living space only increases by 17% (400 additional sq. ft. of living space). A re-tuning of the proposed Development Code's Maximum Lot Coverage ratios will promote more efficient housing development and allow for greater housing density. See proposed Development Code Page II-10 Table 15-603-2.

5. **Restrictive Garage Design Standards – Allow Flexibility, Ranges, and Attractive Architecture.** Overly prescriptive and inflexible, Section 15-604-F of the proposed Development Code limits the garage width on lots less than 101 feet wide to 50% of the length of the front façade of the house. Without negatively impacting the character, charm, and architecture of a proposed single-family neighborhood -- allowing for a range of garage lengths depending on the density of the housing will facilitate more efficient lot layouts, promote more efficient housing development, and allow for greater housing density. Flexibility in the layout of garages will facilitate the development of attractive denser single-

family neighborhoods targeted at first-time homebuyers and young families. See proposed Development Code Page II-12 Section 15-604-F.

6. **Restrictive Facade Standards – Allow Flexibility, Ranges, and Attractive Architecture.** The Development Code's facade standards for single-family homes are overly restrictive. To ensure a flexible Development Code, Section 15-605 should provide a range of requirements. Otherwise, Section 15-605 should be deleted. For example, Section 15-605-A dictates that exterior walls cannot have a continuous plane more than 8 feet long without an opening – a window, a door, a projection, or a recess. Adding needless windows, needless doors, and needless recesses and projections every 8 feet significantly increases the cost of building and maintaining a house, while adding little value to the architecture of the house. Such a prescriptive requirement will be costly to build and to maintain, will add little value to the architecture of the house, and will promote the inefficient use of residential land. See proposed Development Code Page II-12 and 13 Section 15-605-A to 15-605-D.

Multi-Family - Comments on Specific Sections of the Draft Develop. Code

1. **Strict Parking Requirements – Allow Flexibility.** The proposed Development Code's strict parking requirements, parking requirements limiting parking stalls to a maximum of 8 stalls in a row, and parking requirements discouraging parking courts and garages is counterproductive to the City's goal of higher density. To promote multi-family development, the City needs to increase parking flexibility, allowing for increased parking efficiency (larger parking courts are usually more efficient than small courts due to traffic flow). Increased parking efficiency will be vital to achieving the City's desired higher densities. Like in the City of Santa Monica, the City of Pasadena, and other TOD centers – parking can be concentrated and the negative aesthetics of parking garages and courts should be addressed by encouraging developers to beautify, add a façade, and add landscaping to parking garages and courts. See proposed Development Code Section 15-704.

2. **Housing for All Segments of Fresno's Population – Allow Flexibility.** The Development Code must allow, facilitate, and encourage multi-family housing units for all segments of Fresno's population. As proposed, the cumulative effect of costly Development Code requirements including: (1) 75% of units required to have large private open space, (2) 120 cubic feet of lockable storage space, (3) concentrated common open space, and (4) other costly items will significantly increase the basic per unit cost (i.e. the per door cost) of housing, discouraging the development of workforce housing and smaller units. See proposed Development Code Section 15-704.

3. **Size of Private Open Space – Costly and Inflexible.** For the private open space that is required by the proposed Development Code, the proposed Development Code dictates a minimum area of 30 sq. ft. and a minimum dimension of 6 feet. Large private open space requirements increases the cost of providing private open space significantly (i.e. the per sq. ft. cost of a 15 sq. ft. balcony is much lower than the per sq. ft. cost of a 30 sq. ft. balcony). Requiring large private open space areas will significantly increase the basic per unit cost (i.e. the per door

cost) of housing, discouraging the development of workforce housing and smaller units. See proposed Development Code Page II-23 Section 15-704-D.1.a.

4. **Common Open Space – Density and Flexibility**. The proposed Development Code requires that denser multi-family housing provide less open space than less dense multi-family housing (e.g. 20% of lot for 16 u/a and 10% of lot for 45 u/a). According to City staff, requiring less open space for denser housing development will encourage denser housing development. The City should not limit itself to encouraging only denser housing development. In a metropolitan area where nearly 60% of tenants are overburdened by rental payments, the City should encourage multi-family housing development across the board. If 10% open space is sufficient for 45 u/a and will encourage the development at 45 u/a, then it should be sufficient for 16 u/a and it should encourage development at 16 u/a. See proposed Development Code Page II-20 Table 15-703.

5. **Common Open Space - Concentration.** The proposed Development Code requires concentrated common open space in center courts. Under the proposed Development Code, small open space areas will not count towards the common open space requirement. GV's experience and market research shows that tenants prefer common open space that is close to their units, not in large center courts. When compared to large central courtyards -- tenants prefer paseos, nooks, dog walking strips, walking paths, and cozy courtyards close to their units. To promote multi-family development and greenspace in multi-family development that is attractive to tenants, the proposed Development Code must allow for flexibility in the provision of open space. See proposed Development Code Page II-23 Section 15-704-D.1.b.

6. **Common Open Space – In Required Set Backs Areas**. As provided in the proposed Development Code, common open space cannot be located in a required set back area. Such a restrictive requirement is counter-productive to the City's vision of denser TOD development. First, having attractive open space abutting streets and sidewalks and within a required set back area encourages TOD, walking, and tenant interaction with the city. Allowing open space to be placed in required set back areas will encourage the development of attractive sidewalks and public paseos, as desired in the Development Code. Second, and especially important for a City that seeks to densify, open space strips in required set back areas that abut streets and sidewalks provide permeable surfaces to help prevent flooding. As the City grows denser, having green and permeable set back areas abutting streets will facilitate flood control efforts. See proposed Development Code Page II-24 Section 15-704-D.

7. **Public Plazas – Liability Concerns.** The proposed Development Code calls for the development of Public Plazas within private property to be used by the general public, as well as tenants of the project. As envisioned by the City, Public Plazas will be available to the general public through the use of Public Access Easements on private land. A significant liability issue, Public Plazas and Section 15-704 should be deleted from the proposed Development Code. See proposed Development Code Page II-24 and 25 Section 15-704-D.1.c.

8. **Bicycle Infrastructure – Encouraged.** The proposed Development Code needs to encourage bicycle infrastructure. For example, the City can encourage bicycle infrastructure by reducing parking requirements or open space requirements when bicycle infrastructure is provided.

9. **Lockable Storage Requirements – Needless Cost.** The proposed Development Code requires at least 120 cubic feet of lockable storage space per dwelling unit. The lockable storage space requirement for each individual unit is unnecessary and costly. The lockable storage space requirement should be deleted. If the City wants to reduce clutter on balconies and open areas as explained by City staff, the City should either (a) enforce fire and code enforcement rules or (b) empower landlords to issue fines for clutter on balconies and open areas. Reducing clutter on balconies and open areas should not come at the cost of making housing more expensive. See proposed Development Code Page II-26 Section 15-704-E.

10. **Façade Design Development Standards – Allow Flexibility.** The requirements in Section 15-705 are too restrictive. To ensure a flexible Development Code, Section 15-705 should provide a range of design development standards. Otherwise Section 15-705 should be deleted. See proposed Development Code Page II-27 and Section 15-705-A to 15-705-F (including Table 15-705-F). Examples:

    15-705-A – Building Articulation. Requires all street-facing façades to include at least one horizontal or vertical projection or recess at least four feet in depth (or two projections or recesses at least 2.5 feet in depth) for every 25 horizontal feet of exterior wall. This section is overly prescriptive, inefficient, and costly. The projections should be identified as a goal, not as a requirement.

    15-705-B – Building Materials and Finishes. Requires a minimum of two exterior wall finish materials. This section is overly prescriptive, inefficient, and costly. The City should continue to allow for a single finish material. Additional materials add cost and uncertainty to projects, failing to account for design flexibility, market forces, financial feasibility, and personal preferences. Additional wall finishes should be identified as a goal, not as a requirement.

    15-705-E – External Pedestrian Access. Requires external stairways to either be located 30 feet of a public street or fully enclosed within the building. These standards are too restrictive and costly. Design standards need to be flexible enough to allow for a variety of design concepts. Enclosing stairways should be identified as a goal, not as a requirement.

Mixed-Use - Comments on Specific Sections of the Draft Develop. Code

1. **Lockable Storage Requirements – Needless Cost.** See multi-family comments. See proposed Development Code Page II-45 Section 15-804-E

2. **Building Materials – Allow for Attractive Stucco and Flexibility**. Section 15-805 is too restrictive and costly. For example, and while not allowing for stucco, section 15-805 requires the exterior materials on the ground floor of Mixed-Use Districts to be finished in in brick, stone, ceramic tile, precast concrete, or similar materials. On facades more, than 300 feet in length, the proposed Development Code requires a minimum of three exterior wall finish materials. This section is overly prescriptive and costly to both build and maintain. Section 15-805 should be deleted, or identified as goals. See proposed Development Code Page II-48 and II-49 Section 15-805-B.

3. **Mixed Use Frontage Near BRT Stations – Allow Flexibility**. The proposed Development Code dictates that 70% of frontage near BRT stations shall be artist's studios, restaurants and bars, personal services, and general retail. The City should allow business owners and property owners to determine the best and highest use of land near BRT stations. For example – and although not allowed by the proposed Development Code – a bank, a child care facility, or doctor's office may be the best and highest use of a property near a BRT station. Flexibility will allow for the highest and best use of land, allowing individual neighborhoods and BRT stations to more easily enhance or develop their unique character. For example, properties surrounding a BRT station near a hospital may be developed with a higher percentage of medical related business and properties to serve the medical patients and medical professionals commuting to the area by transit. See proposed Development Code Page II Section 15-804-A.

4. **Accessory Dwelling Units (ADUs) and Granny Flats Near Transit – Allowed, Facilitated, and Encouraged**. ADUs and Granny Flats should be allowed, facilitated, and encouraged in transit rich neighborhoods. Most of the residential land in Fresno's transit rich neighborhoods is zoned for single-family residential units. Without altering neighborhood character – allowing, facilitating, and encouraging ADUs in single-family neighborhoods served by transit will allow for higher densities near transit, increase the housing stock of smaller units, and add value to existing single-family properties.

Overarching Items - Comments on Specific Sections of the Draft Develop. Code

1. **Concept Plan – Unrealistic and Expensive**. Article 17 should be deleted in its entirety. Concept Plans are unrealistic, serving only to waste resources and time. See proposed Development Code Page III-24 and Article 17 – Concept Plan

2. **Paths Between Commercial and Residential Areas – When Safe and Suitable**. Pedestrian and bicycle access between commercial and residential areas should be optional and encouraged only when safe and suitable. Both commercial operators and homeowners view pedestrian and bicycle connections between commercial and residential areas as a safety problem. To promote safety and encourage development, access between commercial and residential areas should be optional and encouraged only when safe and suitable. See proposed Development Code Page IV-65 Section 15-3412.

3. **Pedestrian Ways – Width.** Pedestrian ways should be built at 4 feet, not the proposed 5 feet. Without negatively impacting pedestrian connectivity and safety – pedestrian ways constructed at 4 feet allows for greater housing density, additional greenspace and permeable surfaces, lower maintenance costs, and promotes housing development by reducing development costs. Please note that the City of Clovis requires 4 feet wide sidewalks for residential streets (5 feet wide sidewalks are used for arterial streets). Similarly, the City of Santa Monica requires a range of sidewalk widths based on individual streets, allowing sidewalks to be as narrow as 4 feet. See proposed Development Code Page IV-65 and 66 Section 15-3412.

4. **Pedestrian Ways – Access Points.** Overly prescriptive and costly, Section 15-3412 of the proposed Development Code requires pedestrian access points into a subdivision every 150 feet. Similarly, the proposed Development Code also requires pedestrian access points every 600 feet when a subdivision abuts a major street. Access points every 150 feet and 600 feet will impact lot layouts, creating significant inefficiencies and increasing housing costs. The City can promote pedestrian connectivity with a more flexible range of options that can be tailored to individual subdivisions. The access points at every 150 feet and 600 feet should be a goal, not a requirement. See proposed Development Code Page IV-65 and 66 Section 15-3412.

5. **Complete Streets – Allow Flexibility**. Section 15-3415-D: Complete Streets is excessively restrictive. To ensure a flexible Development Code, Section 15-3415-D should be replaced with a flexible Street Cross Section requirement, allowing for a range of alternatives depending on neighborhood design, attributes, and character. See proposed Development Code Page IV-66 and 67 Section 15-3415-D.

6. **Cul-de-Sacs – Allow for Cul-de-Sacs.** Defined as "dead-end streets," the proposed Development Code actively seeks to limit the development of cul-de-sacs. The proposed Development Code's prohibition of cul-de-sacs ignores the fact that families (especially families with children) and homebuyers in Fresno like the safety and quaintness of cul-de-sacs. Homeowners should have the option live and raise families in quiet cul-de-sac streets. See proposed Development Code Page IV-67 and 68 Section 15-3415-K.

7. **Cul-de-Sacs – Paths to Streets and Trails.** The proposed Development Code requires that cul-de-sacs provide pedestrian and bike connections to neighboring streets and/or trails. To safeguard the safety and quietness of cul-de-sacs, pedestrian and bike connections between cul-de-sacs and neighboring streets and/or trails should be optional and encouraged only when safe and suitable. See proposed Development Code Page IV-67 and 68 Section 15-3415-K.

8. **Sidewalks – Allow for Flexibility and Connectivity**. The proposed Development Code requires sidewalks on both sides of the street. Without negatively impacting pedestrian connectivity, neighborhood character, and pedestrian safety – requiring both (a) pedestrian connectivity and (b) sidewalks on one-side of the street (instead of sidewalks on both sides of the street) will promote more efficient housing development, facilitate more efficient lot layouts, allow for greater housing density, create additional greenspace and permeable

surfaces, and promote housing development by reducing development costs. Requiring both pedestrian connectivity and sidewalks on one-side of the street (instead of sidewalks on both sides of the street) will facilitate the development of attractive denser single-family neighborhoods targeted at first-time homebuyers and young families. See proposed Development Code Page IV-68 Section 15-3416.

9. **Parks and Playgrounds – Flexible Accessibility Standard**. Section 15-3419-B of the proposed Development Code requires that 60% of the perimeter of a park abut a street. Requiring that 60% of a perimeter of a park abut a street will encourage the development of skinny rectangular parks and other oddly shaped parks designed to meet the 60% requirement. A flexible park standard will promote efficient and attractive park layouts – also facilitating efficient lot layouts, more efficient housing development, and greater housing density. Section 15-3419-B should be identified as a goal, not a requirement. See proposed Development Code Page IV-68 Section 15-3419-B.

10. **Annexation of Land – New Requirements.** The new financial guarantee requirement in Section 15-5104 is not needed and should be deleted. Given the oscillations in the real estate market, a property owner should not be penalized if a proposed development plan annexing land into the City takes longer than expected. The City can more effectively and fairly prevent premature annexation of land into the City by limiting or even decreasing its Sphere of Influence. See proposed Development Code Page V-54 Section 15-5104.

11. **Effective Date of Zoning and Time Limit (Annexations) – Clarification Needed**. Section 15-5105 is confusing and does not appear to apply to any of the current zoning scenarios. The City needs to clarify Section 15-5105. See proposed Development Code Page V-55 Section 15-5105.

12. **Conditional Use Permit – Flexibility**. The City should continue to allow the use of Conditional Use Permit applications for buildings up to six stories tall in selected higher density areas of the Copper River Ranch project. Allowing the flexibility to develop taller buildings in selected higher density areas of the Copper River Ranch project will allow for greater density in selected North Fresno areas as desired by the City.

13. **Vesting Maps – Delete New Requirements and Reduce Risk**. Expressly allowed by California state law, vesting maps encourage housing development by reducing development risk. The proposed Development Code adds numerous and significant requirements to the filing of a vesting map. To both comply with state law and to encourage housing development, the City should delete the new requirements for the filing of a vesting map. See proposed Development Code Page IV-21 and 22 Section 15-2701 to 15-2705.

From: Daniel Zack
To: Codecomments
Subject: FW: Micro Brewery zoning
Date: Tuesday, April 14, 2015 4:08:33 PM

This gentleman suggests that microbreweries shouldn't be required to have a CUP.

Dan

From: Brandon Broussard [mailto:bbroussard@yhmail.com]
Sent: Tuesday, April 14, 2015 4:06 PM
To: Daniel Zack
Subject: RE: Micro Brewery zoning

Thanks. A Nano Brewery produces even less than micro. http://www.craftbeer.com/craft-beer-muses/nano-breweriesmdash-talk-of-the-craft-beer-nation
We are in the CM zone and I know that brewing beer is allowed in the CM zone district as a "by-right" use, i.e. no conditional use permit required, my 2 cents is that if you are updating code that you allow micro-breweries to sell **only their own product** that no CUP is required. Hours of operation are more day time hours and not open past 6pm. Our ABC license allows us to sell. It just makes it tough for smaller companies to pay 10k to sell out of their facility. Clovis just passed new ordinance allowing local beer or wine places to have a tasting room by rights as a permitted use. As of now I am looking at trying to open a tasting room in Clovis however I would like to sell it here in Fresno but I cannot justify the 10k CUP. I am brewing in my office here on shields, as part of the engineering building. We brew once a month and are getting ready to sell kegs to local restaurants and bottles to stores. You should stop by and check us out. It is called Black OPS Brewing, Inc.
Thanks for any help or feedback.

http://www.ci.clovis.ca.us/Portals/0/Documents/CityCouncil/Agendas/2015/20150120/1-B.pdf

Brandon A. Broussard, P.E.

"A committed team providing high quality engineering services for our clients and community"
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Fresno, Ca 93727
559-244-3123 Phone
559-313-8759 Cell

From: Daniel Zack [mailto:Daniel.Zack@fresno.gov]
Sent: Tuesday, April 14, 2015 3:34 PM

To: Brandon Broussard
Subject: RE: Micro Brewery zoning

Hi Brandon,

A microbrewery (or any other type of business that sells alcohol) requires a CUP. What location are looking at? We should make sure you have the right zoning.

Also, what is the difference between a nano brewery and a micro brewery?

Dan

From: Brandon Broussard [mailto:bbroussard@yhmail.com]
Sent: Friday, April 10, 2015 2:24 PM
To: Daniel Zack
Subject: Micro Brewery zoning

Hi Dan,
I was in the meeting with you the other morning that had Leland, Scott, and Larry. We were talking about the code for industrial land use. I was wondering if I could talk to you about requirements for nano and micro brewery's for selling product on premises, whether or not a CUP is required. I am available to sit down with you or if interested you can come check out my nano brewery. Thanks

Brandon A. Broussard, P.E.

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From:	Daniel Zack
To:	Codecomments
Subject:	FW: Micro Brewery zoning
Date:	Friday, May 29, 2015 5:26:39 PM

From: Brandon Broussard [mailto:bbroussard@yhmail.com]
Sent: Friday, May 29, 2015 2:31 PM
To: Daniel Zack
Subject: RE: Micro Brewery zoning

Do you think there is a chance that you might update the code to give microbreweries the right, without CUP, to sell their own product at the production facility? I know the closing date in June 1. Thanks

Brandon A. Broussard, P.E.

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From: Daniel Zack (mailto:Daniel.Zack@fresno.gov)
Sent: Tuesday, April 14, 2015 5:50 PM
To: Brandon Broussard
Subject: RE: Micro Brewery zoning

Thanks, Brandon. I'll add your suggestion to our comments for the new Development Code. This is something we should consider.

From: Brandon Broussard [mailto:bbroussard@yhmail.com]
Sent: Tuesday, April 14, 2015 4:06 PM
To: Daniel Zack
Subject: RE: Micro Brewery zoning

Thanks. A Nano Brewery produces even less than micro. http://www.craftbeer.com/craft-beer-muses/nano-breweriesmdash-talk-of-the-craft-beer-nation
We are in the CM zone and I know that brewing beer is allowed in the CM zone district as a "by-right" use, i.e. no conditional use permit required, my 2 cents is that if you are updating code that you allow micro-breweries to sell **only their own product** that no CUP is required. Hours of operation are more day time hours and not open past 6pm. Our ABC license allows us to sell. It just

makes it tough for smaller companies to pay 10k to sell out of their facility. Clovis just passed new ordinance allowing local beer or wine places to have a tasting room by rights as a permitted use. As of now I am looking at trying to open a tasting room in Clovis however I would like to sell it here in Fresno but I cannot justify the 10k CUP. I am brewing in my office here on shields, as part of the engineering building. We brew once a month and are getting ready to sell kegs to local restaurants and bottles to stores. You should stop by and check us out. It is called Black OPS Brewing, Inc.
Thanks for any help or feedback.

http://www.ci.clovis.ca.us/Portals/0/Documents/CityCouncil/Agendas/2015/20150120/1-B.pdf

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Dan

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Sent: Friday, April 10, 2015 2:24 PM
To: Daniel Zack
Subject: Micro Brewery zoning

Hi Dan,
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about the code for industrial land use. I was wondering if I could talk to you about requirements for nano and micro brewery's for selling product on premises, whether or not a CUP is required. I am available to sit down with you or if interested you can come check out my nano brewery. Thanks

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From:	Brandon Broussard
To:	Arnoldo Rodriguez
Subject:	RE: HEY
Date:	Friday, May 29, 2015 2:45:09 PM

Come on by and I can show you our production facility. I was at Tioga today talking with them about production.
thanks

Brandon A Broussard, P.E.

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From: Arnoldo Rodriguez [mailto:Arnoldo.Rodriguez@fresno.gov]
Sent: Friday, May 29, 2015 2:43 PM
To: Brandon Broussard
Subject: RE: HEY

And not open past 6?

From: Brandon Broussard [mailto:bbroussard@yhmail.com]
Sent: Friday, May 29, 2015 2:42 PM
To: Arnoldo Rodriguez
Subject: RE: HEY

On site and off. Sell a glass on site and then you can buy a bottle or growler to take home. Only your product though.

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From: Arnoldo Rodriguez [mailto:Arnoldo.Rodriguez@fresno.gov]
Sent: Friday, May 29, 2015 2:41 PM

To: Brandon Broussard
Subject: RE: HEY

Do they allow on-site consumption or off-site?

From: Brandon Broussard [mailto:bbroussard@yhmail.com]
Sent: Friday, May 29, 2015 2:26 PM
To: Arnoldo Rodriguez
Subject: HEY

Clovis past an ordinance that allowed local production of alcohol not require a CUP to sell their own product.
Do you think it is possible to add to the new land use that breweries or wineries can by right and no CUP sale their own product at their production facility?

I am in the CM zone and I know that brewing beer is allowed in the CM zone district as a "by-right" use, i.e. no conditional use permit required, I would like to make a change while you are updating code that you allow micro-breweries to sell **only their own product** and that no CUP is required. Hours of operation are more day time hours and not open past 6pm. Our ABC license allows us to sell. It just makes it tough for smaller companies to pay 10k to sell out of their facility. Clovis just passed new ordinance allowing local beer or wine places to have a tasting room by rights as a permitted use. As of now I am looking at trying to open a tasting room in Clovis however I would like to sell it here in Fresno but I cannot justify the 10k CUP. I am brewing in my office here on shields, as part of the engineering building. We brew once a month and are getting ready to sell kegs to local restaurants and bottles to stores. You should stop by and check us out. It is called Black OPS Brewing, Inc.
Thanks for any help or feedback.

thanks

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From:	Brandon Broussard
To:	Codecomments
Subject:	Mico Breweries
Date:	Friday, May 29, 2015 2:28:16 PM

Do you think it is possible to add to the new land use that breweries or wineries in CM zoning can by right , with no CUP required, sale their own product at their production facility?

Brandon A. Broussard, P.E.

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From:	John Cinatl
To:	Codecomments
Cc:	Harpreet Kooner; Brenda Veenendaal; Clark Thompson; Nick Paladino; Scott Mozier; Renee Mathis; David (Air Dist) Lighthall; Mark Keppler; Jill Gormley
Subject:	Replies to Draft Development Standards
Date:	Monday, May 04, 2015 10:04:11 PM

Greeting Fresno Planning Department

Thank you for allowing citizens of the immediate area to make comments in regard to your updated Development Standards/Plan.

As the former Bicycle Coordinator for Caltrans' District 6 (Fresno Area) for 12 years I wish to make the following comments.

First of all thank you for the abundance of bicycle related features that you have incorporated into this draft plan.

I do have several concerns and did find one humongous oversight in regard to bicycle facilities.

In regard to Sections 15-3408 (Layout & Residential Density), 15-3409 (Circulation Plan) and 15-3411(Gated Communities) it would be appropriate to use the words "Open Cul-de-Sacs" and "Closed Cul-de-Sacs) in your discussion. Closed Cul-de-Sacs are just that dead-end bulbs where no one can escape from where as Open Cul-de-Sacs have some sort of outlet for pedestrians and cyclists so that they can access out- of-development sidewalks, transit stops and bike paths and trails. These two terms are being used more and more by City Planners throughout the country to distinguish between the two types of facilities.

Now, in regard to your humungous oversight.

In Section 15-2028 you list all sorts of standards for bicycle parking - thresholds, number of spaces, location, anchoring & security, vehicle parking offset set.

The one thing you do not discuss is the installation of appropriate types of bike racks. The "popular" WAVE RACK - the most installed bike rack type in the Fresno area IS A TOTALLY USELESS BIKE RACK AND SHOULD NEVER BE INSTALLED IN ANY LOCATION IN FRESNO. But if you do not set up requirements for good racks, and there many types of good racks, the wave rack will continue to be installed in Fresno forever and forever.

I therefore suggest mention being made of, or maybe even require its mandatory use it by its incorporation within the Plan, the APBP Bike Parking Guide (Second Edition) be use as a guide for determine the appropriate type of bike rack for each installation. Its available from the APBP (Association of Pedestrian & Bicycle Professionals) organization at www.apbp.org for $40.00. Its an 83 page guide devoted entirely to the topic of bicycle parking and storage.

Another thought - entirely delete your Table 15-2028-D and require the use of the various Tables within the APBP Guide. They offer many other detailed tables that surpass what is included in your Table 15-2028-D.

The APBP Guide should also be in the hands of your Plan Reviewers and Building Inspectors so that, when reviewing plans for approval, or inspecting under-construction projects, they can review the bike racks being proposed for this project and if improper, direct the architect/contractor to install the appropriate type rack(s).

Other than those two comments I commend you on your incorporation of bike and pedestrian facilities within this updated Development Plan.

Sincerely,

John F. Cinatl, MCRP (Fresno State)

Caltrans - Bicycle Coordinator - Retired
Clovis, CA
(559) 348-1633
j.f.cinatl@sbcglogal.net

From:	Dianne Dalich
To:	Codecomments
Subject:	Water use
Date:	Friday, May 01, 2015 9:26:24 AM

I urge you to ban the use of turf (i.e. lawns) and impose the use of drought tolerant plants and drip irrigation in new developments.

Thank you,
Dianne Dalich
Fresno, CA

City of FRESNO

DISTRICT 6 PLAN IMPLEMENTATION COMMITTEE

PROJECT REVIEW May 27, 2015

Project Record

PROJECT INFORMATION, Agenda Item 3

The City of Fresno Draft Development Code, the primary implementation tool for the updated Fresno General Plan, replacing the City's current Zoning, Subdivision, and Local Planning and Procedures Ordinances.

COMMITTEE RECOMMENDATION

☐ APPROVE ☐ APPROVE WITH CONDITIONS ☐ DENY ☐ NO ACTION

	Forrest	Brown	Engleman	Linder	Sidhu	Vecchiarelli	Walker
M / S	M					S	
Approve	7-1	SB				JV	
Deny							
Abstain							
Absent			X	X	X		

COMMITTEE CONDITIONS / COMMENTS

See attached comments + documents

Staff Liaison: SBrock Date 5/27/15

Council District 6 Plan Implementation Committee
Development Code Review Comments

Section/ Table	Page	Comment or question
§15-604.A etc.	II-11 etc.	Wherever the Development Code specifies setbacks for garages or establishes standards for driveways, it should state that driveways shall be deep enough to park a pickup truck or full-size sport-utility vehicle outside of the garage (so that sidewalks would not be blocked or impeded with vehicles pulled up to a closed garage door), because there just is not enough enforcement capability to require that people consistently park their vehicles inside garages. In addition to this, where will additional resident vehicles and guest vehicles be parked? This is a particular problem in small-lot developments where there would barely be enough room in front of a house to park a single vehicle. There are no standards proposed for on-site usable open space for single family residential districts. This omission should be addressed, because families need space on their own properties. This is important for safety (to provide an alternative to children playing in the street) and to meet the need for recreational open space in developments where there is no park included or nearby. (Article 30 of the Draft Development Code and §15-3419 may result in common open space in residential subdivisions, if the developer doesn't pay fees in lieu of making dedications, but that does not address the need for private recreational area at the individual family level and for very young children and.)
§15-604.B.4 etc.	II-11 etc.	If the Development Code is requiring or encouraging more "alley-loaded" development (parking structures and lots

Council District 6 Plan Implementation Committee Development Code Review Comments

Section/ Table	Page	Comment or question
		accessed by alleys instead of streets) as part of "Enhanced Streetscapes," then it should include a mechanism for maintaining the paving, lighting, sweeping, police patrolling, etc .of the alleys. Otherwise, these provisions of the Development Code are not sustainable.
§15-704.A.3, B	II-21	What is the derivation of the five-foot landscaped planting area requirement? This seems like a higher amount of landscaping than the current zoning ordinance would require, and would conflict with reduced setbacks allowed for accessory structures, planned developments, etc. where three-foot setbacks have been deemed sufficient.
§15-704-C.4.e	II-23	What is the derivation of the 8-space limit for enclaves of parking spaces in multi-family projects? Limiting the amount of clustered parking spaces could result in an overall higher amount of paved area devoted to parking on a multi-family site, because more driveways and backup spaces would be needed to serve multiple parking enclaves. That would leave less room available for private and recreational on-site open space.
Table 15-703	II-20	The Development Code should require adequate on-site open space for play in apartment complexes (multi-family projects at the level of triplexes and above). Only requiring 10% to 20% of lot area for on-site open space for residential multi-family development does not seem adequate.
§15-704.D	II-23	The Development Code should require adequate on-site open space for personal use in apartment complexes (multi-family projects at the level of triplexes and above). Personal spaces 50 square feet in size and only 6 feet wide/long do not seem adequate.

Council District 6 Plan Implementation Committee Development Code Review Comments

Section/ Table	Page	Comment or question
Table 15-805-D	II-50	"Water features" could include high-consumption features, and would not be drought-responsive.
§15-1701.D etc.	III-24 etc.	Reduced street widths, in combination with curbside parking, reduces the margin of safety for children and pedestrians. It is not OK to allow this in private, gated communities, either because they have no requirement to carry adequate liability coverage for a killed or badly injured child. They also have limited capability to enforce parking rules even if they do have CC&Rs that mandate parking controls.
§15-1901	III-41	The City needs to plan for long-term drought conditions as far as landscaping goes. Future landscaping should be drought-tolerant, and this should not be reversed when we have wet years (because it would only die or have to be changed in ensuing dry years).
§15-1902.E §15-1903.A, B.7	III-41 - 42 III-42 - 43	If a homeowner is required to prepare landscape plans for property that they own, who will review and approve those plans, and who will inspect to see that the plants and irrigation fittings approved on those plans are actually planted/installed per plan? What will the plan check and permit fees be? Currently, no plans or permits are required for single-family landscaping or irrigation equipment installed by a homeowner. If the new Code wants to ensure that plans are required, there has to be a balance between the goal of water conservation and the burdens of bureaucracy.
§15-1903.A	III-42	Why allow "water features" that would consume high amounts of water (*e.g.*, fountains)? They're not drought-responsive.
§15-1904	III-44	The City should encourage more desert landscaping for new commercial development, less live turf grasses, more desert

Council District 6 Plan Implementation Committee Development Code Review Comments

Section/ Table	Page	Comment or question
		plants, and more hardscaping (rocks). ONLY water-wise landscaping should be allowed on City projects and new developments.
§15-1904	III-44	Median islands should be planted, with low-water demand/ low-maintenance trees, shrubs, and desert ground cover; no turf or annual flowers. Decomposed granite ("DG") and/or river rocks could be used as could artificial turf (due to "concrete jungle" [heat island] effect and flood control issues, it is understood that medians can't all be paved over with decorative concrete). Currently, the median islands that get planted are not maintained and the City doesn't have enough water to keep it green; therefore, the standards should not waste resources or staff time, which would be better directed toward keeping parks and other recreational open spaces better maintained.
§15-1906.A	III-48 – 49	The draft Development Code states, "Paved or graveled surface areas may not exceed 25 percent of the area required to be landscaped" (subsection 1). However, below that in subsection 3, it states that Synthetic lawns may "cover no more than 75% of the required landscape area," and allowed in the all settings except parks as equivalent to turf. Paved or graveled surfaces should be allowed up to the same 75% as "syn-lawns," because the base used under "syn-lawns" is sand, dg and gravel. Some people may prefer to use decorative gravel, "DG" or mix of those materials to cover more than the 25% allowed area.
§15-1907	III-50 – 58	The posting process for designating Heritage trees, and the overall process for removing trees from multi-family and nonresidential properties, are burdensome and probably ineffectual. For instance, on-site notices currently posted for plan amendments, etc. are either not seen by drivers

Council District 6 Plan Implementation Committee Development Code Review Comments

Section/ Table	Page	Comment or question
		passing by, or are vandalized and removed so quickly after posting that no one could see them.
		Even though street trees and one front yard tree are required for each residence, the proposed ordinance does not protect those required trees because it allows a single family homeowner to remove trees without asking any permission. The tree removal permit process is too full of red tape to be applied to trees other than special "Heritage" trees, and would pose bureaucratic barriers to a multi-family or nonresidential property owner who wanted to change plantings to respond to drought. Why not just require the property owner to submit revised landscape plan exhibits for their special permit?
		The City does not currently have the staff to enforce its existing tree removal rules/fees, and it is unclear how additional professional staffing would be provided to enforce the detailed, multi-step procedure in the draft Code.
		If a tree is deemed an emergency or safety risk, no arborist report or certification is required; therefore, no arborist report should be required for removal of other trees.
		The City of Fresno does not enforce Homeowner Association rules. Therefore, it does not seem proper for the Code to require approval of a Homeowner Association for tree removal desired an owner in a common interest development. The Association itself should be the party that files modified landscape plan/entitlement exhibits showing proposed changes in plantings within the development.
§15-1909	III-58 – 59	Someone needs to be held accountable for lack of attention to the drought, especially on City property (*i.e.*, over watering; broken sprinklers; watering on improper schedules; watering landscaping that has deteriorated and consists only

Council District 6 Plan Implementation Committee Development Code Review Comments

Section/ Table	Page	Comment or question
		of weed). If private property owners are going to be penalized for breaking drought rules, then the City should also face enforcement action.
§15-2015.B	III-74	Will one charging station per 250 parking spaces be sufficient to meet future needs (especially when this requirement is only proposed for large parking lots having at least 250 spaces)? How will this formula be applied when some sections of the Development Code call for parking areas to be broken up into smaller lots distributed in different portions of a property (such as, in multi-family projects)? Or when a shopping center consists of multiple separate parcels?
§15-2027	III-81	Shopping carts should not be able to leave shopping center properties: they should be equipped with automatic wheel locks (most of the big stores are now installing this technology). New shopping centers should be subject to this requirement, and older centers should have to upgrade when they repave or re-stripe parking lots. There should be a minimum store size for this requirement, so as to not impose extra costs on small business owners.
§15-2212	III-109 – 110	The City should enforce its rules relating to political signs. We are tired of seeing multiple campaign signs on street poles and utility poles, signs left up too long, etc. in violation of current rules. Some candidates play by the rules, but the ones who don't seem to escape City enforcement action. The offending campaign committees should be automatically and promptly fined, and the Development Code should explain how political sign rules will be consistently enforced.

Council District 6 Plan Implementation Committee Development Code Review Comments

Section/ Table	Page	Comment or question
§15-2223.A	III-119	Neon signs (made from neon tubing, not light-emitting diodes/LEDs) with movement/flashing parts should be allowed in locations away from residential areas.
§15-2308.B.1.f	III-132	Residential areas are not suitable for keeping bee hives. Even if based on a lot roughly ¾ acre in size, bees would have to forage for blocks around any hive, and could never be confined to the property where the hives are (unlike all other types of household pets). With over 20,000 worker bees per hive, keeping a single hive—let alone five hives—on these parcels would create a nuisance and would seriously endanger the health and safety of people and pets in the neighborhood who are allergic to bee stings.
§15-2312.A	III-137 - 138	Car washes should be required to use a minimum percentage of recycled water (it is unknown whether there is a minimum percentage requirement now).

City of
FRESNO

May 27, 2015

RE: Development Code Update

To Development and Resource Management Department:

On behalf of the Disability Advisory Commission (DAC), I am writing to submit comments on the proposed development code update.

Garage Setbacks (15-603)
The DAC strongly supports the requirements for 18 foot garage setbacks as written. We would like to emphasize that decreased garage setbacks are problematic for all pedestrians and functionally discriminatory against people with disabilities.

Garage setbacks as specified create more inclusive neighborhoods for residents and guests. Standard garages typically do not have enough room inside of them for accessible van lifts to be deployed. Residents with disabilities who utilize vans with lifts typically park within full length driveways to deploy their lift. Shorter 7- or 8-foot setbacks do not provide enough space for many accessible vehicles, so in such instances individuals with disabilities would need to park on the street, which may or may not be in close proximity to the homes or in a location in which a lift could be safely deployed. Communities that are designed with shorter setbacks create neighborhoods that are unwelcoming to and exclusive of people with disabilities.

Another key issue with decreased setback length is that of parked vehicles overhanging the driveway into the sidewalk. Overhanging vehicles are merely a nuisance for able-bodied pedestrians, including those who push their babies and young children in strollers. For pedestrians with disabilities, particularly those who use mobility devices or are blind, this nuisance turns into an actual barrier. The shorter setback also means that residents exiting the garages will not have an adequate view of the sidewalk from inside their vehicle prior to backing out.

For these reasons the DAC strongly supports section 15-603 of the code in regards to 18 foot garage setbacks.

Pedestrian Access (15-804G, 15-904E, 15-1004E, and others)
In such instances where the Development Code makes reference to providing pedestrian circulation and access in accordance with the California Building Code (CBC) Title 24, it should additionally make reference to the Americans with Disabilities Act Accessibility Guidelines (ADAAG). While we recognize that in 2013 the CBC integrated the Federal ADAAG standards into Chapter 11B of the code, we believe that specific mention of the ADAAG would acknowledge that overarching compliance with the federal regulations must also be maintained. Such instances where this can be found include but are not limited to 15-804.g, 15-904.E, and 15-1004.E.

Pedestrian Access and Circulation Systems (15-1708.D, 15-1004.E)

The DAC is supportive of circulation systems that provide access to all parts of a planned area, be they within a residential, mixed use, or an employment district. Continuous and direct circulation systems are not only easier for the whole community to navigate, they are particularly important for individuals with limited mobility and blindness/low vision.

We recommend the expansion of the pedestrian access and circulation requirements of 15-1004.E to not only include Office (O) districts, but also Business Park (BP), Regional Business Park (RBP), Light Industrial (IL) and Heavy Industrial (IH) districts.

The Development Code needs to take into account that all members of our community may be employed or utilizing services in all kinds of employment districts and will benefit from connected accessible circulation systems. The City of Fresno will continue to see a rise in the number of individuals with disabilities working in all forms of industries because of ongoing nationwide initiatives to increase employment for people with disabilities, ranging from the Vocational Rehabilitation Act of 1964 to the Americans with Disabilities Act (ADA) of 1990 to the Workforce Innovation and Opportunities Act of 2014.

Sidewalks (15-3416)

The DAC strongly supports the requirements as written for sidewalks on both sides of the street in all zoning districts. Communities that are designed with no sidewalks or sidewalks on only one side of the street are prohibitive, and do not allow for adequate access for individuals with disabilities.

Whether due to the nature of their disability or other contributing factors, individuals with disabilities are considerably more likely than those without disabilities to utilize a combination of pedestrian and public transit means of travel to access goods, services, employment, and/or employment related education/training.

People with disabilities must be afforded the same opportunities as any other citizen in this community, which includes the ability to access and utilize all zoning districts throughout the City. The argument that people with disabilities may not be found or have a need to be in certain types of zones is invalid. A person with a disability can be found in any place where a person might go to work, play, or utilize a service.

For these reasons the DAC strongly supports section 15-3416 of the code requiring all streets in all zoning districts to have sidewalks constructed on both sides.

Document Formatting

Individuals with a wide range of disabilities may use assistive technology to access, read, and navigate through digital documents. For the Development Code document itself, we recommend the use of a sans serif font, such as Arial, which is typically easier for an individual with low vision to read with or without assistive technology. We also

recommend that the charts and tables be accompanied by text of the content. Text content is generally more compatible with and readable by assistive technology; tables and charts may not be read by assistive technology or read in an illogical or confusing order. It is further recommended that prior to publishing the final electronic document to the website that it be made accessible in keeping with Administrative Order 8-16 and the Web Content Accessibility Guidelines (WCAG) 2.0 AA success criteria.

It is the pleasure of the DAC to have the opportunity to provide input on the proposed Development Code update. If you have any questions or would like to discuss this matter further, please feel free to contact Shannon M. Mulhall, DAC Secretary and Americans with Disabilities Act Coordinator, at 559-621-8716 or Shannon.Mulhall@fresno.gov.

Sincerely,

Ken Elvington

Development Code Recommendations Task Force

City of Fresno Disability Advisory Commission

ZINKIN
DEVELOPMENT

May 29, 2015

Development and Resource Management
Jennifer K. Clark
Director
2600 Fresno Street
Room 3065
Fresno, California 93721

Sent via electronic mail and U.S. Postal Service

Jennifer,

Please accept this letter as notice from Zinkin Development and the Zinkin Offices that we have the following concerns related to the text of the new Development Code:

1. The text includes a reference that preserves all prior entitlements and development rights under the prior code where zoning, CUPS and other entitlements have been obtained and not expired. That is how I read the code and please confirm that that is your understanding as well. So to the extent that zoning has been obtained, all land uses and development standards under the prior code would apply to that property, and all rights gained under any CUP or other entitlement would remain in effect and not be changed by the adoption of the new code.

2. I know that I previously had discussions with your Department about the elimination of the Mid-Rise/ High-Rise Overlay in connection with the General Plan update. I was assured that the same building square footage and building heights could be obtained under the FAR rules. We would like to see that position continued in the new code.

3. Article 9, section 15-901. This provides that Automobile-oriented uses are not permitted" in the Commercial-Main Street district. If they intent is to eliminate drive-up window for restaurants in the CMS district, we would ask that that policy be reversed.

4 It is a little difficult to track current permitted uses and uses with CUPs in the current zone districts with the uses which will be permitted either of right or with a CUP in the newly classified districts. A matrix that compares the two would be very helpful, or a statement that assures that there will be consistency, or if not, where it will not.

(559) 224-8100 OFFICE | 5 RIVER PARK PLACE WEST, SUITE 203 | FRESNO, CALIFORNIA 93720

5. Is there a map showing the specific zoning classification of properties under the new code that is of sufficient size to be reviewed and understood. If you could provide me with a link to such a map, that would be appreciated.

6. The public plaza requirements in section 15-904 should be left to Director discretion rather than minimum standards set because many factors can play into the proper size, such as the area of walkways and pedestrian paths, the number of gathering areas throughout the center, etc.

7. The transparency or window provisions of Section 15-905 should be left to Director discretion. There are factors such as Title 24 that play into design, and the requirement of 60% may not be achievable at an affordable price. In addition, the city should not be setting forth design elements of building facades. Styles and tastes vary from location to location and from time to time and this is a matter that should be left to agreement between the City and the developer.

8. Can you provide us with an explanation of what happens to the current RP and CP zone districts and whether there is consistency between the old and new codes with respect to land uses and development standards? This is one of the areas where the matrix mentioned above would be helpful.

9. If signs that currently exist under the old code need to be repaired and revamped and then reinstalled, are they going to be subject to the new requirements of Section 15-2201?

10. Signage is very important to development. Without sufficient signage, tenants will go elsewhere. I noticed that in section 15-2201 there are limitations on the number of signs per street frontage, which is a major departure from present practice and can have a very detrimental effect upon properties in the City. We strongly suggest that existing signage provisions be continued in the new code.

Thank you for your consideration of these points. We reserve the right to comment further on any additional points. We appreciate your consideration and comments.

Sincerely,

Kathy Copeland, on behalf of
Richard Fairbank

cc: Mike Sanchez – Assistant Director

(559) 224-8100 OFFICE | 5 RIVER PARK PLACE WEST, SUITE 203 | FRESNO, CALIFORNIA 93720

From:	Brad Greenbury
To:	Codecomments
Subject:	Code Update Community Workshops
Date:	Thursday, April 16, 2015 1.59:23 PM

I would like to participate in the City upcoming workshops on the new Citywide development codes. When and where are expected to be held I don't see them on the City's calendar Will city staff from other departments be on hand to answer question as to how these code changes will impact their respective departments and design standards.?

Brad Greenbury

From:	Brad Greenbury
To:	Codecomments
Subject:	Code comments
Date:	Wednesday, May 13, 2015 1:51:13 PM

I would like to see the comments submitted regarding the new Development Code draft. Where can I go at the City's website to review them?

From:	gradbury@comcast.net
To:	Codecomments
Subject:	DRAFT OF NEW DEELOPMENT CODE
Date:	Monday, June 01, 2015 3:49:05 PM
Attachments:	www.ufei.org_files_pubs_cufr_151.pdf cool surfaces and shade trees to improve air quality.pdf Design Shading Parking Lots.pdf Sacramento tree shade ordinance - Mcpherson2001.pdf sactree.com_assets_files_greenprint_toolkit_b_CUFRJuly02NewsletterStormDrainageReductions.pdf www.forestsforwatersheds.org_storage_Planting Trees in Parking Lots.pdf

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New Development Code Comments

It was pleasing to see that the City of Fresno has decided to update the City's Development Code. The world has changed greatly since the last Development Code was approved. Things like complete streets, sustainable design, and climate change were not a part of the dialogue in the early 1960s. But, today all of these issues should form the basis for any new development code.

Unfortunately, in reading through the draft for the new development code I can't identify any language which addresses the key issues. With any document which is attempting to cover a vast topic like the development it is difficult to get too specific about the various elements to be addressed. But, at the very least there should be clearly defined methods to be employed to meet the City's General Plan. There are many sections within the draft that are too vague with no reference to current established sustainability standards.

Building site design is nothing more than a list of setback to be used. There is nothing mentioned about building orientation to achieve minimum energy use.

The parking lot standard based on building use and required parking spaces does not address the important issue of minimizing asphalt on the site. The standard for site development allows for maximum building footprint and a corresponding parking lot. The parking lot standard should take into consideration the typical size of today's cars not the standard set in the 1950s. A 10' wide by 20' long space an outdated size to use. In Section 15-2009 A. & B. maximum number of spaces are set at 130% and 110%. Most parking lots rarely ever are filled to capacity sot to allow more parking and more asphalt is only adding more heat to an already hot city.

The current parking lot shading standard is far too lenient in how it is calculated. Allowing 100% coverage to all trees adjacent to parking allows for trees on the north perimeter of a site to be given credit for shading when in fact the tree shadow will never cover any asphalt. If only half of a tree's canopy shades any asphalt then it should be given half credit. The minimum Planter size does not take into consideration the necessary area a tree's roots need to reach the mature size required in the shading standard. A large tree in the current planter size with no room to expand into the surrounding soil will never reach full size.

The current street section which has a 5' wide planter strip behind the curb does not allow for tree's roots growth. The City has many examples of tree roots in these areas showing tree roots dominating the space to the exclusion of shrub planting.

Enclosed is reference material to consider in any changes you wish to make to the draft.

On a hot summer day, would you rather sit down in a nice shady spot or broil unprotected in the blazing sun? Your car feels the same way. And you know how uncomfortable it is to climb back into the driver's seat after it's been baking in the heat. But...

Where are all the cool parking lots?

Center for
Urban Forest Research

Development Code Public Review Draft - Comment Letters 43/216

"Trees in Davis, CA parking lots reduced the surface temperatures of asphalt by as much as 36°F, cabin temperatures of vehicles by over 47°F, and fuel-tank temperatures by nearly 7°F."

WHERE ARE ALL THE COOL PARKING LOTS?

Parking lots occupy about 10% of the land in many of our cities, and since the 1970s energy crisis there has been an increasing interest in parking lot shade ordinances. We chose Sacramento, CA as the test case to investigate how well one "pretty good" ordinance was working.

SHADE FALLS FAR SHORT

The shade required by the Sacramento ordinance is 50% of the total surface of the parking lot. Not one of the lots we surveyed even came close to achieving this target. In fact, the effective shade provided by existing trees was only 8.1%.

After computer "growing" trees to their projected 15-year size, tree shade increased to only 21%. Many of the lots planted with large-statured trees will probably exceed this figure, and, as expected, the lots with crab apple, crape myrtle and pear will never come close.

One interesting finding was that trees in retail lots produced more shade per tree than trees in office or apartment complex lots. A major reason is that retail lots tend to be larger and contain more double-loaded spaces, and their ratio of interior to perimeter trees is greater.

Many other parking lot ordinances specify one tree for a certain number of parking spaces or a certain amount of landscaped area per space rather than the 50% shade rule. However, under these ordinances, trees can be clustered in islands or along the lot perimeter, often resulting in large areas of unshaded pavement.

HOW TO DO

Increasing Effectiveness

First, to get more extensive shade it will be necessary to increase tree numbers, provide more soil volume for tree roots, and provide information to property managers and arborists on tree care practices that increase tree canopy cover.

Second, and perhaps more important, it will be necessary to make key planning decisions prior to starting the retrofitting process.

Proper Planning

- ❑ Avoid double-counting tree shade where tree shade overlaps.
- ❑ Do not allow planting of trees not on the ordinance's Recommended Tree List. Improve the Tree List if necessary.
- ❑ Be sure crown diameters on parking lot plans correctly reflect crown diameters specified in the Tree List. Correct diameters in the Tree List if necessary.
- ❑ Be sure crown diameters for mature trees are not overstated in the Tree List, thus allowing parking lot plans to reflect more shade than they can actually achieve. Correct if necessary.
- ❑ Follow-up to ensure trees are actually planted, and not removed shortly after planting, especially at sites near store fronts where trees could obstruct signs.
- ❑ Do not allow substitutions after the plans have been approved.
- ❑ Do not allow parking lot ratios to exceed those stipulated in the ordinance.

KEYS TO SUCCESS

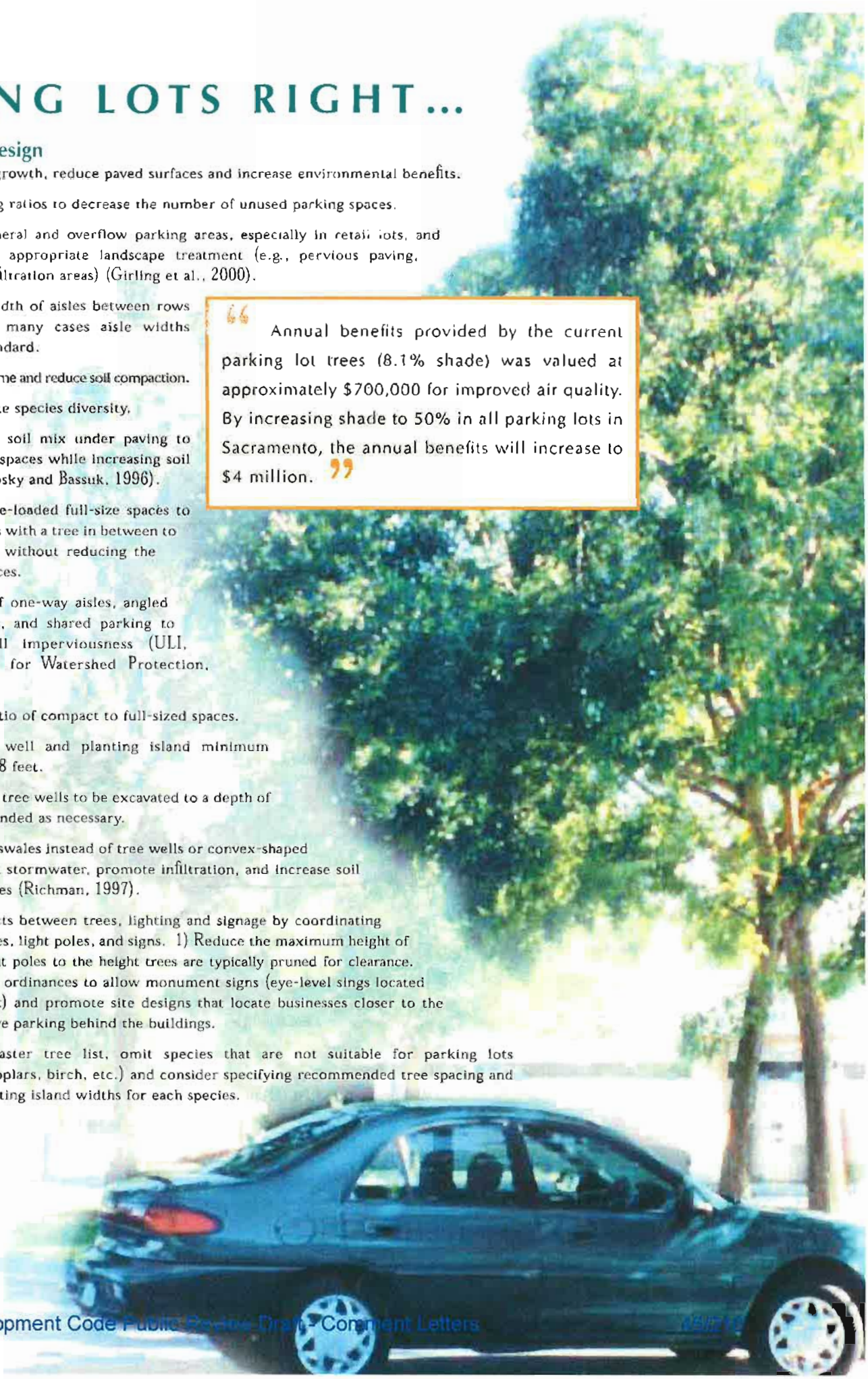
1. Provide planning staff with adequate time and training to review shade plans and parking lot ratios. 2. Require landscape architects to certify that the parking spaces and trees are located as per the ordinance. 3. Teach inspectors how to identify common problems and insist they make systematic and thorough site checks.

PARKING LOTS RIGHT...

Proper Site Design

- ❒ Promote tree growth, reduce paved surfaces and increase environmental benefits.
- ❒ Reduce parking ratios to decrease the number of unused parking spaces.
- ❒ Identify peripheral and overflow parking areas, especially in retail lots, and determine the appropriate landscape treatment (e.g., pervious paving, stormwater infiltration areas) (Girling et al., 2000).
- ❒ Narrow the width of aisles between rows of spaces. In many cases aisle widths exceed the standard.
- ❒ Increase soil volume and reduce soil compaction.
- ❒ Ensure adequate species diversity.
- ❒ Use structural soil mix under paving to retain parking spaces while increasing soil volume (Grabosky and Bassuk, 1996).
- ❒ Convert double-loaded full-size spaces to compact spaces with a tree in between to increase shade without reducing the number of spaces.
- ❒ Increase use of one-way aisles, angled parking spaces, and shared parking to reduce overall imperviousness (ULI, 1983; Center for Watershed Protection, 1998).
- ❒ Increase the ratio of compact to full-sized spaces.
- ❒ Increase tree well and planting island minimum dimensions to 8 feet.
- ❒ Require soil in tree wells to be excavated to a depth of 3 feet and amended as necessary.
- ❒ Use vegetated swales instead of tree wells or convex-shaped islands to treat stormwater, promote infiltration, and increase soil volume for trees (Richman, 1997).
- ❒ Reduce conflicts between trees, lighting and signage by coordinating location of trees, light poles, and signs. 1) Reduce the maximum height of parking lot light poles to the height trees are typically pruned for clearance. 2) Amend sign ordinances to allow monument signs (eye-level sings located near the street) and promote site designs that locate businesses closer to the street and move parking behind the buildings.
- ❒ Develop a master tree list, omit species that are not suitable for parking lots (e.g., pines, poplars, birch, etc.) and consider specifying recommended tree spacing and minimum planting island widths for each species.

> "Annual benefits provided by the current parking lot trees (8.1% shade) was valued at approximately $700,000 for improved air quality. By increasing shade to 50% in all parking lots in Sacramento, the annual benefits will increase to $4 million."



HOW TO DO PARKING LOTS RIGHT

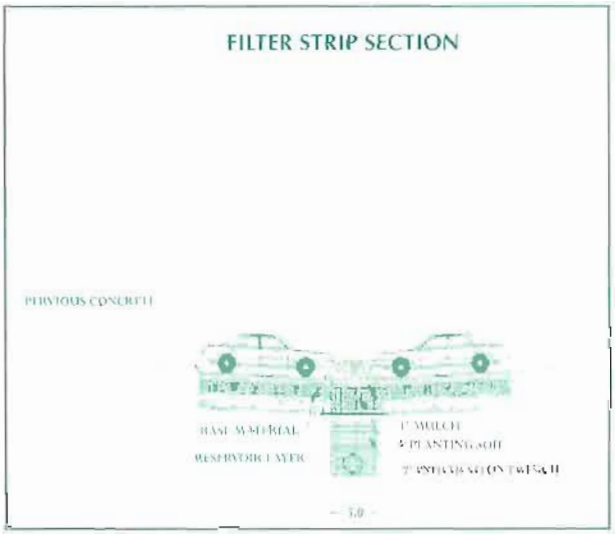
After Installation

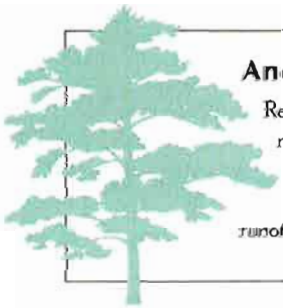
- ❒ Promote adequate tree care after installation to increase tree vigor, crown growth and shade density.
- ❒ Remove stakes as soon as young trees can support themselves.
- ❒ Prune young trees early to train their growth.
- ❒ Allow tree crowns to reach their full potential.
- ❒ Make property owners, managers and arborists aware of shade benefits as well as the benefits of a commitment to professional care on a regular and long-term basis.
- ❒ Enforce the ordinance to ensure that trees are growing at acceptable rates, are properly pruned and watered, and promptly replaced after removal.
- ❒ Require that proper tree care practices are used by qualified professionals.
- ❒ Replace removed trees with trees of equivalent size or value.

Strengthen Ordinances

Develop an enforcement and monitoring program that records information on the management needs of every tree, and results in a letter sent to the property manager requesting corrective action in a specified time.

- ❒ Link inspection fees to the issuance of a building permit.
- ❒ Establish a mechanism to collect fines or place a lien on the property if the owner fails to make the requested improvements.
- ❒ Require interest-bearing bonds to pay for landscape improvements throughout the life of the project.





Another Benefit

Reducing the amount of impervious surface in parking lots can reduce polluted runoff and the size and costs of stormwater facilities needed to store and treat that runoff. The quantity of pollutants in parking lot runoff is related to vehicular traffic, vehicle condition, and atmospheric deposition. Parking lot runoff has relatively high concentrations of trace metals, oil and grease.

We conduct **research** that demonstrates new ways in which **trees add value** to your community, converting results into **financial** terms to assist you in stimulating more **investment in trees.**

More Information

Center for Watershed Protection. 1998. *Better site design: a handbook for changing development rules in your community.* Center for Watershed Protection. Ellicott City, MD. 174 p.

Girling, C.; Kellett, R.; Rochefort, J.; Roe, C. 2000. *Green neighborhoods: planning and design guidelines for air, water, and urban forest quality.* Center for Housing Innovation. University of Oregon, Eugene. 132 p.

Grabosky, J.; Bassuk, N. 1996 *Testing of structural urban tree soil materials for use under pavement to increase street tree rooting volumes.* J. Arbor. 22: 255-262.

McPherson, E.G. 2001. *Sacramento's parking lot shading ordinance: environmental and economic costs of compliance.* Landscape and Urban Planning 57:105-123.

McPherson, E.G.; Simpson, J.R.; Scott, K.I. 2000 *Actualizing microclimate and air quality benefits with parking lot tree shade ordinances.* Wetter und Leben. 50: 353-369.

Richman, T. 1997. *Start at the source: residential site planning and design guidance manual for stormwater quality protection.* Bay Area Stormwater Management Agencies Association. Oakland, CA. 75 p.

Scott, K.I.; Simpson, J.R.; McPherson, E.G. 1999. *Effects of tree cover on parking lot microclimate and vehicle emissions.* J. Arbor. 25: 129-141.

Scott, K.I.; Simpson, J.R.; McPherson, E.G. 1999. *Green parking lots: can trees improve air quality?* In McPherson, E.G.; Mathis, S., editors. *Proceedings of the Best of the West Summit.* CAES. University of California, Davis, Davis, CA; 86-87.

Urban Land Institute. 1983. *Shared parking.* Urban Land Institute, Washington, D.C. 86 p.

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COOL SURFACES AND SHADE TREES TO REDUCE ENERGY USE AND IMPROVE AIR QUALITY IN URBAN AREAS

H. AKBARI†, M. POMERANTZ and H. TAHA
Lawrence Berkeley National Laboratory, Heat Island Group, Berkeley, CA, USA

Abstract—Elevated summertime temperatures in urban 'heat islands' increase cooling-energy use and accelerate the formation of urban smog. Except in the city's core areas, summer heat islands are created mainly by the lack of vegetation and by the high solar radiation absorptance by urban surfaces. Analysis of temperature trends for the last 100 years in several large U.S. cities indicate that, since ~1940, temperatures in urban areas have increased by about 0.5–3.0°C. Typically, electricity demand in cities increases by 2–4% for each 1°C increase in temperature. Hence, we estimate that 5–10% of the current urban electricity demand is spent to cool buildings just to compensate for the increased 0.5–3.0°C in urban temperatures. Downtown Los Angeles (L.A.), for example, is now 2.5°C warmer than in 1920, leading to an increase in electricity demand of 1500 MW. In L.A., smoggy episodes are absent below about 21°C, but smog becomes unacceptable by 32°C. Because of the heat-island effects, a rise in temperature can have significant impacts. Urban trees and high-albedo surfaces can offset or reverse the heat-island effect. Mitigation of urban heat islands can potentially reduce national energy use in air conditioning by 20% and save over $10B per year in energy use and improvement in urban air quality. The albedo of a city may be increased at minimal cost if high-albedo surfaces are chosen to replace darker materials during routine maintenance of roofs and roads. Incentive programs, product labeling, and standards could promote the use of high-albedo materials for buildings and roads. Similar incentive-based programs need to be developed for urban trees. Published by Elsevier Science Ltd.

1. INTRODUCTION

Modern urban areas have typically darker surfaces and less vegetation than their surroundings. These differences affect climate, energy use, and habitability of cities. At the building scale, dark roofs heat up more and, thus, raise the summertime cooling demands of buildings. Collectively, dark surfaces and reduced vegetation warm the air over urban areas, leading to the creation of urban 'heat islands'. On a clear summer afternoon, the air temperature in a typical city is as much as 2.5°C higher than in the surrounding rural areas. We have found that peak urban electric demand rises by 2–4% for each 1°C rise in daily maximum temperature above a threshold of 15 to 20°C. Thus, the additional air-conditioning use caused by this urban air temperature increase is responsible for 5–10% of urban peak electric demand, at a direct cost of several billion dollars annually.

In California, Goodridge (1987, 1989) showed that, before 1940, the average urban–rural temperature differences for 31 urban and 31 rural stations in California were always negative, i.e., cities were cooler than their surroundings. After 1940, when built-up areas began to replace vegetation, the urban centers became as warm or warmer than the suburbs, and the warming trend became quite obvious, so that, from 1965 to 1989, urban temperatures have increased by about 1°C.

Regardless of whether or not there is a temperature difference from rural conditions, data suggest that temperatures in cities are increasing. Fig. 1 depicts the summertime monthly maximum and minimum temperatures between 1877 and 1997 in downtown Los Angeles. It clearly indicates that the maximum temperatures at downtown Los Angeles are now about 2.5°C higher than they were in 1920. The minimum temperatures are about 4°C higher than they were in 1880. In Washington, DC, temperatures increased by about 2°C between 1871 and 1987. The data indicate that this recent warming trend is typical of most U.S. metropolitan areas, and exacerbates demand for energy.

Akbari et al. (1992) have found that peak urban electric demand in six American cities (Los Angeles, CA; Washington, DC; Phoenix, AZ; Tucson, AZ; and Colorado Springs, CO) rises by 2–4% for each 1°C rise in daily maximum temperature above a threshold of 15 to 20°C (the case of Los Angeles is shown in Fig. 2). For the Los Angeles Basin, it is estimated that the heat

†Author to whom correspondence should be addressed. Tel.: +1-510-486-4287; fax: +1-510-486-4673; e-mail: h_akbari@lbl.gov

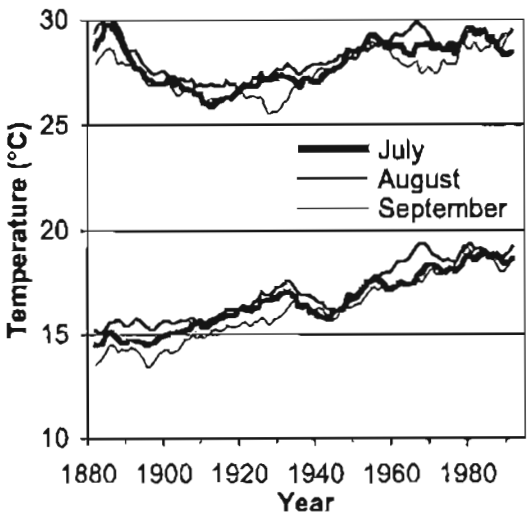

Fig. 1. Ten-year running average summertime monthly maximum and minimum temperatures in Los Angeles, California (1877–1997). The ten-year running average is calculated as the average temperature of the previous four years, the current year, and the next five years. Note that the maximum temperatures have increased by about 2.5°C since 1920.

island increases power consumption by about 1–1.5GW, costing the rate-payers over $100 million per year. Nationwide, the additional air-conditioning use caused by urban air temperature increase is responsible for 5–10% of urban peak electric demand, at a direct cost of several billion dollars annually.

Not only do summer heat islands increase system-wide cooling loads, but they also increase smog production because of higher urban air temperatures (Taha *et al.*, 1994). For example,

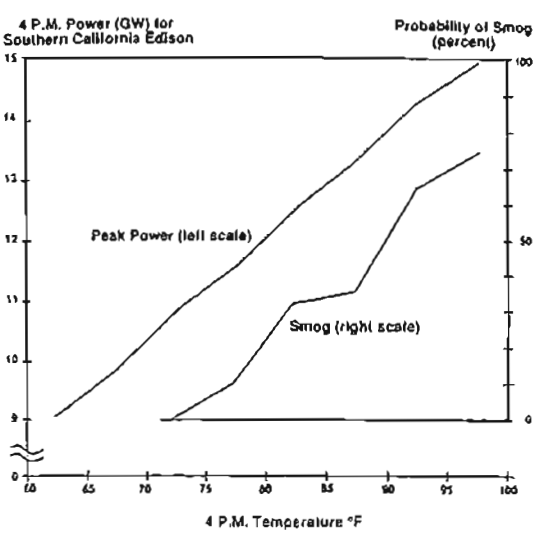

Fig. 2. Ozone levels and peak power for Southern California Edison versus 4 p.m. temperature in Los Angeles, California. (Source: Akbari *et al.*, 1990).

Fig. 2 also shows the probability of smoggy days in Los Angeles, as measured by ozone concentration vs. temperature. At maximum daily temperatures below 22°C, the maximum concentration of ozone is below the California standard of 90 parts per billion (ppb); at temperatures above 35°C, practically all days are smoggy.

2. HEAT ISLAND MITIGATION

Use of high-albedo[1] urban surfaces and the planting of urban trees are inexpensive measures that can reduce summertime temperatures. The effects of modifying the urban environment by planting trees and increasing albedo are best quantified in terms of 'direct' and 'indirect' contributions. The direct effect of planting trees around a building or using reflective materials on roofs or walls is to alter the energy balance and cooling requirements of that particular building. However, when trees are planted and albedo is modified throughout an entire city, the energy balance of the whole city is modified, producing city-wide changes in climate. Phenomena associated with city-wide changes in climate are referred to as indirect effects, because they indirectly affect the energy use in an individual building. Direct effects give immediate benefits to the building that applies them. Indirect effects achieve benefits only with widespread deployment.

There is an important distinction between direct and indirect effects: while direct effects are recognized and accounted for in present models of building-energy use, indirect effects are appreciated far less. Accounting for indirect effects is more difficult and the results are comparatively less certain. Understanding these effects and incorporating them into accounts of energy use and air quality is the focus of our current research. It is worth noting that the phenomenon of summer urban heat islands is itself an indirect effect of urbanization.

The issue of direct and indirect effects also enters into our discussion of atmospheric pollutants. Planting trees has the direct effect of reducing atmospheric CO_2 because each individual tree directly sequesters carbon from the atmosphere through photosynthesis. However, planting trees in cities also has an indirect effect

[1] When sunlight hits an opaque surface, some of the energy is reflected (this fraction is called the albedo = a), and the rest is absorbed (the absorbed fraction is 1 − a). Low-a surfaces of course become much hotter than high-a surfaces.

on CO_2. By reducing the demand for cooling energy, urban trees indirectly reduce emission of CO_2 from power plants. Akbari *et al.* (1990) showed that the amount of CO_2 avoided via the indirect effect is considerably greater than the amount sequestered directly. Similarly, trees directly trap ozone precursors (by dry-deposition), a direct effect, and indirectly reduce the emission of these precursors from power plants (Taha, 1996).

3. TOOLS FOR ANALYSIS

Fig. 3 depicts the overall methodology used in analyzing the impact of heat-island mitigation measures on energy use and urban air pollution. The DOE-2 building-energy simulation program is used to calculate the energy use and energy savings in buildings. To calculate the direct effects, prototypical buildings are simulated with dark- and light-colored roofs, and with and without shade trees. Typical weather data for each climate region of interest are used in these calculations. To calculate the indirect effects, the typical weather data input to DOE-2 are first modified to account for changes in the urban climate. The prototypical buildings are then simulated with the modified weather data to estimate savings in heating and cooling energy consumption.

To understand the impacts of large-scale increases in albedo and vegetation on urban climate and ozone air quality, mesoscale meteorological and photochemical models are used. For example, Taha *et al.* (1995) and Taha (1996, 1997) used the Colorado State University Mesoscale Model (CSUMM) to simulate the Los Angels Basin's meteorology and its sensitivity to changes in surface properties. The Urban Airshed Model (UAM) was used to simulate the impacts of the changes in meteorology and emissions on ozone air quality. The CSUMM and the UAM essentially solve a set of coupled governing equations representing the conservation of mass (continuity), potential temperature (heat), momentum, water vapor, and chemical species continuity to obtain for prognostic meteorological fields and pollutant species concentrations.

The CSUMM is a hydrostatic, primitive-equation, three-dimensional Eulerian model that was originally developed by Pielke (1974). The model is incompressible (uses incompressibility assumption to simplify the equation for conservation of mass), and employs a terrain-following coordinate system. It uses a first order closure scheme in treating sub-grid scale terms of the governing differential equations. The model's domain is about 10 km high with an underlying soil layer that is about 50 cm deep. The CSUMM generates three-dimensional fields of prognostic variables as well as a boundary layer height profile that can be input to the UAM.

The UAM is a three-dimensional, Eulerian, photochemical model that is capable of simulating inert and chemically reactive atmospheric pollutants. It has been recommended by the U. S. Environmental Protection Agency (EPA) for ozone air quality modeling studies of urban areas (EPA, 1986). The UAM simulates the advection, diffusion, transformation, emission, and deposition of pollutants. It treats about 30 chemical species and uses the carbon bond CB-IV mechanism (Gery *et al.*, 1988). The UAM accounts for

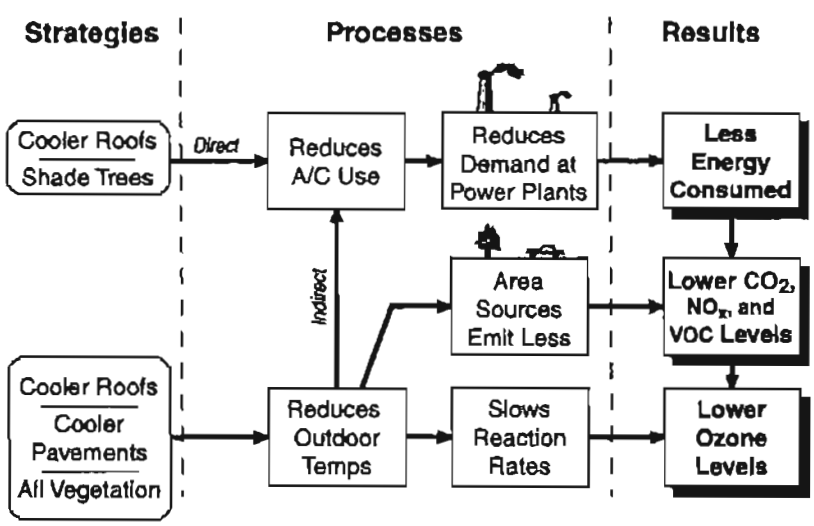

Fig. 3. Methodology to analyze the impact of shade trees, cool roofs, and cool pavements on energy use and air quality (smog).

emissions from area and point sources, elevated stacks, mobile and stationary sources, and vegetation (biogenic emissions). For a detailed discussion of the use and adaptation of these models and the study of the impact of the heat island mitigation strategies in L.A. Basin, see Taha (1996, 1997).

Examples of outputs from these simulations are shown in Figs. 4 and 5. Fig. 4 shows the predicted reduction in air temperature in Los Angeles at 2 p.m. on August 27 as a result of increasing the urban albedo and vegetation cover by moderate amounts (average increases of 7%). Fig. 5 shows corresponding changes in ozone concentrations. Because of the combined effects of local emissions, meteorology, surface properties, and topography, ozone concentrations increase in some areas and decrease in others. The net effect, however, is a decrease in ozone concentrations. The simulations also predict a reduction in population-weighted exceedance exposure to ozone (above the California and National Ambient Air Quality Standards) of 10–20% (Taha, 1996). This reduction, for some smog scenarios, is comparable to ozone reductions obtained by replacing all gasoline on-road motor vehicles with electric cars.

4. COOL ROOFS

At the building scale, a dark roof is heated by the sun and, thus, directly raises the summertime cooling demand of the building beneath it. For highly absorptive (low-albedo) roofs, the difference between the surface and ambient air temperatures may be as high as 50°C, while for less absorptive (high-albedo) surfaces with similar insulative properties, such as roofs covered with a white coating, the difference is only about 10°C (Berdahl and Bretz, 1997). For this reason, 'cool' surfaces (which absorb little 'insolation') can be effective in reducing cooling-energy use. Highly absorptive surfaces contribute to the heating of the air, and thus indirectly increase the cooling demand of (in principle) all buildings. Cool surfaces incur no additional cost if color changes are incorporated into routine re-roofing and re-surfacing schedules (Bretz *et al.*, 1997 and Rosenfeld *et al.*, 1992).

Most high-albedo surfaces are light colored, although selective surfaces that reflect a large portion of the infrared solar radiation but absorb some visible light may be dark colored and yet have relatively high albedos (Berdahl and Bretz, 1997).

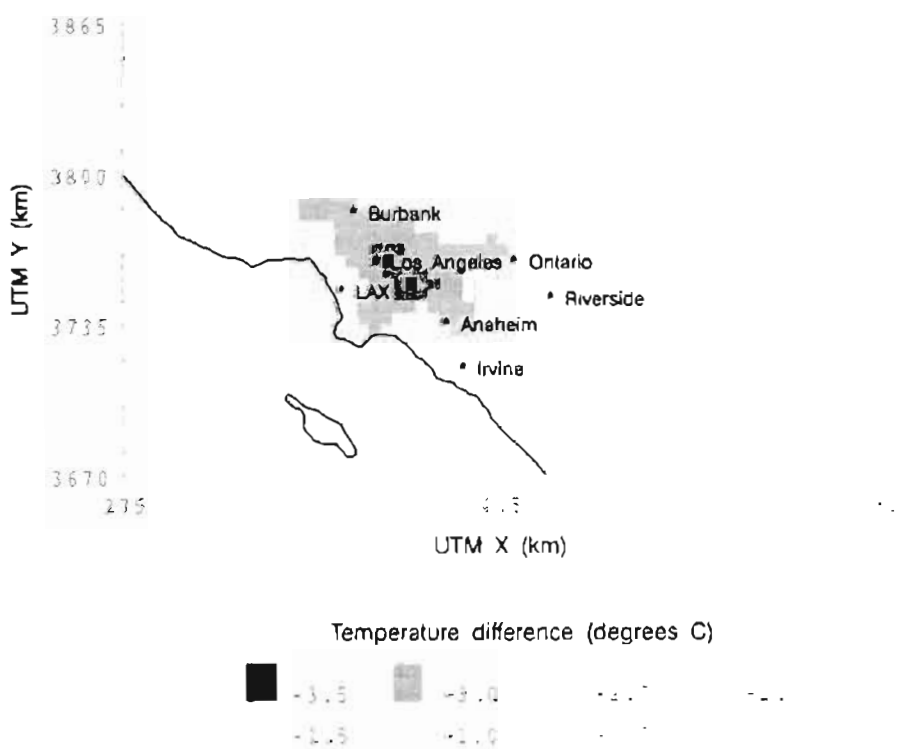

Fig. 4. Temperature difference (from the base case) for a case with increased surface albedo and urban forest. The temperature difference is at 2 p.m. on a late-August day in Los Angeles.

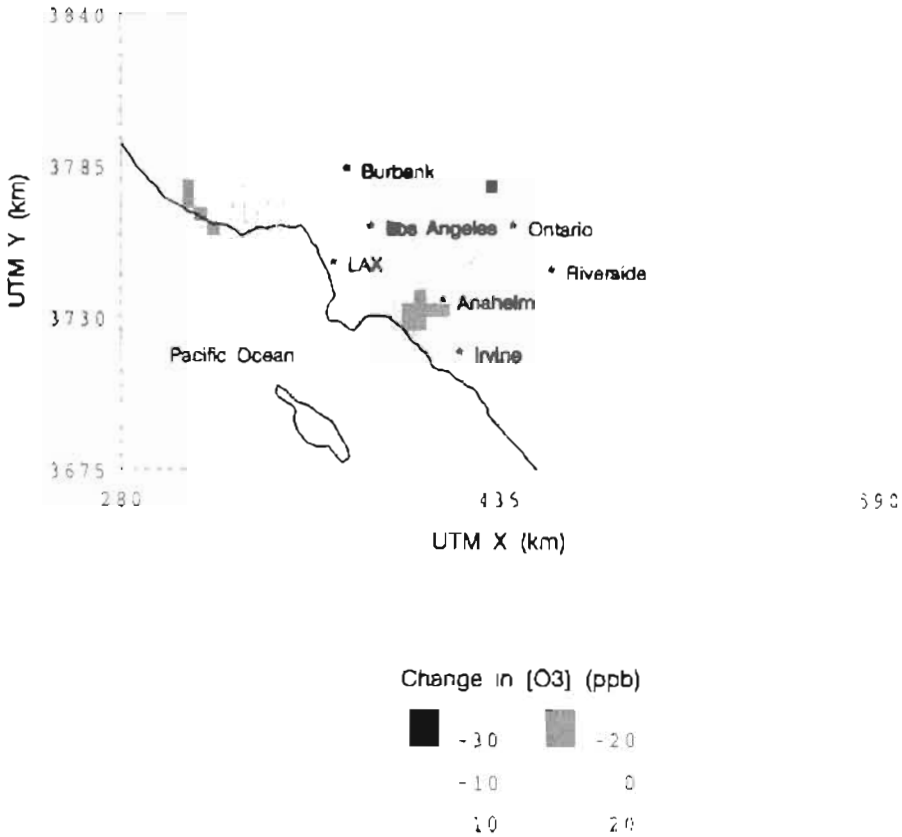

Fig. 5. Ozone concentrations difference (from the base case) for a case with increased surface albedo and urban forest. The difference is shown for 2 p.m. on a late-August day in Los Angeles.

4.1. Energy and smog benefits of cool roofs

4.1.1. Direct energy savings. There is a sizable body of measured data documenting the direct energy-saving effects of light-colored roofs. In the summers of 1991 and 1992, Akbari *et al.* (1993, 1997) monitored peak power and cooling-energy savings from high-albedo coatings on one house and two school bungalows in Sacramento, California. They collected data on air-conditioning electricity use, indoor and outdoor temperatures and humidities, roof and ceiling surface temperatures, inside and outside wall temperatures, insolation, and wind speed and direction.

Applying a high-albedo coating to one house resulted in seasonal savings of 2.2 kWh/day (80% of base-case use), and peak demand reductions of 0.6 kW (about 25% of base-case demand). In the school bungalows, cooling-energy was reduced by 3.1 kWh/day (35% of base-case use), and peak demand by 0.6 kW (about 20% of base-case demand). (It is important to note that altering the albedo starts to pay for itself immediately through the direct effect.) The buildings were also modeled with the DOE-2.1E simulation program. Akbari *et al.* (1993) and Gartland *et al.* (1996) report that the simulations underestimated the cooling-energy savings and peak-power reductions by as much as twofold.

Parker *et al.* (1995) monitored nine homes in Florida before and after applying high-albedo coatings to their roofs. Air-conditioning energy use was reduced by 10–43%, with average savings of 7.4 kWh/day (savings of 19%). Peak demand between 5 and 6 p.m. was reduced by 0.2–1.0 kW, with an average reduction of 0.4 kW (savings of 22%). The amount of energy savings roughly inversely correlated with the amount of ceiling insulation and the location of the duct system: large savings in poorly insulated homes and those with the duct systems in the attic space, and smaller savings in well insulated homes.

Akbari *et al.* (1998) and Konopacki *et al.* (1998) monitored the impacts of light-colored roofs on cooling-energy use of three commercial buildings in northern California. Increasing the reflectance of the roofs from an initial albedo of about 0.20 to 0.60 dropped the roof temperature

on hot summer afternoons by about 25°C. Summertime, standard-weekday, average daily air-conditioning savings were 18% in a medical office building, 13% in a second medical office building, and 2% in a drug store. In another demonstration project in Florida, Parker *et al.* (1998) measured cooling electricity savings resulting from the application of light-colored roofing in a small strip mall; they reported savings of about 20 to 40%. The Sacramento Municipal Utility District (SMUD) reports similar savings, measured in about ten commercial buildings in Sacramento (Hildebrandt *et al.*, 1998).

Computer simulations are used to obtain estimates of year-round effects for a variety of building types and climates. A recent study made quantitative estimates of peak demand and annual cooling-electricity use and savings that would result from increasing the reflectivity of the roofs (Konopacki *et al.*, 1997). The estimates of annual net savings in cooling electricity are adjusted for the penalty of increased wintertime heating-energy use. The analysis is based on simulation of building-energy use, using the DOE-2 building-energy simulation program. The study specified 11 prototypical buildings: single-family residential (old and new), office (old and new), retail store (old and new), school (primary and secondary), health care (hospital and nursing home), and grocery store. Most prototypes were simulated with two heating systems: gas furnace and heat pumps. DOE-2 simulations were performed for the prototypical buildings, with light and dark roofs, in a variety of climates, to obtain estimates of the energy use for air conditioning and heating. Weather data for 11 U.S. Metropolitan Statistical Areas (MSAs) were used: Atlanta, Chicago, Los Angeles, Dallas/Fort Worth, Houston, Miami/Fort Lauderdale, New Orleans, New York City, Philadelphia, Phoenix, and Washington, DC/Baltimore. Cooling-energy savings and heating-energy penalties were then obtained from the difference in the simulated energy use of the prototype buildings with light- and dark-colored roofs.

The study also estimated how much energy and money could be saved if all the roofs of existing building stocks in large metropolitan areas were changed from dark to light. This was done by scaling the simulated energy savings of the individual prototype buildings by the amount of air-conditioned space immediately beneath all roofs in an entire MSA. For this purpose, we used data on the stock of commercial and residential buildings in each MSA, the saturation of heating and cooling systems, the current roof reflectivities, and the local costs of electricity and gas.

Results for the 11 metropolitan areas are summarized in Tables 1 and 2. Sum totals for all 11 MSAs were: electricity savings, 2.6 tera-watt hours (TWh) (200 kilowatt hours per 100 m^2 roof area of air-conditioned buildings); heating energy penalty, 6.9 TBtu (5 therms per 100 m^2);[2] net savings in energy bills, \$194 M (\$15 per 100 m^2); and savings in peak demand 1.7 gigawatt (GW) (135 W per 100 m^2). Six building types account for over 90% of the annual electricity and net energy savings: old residences accounted for more than 55%, new residences for about 15%, and four other building types (old/new offices and

[2]One therm is 100,000 Btu.

Table 1. Estimates of metropolitan-scale annual cooling electricity savings (GWh), net energy savings (\$M), peak demand electricity savings (MW), and annual natural gas penalty (GBtu) resulting from application of light-colored roofing on residential and commercial buildings in 11 Metropolitan Statistical Areas

Metropolitan area	Residential				Commercial				Commercial and residential			
	Elec (GWh)	Gas (GBtu)	Net (M\$)	Peak (MW)	Elec (GWh)	Gas (GBtu)	Net (M\$)	Peak (MW)	Elec (GWh)	Gas (GBtu)	Net (M\$)	Peak (MW)
Atlanta	125	349	8	83	22	55	1	14	147	404	9	97
Chicago	100	988	6	89	84	535	4	56	183	1523	10	145
Los Angeles	210	471	18	218	209	154	18	102	419	625	35	320
Dallas/Ft Worth	241	479	16	175	71	113	4	36	312	592	20	211
Houston	243	284	21	127	79	62	6	30	322	347	27	156
Miami/Ft Lauderdale	221	4	18	115	35	3	2	11	256	7	20	125
New Orleans	84	107	6	27	33	28	3	16	117	135	9	42
New York	35	331	3	56	131	540	13	95	166	871	16	151
Philadelphia	44	954	−1	108	47	292	4	49	91	1246	3	157
Phoenix	299	74	32	106	58	31	5	18	357	105	37	123
DC/Baltimore	182	845	6	183	45	184	2	31	227	1029	8	214
Total	1784	4886	133	1287	814	1997	62	458	2597	6884	194	1741

Table 2. Estimates of savings or penalties per 100 m^2 of roof area of air-conditioned buildings resulting from application of light-colored roofing on residential and commercial buildings in 11 Metropolitan Statistical Areas: annual cooling electricity savings (kWh), net energy savings ($), peak demand electricity savings (W), and annual natural gas penalty (therms)

Metropolitan area	Residential				Commercial and residential				Commercial			
	Elec (kWh)	Gas (therms)	Net ($)	Peak (W)	Elec (kWh)	Gas (therms)	Net ($)	Peak (W)	Elec (kWh)	Gas (therms)	Net ($)	Peak (W)
Atlanta	153	4	10	102	239	6	11	152	162	4	10	107
Chicago	131	13	8	116	228	15	11	152	162	13	9	128
Los Angeles	182	4	16	189	350	3	30	171	239	4	20	183
Dallas/Ft Worth	166	3	11	121	224	4	13	114	176	3	11	119
Houston	198	2	17	103	261	2	20	99	211	2	18	102
Miami/Ft Lauderdale	259	0	21	135	340	0	19	107	267	0	21	131
New Orleans	199	3	14	64	287	2	26	139	218	3	17	78
New York	104	10	9	166	211	9	21	153	173	9	17	158
Philadelphia	81	18	−2	199	232	14	20	241	122	17	4	211
Phoenix	314	1	34	111	409	2	35	127	327	1	34	113
DC/Baltimore	137	6	5	138	221	9	10	152	148	7	5	140

old/new retail stores) together accounted for about 25%.

The results for the 11 MSAs were extrapolated to estimate the savings in the entire United States. The study estimates that, nationally, light-colored roofing could produce savings of about 10 TWh/year (about 3.0% of the national cooling-electricity use in residential and commercial buildings), an increase in natural gas use by 26 GBtu/year (1.6%), a decrease in peak electrical demand of 7 GW (2.5%) (equivalent to 14 power plants each with a capacity of 0.5 GW), and a decrease in net annual energy bills for the rate-payers of $750M.

4.1.2. Indirect energy and smog benefits. Using the Los Angeles Basin as a case study, Taha (1996, 1997) examined the impacts of using cool surfaces (cool roofs and pavements) on urban air temperature and, thus, on cooling-energy use and smog. If higher albedo surfaces are thoroughly applied, an urban heat island can be limited or reversed at negligible expense. In these simulations, Taha estimates that about 50% of the urbanized area in the L.A. Basin is covered by roofs and roads, the albedos of which can realistically be raised by 0.30 when they undergo normal repairs. This results in a 2°C cooling at 3 p.m. during an August episode. This summertime temperature reduction has a significant effect on further reducing building cooling-energy use. The annual savings in L.A. are estimated at $21M (Rosenfeld *et al.*, 1998).

Taha has also simulated the impact of urban-wide cooling in Los Angeles on smog; the results show a significant reduction in ozone concentration. The simulations predict a reduction of 10–20% in population-weighted smog (ozone). In L.A., where smog is especially serious, the potential savings were valued at $104M/year (Rosenfeld *et al.*, 1998).

4.2. Other benefits of cool roofs

Another benefit of a light-colored roof is a potential increase in its useful life. The diurnal temperature fluctuation and concomitant expansion and contraction of a light-colored roof is smaller than that of a dark one. Also, the degradation of materials due to absorption of ultraviolet light is a temperature-dependent process. For these reasons, cooler roofs may last longer than hot roofs of the same material.

4.3. Potential problems with cool roofs

Several possible problems may arise from the use of reflective roofing materials (Bretz and Akbari, 1994, 1997). A drastic increase in the overall albedo of the many roofs in a city has the potential to create glare and visual discomfort if not kept to a reasonable level. Besides being unpleasant, extreme glare could possibly increase the incidence of traffic accidents. Fortunately, the glare for flat roofs is not a major problem for those who are at street level. For sloped roofs, the problem of glare should be studied in detail before proceeding with a full-scale implementation of this measure.

In addition, many types of building materials, such as tar roofing, are not well adapted to painting. Although such materials could be specially designed to have a higher albedo, this would be at a greater expense than painting. Additionally, to maintain a high albedo, roofs may need to be recoated or rewashed on a regular basis. The cost of a regular maintenance program could be significant.

A possible conflict of great concern is the fact

that building owners and architects like to have the choice as to what color to select for their rooftops. This is particularly a concern for sloped roofs.

4.4. Cost of cool roofs

Increasing the overall albedo of roofs is an attractive way of reducing the net radiative heat gains through the roof, and, hence, reducing building cooling loads. To change the albedo, the rooftops of buildings may be painted or covered with a new material. Since most roofs have regular maintenance schedules or need to be re-roofed or recoated periodically, the change in albedo should be done then to minimize the costs.

High-albedo alternatives to conventional roofing materials are usually available, often at little or no additional cost. For example, a built-up roof typically has a coating or a protective layer of mineral granules or gravel. Under such conditions, it is expected that choosing a reflective material at the time of installation should not add to the cost of the roof. Also, roofing shingles are available in a variety of colors, including white, at the same price. The incremental price premium for choosing a white rather than a black single-ply membrane roofing material is less than 10%. Cool roofing materials that require an initial investment may turn out to be more attractive in terms of life-cycle cost than conventional dark alternatives. Usually, the lower life-cycle cost results from longer roof life and/or energy savings.

5. URBAN TREES

The benefits of trees can also be divided into direct and indirect effects: shading of buildings and ambient cooling (urban forest). Shade trees intercept sunlight before it warms a building. The urban forest cools the air by evapotranspiration. Trees also decrease the wind speed under their canopy and shield buildings from cold winter breezes. Urban shade trees offer significant benefits by both reducing building air-conditioning, lowering air temperature, and thus improving urban air quality by reducing smog. Over the life of a tree, the savings associated with these benefits vary by climate region and can be up to $200 per tree. The cost of planting trees and maintaining them can vary from $10 to $500 per tree. Tree-planting programs can be designed to be low cost, so they can offer savings to communities that plant trees. We are considering here trees that shade buildings. Placing trees in order to shade air-conditioning equipment would also likely be beneficial.

5.1. Energy and smog benefits of shade trees

5.1.1. Direct energy savings. Data on measured energy savings from urban trees are scarce. In one experiment, Parker (1981) measured the cooling-energy consumption of a temporary building in Florida before and after adding trees and shrubs and found cooling-electricity savings of up to 50%. In the summer of 1992, Akbari *et al.* (1997) monitored peak-power and cooling-energy savings from shade trees in two houses in Sacramento, California. The collected data included air-conditioning electricity use, indoor and outdoor dry-bulb temperatures and humidities, roof and ceiling surface temperatures, inside and outside wall temperatures, insolation, and wind speed and direction. The shading and microclimate effects of the trees at the two monitored houses yielded seasonal cooling-energy savings of 30%, corresponding to average savings of 3.6 and 4.8 kWh/day. Peak-demand savings for the same houses were 0.6 and 0.8 kW (about 27% savings in one house and 42% in the other).

A few other studies have focused on the wind-shielding effect of trees. DeWalle *et al.* (1983) used mobile homes to measure the windbreaking effects of trees on energy use. In a follow-up experiment, Heisler (1989) measured the effect of trees on wind and solar radiation in a residential neighborhood. Huang *et al.* (1990) used the data provided by Heisler (1989) and simulated the impact of shading and wind reduction on residential buildings' heating- and cooling-energy use. Their simulations indicated that a reduction in infiltration because of trees would save heating-energy use. However, in climates with cooling-energy demand, the impact of windbreak on cooling is fairly small compared to the shading effects of trees and, depending on climate, it could decrease or increase cooling-energy use. In cold climates, the wind-shielding effect of trees can substantially reduce heat-energy use in buildings. Akbari and Taha (1992) simulated the wind-shielding impact of trees on heating-energy use in four Canadian cities. For several prototypical residential buildings, they estimated heating-energy savings in the range of 10 to 15%.

In a recent study, Taha *et al.* (1996) simulated the meteorological impact of large-scale tree-planting programs in ten U.S. metropolitan areas: Atlanta, GA; Chicago, IL; Dallas, TX; Houston, TX; Los Angeles, CA; Miami, FL; New York,

Table 3. Number of additional trees planted in each metropolitan area and their simulated effects in reducing the ambient temperature. (Source: Taha *et al.*, 1996)

Location	Millions of addional trees in the simulation domain	Millions of additional trees in the metropolitan area	Max air temperature reduction in the hottest simulation cell (°C)
Atlanta	3.0	1.5	1.7
Chicago	12	5.0	1.4
Los Angeles	11	5.0	3.0
Fort Worth	5.6	2.8	1.6
Houston	5.7	2.7	1.4
Miami	3.3	1.3	1.0
New York City	20	4.0	2.0
Philadelphia	18	3.8	1.8
Phoenix	2.8	1.4	1.4
Washington, DC	11	3.0	1.9

NY; Philadelphia, PA; Phoenix, AZ; and Washington, DC). Table 3 shows the number of added trees simulated in each city and impact on air temperature. The number of trees in each grid cell varied from the low hundreds to the high tens of thousands. The DOE-2 building simulation program was then used to estimate the direct and indirect impacts of trees on saving cooling-energy use for two building prototypes: a single-family residence and an office. The calculations accounted for a potential increase in winter heating-energy use. Table 4 shows that, in most hot cities, shading a building can save annually \$5 to \$25 per 100 m^2 of roof area of residential and commercial buildings. Savings in residential building are higher than in commercial buildings.

5.1.2. Indirect energy and smog benefits. Taha *et al.* (1996) estimated the impact on ambient temperature resulting from a large-scale tree-planting program in the selected ten cities. They used a three-dimensional meteorological model to simulate the potential impact of trees on ambient temperature for each region. The mesoscale simulations showed that, on average, trees can cool down cities by about 0.3 to 1°C at 2 p.m.; in some simulation cells, the temperature was decreased by up to 3°C (see Table 3). The corresponding air-conditioning savings resulting from ambient cooling by trees in hot climates ranges from \$5 to \$10 per year per 100 m^2 of roof area of residential and commercial buildings. Indirect effects are smaller than direct shading, and, moreover, require that the entire city be planted.

Based on the results of Taha *et al.* (1996), Rosenfeld *et al.* (1998) estimated the potential benefits of trees, specifically in the Los Angeles Basin. The study assumed planting 11M trees according to the following plan: three shade trees (each with a canopy cross section of 50 m^2) per air-conditioned house, for a total of 5.4M trees; about one shade tree for each 250 m^2 of non-residential roof area for a total of 1M trees; 4.6M trees to shade non-air-conditioned homes or to be planted along streets, in parks, and in other public spaces. The results of that analysis are shown in Table 5. Note that about two-thirds of the savings in L.A. result from the reduction in smog concentration resulting from meteorological changes due to the evapotranspiration of trees. It has also been suggested that trees improve air quality by dry-depositing NO_x, O_3, and PM10 particulates.

Table 4. DOE-2 simulated HVAC annual energy savings from trees. Three trees per house and per office are assumed. All savings are \$/100 m^2. (Source: Taha *et al.*, 1996)

Location	Old residence		New residence		Old office		New office	
	Direct	Indirect	Indirect	Direct	Indirect	Direct	Indirect	Direct
Atlanta	5	2	3	1	3	2	2	2
Chicago	3	2	1	0.5	1	1	2	1
Los Angeles	12	8	7	5	6	12	4	10
Fort Worth	6	6	5	4	4	5	2	4
Houston	10	6	6	4	3	5	3	3
Miami	9	3	6	3	3	2	2	2
New York City	3	2	2	1	3	3	2	2
Philadelphia	−5	0	−7	0	2	1	1	1
Phoenix	27	8	16	5	9	5	6	4
Washington, DC	3	2	1	1	3	1	2	1

Table 5 Energy savings, ozone reduction, and avoided peak power resulting from use of urban trees in the Los Angeles Basin (Source: Rosenfeld *et al.*, 1998)

	Benefits	Direct	Indirect	Smog	Total
1	Cost savings from trees (M$/year)	58	35	180	273
2	Δ Peak power (GW)	0.6	0.3		0.9
3	Present value per tree ($)	68	24	123	211

Rosenfeld *et al.* (1998) estimate that 11M trees in L.A. will reduce PM10 by less than 0.1%, worth only $7M, which is disappointingly smaller than the benefits of $180M from smog reduction.

The present value (PV) of savings is calculated to find out how much a homeowner can afford to pay for shade trees. Rosenfeld *et al.* (1998) estimate that, on this basis, the direct savings to a home owner who plants three shade trees would have a present value of about $200 per home ($68/tree). The present value of indirect savings was smaller, about $72/home ($24/tree). The PV of smog savings was about $120/tree. Total PV of all benefits from trees was then $210/tree.

Reducing smog by citywide cooling can be considered equivalent to reducing the formation of smog precursors at constant temperature. We estimate that shade trees will reduce the maximum smog concentration by 5%. Using the ozone 'isopleths' (such as Milford's),[3] a 5% reduction in smog is equivalent to reducing precursors by approximately 12%, i.e., reducing NO_x in L.A. by 175 tons/day, a very significant drop and 25 times more than the 4 tons/day through reduced power-plant emissions.

5.2. Other benefits of shade trees

There are other benefits associated with urban trees. Some of these include improvement in the quality of life, increased value of properties, decreased rain run-off water and, hence, a protection against floods (McPherson *et al.*, 1994). Trees also directly sequester atmospheric carbon dioxide, but Rosenfeld *et al.* (1998) estimate that the direct sequestration of carbon dioxide is less than one-fourth of the emission reduction resulting from savings in cooling-energy use. These other benefits of trees are not considered in the cost benefit analysis shown in this paper.

5.3. Potential problems with shade trees

There are some potential problems associated with trees. Some trees emit volatile organic compounds (VOCs) that exacerbate the smog problem. Obviously, selection of low-emitting trees should be considered in a large-scale tree-planting program. Benjamin *et al.* (1996) have prepared a list of several hundred tree species with their average emission rates.

In dry climates and areas with a serious water shortage, drought-resistant trees are recommended. Some trees need significant maintenance that may entail high cost over the life of the trees. Tree roots can damage underground pipes, pavements and foundations. Proper design is needed to minimize these effects. Also, trees are a fuel source for fire; selection of appropriate tree species and planting them strategically to minimize the fire hazard should be an integral component of a tree-planting program.

5.4. Cost of trees

The cost of a citywide tree-planting program depends on the type of program offered and the types of trees recommended. At the low end, a promotional planting of trees 5–10 feet high costs about $10 per tree, whereas a professional tree-planting program using fairly large trees could amount to $150 to $470 a tree (McPherson *et al.*, 1994). McPherson has collected data on the cost of tree planting and maintenance from several cities. The cost elements include planting, pruning, removal of dead trees, stump removal, waste disposal, infrastructure repair, litigation and liability, inspection, and program administration. The data provide details of the cost for trees located in parks, yards, along streets, highways, and houses. The present value of all of these life-cycle costs (including planting) is $300 to $500 per tree. Over 90% of the cost is associated with professional planting, pruning, and tree and stump removal. On the other hand, a program administered by the Sacramento Municipal Utility District (SMUD) and Sacramento Tree Founda-

[3] Milford *et al.* (1989) have carried out detailed calculations analyzing the changes in the maximum ozone concentration reached in Los Angeles vs. initial concentration of NO_x and VOCs (volatile organic compounds). They presented their calculations in the form of 'isopleths' of equal maximum smog concentration for various levels of NO_x and VOCs concentration (typically shown as a percent reduction of emissions) for a typical summer episode.

tion in 1992–1996 planted 20-foot tall trees at an average cost of $45 per tree. This only includes the cost of a tree and its planting; it does not include pruning, removal of dead trees, and stump. With this wide range of costs associated with trees, in our opinion, tree costs should be justified by other amenities they provide beyond air-conditioning and smog benefits. The best programs are then probably the information programs that provide data on energy and smog savings of trees to the communities and home owners that have decided to plant trees for other reasons.

Even trees planted along streets and in parks where they do not offer direct shade to air-conditioned buildings exert an ambient cooling effect sufficient to have a substantial impact on smog reduction. Simulations for Los Angeles indicate that trees account for net savings (energy and smog savings) of about $270M annual benefit, of which, $58M comes from their contribution to shading (Table 5).

At another level, our calculations suggest that urban trees play a major role in sequestering CO_2 and thereby delaying global warming. Rosenfeld *et al.* (1998) showed that a tree planted in Los Angeles avoids the combustion of 18 kg of carbon annually, even though it sequesters only 4.5 kg (as it would if growing in a forest). In that sense, one shade tree in Los Angeles is equivalent to four forest trees.

6. COOL PAVEMENTS

The practice of widespread paving of city streets with asphalt began only within the past hundred years. The advantages of this smooth and all-weather surface for the movement of bicycles and automobiles is obvious, but some of the associated problems are perhaps not so well appreciated. One consequence of covering streets with dark asphalt surfaces is the increased heating of the city by sunlight. A dark surface absorbs light, and, therefore, it gets warmer. The pavements in turn heat the air and help create the 'urban heat island'. If urban surfaces were lighter in color, more of the incoming light would be reflected back into space and the surfaces and the air would be cooler. This tends to reduce the need for air conditioning.

Urban pavements are made predominantly of asphalt concrete. In this discussion, we will not deal with the common alternative, cement concrete, and the ongoing debate as to whether it is preferable because of its longer life-time. The questions we address are whether there are ways to reduce the heating of cities caused by asphalt concrete and whether this can be economical and practical.

In Fig. 6, we show some measurements of the effect of albedo on pavement temperature. The data clearly indicate that significant modification of the pavement temperature can be achieved: a

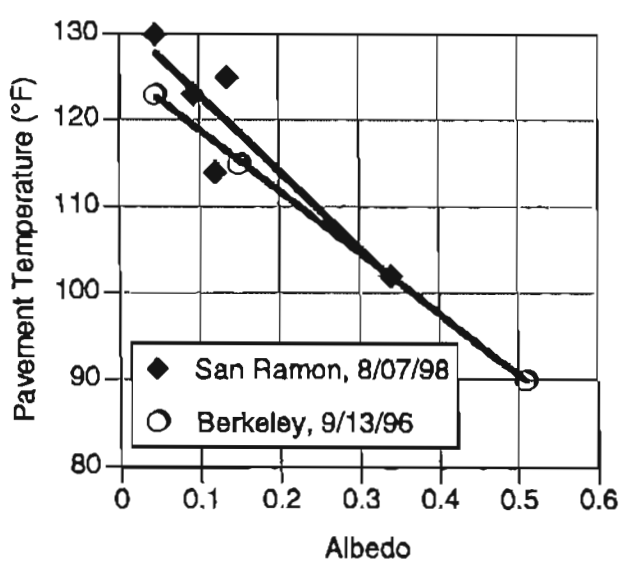

Fig. 6. Dependence of pavement surface temperature on albedo. Data were taken at about 3 p.m. in Berkeley, California, on new, old, and light-color coated asphalt pavements. The data from San Ramon, California, were taken at about 3 p.m. on four asphalt concrete and one cement concrete (albedo = 0.35) pavements.

10°C decrease in temperature for a 0.25 increase in albedo.

6.1. Energy and smog benefits of cool pavements

An estimate of the benefits can be deduced by first finding the temperature decrease that would result if a city were resurfaced with more reflective paving materials. Cool pavements provide only indirect effects through lowered ambient temperatures. Lower temperature has two effects: (1) reduced demand for electricity for air conditioning and (2) decreased production of smog (ozone). Rosenfeld *et al.* (1998) estimated the cost savings of reduced demand for electricity and of the externalities of lower ozone concentrations in the Los Angeles Basin.

6.1.1. Electric power savings in Los Angeles. Simulations for Los Angeles indicate that a reasonable change in the albedo of the city could cause a noticeable decrease in temperature. Taha (1997) predicted a 1.5°C decrease in temperature of the downtown area.[4] The lower temperatures in the city are calculated for the condition that all roads and roofs are improved. From the meteorological simulations of 3 days in each season, the temperature changes for every day in a typical year were estimated for Burbank, typical of the hottest one-third of L.A. The energy consumptions of typical buildings were then simulated for the original weather and also for the modified weather. The differences are the annual energy changes due to the decrease in ambient temperature. The result is a city-wide annual saving of about \$71M (million), due to combined albedo and vegetation changes. The kWh savings attributable to the pavement are \$15M/year, or \$0.012/m^2 year. Analysis of the hourly demand indicates that cooler pavements could save an estimated 100 MW of peak power in L.A. Fewer power plants, required to handle the growth of peak load, need be built if cooler pavements are installed, saving money, resources, and pollution.

6.1.2. Smog savings in Los Angeles. The simulations of the effects of higher albedo on smog formation indicate that an albedo change of 0.3 throughout the developed 25% of the city would yield a 12% decrease in the population-weighted ozone exceedance of the California air-quality standard (Taha, 1997). It has been estimated (Hall *et al.*, 1992) that L.A. people would be willing to pay about \$10 billion per year to avoid the medical costs and lost work time due to air pollution. The greater part of pollution is particulates, but the ozone contribution averages about \$3 billion/year. Assuming a proportional relationship of the cost with the amount of smog exceedance, the cooler-surfaced city would save 12% of \$3 billion/year, or \$360M/year. As above, we attribute about 21% of the saving to pavements. Thus, smog improvement from altering the albedo of all 1250 km^2 of pavements by 0.25 saves about \$76M/year. Per unit area, this is worth about \$0.06/m^2 per year.

6.2. Other benefits of cool pavements

6.2.1. Increased life expectancy of pavements. It has long been known that the temperature of a pavement affects its performance (Yoder and Witzak, 1975). This has been emphasized by the new system of binder specification advocated by the Strategic Highway Research Program (SHRP). Beginning in 1987, this program led pavement experts to carry out the task of researching and then recommending the best methods of making asphalt concrete pavements. A result of this study was the issuance of specifications for the asphalt binder. The temperature range that the pavement will endure is a primary consideration (Cominsky *et al.*, 1994). The performance grade (PG) is specified by two temperatures: (1) the average 7-day maximum temperature that the pavement will likely encounter, and (2) the minimum temperature the pavement will likely attain. Note, importantly, that it is the pavement temperature and not the air temperature that is considered. There is a rule of thumb in the industry, the 'rule of 90', that, when the sum of the absolute values of these temperatures is greater than 90°C, some kind of modification of the asphalt will be needed; this adds to the cost. For example, if a binder is specified as PG 58-22, it is intended to function between 58 and −22°C. The sum of the absolute values, $58 + |-22| = 80$. An ordinary grade of asphalt will suffice; its cost is about \$125 per ton. If, however, the pavement must function between 76 and −16°C, or PG 76-16, the sum $76 + |-16| = 92$, a modified asphalt is recommended. This higher grade costs about \$165 per ton (Bally, 1998), a 30% increase in price.

As an example of a temperature-dependent

[4]The model assumes that all roofs (1250 km^2) have albedo increased by 0.35, from about 0.15 to 0.5, and all pavements (1250 km^2) have albedo increased from about 0.1 to 0.35.

source of pavement failure, we consider 'tertiary creep'. Pavements gradually accumulate permanent distortions as tires roll over them repeatedly. 'Tertiary creep' refers to the phenomenon of the accelerated rate of distortion after many such repetitions. This signals gross failure of the pavement. Cominsky *et al.* (1994) gave evidence that cooler pavements can have a significantly higher resistance to tertiary creep and, thus, can last much longer. Using Cominsky's data, we estimate that a 10°C decrease in pavement temperature can result in a 25-fold increase in its life expectancy against this type of failure, a factor so large that we suspect it is an overestimate.

6.2.2. Improved visibility. Reflectivity of pavements is also a safety factor in visibility at night and in wet weather, affecting the demand for streets' electric lighting. Street lighting is more effective if pavements are more reflective, which can lead to greater safety; or, alternatively, less lighting could be used to obtain the same visibility. These benefits have not yet been monetized.

6.3. Potential problems with cool pavements

A practical drawback of high reflectivity is glare, but this does not appear to be a problem. We suggest a change in resurfacing using not black asphalt, with an albedo of about 0.05–0.12, but the application of a product with an albedo of about 0.35, similar to that of cement concrete. The experiment to test whether this will be a problem has already been performed: every day, millions of people drive on cement concrete roads, and we rarely hear of accidents caused by glare, or of people even complaining about the glare on such roads. Thus, every reader of this paper likely knows the answer from experience.

There is also a concern that, after some time, light-colored pavement will darken because of dirt. This tends to be true, but again, experience with cement concrete roads suggests that the light color of the pavement persists after long usage. Most drivers can see the difference in reflection between an asphalt and a cement concrete road when they drive over them, even when the roads are old. More studies are needed to quantify the effect of aging.

The use of chip seals is a promising method of resurfacing that achieves lighter color. (Chip sealing is the pressing on of aggregate into soft binder, as a resurfacing technique (Asphalt Institute, 1989).) Although this is popular in many districts, some have reservations about the use of chip seals in cul de sacs, where tires are turned hard and loosen the aggregate. Aggregate is sometimes thrown by tires, but, when installed properly, this seems to be rare.

6.4. Cost of cool pavements

It is clear that cooler pavements will have energy, environmental and engineering benefits. The issue is then whether there are ways to construct pavements that are feasible, economical, and cooler. The economic question is whether or not the savings generated by a cool pavement over its lifetime are greater than its extra cost. Properly, one should distinguish between initial cost and lifetime costs (including maintenance, repair time, and length of service of the road). Often the initial cost is decisive, so we will consider only that cost here.

6.4.1. Thick pavements. A typical asphalt concrete contains about 7% of asphalt by weight, or about 17% by volume; the remainder is rock aggregate, except for a few percent of voids. The cost of ordinary asphalt (1998 prices) is about \$125 per ton, and the price of aggregate is about \$20 per ton, exclusive of transportation costs. Thus, in one ton of mixed asphalt concrete, the cost of materials only is about \$28/ton, of which about \$9 is in the binder and \$19 is in the aggregate. For a pavement about 10 cm thick (4 inches), with a density of 2.1 ton/m^3, the cost of the binder alone is about \$2 per m^2 and aggregate costs about \$4.2 per m^2.

Experimentally, the albedo of a fresh asphalt concrete pavement is about 0.05 (Pomerantz *et al.*, 1997) because the relatively small amount of black asphalt coats the lighter colored aggregate. As an asphalt concrete pavement is worn down and the aggregate is revealed, we observed an albedo increase to about 0.15 for ordinary aggregate. If it were made with a reflective aggregate, we could expect the long-term albedo to approach that of the aggregate.

How much money might such a reflective pavement save? Using the assumptions for Los Angeles, a cooler pavement would generate a stream of savings of \$0.07/m^2 per year for the lifetime of the road, about 20 years. At a real interest rate of 3% per year, this has a present value about 15 times the current saving (Rosenfeld *et al.*, 1998). Thus, the potential savings are worth \$1.1/m^2 at present. This saving would allow for purchase of a binder, instead of \$2/m^2, costing \$3/m^2, or 50% more expensive. Or, one could buy aggregate; instead of spending \$4.2/m^2, one can now afford \$5.2/m^2 (a 20% more expen-

sive, whiter, aggregate). It is doubtful that such modest increases in costs can buy much whiter pavements.

In the special case of a climate in which the pavement is subjected to such wide temperature swings that the 'rule of 90' is violated, the cost of binder is increased by about 30%, if SHRP recommendations are followed. For a 10 cm thick new road, the cost of ordinary asphalt is $\$2/m^2$ and higher grade asphalt costs $\$2.60/m^2$. Instead of buying the higher grade binder, one could apply a chip seal, which costs about $\$0.60/m^2$. Chip seals comprise a binder onto which aggregate is pressed. The aggregate is visible from the outset, and, if it is reflective, the pavement stays cooler. It might be sufficiently cool that it is unnecessary to use the higher grade binder. For example, the data of Fig. 6 show that a 0.25 increase in albedo can reduce the pavement temperature by 10°C. This suggests that the maximum temperature specification for the pavements might be reduced by 10°C. A lower grade of binder might then be acceptable. The reduced cost of the binder cancels the cost of the chip seal, and one enjoys the cooling benefit at no extra cost.

Thus, for thick pavements, the energy and smog savings may not pay for whiter roads. However, if the lighter-colored road leads to substantially longer lifetime, the initial higher cost may be offset by lifetime savings. An example of this is to be seen when a higher grade binder is replaceable by a white surface. This must be evaluated according to the demands on the road and the climate.

6.4.2. Thin pavements. At some times in its life, a pavement needs to be maintained, i.e., resurfaced. This offers an opportunity to get cooler pavements economically. Good maintenance practice calls for resurfacing a new road after about 10 years (Dunn, 1996) and the lifetime of resurfacing is only about 5 years. Hence, within 10 years, all the asphalt concrete surfaces in a city can be made light-colored. As part of this regular maintenance, any additional cost of the whiter material will be minimized. Note also that because the lifetime of the resurfacing is only about 5 years, the present value of the savings is five-times greater than the annual savings. Thus, for LA, the present value is about $\$0.36/m^2$ ($\$0.03/ft^2$). Can a pavement be resurfaced with a light color at an added cost less than this saving?

For resurfacing, there are the options of a black topping, such as a slurry seal, or a lighter-colored surface, achieved by using a chip seal. The costs of both of these are about the same, $\$0.60/m^2$ (Means, 1996). For a chip seal, about half the materials cost is aggregate and half is the binder. If special light-colored aggregate is used in the chip seal, there will be an extra cost. For example, if the aggregate costs 50% more, instead of $\$0.30/m^2$ it will cost $\$0.45/m^2$, and the price of the chip seal will rise by $\$0.15/m^2$. If the energy, environmental and durability benefits over the lifetime of the resurfacing exceed $\$0.15/m^2$, the cooler pavement pays for itself. Again, this depends on local circumstances: the climate and smog conditions vs. the cost of light-colored aggregate. For Los Angeles, we have estimated that energy and environmental savings alone are about $\$0.36/m^2$ (present value over the lifetime of 5 years for a resurfacing), and, thus, one could afford to pay twice the usual price for aggregate and still have no net increase in cost. Lifetime benefits would also accrue in addition to energy and smog benefits.

7. CONCLUSIONS

Cool surfaces (cool roofs and cool pavements) and urban trees can have a substantial effect on urban air temperature and, hence, can reduce cooling-energy use and smog. We estimate that about 20% of the national cooling demand can be avoided through a large-scale implementation of heat-island mitigation measures. This amounts to 40 TWh/year savings, worth over $4B per year by 2015, in cooling-electricity savings alone. Once the benefits of smog reduction are accounted for, the total savings could add up to over $10B per year.

Achieving these potential savings is conditional on receiving the necessary federal, state, and local community support. Scattered programs for planting trees and increasing surface albedo already exist, but to start an effective and comprehensive campaign would require an aggressive agenda. We have started to collaborate with the American Society for Testing of Materials (ASTM) and the industry, to create test procedures, ratings, and labels for cool materials. We have also initiated plans to incorporate cool roofs and trees into the Building Energy Performance Standards of ASHRAE (American Society of Heating Refrigeration, and Airconditioning Engineers), California Title 24, and the California South Coast's Air Quality Management Plans. We also plan to demonstrate savings in selected 'Cool Communities', including federal facilities, particularly

military bases. A related effort involves expanding the Los Angeles Basin's Regional Clean Air Incentive Market (RECLAIM) NO_x-credit trading market to include air temperature reduction by cool surfaces. The South Coast Air Quality Management District and the EPA now recognize that air temperature is as much a cause of smog as NO_x or volatile organic compounds, so that cool surfaces and shade trees should be monetized on RECLAIM along with NO_x. Finally, EPA is considering mechanisms that would allow inclusion of cool surface and trees in State Implementation Plans (SIPs) for ozone compliance.

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PLANNING BY DESIGN

Montgomery County Planning Commission

Shading Parking Lots

Communities can transform their parking lots while adding environmental benefits by planting more trees in parking areas. Trees provide welcoming shade in parking lots, especially on hot days. They shade cars and pedestrian walkways, reduce glare, screen views, and muffle noise. Trees can reduce the excess heat generated by large expanses of paving and can reduce stormwater runoff and pollution. In time, the shade provided by trees will cool pavement surfaces, reducing air temperatures and mitigating the heat island effect. Planting trees creates more pleasant and attractive parking environments and increases tree canopy cover, making communities greener and healthier places.

Millennium Corporate Center, Conshohocken, PA

Top photo: Colorcon Global Headquarters & Technology Center, Harleysville, PA

Middle photo: YMCA Ambler, Ambler, PA

Bottom photo: Shelly Shopping Center, Upper Salford, PA

Successful Tree Planting

Planting trees in parking lots provides many benefits and some challenges. When planting trees, it is essential to provide what a tree needs to grow—adequate space, soil, and water.

Growing Space

Many planting areas in parking lots are simply too small to provide adequate root space for trees to grow. This causes trees to grow slowly, become prone to disease, and struggle to survive. Designing planting areas with generous growing space allows trees to reach their full height and size, providing maximum shading. Trees need enough room to grow for both their roots and canopy. Tree size and longevity depend on the amount of soil volume available. A minimum soil volume of 300–600 cubic feet was previously suggested per tree, but recent studies suggest larger soil volumes—ranging from 800 to over 1000 cubic feet—are needed to sustain a large canopy tree. Trees should be planted in strips, islands, or along the perimeter. All of these areas should be at least 8 feet wide and at least 3 feet deep. Improved techniques for planting trees in parking lots could include using engineered soils and larger continuous planters.

Adequate Soils

A common issue in parking lot planting areas is that soil is compacted, may contain construction materials, and lacks nutrients. Trees receive nutrients from soil, but roots need oxygen and water found in the voids between soil particles to grow. In compacted soil, these voids are reduced; roots do not receive adequate water and oxygen and trees decline. Most trees grow best in neutral to slightly acidic soil (below PH 7). When construction materials—such as concrete and limestone gravel—are found in soil, alkalinity (higher than PH 7) increases, which affects a tree's ability to withdraw nutrients. Only trees tolerant of alkaline soils should be planted. Soils in planting areas should be a balanced mix of sand, silt, and clay with generous amounts of organic matter. A layer of mulch should be applied around trees every year to suppress weeds, replenish organic matter, and preserve soil moisture. Before planting trees in parking lots, the soil should be improved by excavating to a depth of at least 30 inches, adding soil amendments to increase fertility if needed.

Top photo: Fischer's Park, Towamencin, PA

Middle photo: Haddonfield, NJ

Bottom photo: 1100 First Avenue, Upper Merion, PA

Rainwater Runoff

Planting areas, whether along the perimeter or in the interior of parking lots, can be designed to capture stormwater runoff. Typical planting areas are surrounded by curbs, preventing rainwater runoff from reaching trees. A more innovative approach involves using curb cuts with depressed islands to capture rainwater runoff, helping manage stormwater while watering trees. Trees in parking lots also can be planted as part of a larger bioretention system.

Tree Selection

To successfully thrive in parking areas, the tree species selected should be tolerant of harsh conditions including drought, salt, pollution, excessive heat, and compacted soil. They should be low in maintenance and produce minimal debris. The placement of light fixtures and signs should be coordinated to avoid conflicts with tree plantings. We suggest canopy trees (with a minimum mature height of 30 feet or more) be strategically placed throughout the parking lot and along the perimeter to provide maximum shade. Many native and introduced species are appropriate for planting. Parking lots have two distinct planting areas—the interior and the perimeter. Perimeter trees can consist of larger shade trees, such as red maple (Acer rubrum), chestnut oak (Quercus prinus), and little leaf linden (Tilia cordata), because perimeter planting areas are typically wider, providing more space to grow. Trees, such as Honey Locust (Gleditsia Triacanthos var Inermis), Japanese Zelkova (Zelkova serrata), and Lackbark Elm (Ulmus parvifolia), are good for parking lot interiors because of their tolerance of alkaline soils and harsh conditions. To promote overall tree health, no more than 25 percent of the total planted trees should be from one species.

Shading Requirements

Today's innovative shading standards combine requirements to effectively shade paved areas. Traditionally, tree planting regulations have required one tree for a certain number of parking spaces or a specified amount of planting area (green space) per parking space. Newer shading regulations provide a maximum distance (50 to 120 feet) from any parking space to

Beacon, NY

the nearest tree or increase the percentage of shade cover (20–50 percent) within a specified time period. For example, in Sacramento, California 50 percent of a parking lot must be shaded within 15 years. An approved tree list is used to estimate the amount of future shade by species. For communities in Montgomery County, we suggest incorporating parking lot landscape regulations similar to those in Prince George's County, Maryland. These requirements use performance standards that include both perimeter and interior tree plantings. To provide flexibility, various perimeter planting options are permitted. Interior planting areas are calculated as a percentage of the total parking lot area and are based on the size of the parking lot. The percentage of landscape area increases as parking lots become larger. These examples also contain minimum planting area dimensions, tree species diversity requirements, and approved plant lists.

While the technique for requiring trees in parking areas can vary, the goal of providing shade and improving environmental performance is the same. Shading parking lots offers communities a simple way to green their neighborhoods while providing environmental benefits.

Online Resources

Urban Forestry South Expo

http://www.urbanforestrysouth.org/resources/collections/parking-lot-design-issues-trees/

City of Sacramento, California - Parking Lot Tree Shading Design and Maintenance Guidelines

www.cityofsacramento.org/transportation/urbanforest/uf-media/shading_guidlines_06-05-03.pdf

Prince George's County, Maryland – Landscape Manual December 2010

http://www.pgplanning.org/Assets/Planning/Development+Review/Prince+George$!e2$!80$!99s+County+Landscape+Manual/Prince+George$127s+County+Landscape+Manual+-+December+2010.pdf

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Sacramento's parking lot shading ordinance: environmental and economic costs of compliance

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Abstract

A survey of 15 Sacramento parking lots and computer modeling were used to evaluate parking capacity and compliance with the 1983 ordinance requiring 50% shade of paved areas (PA) 15 years after development. There were 6% more parking spaces than required by ordinance, and 36% were vacant during peak use periods. Current shade was 14% with 44% of this amount provided by covered parking. Shade was projected to increase to 27% (95% CI 24–37%) when all lots in the sample were 15-year-old. Annual benefits associated with the corresponding level of tree shade were estimated to be US$ 1.8 million (CI US$ 1.5–2.6 million) annually citywide, or US$ 2.2 million less than benefits from 50% shade (CI US$ 1.4–2.5 million). The cost of replacing dying trees and addressing other health issues was US$ 1.1 million. Planting 116,000 trees needed to achieve 50% shade was estimated to cost approximately US$ 20 million. Strategies for revising parking ordinances to enhance their effectiveness are presented. Published by Elsevier Science B.V.

Keywords: Planning; Tree shade; Natural resource valuation

1. Introduction

Planners who write parking lot ordinances balance the need for parking with other community goals such as a more compact urban form, enhanced urban design, and an improved environment. Communities want businesses to provide adequate on-site parking to prevent spillover parking in surrounding neighborhoods, reduce traffic congestion on public streets, and promote economic development. However, providing adequate parking can conflict with other goals when large surface parking lots contribute to drainage and flooding problems, increase urban heat islands, create "eyesores", or encourage people to abandon mass transit, thereby, accentuating air quality problems (Smith, 1988).

Parking lots occupy about 10% of the land in our cities and as cities build outward parking is expected to cover relatively more area (Schiavo, 1991; Wells, 1995). To size parking lots planners use parking demand ratios that specify the minimum and, in some cases, the maximum number of spaces per gross square foot of leaseable floor area (GFA) or dwelling unit (DU) (Bergman, 1991). Parking ratios have been based on surveys of parking rates (Institute of Transportation Engineers, 1987), and result in parking built to handle peak demand, for example, the number of cars that will use a shopping mall on weekends between Thanksgiving and Christmas. Parking lot standards specify minimum stall and aisle dimensions, landscaping, lighting, and signage requirements (ULI-NPA, 2000).

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The 1970s energy crisis spurred implementation of parking lot shading ordinances in cities such as Sacramento, Davis, Los Angeles and California. These ordinances required that 50% of the total paved area (PA) be shaded within 15 years of the issuance of development permits. Tree List contains the 15 years crown diameter and crown projection area (i.e. area under a tree's dripline) of species recommended for planting, data used by planners to calculate PA that would be shaded under each tree. Many parking lot ordinances specify one tree for a certain number of parking spaces or a certain amount of landscaped area per space, but trees can be clustered in islands or along the parking lot perimeter, often resulting in large areas of unshaded pavement (Beatty, 1989). The Sacramento ordinance, adopted in 1983, is a performance standard that ensures a distribution of shade throughout the lot. It has not been evaluated or amended since its inception. Examples of the Sacramento and Davis ordinances are available on the Internet (http://cufr.ucdavis.edu/parkordinance.htm and shaderevised.htm).

Sacramento is one of several US cities in the Cool Communities Program. The goal of this program is to improve air quality by lowering summertime temperatures through tree planting and light-colored surfacing. In Sacramento, where summer temperatures exceed 32.2 °C an average of 73.6 days per year (Western Regional Climate Center, 2000), tree planting is one of the most cost-effective means of mitigating urban heat islands and associated expenditures for air conditioning (Huang et al., 1987; Akbari et al., 1992; Simpson and McPherson, 1998). Trees are considered essential to moderating the heat gained by asphalt parking lots (Asaeda et al., 1996). Cooler air temperatures reduce ozone (O_3) concentrations by lowering emissions of hydrocarbons (HCs) that are involved in O_3 formation. For instance, trees in a Davis, CA, parking lot reduced air temperatures 0.5–1.5 °C (Scott et al., 1999), which in turn reduced HC emissions from gasoline that evaporated out of leaky fuel tanks and worn hoses. Planting trees in parking lots throughout the Sacramento region so as to achieve 50% shade on PAs was estimated to reduce HC emissions by 0.9 tonnes per day, comparable to the levels achieved through some of the local air quality district's currently funded programs (e.g. graphic arts, waste burning, vehicle scrappage). Results from other modeling studies indicate that air quality benefits associated with pollutant uptake and climate modification by urban forests can be substantial (Taha, 1996; McPherson et al., 1998; Rosenfeld et al., 1998; Nowak et al., 2000).

Reducing the amount of parking-related impervious surface can reduce the volume of polluted run-off, and the size and costs of stormwater facilities needed to store and treat the run-off (Ferguson and Debo, 1990; Arnold and Gibbons, 1996; Schueler, 1997). The quantity of pollutants in parking lot run-off is related to vehicular traffic, vehicle condition, and atmospheric deposition. Parking lot run-off has relatively high concentrations of trace metals, oil, and grease (Bannerman et al., 1993; Hahn and Pfeifer, 1994).

Given the many benefits associated with parking lot shade and anecdotal evidence that the amount of shading stipulated in the 16-year-old Sacramento ordinance was not being attained, this study was designed to answer the following policy and planning questions.

1. Are current parking demand ratios adequate?
2. Are requirements for parking lot shade being met, and if not, why?
3. What are the environmental and economic costs of compliance and non-compliance?
4. How can the ordinance and its implementation be modified to increase effectiveness?

2. Methods

Tasks undertaken in this study are illustrated (Fig. 1) and described in this section.

2.1. Citywide parking lot assessment

Data from interpretation of a 1992 black and white aerial photograph of Sacramento (print scale 1:6857) were used to describe the relations among parking lots, impervious services, and land uses. Random dots (5262) were laid on photos for the entire city (249 km^2) and the point below each dot was classified by land-use type and cover type (i.e. parking lot) (US Forest Service, 1997).

2.2. Parking capacity analysis

Parking ratios were obtained from the city ordinance (City of Sacramento, 1992). Multi-family

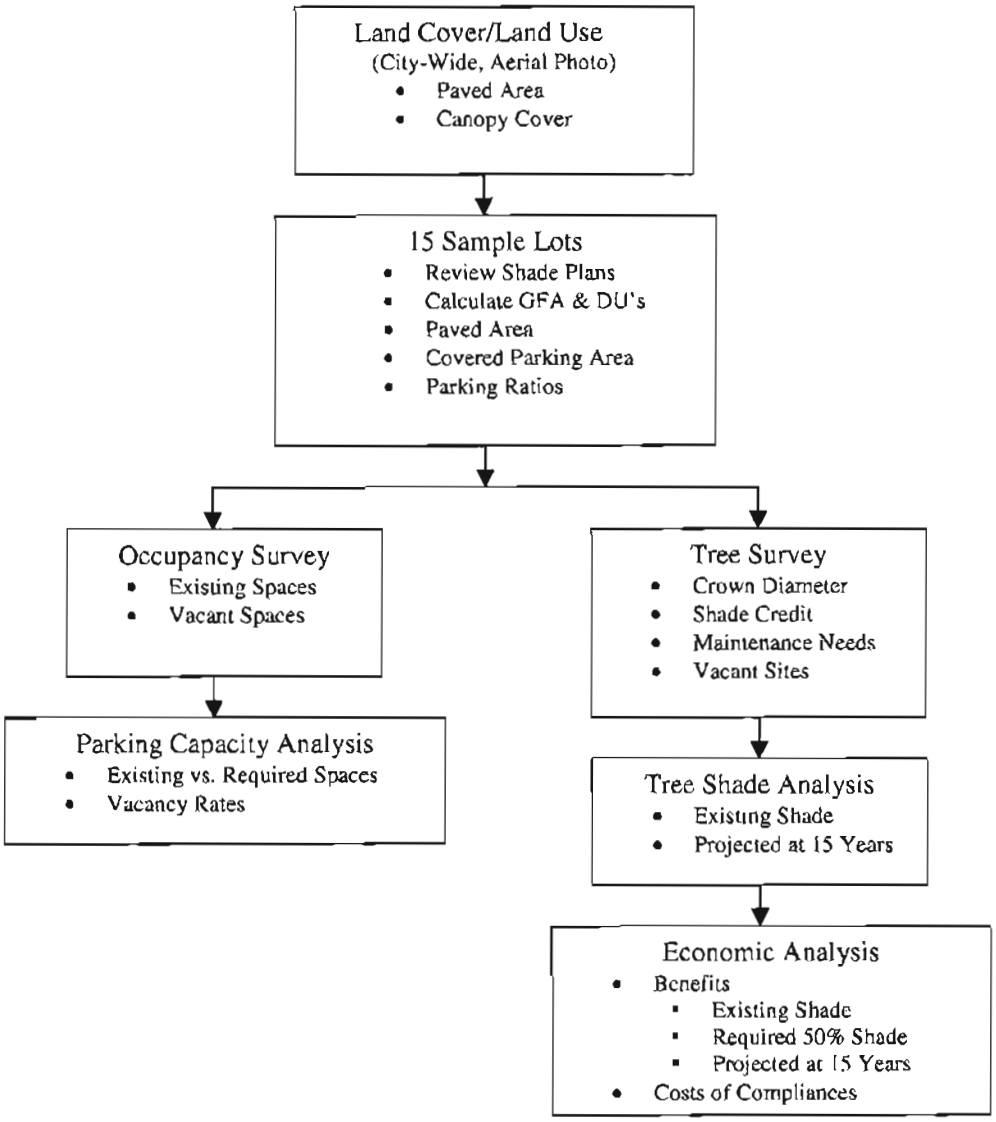

Fig. 1. Tasks and data collected for this study.

residential (apartment) lots were required to have 1.5 spaces/DU and 1 guest space/15 DUs. The parking requirement for retail stores was one space for each 23.2 m^2 (250 ft^2) of GFA. A new shopping center with theater (Laguna Village) was designated a planned unit development and required to provide a minimum and maximum of one space/92.9 m^2 (1000 ft^2) and 46.5 m^2 (500 ft^2) of GFA, respectively as well as one space/six theater seats. The ordinance also establishes a minimum and maximum for offices of one space/ 37.2 m^2 (400 ft^2) and 23.2 m^2 (250 ft^2) of GFA, respectively. GFA and the number of DUs were obtained from site design plans and property managers. The number of required parking spaces was calculated and the number of actual spaces were counted in each lot. A survey was conducted between 30 November and 26 December 1999 to count vacant spaces during peak use periods. Apartment and office lots were surveyed on week days, the former between 00:00 and 2:00 h and the latter from 9:30 to 11:00 h and 13:30 to 15:00 h. Retail lots were surveyed at least twice, a week day from 16:00 to 18:30 h and a

weekend day from 13:30 to 16:30 h. The number of vacant spaces are reported when parking occupancy was highest.

2.3. Tree survey and shading analysis

A random sample of 15 parking lots was selected by the City of Sacramento Planning Department staff. During summer 1999 the trees in each lot were surveyed to obtain the following information: species, diameter at breast height (dbh, to nearest 0.1 cm by tape), average crown diameter (two radii measurements at 90° to the nearest 0.5 m by tape), shade credit (SC or percentage of crown that shades parking lot pavement to the nearest 25% excluding overlapping shade), management needs, and vacant planting sites.

PA was calculated as the average of three measurements taken off the site plan with a planimeter. Covered parking area (CPA) was measured off site plans and field checked. Adjusted paved area (APA) was calculated as PA − CPAand represents the area where trees could be planted for shade. Required shaded area (RSA) was defined as 50% of the PA. The effective tree shaded area (ETSA) was calculated for each tree i as

$$ETSA_i = TSA_i \times SC_i \quad (1)$$

where tree shaded area (TSA_i) is the area under the dripline of tree i. TSA was calculated with measured average crown diameter assuming a circular crown. Actual shaded area (ASA) for parking lot j was defined as the amount of PA shaded at the time of the survey and calculated as

$$ASA_j = CPA_j + \sum_{i=1}^{n_j} ESTA_{ji} \quad (2)$$

The means and standard deviations (S.D.) of CPA, ETSA, and ASA were calculated for the 15 lot sample.

Projected tree shaded area (PTSA) was estimated at 15 years after planting for trees in lots less than 15-year-old. Each tree was "grown" to it's projected crown diameter 15 years after planting using annual dimensional data for street trees in nearby Modesto, CA (Peper et al., in press). The Modesto data were derived from a sample of 616 trees representing 22 species and dimensions were available for seven of the eight most abundant species in the Sacramento parking lots. In cases where dimensional data for the species were unavailable, dimensions from a species with comparable mature size and growth rate were applied. The crown diameter at 15 years after planting was estimated by adding the increment of growth for the period of years remaining until it reached 15 years. Inventoried crown diameter dimensions were directly applied for trees in lots that were 15 and 16-year-old. The total amount of TSA projected 15 years after development was calculated for each $tree_i$ in lot_j as

$$\sum_{i=1}^{n_j} PTSA_{ji} \times SC_{ji} \quad (3)$$

Variability of this estimated parameter was calculated using the 95% confidence limits for each species (Peper et al., in press).

2.4. Economic analysis of tree shade

An economic analysis was conducted to estimate the value of benefits associated with (1) 50% tree shade, as per the ordinance, (2) amount of tree shade typically achieved after 15 years under current conditions (PTSA) and (3) amount of tree shade that exists at present (ETSA). Because the effects of shade from covered parking on energy, air quality, hydrology, and aesthetics are unknown they were excluded from this analysis.

Annual benefits were estimated from results of the Sacramento Urban Forest Ecosystem Study (SUFES) on a unit tree canopy cover (CC) basis. SUFES combined aerial photo analysis and ground sampling of vegetation to characterize urban forest cover, species composition, age structure, and condition (McPherson, 1998a). This information was combined with hourly data on local meteorology, air pollutant concentrations, and other information in computer models to simulate impacts of the urban forest on environment.

To ascribe dollar values to benefits, air conditioning savings were directly estimated, while air quality, stormwater run-off, and other benefits were implied. Implied valuation is used to price society's willingness to pay for environmental services not directly priced by market transactions. Because trees are not paid for pollutant uptake their air quality benefits are estimated using prices that reflect the costs of reducing stationary source emissions in the Sacramento region (SMAQMD, 1993). If it is cost-effective for a corporation to pay US$ 1/kg to reduce future emissions, then

Table 1
Metrics for estimating the value of benefits from parking lot tree shade in Sacramento

	RU/m² CC[a]	Price (US$/RU[b])	Value (US$/m² CC)
Air conditioning (kWh)	0.80	0.08	0.064
CO_2	3.10	0.03	0.102
Stormwater (m³)	0.02	0.83	0.020
Aesthetic (retail)			0.154
Aesthetic (office/apartment)			0.175
O_3	4.01	27.01	0.108
PM_{10}	4.10	11.68	0.048
NO_2	1.13	27.01	0.030
SO_2	0.15	20.17	0.003
HC avoided	5.92	19.29	0.114
HC released	0.90	19.29	0.017
BVOC (low)	0.09	19.29	0.002
BVOC (medium)	0.86	19.29	0.017
BVOC (high)	4.28	19.29	0.083

[a] All resource units (RU) in g/unit CC unless otherwise noted.
[b] All prices in US$/kg unless otherwise noted.

the air pollution mitigation value of a tree that absorbs or intercepts 1 kg of air pollution should be US$ 1. Costs for tree planting and care were obtained from a municipal urban forest benefit–cost analysis (McPherson et al., 1999).

The annual rate of dry deposition of gaseous pollutants (O_3, nitrogen dioxide (NO_2), sulfur dioxide (SO_2)) to the tree canopy was estimated, as was interception of particulate matter (PM_{10}). For example, 3078 ha of existing CC (1.73 million trees) in the City of Sacramento was estimated to remove 34.7 metric tonnes of NO_2 pollutant annually, or 1.1 g/m² CC (Scott et al., 1998). The implied value of this benefit was estimated as US$ 0.03/m² CC given the control cost (US$ 27,007/tonne) (Table 1). Annual uptake rates and implied values were calculated in the same manner for other criteria pollutants.

Simpson (1998) found that 467 ha of existing CC in Sacramento's small commercial and industrial lands reduced summer air conditioning from 314 to 297 GWh, with savings of 17 GWh attributed to air temperature reductions. In this study it is assumed that trees do not shade buildings during summer and impacts on winter heating are negligible. Given current parking lot CC of 8.2 or 0.4% citywide (US Forest Service, 1997), increasing parking lot cover to 50% will result in a 2.2% increase in citywide CC. Previous studies indicate that a 10% increase in tree cover is associated with a 1 °C air temperature reduction and this results in a 6.7% reduction in commercial/industrial air conditioning consumption (Simpson, 1998). Therefore, a 2.2% increase in CC (536 ha) is estimated to reduce air temperature 0.21 °C, thereby, reducing air conditioning use by 1.4% or 4.28 GWh. This savings translates into 0.8 kWh/m² CC. Electricity sold to the commercial sector is priced at US$ 0.081/kWh.

McPherson (1998b) reported that Sacramento's existing urban forest reduced atmospheric carbon dioxide (CO_2) by 103 tonnes per year. Trees sequestered 74 tonnes, provided avoided power plant emissions through energy savings in the amount of 33 tonnes, and 4 tonnes were released through tree care activities (e.g. chain saws, chippers, vehicles). This analysis assumes that parking lot trees have the same annual sequestration (2.4 kg/m² CC) and release rates (0.1 kg/m² CC) per unit of CC as the average for trees throughout Sacramento. The avoided emission rate accounts for the tree-related parking lot air conditioning savings, as well as the Sacramento Municipal Utility District's emission factor of 400 tonnes CO_2/GWh. The average annual avoided emissions rate is 0.8/kg m² CC and the net CO_2 reduction is 3.1 kg/m² CC (Table 1). The implied value of CO_2 reduction is US$ 0.03/kg (California Energy Commission, 1994).

Using a numerical interception model Xiao et al. (1998) estimated that 1.73 million trees in Sacramento reduced 728,500 m³ of annual stormwater run-off by storing 23.5 mm of rainfall in the urban forest canopy. Annual interception for the largely deciduous canopy was 0.024 m³/m² CC, a relatively small amount due to the winter rainfall pattern when most trees are leafless. Sacramento's Department of Utilities requires that parking lots be designed to retain the first 19 mm of run-off on-site for flood control and water quality protection. Expenditures for two common best management practices were annualized to estimate the implied value of rainfall intercepted by parking lot trees. The capital cost of an infiltration basin and vegetated swale designed to retain 19 mm of run-off on a 2 ha site in a US$ 6.5 million commercial project was US$ 17,550 and the annual maintenance cost was US$ 1350 (California Regional Water Quality Control Board, 2000). The total cost for a 10-year-period was US$ 31,050. Average annual rainfall in Sacramento

is 393 mm and an analysis of the distribution of rainfall by event indicates that approximately 50% of this would be treated by the basin and swale, the remainder falling during events that exceed the system's capacity, or during small events that generate a negligible amount of run-off. The volume of rainfall treated was 37,347 m^3 and the control cost was US$ 0.83/m^3 of run-off (Table 1).

Scott et al. (1998) reported that increasing parking lot tree CC in Sacramento to the 50% standard would reduce evaporative HC emission reductions from parked cars by 0.96 g/car per day. Based on a comparison of BVOC emissions peak per day and per year, an average annual reduction of 192 g was calculated assuming emissions occurred 180 days per year (May–October). A large tree (12 m crown diameter) can nearly shade eight facing spaces, each 5.8 m × 2.4 m. Research indicates that as air temperatures increase the occupancy rate of shaded spaces increases (Elliott, 1986). Therefore, this analysis assumes that a large tree shades four cars (50% stall occupancy), producing a benefit of 691 g/tree per year or 5.9 g/m^2 CC (Table 1).

The annual release of biogenic volatile organic compounds (BVOCs) was estimated for each tree because these HCs are involved in O_3 formation. Each tree species was categorized based on hourly isoprene and monoterpene emission rates normalized to a per tree basis: low emitter 0.1 g/tree per day (0.086 g/m^2 CC), medium emitter 1 g/tree per day (0.86 g/m^2 CC), and high emitter 5 g/tree per day (4.28 g/m^2 CC) (Benjamin et al., 1996) (Table 1). BVOC emissions were estimated for 100 days per year (July–September) and priced at US$ 19.29/kg for HCs.

Chain saws and chippers release HCs during operation. It takes approximately 30 min to prune a large tree (46 cm dbh) with a 33 cm^3 chain saw at 50% load and this results in 145 g HC emissions (Martin Fitch, Sacramento Tree Services Division, personal communication). To chip the pruned wood takes a chipper (65 hp, four-stroke, gas powered) approximately 15 min operating at 50% load and results in 65 g HC emissions. Assuming the parking lot trees are pruned biannually the average annual HC emissions is 0.105 kg/tree or 0.9 kg/m^2 CC (Table 1).

Some of the benefits associated with trees in commercial settings are difficult to translate into economic terms. Survey research found that consumer preference ratings increased with the presence of trees in the commercial streetscape and well-landscaped business districts had significantly higher priced goods and increased patronage compared to a no-tree district (Wolf, 1999). A study of change over a 25-year-period for 30 San Jose area shopping centers found a high degree of association between urban tree cover and the presence of high-end offerings of goods and services (Ellefsen et al., 1998). Most of the obviously successful shopping centers and downtowns had many trees, while the least successful had few trees.

Lacking research that directly links parking lot tree cover to economic indicators of value such as selling price, rents, leases, and occupancy rates, this study adjusts the results of research that compared differences in sales prices of residential properties to statistically quantify the amount of difference associated with trees. Anderson and Cordell (1988) surveyed 844 single family residences and found that each large front yard tree was associated with a US$ 336 increase in sales price or nearly 1% of the average sales price of US$ 38,100 (in 1978 US$). In this study the 1% of sales price figure is adjusted downward because trees can create more conflicts in commercial, office, and multi-family residential properties than in single family properties. For example, in retail settings trees can screen signs, storefronts, and window displays. Trees reduce usable outdoor space and their debris can dirty sidewalks, parked cars, and pedestrians. Trees in cutouts or small tree wells can buckle sidewalks and crack curbs, in the process creating trip and fall hazards. The crowns of trees can grow into pole-mounted lights, thereby, reducing nighttime illumination and personal security.

The median sales price of residential properties in Sacramento was US$ 109,000 (California Association of Realtors, 1999). The value of a large tree that adds 1% to the sales price of such a property is US$ 109,000. Assuming the large front yard tree has a 12 m crown diameter and is 40-year-old the annualized benefit per unit CC is US$ 0.23/m^3 CC. This value was multiplied by 0.75 for office and multi-family residential land uses and by 0.66 for retail land uses. Reduction factors were arbitrarily determined after discussion with local real estate agents and they reflect the observation that trees contribute more to the value of office and apartment properties than retail properties. Thus, the average annual aesthetic benefit for a parking lot tree on retail property was US$ 0.15/m^2

CC, and US$ 0.18/m^2 CC for a tree on office and multi-family residential property (Table 1).

The economic value of annual benefits produced by a tree y_i with dimensions measured or anticipated 15 years after planting was calculated as

$$PAN_{ji} = (e + a + c + h + o) \times PTSA_{ji} \quad (4)$$

where e is the implied value (Table 1) of air conditioning benefits (US$/kWh m^2 CC); a the implied value of each air pollutant (US$/kg m^2 CC); c the implied value of net carbon dioxide reduction (US$/kg m^2 CC); h the implied value of stormwater run-off reduction (US$/m^3 m^2 CC); o is the implied value of aesthetics and other benefits (US$/m^2 CC).

The benefits produced by each tree i in lot j were summed to capture the total value of annual benefits PAB_j assuming tree dimensions typically achieved after 15 years. Total annual benefits PAB were summed for the 15 lot sample and this result was scaled up to the city using the ratio of paved parking lot area in the sample to paved parking lot area in Sacramento (2%).

The ratio of total PAB to total PTSA served as the basis for calculating the total annual value of benefits assuming existing tree dimensions EAB, and for the 50% tree shade scenario RAB as

$$EAB = ETSA \times \frac{PAB}{PTSA} \quad (5)$$

$$RAB = 0.50 \times APA \times \frac{PAB}{PTSA} \quad (6)$$

Citywide results were similarly inferred from the sample totals. Measures of variability rely on variances in the amount of shade per unit PA for EAB and 95% confidence limits of tree crown diameter estimates for PAB.

3. Results

3.1. Citywide parking lot assessment

Aerial photo analysis indicated that 38% (9580 ha) of the city was covered with impervious surfaces, 48% (11,850 ha) pervious surfaces, and 14% (3512 ha) tree CC. Parking lots accounted for 13% (1280 ha) of the city's total impervious surfaces, with the remainder being roofs (40%), streets/walks (31%), and other (15%) impervious surfaces. As expected, parking lots themselves were largely impervious pavement (91%), with 7% tree canopy and 1% other pervious landscaping materials. Approximately 70% (976 ha) of total parking lot area was associated with commercial/industrial land uses, 16% (228 ha) with institutional land uses, and 11% (156 ha) with multi-family residential land uses. Citywide, parking lots occupied 5.6% (1403 ha) of the total land area.

3.2. Sample parking lots

The 15 sample parking lots contained a diverse mix of types, ages, and sizes (Table 2). Six lots were retail shopping centers, six were office uses, and three were multi-family residential units. Five lots were 15 or 16-year-old, and thus, supposed to provide 50% shading of PAs. Four lots were 11–14-year-old. The remaining six lots were one to 7-year-old. Six lots contained 100–300 spaces, five had 301–600 spaces, two had 601–900 spaces, and two had 901–1247 spaces. The sample contained 28.7 ha of PA, or 2% of the citywide total parking lot PA. Covered parking occurred on all three apartment lots occupying 1.8 ha (6.3%) of PA. Two office lots (Cal Farm and Tribute) had parking underneath the buildings. Based on discussion with Planning Department Staff, the portion of PA under buildings was excluded from the shading analysis, while these parking spaces were included in the parking capacity analysis.

3.3. Parking capacity analysis

The total number of existing parking spaces for the 15 lots sample (7271) was 6% more than the number required (6836), assuming the maximum numbers for seven lots with both minimums and maximums specified (Table 3). Ten lots had more spaces than required and excess spaces totaled to more than 20% of the number required in six of these lots. Five lots had fewer spaces than the maximum required. One lot (Riverlake) had a 24% parking deficit. There was little systematic variation in surplus and deficit parking by lot size or age.

Sacramento's parking ordinance limited the maximum number of spaces for six office lots and one PUD lot. The number of existing spaces fell within the range specified by ordinance in three of the seven lots.

Table 2
Information on the sample lots

Lot	Type	Age (years)	PA[a] (ha)	GFA[b]/DUs (m^2)
Kaiser	Office	4	3.0	21367
Arden	Office	14	1.2	12939
Campus	Office	16	0.8	7209
Cal Farm	Office	2	0.8	9222
Sutter	Office	15	0.6	3623
Tribute	Office	15	0.1	2290
Costco	Retail	4	3.7	13055
Home Depot	Retail	3	1.9	11713
Promenade	Shopping center	12	1.7	12636
Laguna	Shopping center	1	6.9	7143
Riverlake	Shopping center	11	1.6	6214
Norwood	Shopping center	8	0.7	6322
Tameron	Apartment	15	3.5	796
Hidden Lake	Apartment	15	1.6	190
Landing	Apartment	13	0.6	145
Total			28.7	

[a] PA: paved area.
[b] GFA: gross square foot of leaseable floor area and number of DUs for apartments.

Four lots had more existing spaces than the maximum number allowed. Laguna Village had 45% more spaces than the maximum allowed.

A total of 36% (2593) of the existing spaces were vacant when surveyed during peak occupancy periods (Table 3). Vacancy rates were near or above 50% for four lots (one office, two retail, one apartment lot) and less than 25% for three lots (one office, retail, and apartment lot). Vacancy rates at retail lots were relatively high (32–66%), except for the Costco lot (21%).

Inference from the sample indicates that there were approximately 351,000 parking spaces in Sacramento,

Table 3
Numbers of required and existing parking spaces and number of vacant spaces during peak use periods

Lot	Required spaces		Existing spaces	Difference from maximum required (%)	Number of vacant spaces	Vacant spaces (%)
	Minimum	Maximum				
Kaiser	575	828	840	1.4	292	34.8
Arden	348	506	374	−26.2	155	41.4
Campus	194	279	232	−17.0	81	34.9
Cal Farm	248	357	251	−29.8	138	55.0
Sutter	98	142	184	29.7	31	16.8
Tribute	62	90	108	20.5	36	33.3
Costco	562	0	759	35.0	161	21.2
Home Depot	504	0	528	4.7	262	49.6
Promenade	544	0	591	8.6	220	37.2
Laguna	638	711	1029	44.7	404	39.3
Riverlake	268	0	204	−23.8	65	31.9
Norwood	272	0	327	20.1	216	66.1
Tameron	1247	0	1180	−5.4	277	23.5
Hidden Lake	298	0	436	46.5	99	22.7
Landing	227	0	228	0.4	156	68.4
Total	6085	2914	7271	6.0	2593	35.7

Table 4
Shading analysis[a,b]

Lot	CPA (ha)	CPA as % of PA	ETSA (ha)	ETSA as % of PA	ASA (ha)	ASA as % of PA	PTSA (ha)	PTSA as % of PA	PSA (%)
Kaiser			0.1	2.7	0.1	2.7	0.7	21.8	21.8
Arden			0.3	23.5	0.3	23.5	0.3	25.1	25.1
Campus			0.2	23.9	0.2	23.9	0.2	23.9	23.9
Cal Farm			0.0	3.6	0.0	3.6	0.4	48.7	48.7
Sutter			0.1	18.5	0.1	18.5	0.1	18.5	18.5
Tribute			0.0	30.9	0.0	30.9	0.0	30.9	30.9
Costco			0.1	2.6	0.1	2.6	0.7	18.0	18.0
Home Depot			0.0	2.1	0.0	2.1	0.6	29.3	29.3
Promenade			0.2	11.6	0.2	11.6	0.3	15.0	15.0
Laguna			0.1	2.0	0.1	2.0	1.5	22.3	22.3
Riverlake			0.1	3.6	0.1	3.6	0.1	6.5	6.5
Norwood			0.1	14.2	0.1	14.2	0.2	30.7	30.7
Tameron	1.2	34.9	0.4	12.2	1.7	47.1	0.4	12.2	47.1
Hidden Lake	0.4	27.9	0.4	27.4	0.9	55.3	0.4	27.4	55.3
Landing	0.1	22.3	0.1	18.7	0.2	41.0	0.1	20.6	42.9
Total	1.8	6.3	2.3	8.1	4.1	14.4	6.0	20.9	27.3
Mean (upper CI)	0.60	28.4	0.16	13.2	0.28	18.8	8.8	30.5	36.8
S.D. (lower CI)	0.56	6.3	0.13	10.2	0.44	17.8	5.0	17.5	23.8

[a] Upper and lower confidence intervals (95%) apply to estimates of PTSA and PSA only. Mean and S.D. are listed for other parameters.
[b] CPA: covered paved area; PA: paved area; ETSA: effective tree shade area (PA shaded at present); ASA: adjusted shade area (PA − CPA); PTSA: projected tree shade area at 15 years after development; PSA: projected shade area (covered + tree) at 15 years after development.

or nearly one space per resident (1999 population: 388,333). The average amount of PA per space was 40.8 m^2. Knowing that 36% of all spaces are not used during the peak-period and assuming that 25% of all spaces are "excess parking" that could be converted to impervious surfaces, it was calculated that the sample's 1818 "excess spaces" occupy 7.4 ha. City-wide, approximately 35,000 "excess spaces" occupy 141 ha.

It is important to note that this analysis assumed that the number of spaces required followed parking ratios stipulated in the ordinance. In four cases, parking ratios shown on the site plans differed from those in the ordinance. Three office sites used ratios for retail sites that increased allowable parking spaces. The Planning Commission approved changing the parking ratio for a theater in the Laguna Village shopping center from 1:6 to 1:3 seats. These actions increased the number of required spaces by 12%, from 6836 to 7640. Hence, the 7640 spaces approved for construction by Planning Department Staff exceeded the number of existing spaces (7271) by 5%.

3.4. Shading analysis

RSA (50% of PA) was 14.4 ha and ASA for all lots was 4.1 ha or 14.4% of total PA (Table 4). ETSA was 8.1% (2.3 ha) and effective crown diameter averaged only 3.9 m. The sample mean ETSA was 13% and large variance among lots was reflected in a S.D. of 10%. Five lots were 15 and 16-year-old, but only one exceeded the 50% shade requirement (Hidden Lake, 55%). Tameron apartment nearly complied, achieving 47% shade. Tree shade (ETSA) ranged from 18 to 31% in the three office lots and from 2 to 14% in the six retail lots. The role of covered parking was surprisingly important. Although only the three apartment lots had covered parking, these were the shadiest lots. CPA ranged from 22 to 35% of PA, thus, reducing the need for extensive tree shade. Covered parking in the three lots (1.8 ha) provided 44% of the total shade in all 15 lots.

After "growing" trees in lots less than 15-year-old to their projected 15 years size, tree shade (PTSA) increased from 2.3 ha (8%) to 6 ha (21%) and average

effective crown diameter increased to 6 m. Lower and upper confidence limits for estimated PTSA were 5 ha (18%) and 8.8 ha (31%), respectively. With covered parking added, projected shaded area (PSA) increased to 27% (7.8 ha) from 14% (4.2 ha) ASA, still well short of the 50% goal. Only Hidden Lake (55%) was projected to achieve 50% shade, but an additional lot nearly complied (Cal Farm 49%) and two other lots were projected to shade more than 40% of PA (Tameron 47%, Landing 43%). These relatively shady lots included all three apartments and one office, but no retail lots.

On average, tree shade was projected to achieve only 21% (18–31% CI) shade after 15 years (Table 4). Younger lots were projected to achieve the most tree shade (i.e. Cal Farm 49%, Norwood 31% and Home Depot 29%). In part, this was due to application of tree growth data derived from street trees in Modesto front yards that tended to over estimate the growth of parking lot trees (see Section 4). Many large-statured trees in these younger lots were projected to produce substantial shade during the next 8–12 years. Riverlake (6% PTSA) was a notable exception. This 11-year-old lot contained many smaller growing species (crab apple, pear) that were projected to provide relatively little increase in shade during the remaining 4 years.

To better understand relations between parking lot planting design and tree shade, means and S.D. were calculated for three design parameters by lot: (1) tree density (trees/100 m^2 APA), (2) shade credit and (3) 15 years crown diameter. Tree density reflects the relative abundance of trees, whereas shade credit and crown diameter influence the amount of PA shaded by each tree.

The tree survey found 2031 tree sites and 1918 trees, or an average tree density of 0.92 (S.D. 0.35). The mean tree density for retail lots was 0.64 (S.D. 0.22), significantly lower than for office (1.13, S.D. 0.35) and multi-family residential (0.91, S.D. 0.27) lots. On the other hand, in retail lots the mean shade credit was 79.9% (S.D. 8.3%) compared to 62% (S.D. 14.8%) and 57.8% (S.D. 8.4%) for office and apartment lots, respectively. Mean crown diameters were not significantly different among the three types of lots. In summary, although retail lots had fewer trees per unit area compared to office or apartment lots, each tree crown shaded a greater percentage of PA on average. The finding that trees in retail lots produced more shade per tree is supported by the observation that retail lots tended to be larger and contain more double-loaded spaces than the other types of lots. Also, the ratio of interior to perimeter trees appeared to be greater in retail lots than office or apartment lots.

3.5. Economic analysis of tree shade

3.5.1. Projected annual benefits for sample lots

Projected annual benefit (PAB) from all trees after 15 years was projected to total US$ 36,829 (US$ 19.20/tree average). Trees in the three largest lots accounted for 47% of total benefits (Fig. 2). A total of 69% benefits were related to air quality (42%) and aesthetic improvements (27%), while remaining benefits were due to atmospheric CO_2 reduction (17%), cooling energy savings (11%), and stormwater run-off reduction (3%). Assuming that trees in the sample shaded 50% of APA as per the ordinance, required annual benefits (RAB) totaled US$ 81,722 (US$ 42.61/tree). Hence, benefits foregone due to non-compliance were valued at US$ 44,893, or 55% of total RAB (Fig. 2).

3.5.2. Benefits foregone citywide

Citywide, current CC from approximately 93,700 trees (9% APA) was estimated to produce annual benefits valued between US$ 545,000 and 853,000 with a mean of US$ 699,000. Annual benefits increased to a mean value of US$ 1.8 million (US$ 19.20/tree) with lower and upper limits of US$ 1.5 million and US$ 2.6 million, assuming tree shade increased to the amount projected when all lots were 15-year-old (22% APA) (Table 5). At 50% tree shade annual benefits were US$ 4 million. Therefore, not achieving the ordinance's 50% shade target after 15 years resulted in forgone benefits priced between US$ 1.4 million and US$ 2.5 million annually.

Current tree shade for the 15 lots sample (8% ETSA) was similar to that observed from aerial photos for the city (7%). This suggests that the amount of shade associated with the mix of old and young lots in the sample reflects that found throughout the city. The discrepancy between current shade and the 50% stipulated by ordinance corresponds to US$ 3.2–3.5 million in foregone benefits annually. Since the ordinance is over 15-year-old, a large increase in overall parking lot tree shade is not likely in the near future.

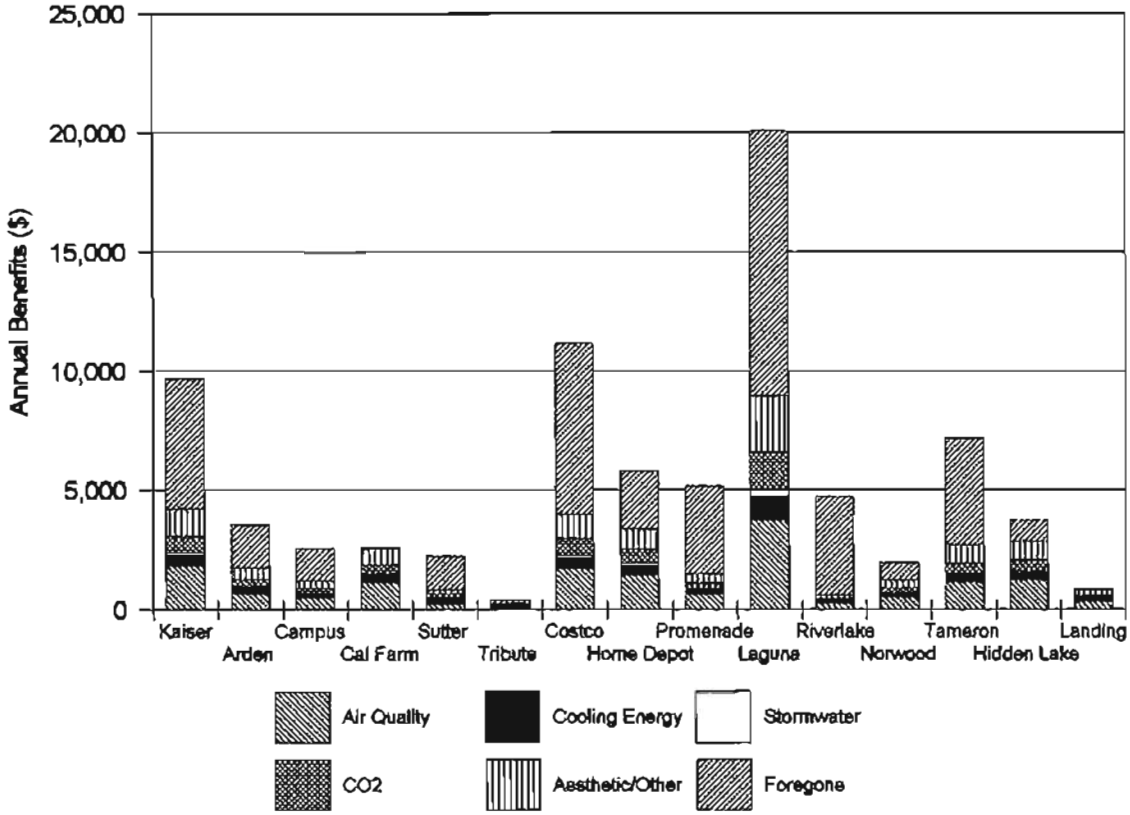

Fig. 2. PAB after 15 years by type for each sample lot and benefits foregone. Benefits foregone are the difference between RAB from 50% tree shade and PAB.

Table 5
Estimated annual benefits citywide from tree shade after trees reach dimensions projected for 15 years after planting given current design and management[a]

Benefit type	Total RU	Total US$	Average RU/tree	Average US$/tree
Air conditioning (MWh)	2347	194723	25.05	2.08
CO_2	9094	302688	0.10	3.23
Stormwater (m^3)	69084	57320	0.74	0.61
Aesthetic/other	0	479093		5.11
O_3	11793	317799	0.13	3.39
PM_{10}	12060	140498	0.13	1.50
NO_2	3313	89285	0.04	0.95
SO_2	430	8672	0.00	0.09
Total uptake	27596	556254	0.29	5.94
HC avoided	17395	332133	0.19	3.55
HC released	2642	50590	−0.03	−0.54
BVOC	3766	72654	−0.04	−0.78
Total HC	10986	208888	0.12	2.23
Grand total		1798965		19.20

[a] All resource units (RU) in kg unless otherwise noted.

The distribution of benefits were analyzed assuming trees reached their projected sizes in 15-year-old lots (Table 5). Dry deposition of air pollutants to the tree canopy totaled US$ 556,000, with O_3 uptake the single largest value (US$ 318,000). Total annual aesthetic and other benefits were US$ 479,000. Net atmospheric carbon dioxide reduction and air conditioning savings were estimated to produce combined benefits valued at about US$ 500,000. The net HC benefit was valued at US$ 208,000, with avoided evaporative emissions from motor vehicles due to tree shade (17,400 kg) nearly three times greater than the sum of BVOC emissions from trees and HC emissions associated with tree care (6400 kg). Stormwater run-off reduction attributed to rainfall interception averaged 0.74 m^3 (214 gal) per tree (US$ 57,000).

3.5.3. Costs of compliance

Greater benefits from increased tree shade will be offset to some extent by increased tree care costs. Although tree care costs were not available for this sample of parking lots, it is likely that in well-maintained lots expenditures are similar to those for street and park trees due to high amounts of public use and significant liability. California cities spent US$ 19/tree on average in 1997 (Thompson and Ahern, 2000), while the US average was US$ 4.64/tree (Tschantz and Sacamano, 1994). These costs do not fully account for other expenditures associated with trees, such as repair of pavement and curbs damaged by tree roots, litter clean-up, and property damage caused by tree failures during storms. In general, maintenance expenditures increase as the number and size of trees increase. Parking lot property managers are investing in maintenance of the existing canopy, but this investment may not be actualizing an increase in tree CC and health, as when tree crowns are headed back to reduce their size (Fig. 3).

Improving the health of existing trees and replacing removed or dying trees is a first step toward increasing CC in existing lots. The survey identified 42 trees to remove and replace and this will cost approximately US$ 13,400 (US$ 144/tree for removal, US$ 175 for replacement). Removing and adjusting staking on 235 trees will cost about US$ 1410 (US$ 6/tree), while trimming 41 trees will cost US$ 2255 (US$ 55/tree). Initially addressing other tree health problems such as

Fig. 3 Coast live oak (*Quercus agrifolia*) trimmed to control size rather than shade PAs.

trunk wounds, sparse foliage, and lack of irrigation for 620 trees will cost approximately US$ 6200 (US$ 10/tree). The total cost is US$ 23,265 for the 15 lots sample. By inference the citywide total is US$ 1.1 million. This amount is less than the US$ 1.4–2.5 million in benefits foregone annually because trees are only producing 14–27% shade after 15 years.

Although this finding provides some economic rationale for investing in restoration of tree health, such an investment may not in itself be sufficient to achieve 50% shade. For example, replacing the 42 dead or stunted trees increases CC by only 0.01% assuming an effective average 15 years crown spread of 6.3 m. To promote more extensive shade it may be necessary to increase tree numbers, provide more soil volume for tree roots, and provide information to property managers and arborists on tree care practices that increase CC.

Assuming that other investments in tree health and replacement increase shade from 9 to 22% APA, it will cost an additional US$ 20 million to plant enough trees citywide (116,000 at US$ 175 each) to achieve 50% shade. This US$ 20 million is equivalent to about 10 years of foregone benefits. Securing US$ 20 million to retrofit parking lot landscapes will require cost-sharing among stakeholders such as the local air quality district, electric utility, business community, city, and non-profit tree planting organization.

4. Discussion

Retrofitting existing parking lot landscapes will be a relatively expensive and long-term proposition. A complementary strategy that may be easier and less costly to implement is to modify the existing parking lot shade ordinance.

4.1. Plan review and tree installation

Only four of the 15 parking lots had completed shade plans. Planning staff did not require shade plans or lacked the time necessary to fully review them. A comparison of these three plans with the ordinance's Tree List and field survey results identified following several concerns to address during ordinance revision.

- Over estimated tree shade because overlapping shade was double-counted.
- Commonly used species omitted from the Tree List. Four of the seventeen species frequently observed in the sample are not on the ordinance's Tree List (Table 6).
- Incorrect crown diameters used in the plan. On two plans pear trees were incorrectly shown with diameters of 10.7 m, not 6.1 m as specified in the Tree List.
- Over stated crown diameters in the Tree List. Crown diameters measured in 14–16-year-old lots were significantly smaller for the five most common species than their corresponding dimensions cited in the ordinance (Table 6). In most cases, diameters for 15-year-old Modesto street trees were greater than measured for parking lot trees, indicating that previously cited estimates of tree shade after 15 years are liberal.
- Trees shown on the plan were not planted or removed shortly after planting, especially at sites near store fronts where trees could obstruct signs.
- Instead of trees planted as per the plan, substitute tree species were used. In one lot, palm trees and pears were substituted for larger-growing tallows.
- Parking ratios approved in planning documents allowed for more spaces than stipulated in the ordinance.

These findings suggest that updating the ordinance's Tree List to include more accurate estimates of 15 years crown diameter for a wider range of species should be a high priority. Providing planning staff with adequate time and training to review shade plans and parking ratios is essential to successful implementation of the ordinance. Although the existing ordinance requires a site check after construction to ensure consistency with the plan, inspections may not be as systematic and thorough as needed. Teaching inspectors how to identify common problems is one-way to remediate this problem. Requiring certification by the landscape architect that parking spaces and trees are located as per the ordinance and plan is another means of promoting compliance.

4.2. Site planning and design issues

Findings from this sample suggest that even during peak use periods a substantial amount of parking goes unoccupied. Reducing unnecessary impervious

Table 6
Species composition of sample trees, 15 years crown diameter specified in the Sacramento ordinance, measured means (S.D.) for 14–16-year-old trees in Sacramento parking lots, and predicted (95% confidence intervals) dimensions for street trees 15 years after planting in nearby Modesto, CA

Tree species	Sacramento lots			Ordinance 15 years crown diameter (m)	Sacramento lots		Modesto streets[a] crown diameter (m)
	Sample number	% of total	Number of lots		Number of trees	Crown diameter (m)	
Chinese hackberry	284	14.8	6	10.7	6	7.4 (1.3)	10.9 (0.7)
Southern magnolia	200	10.4	3	10.7	87	5.1 (1.5)	5.0 (0.5)
Chinese pistache	196	10.2	7	10.7	31	7.3 (2.0)	9.1 (0.6)
Chinese tallow	132	6.9	5	9.1	16	3.9 (0.8)	
Plane/sycamore	110	5.7	6	10.7	77	6.3 (2.2)	10.2 (0.8)
Holly oak	108	5.6	1	10.7			7.9 (1.0)
Bradford pear	107	5.6	6	6.1	46	6.0 (2.4)	7.9 (1.0)
Raywood ash	101	5.3	3		100	8.8 (2.5)	9.1 (0.5)
Coast redwood	77	4.0	6	7.6	77	6.1 (2.0)	
Southern live oak	66	3.4	4	10.7			
Golden rain	58	3.0	3	9.1			6.8 (0.5)
Sweet gum	55	2.9	6	6.1	32	7.0 (1.5)	5.5 (0.6)
Flowering plum	30	1.6	5	7.6	10	7.6 (1.4)	6.3 (1.0)
Crape myrtle	24	1.3	5	6.1	5	2.0 (1.9)	3.4 (0.3)
Honey locust	22	1.1	2		22	4.2 (1.7)	8.3 (1.2)
White birch	19	1.0	2		15	8.7 (1.6)	5.9 (0.4)
Chinese elm	17	0.9	2		24	9.4 (3.0)	

[a] Data adopted from Peper et al. (in press).

surfaces can produce environmental benefits. Also, parking lot environments are hostile conditions in which trees will never reach their mature size unless provided adequate space both above and below ground. During construction top soil is removed and subsoil is compacted. Debris is often disposed of in planting islands and soils can become polluted from deicing salts and run-off. A parking lot tree growing 25–60 cm dbh in 15 years requires 14–28 m^3 of soil (Urban, 1992), while the standard tree well (1.8 m × 2.4 m × 0.6 m) provides only 3 m^3. Above ground conditions are hot and arid during summer, windy and cold during winter. Strategies to promote tree growth, reduce the amount of paved impervious surfaces, and increase environmental benefits are illustrated for the Home Depot lot (Figs. 4–6) and described as follows.

- Reduce parking ratios to decrease the number of unused parking spaces.
- Identify peripheral and overflow parking areas, especially in retail lots, and determine the appropriate landscape treatment (e.g. pervious paving, stormwater infiltration areas) (Girling et al., 2000).
- Narrow the width of aisles between rows of spaces. In many cases aisle widths exceeded the standard 7.9 m.
- Increase the ratio of compact to full-sized spaces. Although Sacramento's ordinance allows for up to 40% compact spaces, only 16% of all spaces in the sample were designated for compact cars.
- Convert double-loaded full-sized spaces to compact spaces with a tree in between to increase shade without reducing the number of spaces.
- Increase use of one-way aisles, angled parking spaces, and shared parking to reduce overall imperviousness (ULI, 1983; Center for Watershed Protection, 1998).
- Increase soil volume and reduce soil compaction. Increase tree well and planting island minimum dimensions to 2.4 m. Use structural soil mix under paving to retain parking spaces while increasing soil volume (Grabosky and Bassuk, 1996). Require soil in tree wells be excavated to a depth of 1 m and amended as necessary.
- Use vegetated swales instead of tree wells or convex-shaped islands to treat stormwater, promote

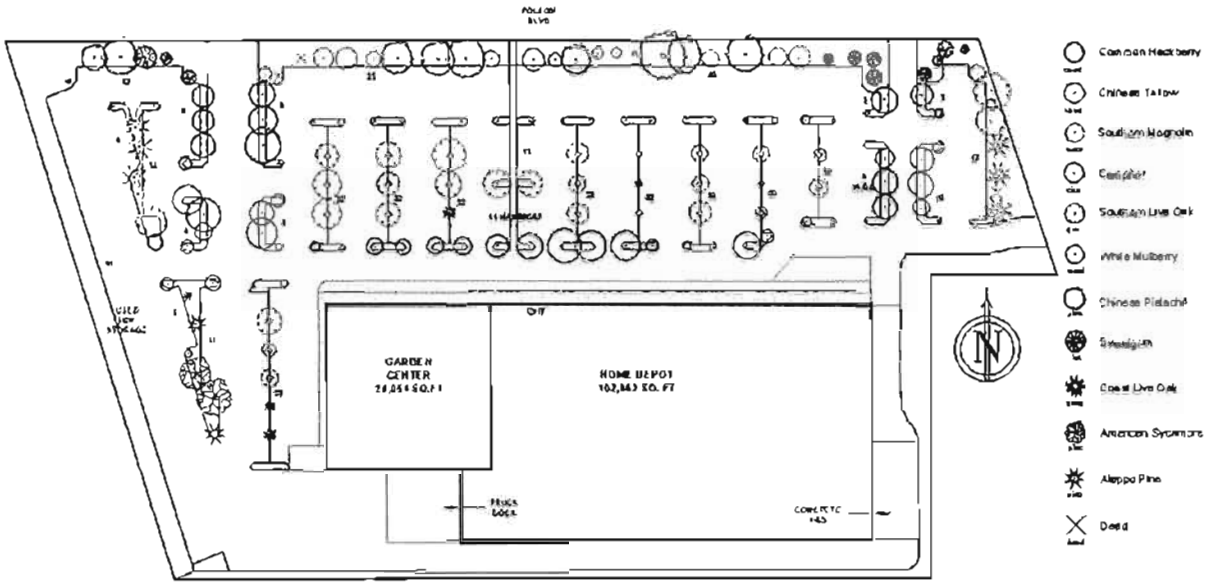

Fig. 4. Based on growth and condition at time of the survey, trees in the Home Depot lot were projected to shade only 29% of the PA after 15 years. The lot was 3-year-old when surveyed, had 1.9 ha PA, 528 parking spaces, and 156 trees that shaded 2.1% of PA. At the time of the survey 28 trees were stunted or dead, 83 required staking removal or adjustment, and 22 needed pruning (lifting or thinning). There were 24 more parking spaces than planned for, and stalls on the west side of the lot were seldom used. During the peak-period occupancy survey 50% of all stalls were vacant. Trees were planned to shade 42% of PA after 15 years.

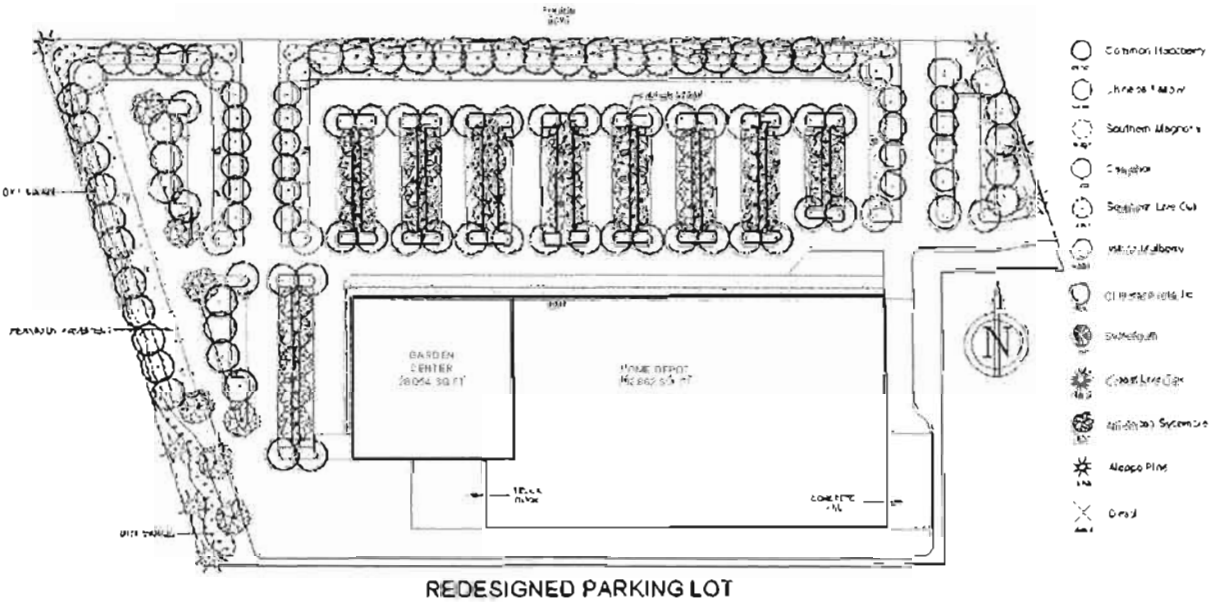

Fig. 5. The redesigned Home Depot lot increases planned tree shade to 58% and pervious cover by 18%. There are 106 fewer parking spaces (20%), creating new areas for perimeter swales to reduce stormwater run-off. Interior planting islands replace tree wells and contain with filter strips over infiltration trenches. Pervious concrete is shown where cars park. Tree species that have proven to grow well in other Sacramento parking lots are featured in the redesign.

FILTER STRIP SECTION

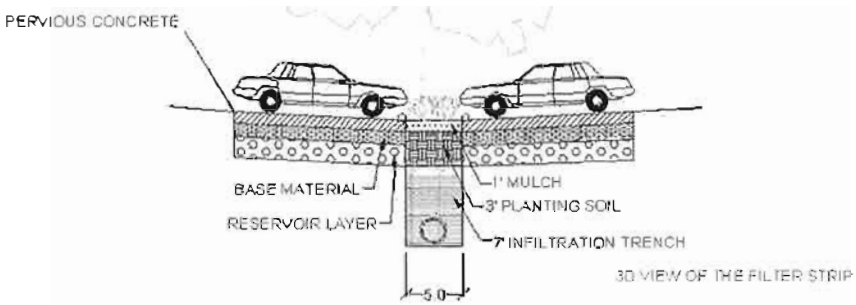

Fig. 6. Planting island with pervious concrete, filter strip, and infiltration bed to promote better tree growth through increased soil volume and enhanced on-site stormwater retention.

infiltration, and increase soil volume for trees (Richman, 1997) (Figs. 5 and 6).

- Reduce conflicts between trees, lighting, and signage. Coordinate location of trees, light poles, and signs. Reduce the maximum height of parking lot light poles from 7.6 to 4.9 m, the height trees are typically pruned for clearance. Amend sign ordinances to allow monument signs (eye-level signs located near the street) to have the names of major tenants listed on them and promote site designs that locate businesses closer to the street and move parking behind the buildings.
- Insure adequate species diversity. A total of 90% (64) of all trees in one lot were the same species. A guideline under consideration for the revised Sacramento ordinance is if 20–40 trees are required no more than 50% are the same type, and if more than 40 trees are required no more than 25% are the same type.
- Develop a master Tree List, omit species that are not suitable for parking lots (e.g. pines, poplars, birch), and consider specifying recommended tree spacing and minimum planting island widths for each species.
- Encourage covered parking as the most reliable and quickest means of achieving parking lot shade. Multi-level parking structures achieve desired shade and reduce impervious surface area compared to surface parking, but are expensive to construct.

4.3. Post installation issues

Lack of adequate tree care after installation reduces tree vigor, crown growth, and shade density. Nearly half of the trees surveyed (938) required some kind of management action and 2% (42) required removal because they were dead, dying, or hazardous. Removing stakes and pruning trees were the most common maintenance needs in younger lots. In older lots more trees had sparse or discolored foliage, and roots were heaving paving and curbs. In several lots pruning practices kept the crowns of large growing trees such as oaks from reaching their potential size (Fig. 3). Achieving ample parking lot tree shade requires awareness of shade benefits by property owners, managers, and arborists, as well as a commitment to professional tree care on a regular basis. Enforcement is

critical to success of the ordinance. Timely enforcement should insure that trees are growing at acceptable rates, properly pruned and watered, and promptly replaced after removal. The current ordinance should be revised to address the following issues.

- Require that proper tree care practices are used by qualified professionals.
- Replace removed trees with trees of equivalent size or value according to a replacement schedule (e.g. a 10 cm tree is replaced by a tree in a 0.9 m box or a 15 gal tree and a US$ 350 replacement fee).
- Develop an enforcement and monitoring program that records information on the management needs of every tree, and results in a letter sent to the property manager requesting corrective measures be made within a specific time frame. Inspections should be conducted several times over the 15-year-period. An inspection fee could be collected at the time of building permit issuance to avoid an on-going billing process. Failure to make the requested improvements could result in a fine or a lien on the property. Alternatively, an interest-bearing bond could be required initially to pay for landscape improvements throughout the life of the project.

Although well intentioned, the current ordinance is not effective as implemented. Achieving 50% shade will come with a price. Policy-makers must determine what price is appropriate and who will pay given societal benefits associated with different levels of tree shade. For instance, a least-cost alternative is to continue business-as-usual and reduce the shade requirement to a more feasible 40%. This strategy minimizes costs to parking lot developers but increases foregone benefits to society. A second strategy is to maintain the 50% target, but encourage more covered parking, revise the ordinance to promote tree growth, and verify compliance in new parking lots. This will increase costs for developers of new lots relative to existing non-compliant lots, as well as increase societal benefits associated with greater parking lot tree shade in the long-term. Expenditures for monitoring and enforcement could be borne by the city or developer. A third option could add a retrofit component that brings shade deficient lots into compliance. This option could become mandatory when building permits are requested, or voluntary based on availability of funding and other incentives. Owners of existing lots could pay part of the retrofit costs, as well as other stakeholders that benefit from increased shade, reduced electricity demand for air conditioning, cleaner air, and reduced run-off.

5. Conclusion

Fifteen years after development average parking lot shade was 22% (CI 14–27%), not 50% as stipulated by ordinance. Citywide, this deficiency translated into US$ 1.4–2.5 million in foregone benefits from tree shade annually. Replacing non-functional trees and addressing other tree health issues that limit their growth citywide will cost approximately US$ 1 million, while planting 116,000 new trees needed to achieve 50% shade in the future will cost about US$ 20 million. Hence, the US$ 21 million investment needed to bring parking lots into compliance is approximately equivalent to 10 years of foregone benefits assuming 15-year-old lots with 22% tree shade.

The significance of this research is three-fold. First, it presents a new approach for evaluating the effectiveness of parking lot shade ordinances that is transferable to other cities with similar requirements. Second, many of the observations concerning causes and remedies for non-compliance can be generally applied. Third, quantifying foregone benefits of non-compliance makes the consequences more tangible. This assists those evaluating policy alternatives and provides a scientific basis for leveraging investment from other stakeholders. Quantifying the "green" infrastructure's impacts on quality of life and the environment is fundamental to its integration with other more readily perceived and measured infrastructure components such as streets, buildings, and parking lots.

Acknowledgements

This study would not have been possible with assistance from Jim McDonald and others at the Sacramento Planning Department and Ray Tretheway (Sacramento Tree Foundation). Sabrina Mathis (FS-PSW) provided valuable assistance with data collection and analysis. Tommy Mouton (Southern University), Jin Cho, and Todd Prager (UC Davis)

also assisted with data collection. Jin Cho developed the Home Depot parking lot redesign. Sylvia Mori (FS-PSW) provided statistical review and assistance.

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Greg McPherson is director of the US Forest Service's Center for Urban Forest Research located in Davis, CA. His project is titled Sustainable Urban Forest Ecosystems, and he works with four associates to measure and model urban forest benefits and costs, with particular emphasis on energy, carbon, and water. In 2000, Dr. McPherson received the International Society of Arboriculture's L.C. Chadwick Award for Arboricultural Research. He has a bachelors degree from the University of Michigan, masters in landscape architecture from Utah State University, and PhD in urban forestry from the College of Environmental Science and Forestry in Syracuse, State University of New York.

Urban Forest Research

July 2002

Center for Urban Forest Research • Pacific Southwest Research Station • USDA Forest Service

Is all your rain going down the drain?

Trees are a solution

Have you ever gone outside after a rainstorm and looked around thinking... "where does all this rainwater end up?" Perhaps you can see some running down your driveway into the street. Or you have a large puddle forming on your front lawn. And then there is that flooded intersection at the end of your block because the storm drain is clogged. Sound familiar?

Communities throughout the U.S. are faced with this problem—too much water and not enough places to put it, so much of it is going "down the drain."

You've probably heard it called another name—stormwater runoff And its not surprising that stormwater runoff from urban, industrial, and agricultural sources is an environmental nemesis that EPA and other regulators have been trying to control for more than a decade. The agency claims that stormwater runoff is a leading cause of impairment to nearly 40% of U.S. waterways and led to more than 1,500 beach closings and advisories at coastal and Great Lakes sites in 1998.

Steve Lemmatz

Urban Hydrology

As we build our communities, considerable natural landscape is converted to impervious surfaces such as roads, parking lots, driveways and buildings. Manmade drainage systems such as sewers and storm drains are used to improve water movement through communities

(continued next page)

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How Benefits are Calculated

Our interception model accounts for water intercepted by the tree as well as throughfall and stem flow. Intercepted water is stored temporarily on canopy leaf and bark surfaces. Once the leaf is saturated, it drips from the leaf surface and flows down the stem surface to the ground or evaporates.

The volume of water stored in the tree crown was calculated from the crown projection area (area under tree dripline), leaf area indices (LAI, the ratio of leaf surface area to crown projection area), and water depth on the canopy surface. Species-specific factors, such as crown gaps and tree surface saturation values, influence the amount of projected throughfall. Hourly meteorological and rainfall data from local sources are used for the simulations.

To estimate the value of rainfall intercepted by urban trees, we use stormwater management control costs based on minimum requirements for stormwater management in a particular region. For example: In Western Washington, for a 10-acre, single-family residential development on permeable soils it costs approximately $0.02779/gal to treat and control flows stemming from a 6-month, 24-hr storm event. In Fresno, the average cost for constructing and maintaining a typical detention/retention basin is $121,439/ac. With a 50% probability of filling 10 times in a 20-year period, the cost of detention/retention is $0.0077/gal. In Los Angeles, it costs approximately $0.0183/gal to treat sanitary waste, and we assume a similar cost for stormwater. Runoff control for very large events (100-year, 24-hr storm) was omitted, as trees' effective interception diminishes once surfaces have been saturated.

To calculate benefits, we multiply the management cost by gallons of rainfall intercepted after the first 0.1 inch has fallen for each event (24-hr without rain) during the year, depending on the region. Based on surface detention calculations, the first 0.1 inch of rainfall seldom results in runoff. Thus, interception is not a benefit until precipitation exceeds this amount.

and into drainages and natural waterways. However, water quality suffers when runoff carries contaminants such as oil, metals, or pesticides into streams, wetlands, lakes, and marine waters. Management of stormwater runoff can help reduce this pollution and make waterways healthy for people and fish.

Managing Stormwater Runoff with Trees

Some of the techniques that engineers have been using to manage stormwater runoff include infiltration, flow attenuation, retention, detention, extended detention, and undergrounding. See *http://www.co.ha.md.us/dpw* for more details. What you don't see here, and what engineers are beginning to consider, is the use of trees to retain water on site to slow the flow to waterways.

Our Center's research over the last few years has uncovered some very interesting facts about a tree's ability to retain water and how an urban forest contributes to the management of stormwater runoff.

Trees Retain Rainwater On Site—Our Initial Study

In an initial study in 1998 on individual trees, we found that during a rainfall event, precipitation is either intercepted by leaves, branches, and the trunk, or it falls directly through the tree to the ground. Intercepted water is stored temporarily on leaf and bark surfaces. After about 10 minutes, the tree's rainfall storage potential gets filled, and water begins to drip from leaf surfaces, flow down stem and trunk surfaces to the ground, or evaporate. We define *interception* as the sum of canopy surface water storage and evaporation.

Results are influenced by three factors: character and magnitude of the rainfall event, tree species and their architecture, and weather. Not every event will produce the same results because rainfall intensity and duration determine the interception process. Tree architecture, leaf and bark surface area, and routes to store the rainwater and control the flow all differ by tree species.

Temperature, relative humidity, net radiation, and wind speed control the length of time rainfall is retained in storage. For example, we found that trees stored more water during a 1-inch rainfall event that lasted two days versus one that lasted only two hours.

What Is Interception?

Interception is the sum of canopy surface; water storage on leaves, branches, and trunk bark; and evaporation during rainfall events.

Urban Forests Make A Significant Contribution

After investigating individual trees we wanted to see how an entire urban forest influenced runoff volume. Taking the results of our initial study of individual trees, we created a canopy interception model to examine the storage capacity of the 6 million trees in Sacramento County, California. The results show that for just the land area covered by trees, the county's tree canopy intercepts 11.1% of the annual rainfall, close to reported values for hardwood forests. However, they account

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Editor: Laurie Litman, InfoWright

Fact Sheet #4: Control Stormwater Runoff with Trees

Points to remember

RAINFALL INTERCEPTION is influenced by:

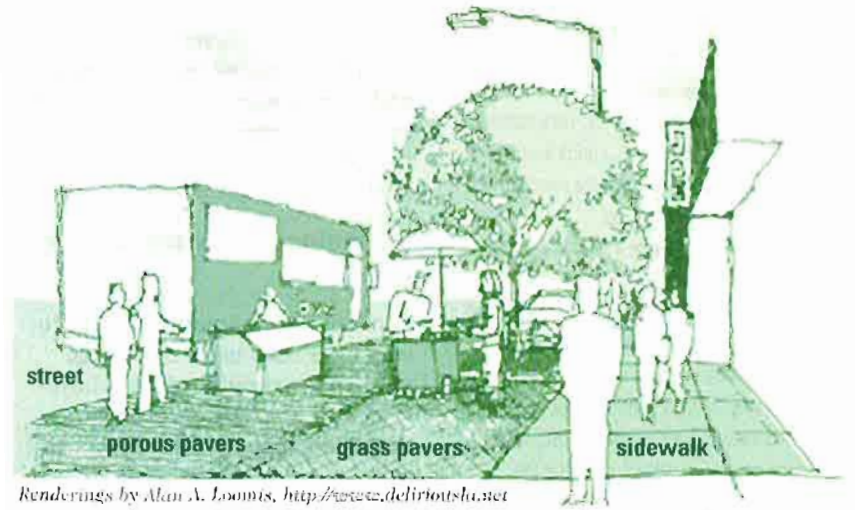
- Intensity and duration of the rainfall event
- Tree species—deciduous, broadleaf evergreen, or conifer
- Tree architecture—size, number of leaves, and arrangement of leaves and branches
- Weather—temperature, relative humidity, net solar radiation, and wind speed

TREES STORE MORE WATER during a 1-inch rainfall event that lasts two days versus one that lasts only two hours. Therefore:

- As compared to flood events, small storms are responsible for most of the annual pollutant loading of receiving waters
- Trees are most effective in intercepting rainfall during small events
- Urban forests are likely to produce more benefits through water quality protection than flood control.

ONE OF OUR STUDIES FOUND that a typical medium-sized tree can intercept as much as 2380 gallons of rainfall per year.

BROADLEAF EVERGREENS AND CONIFERS intercept more rainfall than deciduous species where winter rainfall patterns prevail.



Renderings by Alan A. Loomis, http://www.deliriousla.net

Redesign streets where trees work in combination with grass and porous pavers to retain water on site.

TREES WORK IN COMBINATION with other stormwater controls to produce a comprehensive solution to rainfall interception, runoff and landscape water use:

- Backyard cisterns capture roof runoff, and provide supplemental irrigation
- Swales hold overflow
- Bermed lawn-area retention basins facilitate infiltration
- Grates/drywells capture driveway runoff

STRATEGIES TO ENHANCE the urban forest and improve the control of stormwater runoff:

- Plant more trees in appropriate places
- Improve the maintenance of existing trees
- Plant species with a higher rate of growth where appropriate
- Plant species with architectural features that maximize interception
- Match trees (deciduous, evergreen) to rainfall patterns
- Plant trees in groves where possible
- Plant low water-use species
- Plant broadleaf evergreens where appropriate and avoid south-facing windows
- Use native plants, which, once established, can easily withstand summer dry seasons and reduce the need for supplemental irrigation.

In Oakland, California, the continuous tree canopy is estimated to intercept 4 inches of rain over one acre in a typical year— about 108,000 gallons.

NOTE: In looking for solutions to stormwater runoff it is important to consider an integrated approach that uses other water conservation, water retention, flood management, and pollution control strategies. Community solutions include but are not limited to: porous pavement, vegetated swales and filter strips, recharge areas under parking lots, holding tanks and cisterns under playfields, surface area holding ponds, turf grass filters, and riparian retention and treatment areas. For more information on these solutions see the TreePeople website at http://www.treepeople.org/trees/charrette.htm, and their book, *Second Nature: Adapting Los Angeles' Landscape for Sustainable Living*, edited by Patrick Condon and Stacy Moriarity.

References: Control Stormwater Runoff with Trees

For more information, refer to the following publications:

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Incorporate stormwater treatment into street design by adding trees and swales. From Green Neighborhoods, a publication of NeighborhoodLAB, http://neighborhood.uoregon.edu/.

Trees protect water and soil resources.

A healthy urban forest can reduce the amount of runoff and pollutant loading in receiving waters in four primary ways:

1) Through evapotranspiration, trees draw moisture from the soil ground surface, thereby increasing soil water storage potential.

2) Leaves, branch surfaces, and trunk bark intercept and store rainfall, thereby reducing runoff volumes and delaying the onset of peak flows.

3) Root growth and decomposition increase the capacity and rate of soil infiltration by rainfall and reduce overland flow

4) Tree canopies reduce soil erosion by diminishing the impact of raindrops on barren surfaces.

Urban forests can dispose of waste water

Urban forests can provide other hydrologic benefits. For example, irrigated tree plantations or nurseries can be a safe and productive means of wastewater treatment and disposal. Reused wastewater can recharge aquifers, reduce stormwater treatment loads, and create income through sales of nursery or wood products. Recycling urban wastewater into green-space areas can be an economical means of treatment and disposal, while at the same time providing other environmental benefits

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Rainfall Interception Per Event (greater than 1/4")

Species	Dbh (in)	Crown projection (sq ft)*	Interception (gal) Summer	Winter	Total
Large					
Plane Tree[1]	16	1314	99	32	131
Camphor[2]	22	1227	62	62	123
Medium					
Chinese Pistache[1]	10	800	45	20	65
Jacaranda[2]	11	608	35	15	50
Small					
Crape Myrtle[1]	4	123	5	3	8
Podocarpus[2]	9	600	15	15	31

*Crown projection = Area under the drip line.
[1] Modesto, CA, winter rainfall pattern [2] Santa Monica, CA, winter rainfall pattern

for only 1.1% of the interception over the entire region because of the region's relatively low tree density and pattern of winter rainfall when deciduous trees are leafless

The mix of tree species and their sizes influence interception. In Sacramento County, evergreen trees play the most important role in interception because most precipitation occurs in winter. Large trees with evergreen foliage contribute to greater interception than smaller, deciduous trees. In many climates with summer precipitation, deciduous trees make a substantial contribution to rainfall interception.

Planting more trees and improving maintenance of existing trees are important strategies that will help Sacramento, as well as many other communities, reduce the volume of stormwater runoff

Shade yields less water use at power plants

Power plants consume water in the process of producing electricity. For example, coal-fired plants use about 0.6 gal/kWh of electricity provided. Trees that reduce the demand for electricity can also reduce water consumed at the power plant (McPherson et al. 1993). Precious surface water resources are preserved, and thermal pollution of rivers is reduced.

Rainfall and Tree Effectiveness

One effect that became clear in the Sacramento study was that urban forests become increasingly less effective at reducing stormwater runoff as the amount of precipitation per storm increases. Although trees reduce runoff, they may not be very effective for flood control.

Floods usually occur during major storm events, well after canopy storage has been exceeded. However, by substantially reducing the amount of runoff during less extreme events, urban forests can protect water quality. Small storms, for which urban forest interception is greatest, are responsible for most annual pollutant loading. Infrequently occurring large storms usually produce the greatest flooding damage, and although they may contain significant pollutant loads, their contribution to the annual average pollutant load is quite small (Chang et al. 1990).

Also, because of the infrequent occurrence of large storms, receiving waters have relatively long periods of recovery between events (Claytor and Schueler 1996). Therefore, urban forests are likely to produce more benefits through water quality protection than flood control.

How much rain are we talking about?

One inch of rain over one acre is about 27,000 gallons.

Taking the Next Step

Since trees are only a partial solution to managing stormwater runoff, the next step we've taken is to investigate other techniques to create a comprehensive approach that communities can take to keep most of their water from going down the drain. In collaboration with TreePeople in Los Angeles, we have selected two single-family sites in LA to evaluate four stormwater management techniques—cisterns, retention/detention basins, swales, and a driveway grate and drywell.

The sites we chose are adjacent lots with the same dimensions (50 ft wide by 150 ft deep). The techniques were installed on the treatment site only; the control site was left unmodified. The 3000-gallon cistern receives and stores filtered roof runoff and functions like a mini-reservoir for both runoff control and summer irrigation. The retention/detention basins (front and back lawns) retain roof runoff. The roof runoff infiltrates, evaporates, or overflows to the swale or to the street. The grate at the end of the driveway drains runoff into a drywell under the lawn, and the overflow is recharged in the retention/detention basin.

Preliminary Results

We have found that all stormwater runoff has been retained on the

(continued)

treatment site. We also found that the cistern storage provides about 10% of the annual water to irrigate the landscape. At the control site, runoff from half the roof and the entire driveway was discharged to the street.

Based on soil property measurements, both sites are situated on deep, sandy soil. The infiltration rate of these soils is greater than a 50-year flood event. What we don't know about this highly permeable soil: Does this on-site stormwater retention cause groundwater contamination? Are we just transferring the surface water problem to the groundwater?

We also don't know the effectiveness of on-site runoff retention in different geological settings, soil types, and landscape designs. These questions require further study.

In Modesto, CA, each street and park tree was estimated to reduce stormwater runoff by 845 gallons annually, with a benefit valued at $7 per tree (McPherson et al. 1999). A typical medium-sized tree in coastal southern California was estimated to intercept 2,380 gallons annually, a $5 per tree benefit (McPherson et al. 2000). These studies showed that broadleaf evergreens and conifers intercept more rainfall than deciduous species where winter rainfall patterns prevail.

The Future

The goal of this project is to examine and model stormwater management techniques at the residential scale. The hydrologic and ecologic performance of this demonstration site will be monitored over the long term to help determine the problems and opportunities associated with treating each Los Angeles-area site as a mini-watershed.

By combining the model of these traditional techniques with our tree model, we will be able to more completely demonstrate the impact that a comprehensive solution will have on rainfall interception, runoff, and landscape water use. All of the rain does not have to go down the drain. Most, if not all, can be retained on site with a portion used for summertime irrigation.

—*Jim Geiger*

This research was a partnership between the Forest Service and University of California, Davis, performed by Dr. Qingfu Xiao, research affiliate with the Department of Land, Air, & Water Resources.

Upcoming Presentations

August 27, 2002
Keynote Address: Municipal forestry benefit-cost analysis: a comparison of Modesto and Santa Monica, CA, by Greg McPherson European Regional Conference of IUFRO, Copenhagen, Denmark.

September 13, 2002
A practical approach to assessing structure, function, and value of street tree populations in small communities, by Scott Maco. 2002 California Urban Forest Conference, Visalia, CA

September 13, 2002
Influencing local decision makers to invest in the urban forest, by Jim Geiger. 2002 California Urban Forest Conference, Visalia, CA

September 14, 2002
Planning for energy savings—using trees to reduce costs, cool communities, cool parking lots, schools, etc., by Jim Simpson. 2002 California Urban Forest Conference, Visalia, CA

September 25, 2002
Preserving the urban forest: creative sidewalk repair and replacement, by Greg McPherson with City of Los Angeles Street Tree Division. American Public Works Association Congress, Kansas City, MO.

September 27, 2002
Costs and benefits of urban trees in relation to smart growth, by Greg McPherson. Community Forestry at its Best, Nebraska City, NB.

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Planting Trees in Parking Lots

Description

Parking lots have two distinct areas where trees can be planted—the interior and the perimeter—each of which has unique planting requirements and considerations (Figure 43). The parking lot interior can be a very harsh planting environment for trees, due to higher temperatures of the pavement, little water, exposure to wind, air pollution, and potential damage from automobiles. Landscaped islands are typically used within parking lots to provide a separation between parking bays and to meet landscaping requirements. These islands may be planted with grass, trees, or other vegetation and can be designed to accept storm water. Typically, most traditional parking lot islands do not provide adequate soil volumes for trees.

Trees planted along the perimeter of a parking lot provide a screen or buffer between the lot and an adjacent land use or road. Perimeter planting areas often provide a better planting environment for trees and good opportunities for conserving existing trees during parking lot construction.

The many benefits of incorporating trees in parking lots include shade for people and cars, reduction of the urban heat island effect, interception of storm water, improved esthetics, improved air quality and an increase in or creation of habitat for birds.

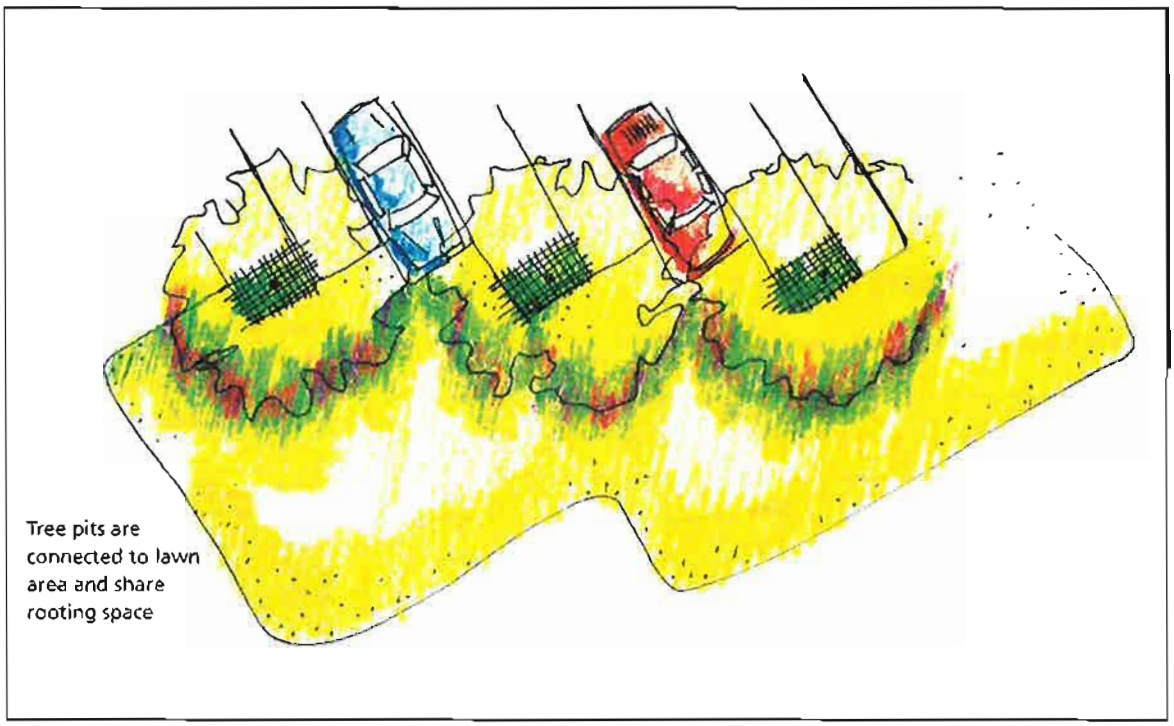


Figure 1. Parking lots can be designed to provide larger spaces to plant trees.

Pre-Planting Considerations

Before planting trees in parking lots, designers need to address some important considerations:

- ☐ How to provide clear lines of sight, safe travel surfaces, and overhead clearance for movement of pedestrians and vehicles within the lot
- ☐ How to prevent compaction of planting area soils by construction and foot traffic
- ☐ How to resolve potential conflicts between trees and surrounding utilities, pavement, and lighting
- ☐ How to maximize canopy coverage and shading in the lot and make it more attractive with plantings
- ☐ How to reduce exposure of trees to auto emissions, polluted runoff, wind and drought
- ☐ How to provide adequate soil volume for trees in the confined space of a parking lot
- ☐ How to prevent damage to trees from cars
- ☐ How to address concerns about safety, increased maintenance due to tree litter, damage to cars from trees (e.g., sap, branches), and snow removal and storage
- ☐ How to maximize plantings for visual screening and buffers, at the same time offering view corridors to merchants

Species Selection

Species selection is important in urban parking lots because it is such a stressful environment. Tree species that comprise a diverse mix of hardy, native species that are adapted to soils and site conditions are needed.

The following characteristics should be sought when selecting a parking lot tree:

- ☐ Tolerant of salt
- ☐ Tolerant of drought and extreme temperatures
- ☐ Tolerant of poor, highly compacted soils
- ☐ Tolerant of urban pollutants
- ☐ Tolerant of inundation, if used for storm water treatment
- ☐ Does not produce abundant fruits, nuts, or leaf litter
- ☐ Wide-spreading canopy

Site Preparation	☐	Improve soil drainage by tilling soils and adding compost.

General Planting Guidance	☐	Use structural soils below pavement to allow for root growth where possible.
	☐	A few great trees are better than a lot of smaller ones.
	☐	Design concave planting areas to discourage pedestrian traffic.
	☐	Provide adequate setbacks from utilities, signs, lighting, and pavement.
	☐	Plant only species that are appropriate for parking lots.
	☐	Maintain appropriate setbacks from edge of planting strip or island to allow clear sight lines and reduce heat impact on trees (generally 4 feet).
	☐	Maintain an adequate setback between parking stalls and trees to prevent damage from cars.
	☐	Plant large balled and burlapped stock.
	☐	Have a landscape architect design the parking lot planting plan.

Specific Planting Guidance	*Interior*	Use alternative planting clusters in parking lot islands that allow shared rooting space and provide additional soil volume for trees.
		Employ "better site design" techniques, which include reducing the size of parking stalls to make the parking lot more efficient and to provide more room for trees (CWP, 1998)
	Perimeter	Use trees to provide shade over pedestrian walkways.
		Maintain a 6- to 8-foot overhead clearance for pedestrian walkways.
		When planting on steep slopes, use tree clusters and create small earthen berms around the group to retain moisture.
		When planting along a flatter slope, use linear spacing for safety and functionality

Maintenance

- ☐ Use mulch to retain moisture.
- ☐ Plan for minimal maintenance (watering may not be feasible).
- ☐ Have trees pruned by a qualified arborist to maintain sight lines and overhead clearance.
- ☐ Monitor and control invasive species.

Potential for Storm Water Treatment

Ordinances usually require developers to landscape a minimum percentage of parking lot interiors. When properly built, these landscaped areas can double as storm water treatment facilities, which can result in cost savings for the developer. Storm water forestry practices for parking lots include:

- ☐ Parking lot interiors—Bioretention and bioinfiltration facilities, alternating side slope plantings or tree check dams, linear storm water tree pits
- ☐ Parking lot perimeters—Bioretention and bioinfiltration facilities, forested filter strips, and multi-zone filter strips

See Chapter 3 for more detail on storm water forestry practices.

Further Resources

Appleton, B.; Horsley, J.; Harris, V.; Eaton, G.; Fox, L.; Orband, J.; Hoysa, C. 2002. Trees for parking lots and paved areas. In Trees for problem landscape sites. Publication No. 430-028. Blacksburg, VA: Virginia Cooperative Extension. www.ext.vt.edu/pubs/trees/430-028/430-028.html.

Center for Urban Forest Research. 2002. Fact Sheet #3: Making parking lots more tree friendly. Davis, CA: USDA Forest Service, Pacific Southwest Research Station. http://cufr.ucdavis.edu/products/CUFR_181_UFfactsheet3.pdf.

Center for Urban Forest Research. 2002. Where are all the cool parking lots? Davis, CA: USDA Forest Service, Pacific Southwest Research Station. http://cufr.ucdavis.edu/products/3/cufr_151.pdf.

Center for Watershed Protection. 1998. Better site design: a handbook for changing development rules in your community. Ellicott City, MD.

City of Sacramento, CA. 2003. Parking lot tree shading design and maintenance guidelines.

Costello, L. R.; Jones, K. S. 2003. Reducing infrastructure damage by tree roots: a compendium of strategies. Cohasset, CA: Western Chapter of the International Society of Arboriculture.

This fact sheet was excerpted from:

Cappiella, Karen; Schueler, Tom; Wright, Tiffany. 2006. Urban Watershed Forestry Manual. Part 2: Conserving and Planting Trees at Development Sites. NA-TP-01-06, Newtown Square, PA: p 61-64. USDA Forest Service, Northeastern Area State and Private Forestry.

This information was developed by:

Center for Watershed Protection
8390 Main Street, 2nd Floor
Ellicott City, MD 21043
www.cwp.org

and

USDA Forest Service
Northeastern Area State and Private Forestry
11 Campus Boulevard, Suite 200
Newtown Square, PA 19073
www.na.fs.fed.us

CULTIVA LA SALUD
Cultivating Health Equity in California's Central Valley

June 1, 2015

City of Fresno,

Cultiva La Salud is a program focused in the Central Valley with much of our work based in Fresno County specifically. *Cultiva La Salud* is dedicated to chronic disease and obesity prevention through policy, systems and environmental changes that promote healthy eating and active living.

We believe that the draft Development Code mentions many of the priority areas for creating healthier neighborhoods, but there is room for improvement. We've identified areas that could be strengthened in order to increase access to healthy foods and beverages, especially in existing neighborhoods that are food desserts, as well as opportunities to promote physical activity, by enhancing walking/biking resources and increasing access to green space. *Cultiva La Salud* submits the following comments for inclusion in the development code.

Access to Healthy Food & Beverage

15-2330 Farmer's Markets & Farm Stands

- The code does define farmers' markets, but the definition is not well-aligned to California Certified Farmers' Market standards. Fresno should utilize state definitions in defining markets at the local level. (E g., draft definition discusses "locally-grown" food; CA state law defines this as food grown within the state). The code should also require that farmers' markets accept SNAP/WIC/etc.
- Farmer's markets should also be allowed by-right as a way to incentivize their development.

15-2340 Mobile Vending

- The code should specifically outline and encourage the sale of *produce* from mobile vendors. *Cultiva La Salud* encourages the City to include a separate definition for mobile vendors selling whole, uncut fruits and vegetables, and allow these vendors to locate within residential areas (mobile vending is otherwise prohibited in residential areas). In underserved neighborhoods unlikely to attract a large grocery store, mobile vending is one way to increase access to healthy foods. Unlike supermarkets, mobile vending businesses can travel deep into areas where zoning laws may bar larger retail food establishments.

Cultiva La Salud
2409 Merced Street, Ste. 101 | Fresno, CA 93721
office: 559.498.0870 | www.CultivaLaSalud.org

- These mobile produce vendors should be exempt from requirements to move 500 feet every two hours in commercial districts. The City of San Jose has enacted such incentives in their zoning code.
- The code should also limit **non-produce** vendors from selling near schools (current draft only limits mobile vending within 100 feet of a residential district).
- In support of mobile vending the city should also develop language about the opportunity to allow schools, churches or other non-profits to operate a community kitchen which would allow for safe food preparation and storage.

Healthy Food Grocer

- The development code should incentivize these grocers, such as locating in preferential areas (mixed use, neighborhood commercial, etc.), exempting from parking requirements, or offering density bonuses.

Convenience/Fast Food

- The Code does not distinguish between fast food and other types of convenience restaurants (see definition, below). It's a public health best practice to require conditional use for convenience businesses in residential areas and where there are two or more convenience restaurants within a half mile radius. For neighborhoods that are "food swamps," this can be especially helpful in creating a healthier environment.
- Given the density of fast food restaurants, liquor stores and convenience stores in some neighborhoods the city should establish a moratorium on those type of developments.

Increasing/Promoting Walking/Biking and Multimodal Transportation In Neighborhoods

- The Development Code has very strong and specific recommendations to promote walking, biking, and multi-modal transportation throughout the city in sections 15-3415, 15-1701, 15-3412, 15-3416, 15-3418, and (Mixed Use Districts section). The city can build on the success of this section by providing more protections for bicycle riders by using protected bike lanes. These types of facilities are shown to increase safety and encourage bicycling.

15-3412 Pedestrian and Bicycle Paths

- This section should include dedicated bicycle parking on paths

15-3418 Street Lighting

- The City of Fresno can further promote the walkability of residential and commercial areas by incorporating Crime Prevention Through Environmental Design (CPTED) lighting strategies to promote the safety and accessibility of residents late at night or early in the morning.

15-3419 Parks and Playgrounds

- The City can move further in this area by including bike parking in these areas to encourage more ridership.

Promoting Joint-Use within the Community

- The City makes a strong attempt at broadening the green and walkable space within neighborhoods. The City could go further by creating definitions that allow for joint use of space within churches and schools for farmer's markets and recreational activity for residents. For example, the code could specify that farmers' markets can locate at schools or churches in residential districts.

Cultiva la Salud strongly urges the city to reflect these changes in the development code in order to ensure that all Fresnans have access to healthy environments. Continued efforts should also be made to ensure that existing communities have access to green space and healthy food and beverage.

Sincerely,

Genoveva Islas, MPH
Program Director

Zonas

- Me gustaria que ubiera mas zonas para vender nuestro producto. 15-2340

I'd like to have more zones/areas to sell our products

- Tiempo

necesitamos mas tiempo para estar en un lugar para vender nuestros productos.

apoyo del departamento de salud. Para. informacion y soporte a nuestro. reclamos.

Que nos dejen vende. serca. de la escela o clinicas.

15-2340

We need time to be in one place to sell our product.

Support from the health department on information and support for our claims.

Let us vend close to schools & clinics

15-2340

X Tener zonas mas acesibles para los vendedores ambulates / Have zones that are more accessible to mobile vendors

X Dar permisos para que se pongan en zonas Privadas Give permission to locate in private zones/residential areas

X ~~Ser mas~~

X Dar informacion Clara ~~para~~ de los permisos que necesitan y la direccion de donde Puede uno ir a sacar los permisos.

Provide clear information on permits that are needed and addresses for where you can find & locate the permit office

Mas Informacion Sobre los permisos, entrenamiento Sobre la higiene. More information on permits and safe food handling

Tiempo: creo que seria genial que estubieran 1 hora para poder generar mas ventas. o dar espacios en un lugar donde puedan estar seguras estas personas. I think it would be great to have an hour to generate more sales. Or give space in an area where people can be safe.

15-2340

YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

June 1, 2015

City of Fresno, DARM Department
2600 Fresno Street
Fresno, CA 93721

RE: City of Fresno – Fresno Municipal Code Chapter 15: Citywide Development Code
FID Facilities: Various

Dear City of Fresno DARM Department:

The Fresno Irrigation District (FID) has reviewed Chapter 15 of the Fresno Municipal Code: Citywide Development Code. The purpose of the Development Code is to implement the General Plan, and operative plans, if applicable, and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Development Code is adopted to achieve the goals, objectives, and policies as specified in the General Plan. We appreciate the opportunity to review and comment on the Citywide Development Code Update, which will have significant impact and requires thorough and careful consideration.

According to the City of Fresno General Plan, the City is proposing trail projects that will impact FID's canals. As noted in our comment on the 2014 general plan, significant issues remain before FID's canal system can be used for trail purposes. Unless the canal is a designated trail way that has been mutually agreed to by all agencies, FID will not allow the canal right-of-ways to be shared as a recreational or communal area. Our comments are as follows:

1. Section 15-3104 N, Page IV-38: This section is consistent with the existing requirements, and FID is agreeable to the ordinance on piping all impacted open channel canal that can be accommodated by a pipeline having an inside diameter of 54 inches or less.

2. Section 15-3405 B, Page IV-60: FID typically does not allow new development to front open canals as this would be a significant safety concern to the public. Whether the canal is wet or dry, the risk of accidents and/or death would increase if new development were to front the open ditches. Please modify this section.

3. Section 15-3408 D, Page IV-63:
    a. Section 15-3408 D-2: Homes should not front onto a canal as this would be a significant safety concern and hazard to the public.
    b. Section 15-3408 D-5: Where canals are piped, the area above shall not be integrated into the subdivision as a trail or open spaced unless approved by FID.

BOARD OF DIRECTORS: RYAN ARCHOBESEN, Vice President JERRY PRIETO JR.
President
Manager GARY R. SERRATO

FID does not allow FID owned property or easements to be in common use with Public Utility Easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID.

4. Section 15-3411 , Page IV-65: FID does not allow pedestrian traffic along or over open channels except at locations approved by FID. Unless the canal is a designated trail way that has been mutually agreed to by all agencies, FID will not allow the canal right-of-ways to be shared with a multipurpose trail. All pedestrian crossings shall take place at road crossings unless approved by FID.

Thank you for making available to us the City of Fresno's Citywide Development Code for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the updates. While it is difficult to envision all of the potential impacts without all of the improvement details, we attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me at (559) 233-7161 extension 7103 or LKimura@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer – Special Projects

Attachments

To whom it may Concern:

My name is Hector Laguna. I live at 2004 West Olive Ave, Fresno, CA 93728. I have come to find out this property is zoned C-2 preventing me to add an addition. This house has been handed down thru generations. At this time we have out grown this small house. We would like to expand our family and the possibility to take care of my father in our home but with such a small house it will be impossible.

I ask for you to look into this for me and my family to see what can be done to allow this addition. This way we will not have to look for another dwelling and to keep this house in our family. Thank you for your understanding in this matter. If you have any questions please feel free to call me at 559-930-3937.

Sincerely,

Hector Laguna and Michelle Laguna

SAM MONACO
6943 N. Golden State Blvd.
Fresno, CA 93722

April 23, 2015

City of Fresno
Development and Resource Management Department
2600 Fresno Street
Fresno, CA 93721

Re: Development Code Update

Dear DARM Department:

Reference is made to the proposed City Development Code as it relates to my properties located at 6943 N. Golden State Boulevard and at the northwest corner of Kathryn Avenue and N. Golden State Boulevard (vacant-no address). The properties are highlighted in red on the enclosed aerial photograph.

The parcels were designated *"Highway and Auto"* in the recently adopted 2035 Fresno General Plan as depicted on the enclosed land use map. The property at 6943 N. Golden State is zoned M-1 *(Light Manufacturing)* and the vacant parcel at Kathryn and Golden State is zoned C-M *(Commercial Manufacturing)*. The zoning is no longer consistent with the new *Highway and Auto* land use designation on these parcels.

The development code proposes a new zone district, *CH Commercial - Highway and Auto*, that would be consistent with the new Highway and Auto land use designation. Please note that the new general plan identifies the zone district as *HAC* (Pg. II-54). The zoning should be called out the same in both the general plan and development code. I am requesting that the zoning on these parcels be changed to CH or HAC (whichever is correct) to keep them consistent with the new general plan. Failure to change the zoning on the parcels to bring them back into conformance with the general plan will require me to file a rezoning application with an estimated City fee of $20,000.

According to the new general plan and proposed development code, the *Highway and Auto* designation/district is "intended for limited areas near the freeway to accommodate uses that depend on or are supported by freeway access but do not generate a large volume of traffic. Hotels, restaurants, and auto malls are typical land uses".

According to Table 15-902 in the proposed development code (Pgs. II-56 – II-58), full service restaurants and convenience restaurants are not allowed in the CH District. Full service restaurants are defined as those providing food and beverage services to patrons who order and are served while seated and pay after eating. Convenience restaurants are defined at those establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no table service is provided. This classification includes cafés, cafeterias, coffee shops, fast-food

restaurants, carryout sandwich shops, limited-service pizza parlors and delivery shops, self-service restaurants, snack bars, and takeout restaurants.

I'm assuming that excluding these uses from the CH district is an oversight in the proposed code given that the intent of the district is to provide for highway oriented uses including restaurants. Both full service and convenience restaurants should be permitted uses by-right with drive-trough's being permitted subject to a conditional use permit. Please amend the code to correct this oversight.

Also, section 15-2328 requires a building with a drive-through not to be located within 400 feet from another structure containing a drive-through facility. This distance is too restrictive. I developed the Starbuck's/Yukon Jack's/Subway building just south of Kathryn and Golden State. The Starbuck's has a drive-through. All those businesses along with the adjacent vacant parcels are being displaced by the high speed rail as shown on the attached aerial photo.

I'm looking to relocate these businesses, or other similar types, to my other two properties that were not acquired by the high speed rail. Businesses with dirve-through's have expressed an interest in locating on my remaining parcels. There is an interest for a drive-through coffee business and drive-through restaurants. The 400 foot restriction would not allow me to meet what the market is demanding. At a minimum, the 400 foot restriction should not apply to different drive-through uses such as a drive-through coffee business adjacent to a drive-through restaurant. An alternative would be to reduce the distance to no more than 50 feet or remove the restriction altogether in the CH zone district.

In summary, I am requesting that both full service and convenience restaurants be included as permitted uses in the CH zone district. Also, please remove or modify the restriction regarding no drive-through buildings being within 400 feet of each. This will provide for the reestablishment of businesses in my area that are being displaced by the high speed rail.

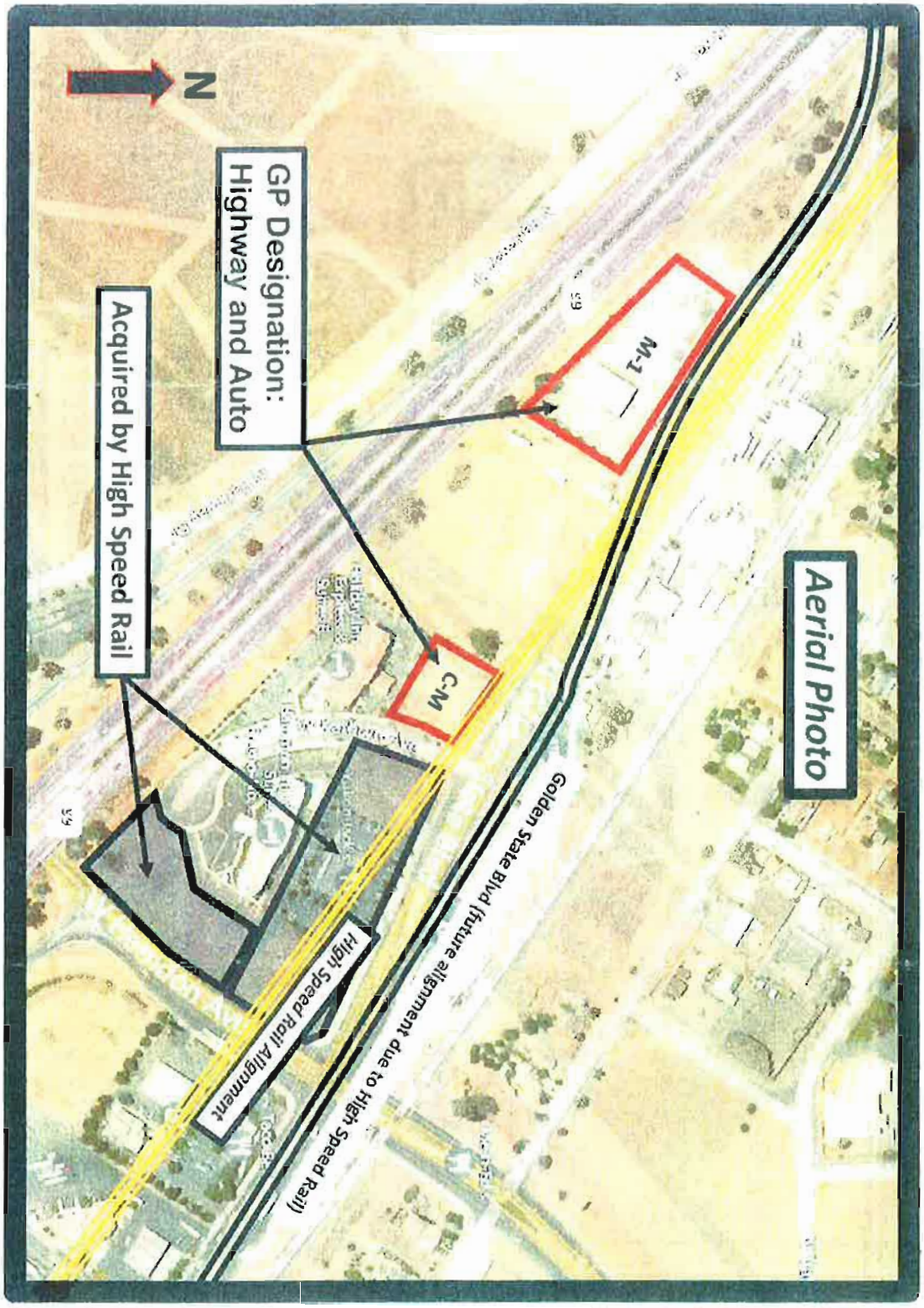
If you have any questions, please feel free to contact me at (559) 903-2220 or smonaco@harvestpower.com.

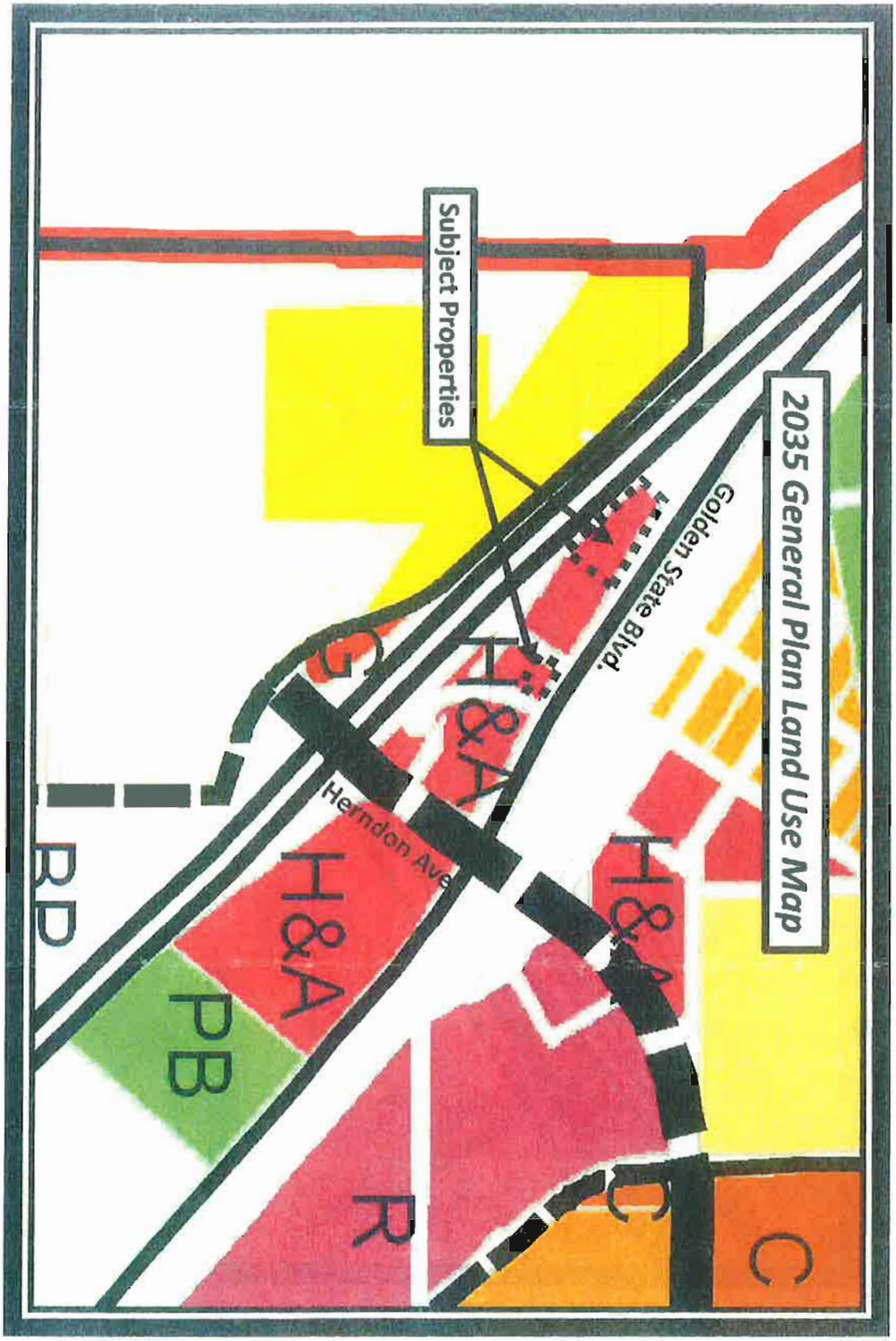
Sincerely,

Sam Monaco

c: Council Member Steve Brandau

enclosures: Aerial Photograph
General Plan Land Use Map


Aerial Photo
M-1
C-N
GP Designation:
Highway and Auto
Acquired by High Speed Rail
High Speed Rail Alignment
Golden State Blvd (future alignment due to High Speed Rail)
N


2035 General Plan Land Use Map
Subject Properties
Golden State Blvd.
Herndon Ave
H&A
H&A
H&A
G
RD
PB
R
C
C

From:	Daniel Zack
To:	Codecomments
Subject:	Code Comments from Mehmet Noyan
Date:	Friday, May 29, 2015 10:33:07 AM

Mr. Noyan requested to me verbally that the following uses be permitted in the IL district:

- Auto sales
- Retail up to 6,000 square feet
- Daycare

He stated that these uses exist in the Palm Bluffs area, which will be subject to the IL district upon the adoption of the Code.

From:	NICHOLAS PALADINO
To:	Codecomments
Cc:	Andrew Benelli; Anthony Molina
Subject:	Replies to Draft Development Code - Bicycle Parking Standards
Date:	Wednesday, May 20, 2015 3:12:34 PM

Arnoldo Rodriguez,

The draft Bicycle Parking Standards in Part III, Section 15-2028, are good and well reflect the discussions we had many months ago. However, as I indicated to you at Hoover High School, I do have three requests for corrections:

- A.5.a. Add the following sentence--"The bicycle rack shall provide two points of contact with the bicycle frame for stability." Most of the narrative requirements were taken from the Bicycle, Pedestrian, & Trails Master Plan, but this one was overlooked.

- A.5.b. This sentence should read as follows: "Racks shall be either an inverted 'U', a bike hitch, a swerve rack, or per the City's qualified product list." This is the sentence that is used in B.5.a, and is the better of the two.

- B.6. The second sentence should begin with "At least 30 inches of clearance shall be provided . . . ." A clearance of 30 inches is required in A.6.c. A bicyclist requires the same clearance in both short term and long term parking situations.

Regarding the City's qualified product list, it must not include the now popular "wave" rack. It fails to meet the requirements currently in the draft and my requested addition. The "wave" rack should never be installed in any location in Fresno under the new Development Code. When formulating the qualified product list, the staff should consult the Bicycle Parking Guidelines, 2nd edition, written by the Association of Pedestrian and Bicycle Professionals.

Nick Paladino

From:	Trai Her
To:	Daniel Zack; Arnoldo Rodriguez
Subject:	FW: From Web Form: CHANGE IN FRESNO SIGN CODE
Date:	Wednesday, April 15, 2015 1:14:37 PM

From: JPARVIN@FLUORESCO.COM [mailto:JPARVIN@FLUORESCO.COM]
Sent: Wednesday, April 15, 2015 2:08 PM
To: Trai Her
Cc: JPARVIN@FLUORESCO.COM; Joann Zuniga
Subject: From Web Form: CHANGE IN FRESNO SIGN CODE

Name: FLUORESCO SERVICES, LLC JOANNE PARVIN
Address1: 3484 W GETTYSBURG AVE
Address2:
City: FRESNO
State: CA
Zip Code: 93722

Phone: 5592217273
Email: JPARVIN@FLUORESCO.COM
Fax: 559-221-7274

Preferred Contact Method: Phone

Subject: CHANGE IN FRESNO SIGN CODE
Question/Comment
ARE CHANGES IN THE WORKS FOR THE CURRENT SIGN CODE? IF SO, HOW CAN WE BECOME INVOLVED IN THIS PROCESS TO ENSURE OUR INDUSTRY IS BEING WELL REPRESENTED.

We have built 5 adult daycare facilities and 2 child care in light industrial zoning. They have had no problems and are appropriate.

TABLE 15-1002: LAND USE REGULATIONS —EMPLOYMENT DISTRICTS						
Use Classifications	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*
Residential Use Classifications						
Residential Housing Types						
Single-Unit Dwelling, Attached	–	–	–		–	
Single-Unit Dwelling, Detached	–	–	–	–	–	
Second Dwelling Unit	–	–	–	–	–	
Duplex	–	–	–	–	–	
Multi-Unit Residential	–	–	–	–	–	
Caretaker Residence	–	–	–	P(2)	P(2)	
Public and Semi-Public Use Classifications						
Colleges and Trade Schools, Public or Private	P(3)	P(3)	P(3)	P	P	
Community Assembly (less than 2,000 square feet)	P	P	P	P	–	§15-2319, Community Assembly Facilities
Community Assembly (2,000 square feet or more)	P	C	C	–	–	
Community Garden	P	P	P	P	P	§15-2320, Community Gardens / Urban Farms
Conference/Convention Facility	C	C	C	–	–	
Cultural Institutions	P	P	P	–	–	
Day Care Centers Adult & Child	P	P	P	P	–	§15-2321, Day Care Centers and Large Family Day Care Homes
Emergency Shelter	–	–	P	P	P	§15-2328, Emergency Shelters
Government Offices	P	P	P	P	P	
Hospitals and Clinics						
Hospital	C (11)	C(11)	C(11)	C(11)	C(11)	
Clinic	P	P	P	C	–	
Instructional Services	P	P	P	P	P	
Pocket Park	P	P	P	P	P	
Park and Recreation Facilities, Public	P	P	P	P	P	
Parking, Public or Private	P	P	P	P	P	
Public Safety Facilities	P	P	P	P	P	
Schools, Public or Private	P	P	P	P	–	
Social Service Facilities	C	C	C	C	–	
Commercial Use Classifications						
Adult-Oriented Business	–	–	–	C	C	§15-2305, Adult-Oriented Businesses
Aircraft Sales, Services, and Storage	–	P	P	P	P	
Animal Care, Sales and Services						
Kennels	–	–	–	P	P	
Veterinary Services	C	P	P	P	P	
Artist's Studio	P	P	–	P	–	
Automobile/Vehicle Sales and Services						
Automobile Rentals	P	P	P	P	P	§15-2313, Automobile and Motorcycle

Cardboard or paper bailers should not require conditional approval, especially located within the building.

TABLE 15-1002: LAND USE REGULATIONS —EMPLOYMENT DISTRICTS						
Use Classifications	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*
Industrial Use Classifications						
Construction and Material Yards	–	P	P	P	P	§15-2321, Concrete Batch Plants, Storage Yards, and Similar Uses
Custom Manufacturing	–	P (8)	P (8)	P	P	
Limited Industrial	–	P (8)	P (8)	P	P	
General Industrial	–	C	C	P	P	
Intensive Industrial	–	–	–	–	C	
Recycling Facility						
Reverse Vending Machine	P	P	P	P	P	§15-2349, Recycling Facilities
Recycling Collection Facility	–	–	–	C	P	
Recycling Processing Facility	–	–	–	C	C	
Research and Development	P	P	P	P	P	
Salvage and Wrecking	–	–	–	–	C	§15-2366, Wrecking Yards and Auto Dismantling
Warehousing, Storage, and Distribution						
Chemical and Mineral Storage	–	–	–	C	C	
Indoor Warehousing and Storage	–	P	P	P	P	
Outdoor Storage	–	P(8)	P(8)	P(8)	P	§15-2321, Concrete Batch Plants, Storage Yards, and Similar Uses
Personal Storage	C	P	P	P	P	§2345, Personal (Mini) Storage
Wholesaling and Distribution	–	P	P	P	P	
Transportation, Communication, and Utilities Use Classifications						
Airports and Heliports	–	C(9)	C(9)	C	C	
Communication Facilities						
Antenna and Transmission Towers	See Section 15-2358, Telecommunications and Wireless Facilities					
Facilities within Buildings	P	P	P	P	P	
Freight/Truck Terminals and Warehouses	–	P	P	P	P	
Light Fleet-Based Services	C	P	P	P	P	
Utilities, Major	–	–	C	P	P	
Utilities, Minor	P	P	P	P	P	
Waste Transfer Facility	–	–	–	C	C	
Agricultural and Extractive Use Classifications						
Agricultural Processing	–	C	C	P	P	
Agricultural Support Services	–	C	P	P	P	
Animal Raising	–	–	–	–	–	
Crop Cultivation	–	–	–	P	P	
Dairy	–	–	–	–	–	
Mining and Quarrying	–	–	–	–	C	
Sales Lot, Feed Lot, Stockyard	–	–	–	C	P	
Slaughterhouse	–	–	–	–	C	
Tasting Room	–	C	C	C	C	

15-1004 Site Design Development Standards

A. **Residential Transition Standards.** Where an E District abuts a Residential District, the following standards apply:

1. ***Height.*** The maximum height within 40 feet of a Residential District is limited to 30 feet. The maximum height within 50 feet of a residential district is 40 feet.

2. ***Setbacks.***

   a. *Front and Street Side Yards.* The front setback shall not be less than the required front yard on the abutting Residential District lot within 75 feet of the Residential District.

   Was 50' Should be 50'

   b. *Interior Side and Rear for the IL and IH Districts.* The interior side and rear setback abutting a Residential District boundary shall be no less than 50 feet.

   b. *Interior Side and Rear Setbacks for All Other Employment Districts.* The interior side and rear setback abutting a Residential District boundary shall be 20 feet.

   20' These were the proposed dimentions that were changed by staff.

3. ***Landscape.*** A landscaped planting area, a minimum of 6 feet in width, shall be provided along all Residential District boundaries.

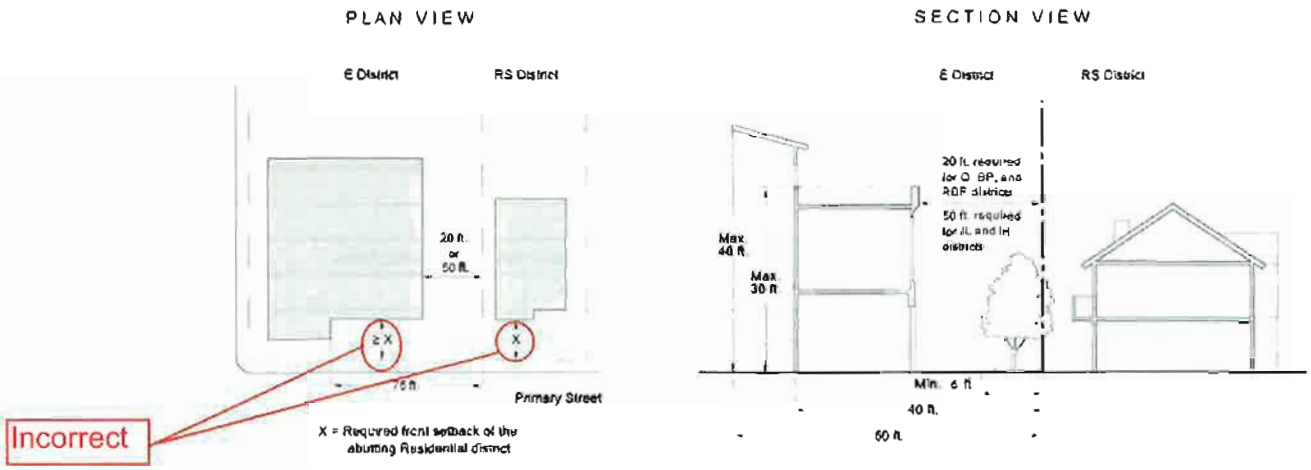


FIGURE 15-1004-A: RESIDENTIAL TRANSITION STANDARDS—E DISTRICTS

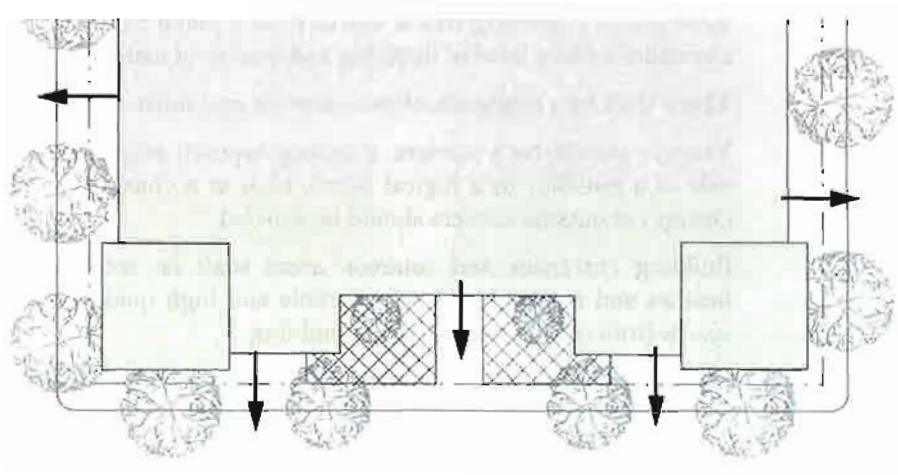


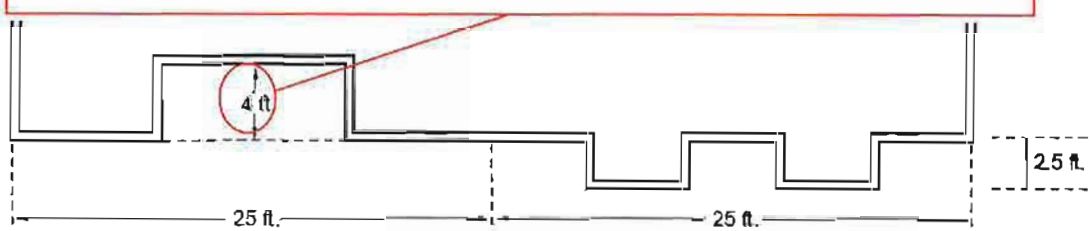
FIGURE 15-1004-G: BUILDING ORIENTATION

G. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention should be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading can minimize adverse impacts to residents.

15-1005 Façade Design Development Standards

A. **Building Articulation.** In O District, all street-facing façades must include at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least 2.5 feet in depth for every 25 feet of horizontal feet of wall.

This is too disruptive to office floor plans. 2'-2.5'FT is more appropriate.



Street-facing facades shall have at least one projection or recess at least 4 feet in depth, or two projections or recesses at least 2.5 feet in depth, for every 25 linear feet of wall.

FIGURE 15-1005-A: BUILDING ARTICULATION

B. **Building Materials and Finishes.**

1. In O District, the following standards shall apply:

a. Each side of a building that is visible from a Major Street shall be designed with a complementary level of detailing and quality of materials.

b. There shall be a minimum of two exterior wall finish materials.

c. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane. Material changes at outside corners should be avoided.

d. Building entrances and common areas shall be accentuated with enhanced finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.

e. Metal buildings should employ a variety of building forms shapes, colors, materials and other architectural treatments to add visual interest and variety to the building. Architectural treatments should emphasize the primary entrance to the building.

f. Unless roofing materials are part of the design element (for example, tiles, concrete or metal roofing elements), the ridge line elevation should not exceed the parapet elevation.

g. Windows shall maintain a consistent design character throughout the development and shall be of the same material on all elevations facing a street.

h. Parking areas and structures shall be designed to match and be compatible with the architectural character, materials and colors of the overall development.

This is an anarbitrary number. This should say, "any parcel facing onto a major street".

2. In BP, RBP, IL and IH Districts, buildings within 300 feet of a major street, not including silos and cooling towers and similar structures, shall apply at least three of the following standards:

Two colors should be enough with everything else required. Glass color should also be considered if this is kept.

a. Use a minimum of two exterior wall finish materials shall be used.

b. Use a minimum of ~~three~~ exterior paint colors.

c. Design street-facing facades to have an overall wall composition of at least 20% glazing.

d. Provide one inset of 6 inches in depth, 10 feet in height, and 20 feet in width for every 50 feet of wall length.

e. Provide canopies or awnings with at least 4 feet of projection for at least 50% of the wall length.

f. Employ an architectural treatment to the primary entrance such as decorative lighting, increased height, or enhanced materials

J. **City Indemnification.** Prior to the installation of electric fencing, the owner shall obtain a permit and execute a covenant, with any required subordinations prepared by the City, to defend, hold harmless, and indemnify the City against all claims related to the fencing.

15-1611 Screening of Mechanical and Electrical Equipment

Should say: Industrial not facing on a major street or adjoining a residential district

A. **Applicability.** The standards of this section apply to:

1. New development;
2. New equipment that is added to serve existing buildings; or,
3. Condominium Conversions.
4. ***Exceptions.*** Existing equipment that serves existing buildings.

B. **Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street, highway, train tracks, or abutting Residential Districts.

C. **Residential Districts.** Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Above grade equipment by Public Utility providers may be permitted within easements.

Parcels Fronting on

D. **Roof Access Ladders and Fire Sprinkler Risers.** Roof access ladders shall be screened from Major Streets. Fire sprinkler risers should be designed for interior installation whenever possible where an exterior location would be visible from a Major Street. Where site conditions dictate an exterior location for the sprinkler riser, a three foot clear space shall be provided between the screening materials and the riser. The alarm bell and fire department connection shall be installed so that they are visible from the street.

who determines "possible"

Typically behind a fence (for theft protection) and in the parking lot.

15-1612 Heights and Height Exceptions

A. **Applicability.** The standards of this section apply to:

1. New development or structures; or
2. New equipment that is added to serve existing buildings.

B. **General Standards.** The structures listed in the following table may exceed the maximum permitted building height for the district in which they are located, subject to the limitations stated in the table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising and all heights shall comply with any operative Airport Plan.

TABLE 15-1611-B: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

Structures Allowed Above the Height Limit	*Maximum Coverage, Locational Restrictions*	*Maximum Vertical Projection Above the Height Limit (ft)*
Skylights	No limitation	1

TABLE 15-1613-B: OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION	
Base Districts	*Permissibility of Open Storage*
Agricultural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks.
Residential and Mixed-Use	Outdoor storage of materials generally found in households is not permitted.
Commercial, Employment, and Public and Semi-Public Districts	Not permitted in front or street-facing side yards. Setback minimum 20 feet from Residential Districts. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this section

? Not part of SPR Review preocess & limited accessability.

C. **Surfacing.** Outdoor storage areas shall be surfaced as determined by the Public Works Director. In making a determination, the Public Works Director shall take into consideration:

1. The zone district of the site.
2. If the site will be used to store equipment that is used daily and common drive-aisles will be paved and/or treated to mitigate potential dust from vehicles.
3. Surrounding sensitive uses such as residential uses, schools (K-12), day cares, hospitals, or elderly care facilities.
4. If the proposed surfacing is appropriate to the type of product stored.
5. If the proposed surfacing will conform to all applicable federal and state air and water quality standards.
6. If the surface will comply with adopted regulations of the San Joaquin Valley Air Pollution Control District.

D. **Screening.**

1. Outdoor storage areas and service yards shall be screened so as not to be visible from Major streets or highway; Residential Districts; public schools, or public parks.
2. Screening walls and fences shall be architecturally compatible with the main structure on the site.
3. Earth berms or plant material may serve to satisfy screening requirements as alternative materials.
4. No screening wall or fence shall be located within a required setback or ~~landscape area.~~ Why not?
5. No stored goods may exceed the height of the screening wall or fence by more than one foot.
6. Service yards may have screen walls up to 15 feet in height and must be attached to the main building and shall be of the same quality and appearance as those used on the building itself. Service yards shall be considered part of the main structure for property development standards and shall be clearly incidental to the primary use. Outdoor storage shall not be the primary use on the property.

Why not? Sometimes in industrial areas a parcel or adjoining parcel is used for equiptment storage...i.E. Motorized equipment, city garbage trucks and buses, auto agency storage area, school buses, ETC.

C. A new building with a floor area of 300 square feet or more on a developed site. The 300 square feet shall be cumulative from the date of adoption of this code;

D. The demolition and reconstruction of a site;

E. New landscape construction; or

F. Change of Occupancy of an existing building requiring a change of occupancy permit as defined by the Building Code.

G. Exceptions. The standards of this section do not apply to landscaping that is part of a registered historic site, plant collections as part of botanical gardens and arboretums open to the public, or ecological restoration projects that do not require a permanent irrigation system.

15-1903 Landscape Plans

A landscape plan shall be submitted with the permit application whenever landscaping per Section 15-1902 applies.

A. **Information Required.** Landscape plans shall be drawn to scale and shall, at a minimum, include the following:

1. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together into hydrozones on the landscape plan. The plant factor according to the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use and temporarily irrigated areas shall be identified as low water use.

2. Proposed landscape features (stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features) locations, dimensions, and materials.

3. Proposed landscaping mounds, water features (pools and ponds) and paved surfaces locations, dimensions, and materials.

4. Location of any existing trees over six inches in diameter, as measured 48 inches above natural grade, and whether each such tree is proposed for retention or removal.

5. Identification of areas of preservation or incorporation of existing native vegetation.

6. Identification of areas not intended for a specific use, including areas planned for future phases of a phased development, shown landscaped or left in a natural state.

7. Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.

B. **Authorized to Design a Landscape.** Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than five units shall be prepared by a California registered landscape architect. For all other projects the various professionals, practitioners, and unlicensed persons may offer landscape design services within the scope and limitations that pertain to each as follows:

1. ***Landscape Architect.*** Must hold a professional license to practice landscape architecture. May perform professional services for the purpose of landscape

This is an unnecessary costly burden. All projects should be able to be designed per the code standards by 1-9 following, not only an architect.

preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation (Business and Professions Code, Section 5615).

2. ***Architect***. Must hold a professional license to practice architecture. May offer, perform, or be in responsible control of professional services which require the skills of an architect in the planning of sites (Business and Professions Code, Sections 5500.1 and 5641.3).

3. ***Professional Engineers***. Must hold professional registration to practice engineering. May perform professional services as defined under Business and Professions Code, Section 5615, as long as the work is incidental to an engineering project (Business and Professions Code, Sections 5615, 5641.3 and 6701 et seq.).

4. ***Landscape Contractors***. Must hold a C-27 landscaping contractor's license. May design systems and facilities for work to be performed and supervised by that contractor (Business and Professions Code, Sections 5641.4 and 7027.5 and California Code of Regulations, Title 16, Division 8, Section 832.27).

5. ***Nurserypersons***. Must hold a license to sell nursery stock. May prepare planting plans or drawings as an adjunct to merchandizing nursery stock and related products (Business and Professions Code, Section 5641.2 and Food and Agricultural Code, Section 6721 et seq.).

6. ***Landscape/Garden Designers, etc***. May prepare plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings; may prepare drawings for the conceptual design and placement of tangible objects and landscape features; may not prepare construction documents, details, or specifications for tangible landscape objects or landscape features; and may not prepare grading and drainage plans for the alteration of sites.

7. ***Personal Property Owners (Homeowner)***. May prepare any plans, drawings or specifications for any one- or two-family dwelling property owned by that person.

8. ***Golf Course Architect***. May engage in the practice of, or offer to practice as, a golf course architect. May perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.

9. ***Irrigation Consultants***. May engage in the practice of, or offer to practice as, an irrigation consultant. May perform consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

10. Master Gardners

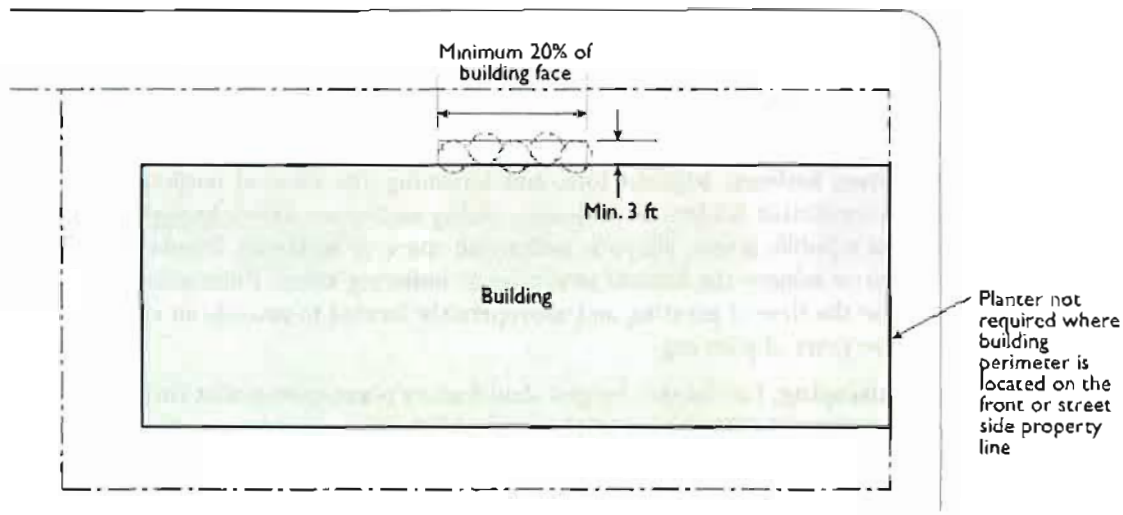


FIGURE 15-1904-D: BUILDING PERIMETERS

F. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be maintained clear and free of refuse, debris, or other accumulated matter.

15-1905 Landscape Design Standards

To subjective for staff personalities and will delay projects needlessly

The following design standards are to be used by decision-makers in evaluating whether landscape plans conform to the requirements of this Section:

A. **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials must be arranged in a manner as to provide the following qualities and characteristics:

1. ***Texture.*** Landscape designs must provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, shall be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

2. ***Color.*** Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.

3. ***Form.*** Landscape designs will consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all

B - E Too subjective

landscape elements shall be considered so that the final design presents a coherent whole.

B. **Buffering and Screening.** The use of natural landscape materials (trees, shrubs, and hedges) are the preferred method for buffering differing land uses, buffering walls to prevent graffiti, providing a transition between adjacent lots, and screening the view of parking, storage or service area, refuse collection facility or enclosure, utility enclosure, drive-through, utility pipe or box visible from a public street, alley, or pedestrian space or walkway. Plants may be used with walls or berms to achieve the desired screening or buffering effect. Plant material needs to be mature enough at the time of planting and appropriately located to provide an effective buffer or screen within five years of planting.

C. **Water-Wise Landscaping.** Landscape designs shall feature plant species that thrive in the San Joaquin Valley region to take advantage of the adaptability of regionally appropriate plants to local environmental conditions and to conserve water. The use of drought-tolerant or climate adaptive plants should enrich the existing landscape character, conserve water and energy, and provide a pleasant and varied visual appearance. Group plants with similar water needs into hydrozones.

D. **Continuity and Connection.** Landscaping must be designed within the context of the surrounding area, provided that the adjacent landscaping is consistent with the landscape design standards of this section. Where the adjacent property landscaping meets the landscape design standards of this section, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Exceptions can be made when seeking to create a transition between uses or zoning districts.

E. **Enhancing Architecture.** Landscape designs shall be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements must be designed to complement architectural elevations and roof lines through color, texture, density, and form on both vertical and horizontal planes. Landscaping shall be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals.

15-1906 General Landscaping Standards

A. **Materials.**

1. ***General.*** Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, and other ornamental features placed within a landscaped setting. Plant materials shall be selected from among those species and varieties known to thrive in the Fresno climate. Paved or graveled surface areas may not exceed 25 percent of the area required to be landscaped. Recirculating water shall be used for decorative water features. Areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

2. ***Non-Plant Materials.*** Non-plant materials such as gravel, colored rock, cinder, bark, and similar materials may not be used to meet the minimum planting area required by this section.

3. ***Synthetic Lawns.*** Synthetic lawns may be considered as turf, cover no more than 75% of the required landscape area, and allowed in the following settings:

i. Single-family residences;

ii. Public facilities;

iii. Private and public schools; and

iv. Religious institutions

+ Commercial
+ E Districts

4. ***Mulch.*** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.

5. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:

a. *Ground Covers.* Ground cover plants must be at least the four-inch pot size and spaced to provide full coverage within the time frame specified for the species planted.

b. *Shrubs.* Spacing of shrubs shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. When planted to serve as a hedge or screen, shrubs shall be spaced at 75% of their mature length.

Sizes should not be designated

i. Small Shrub. A small shrub shall have a mature height of three to less than five feet ~~and shall be planted at minimum from one-gallon containers.~~

ii. Medium Shrub. A medium shrub shall have a mature height of between five and eight feet ~~and shall be planted at minimum from five-gallon containers.~~

iii. Large Shrub. A large shrub shall have a mature height of greater than eight feet ~~and shall be planted at minimum from five-gallon containers.~~

This is totally unreasonable

c. *Trees.* A minimum of 15 percent of the trees planted shall be ~~24-~~inch box or greater in size. All other trees shall be a minimum of 15 gallons in size. Spacing of trees shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. Newly planted trees shall be supported with stakes or guy wires.

i. Small Tree. A small tree shall have a mature height of less than 25 feet and be at least one inch in diameter at six inches above ground level. Generally, shall be planted 25 feet apart.

ii. Medium Tree. A medium tree shall have a mature height of between 25 and 45 feet and be at least 1 1/4 inch in diameter at six inches above ground level. Generally, shall be planted 35 feet apart.

iii. Large Tree. A large tree shall have a mature height of greater than 45 feet and be at least 1 1/2 inch in diameter at six inches above ground level. Generally, shall be planted 45 feet apart.

6. ***Landscaping Mound.*** Landscaping mounds shall be constructed on slopes not to exceed 4:1 with the toe of the mound located a distance of 12 feet or greater horizontally of the top of existing or planned cut slope. The toe of the mound shall be set back from buildings and property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slope. In no case shall the toe of the mound be within five feet of any building or one foot of the street right-of-way.

Unnecessary Limitation

B. **Dimension of Landscaped Areas.** Landscaped areas shall have a minimum horizontal dimension of five feet to count towards required landscaping.

4.5

C. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within five years after planting.

D. **Drivers' Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Chapter 13, Article 2, Sections 13-227, Obstruction to Visibility at Intersections and 13-228, Intersection Visibility, Investigation, and Enforcement.

15-1907 Trees

A. **Trees.** Trees shall be provided as follows:

1. ***Residential Single-Family Districts.*** A minimum of two trees per lot and if part of a Planned Development then trees may be provided in common areas in addition to the two provided on each residential lot;

2. ***Multiple Family Residential and Mixed-Use Districts.*** A minimum of one tree per unit;

3. ***Commercial, Office, Business Park, and Regional Business Park Districts.*** A minimum of one tree for every 2,000 square feet of lot coverage;

4. ***Industrial Districts.*** A minimum of one tree for every 5,000 square feet of lot coverage;

5. ***Planned Development Districts.*** For requirements in single family residential development see Residential Single-Family Districts, for multi-family and mixed-use development see Residential Multi-Family and Mixed-Use Districts, and for

5. Tandem parking shall not be used to satisfy the parking requirement for guest parking; and,

6. Tandem parking to meet required parking for non-residential uses may be used for employee parking and the number of tandem parking spaces shall not exceed 25 percent of the total number of spaces.

E. **Stacked Parking.** Stacked or valet parking is allowed for non-residential uses if an attendant is present to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, the property owner shall enter into an agreement in the form of a covenant with the City ensuring that an attendant will always be present when the lot is in operation. Stacked parking shall not account for more than 50 percent of the required parking.

15-2016 Driveways

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained per the standards below.

A. **Number of Driveways.** Does this mean all lessor size get only one driveway?

Industrial needs circulation for trucks and trailers

1. Up to 2 driveways shall be allowed for each parcel 2 acres or more in size unless the City Engineer determines that more than 2 driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s).

2. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized, unless otherwise approved by the City Engineer. We need both!

3. Access to Major Streets shall be spaced to provide for reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.

4. Access spacing and control requirements shall be determined by the City Engineer.

B. **Distance From Street Corners.** As determined by the City Engineer.

C. **Driveway Widths and Lengths.**

1. ***All Driveways.*** If designated as a Fire Lane, the minimum width shall be 20 feet, unless a greater width is required by the Fire Chief.

2. ***Residential Driveway Width.*** As determined by the City Engineer and the Fire Chief.

3. ***Commercial and Industrial Driveway Width.*** As determined by the City Engineer and the Fire Chief. What are they? List them here and now.

15-2017 Parking Lot Access

A. New Commercial and Office development shall provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation, regardless if the properties are held in joint ownership. A joint access agreement in the form of a covenant shall be recorded ensuring that access will be maintained.

Cross Easements are required? Why? Some high traffic business affect adjoining properties adversely.

1. ***Exception.*** If either site is developed and there is no feasible location to gain access, the Director may waive this condition, however the removal of excess parking may not be considered a barrier to gaining access.

B. **Forward Entry.** Parking lots shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.

C. **Residential Driveway Length.** Driveways providing direct access from a public street to a garage or carport shall be at least 20 feet in depth.

D. **Distance from Driveways on Local Streets.** Parking spaces shall not be located within 20 feet of an access driveway, measured from the property line. Why not?

E. **Distance from Driveways on Major Streets.** Parking spaces and drive aisles shall be configured in such a way as to promote smooth flow of traffic onto the site from adjacent streets. The length of driveways or "throat length" shall be designed to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Entrance designs shall be subject to approval by the City Engineer.

F. **Commercial Developments that Exceed 10 Acres.** Drive entrances to centers that are 10 acres or larger shall generally provide a driveway length of 100 feet prior to the first parking stall. Exception: Industrial zoning districts or uses

G. **Alleys.** For Nonresidential access, parking spaces shall provide a backup area of 27 feet. For Residential Districts, refer to Section 15-1604, Accessory Buildings and Structures.

H. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions as may be established by the Public Works Director. What are they?

I. **Parking Spaces Abutting a Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by 2 feet on each obstructed side, provided that the increase may be reduced by 0.25 feet for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.

J. **Minimum Dimensions for Residential Garages and Carports.** Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions.

1. A single car garage or carport shall have a minimum inside dimension of 10 feet in width by 20 feet in length.

2. A two-car garage or carport shall have minimum inside dimension of 20 feet in width by 20 feet in length.

3. A garage or carport containing three or more spaces shall have a minimum inside dimension of nine feet in width by 19 feet in length per space.

4. The vertical clearance for garage or carport parking spaces shall not be less than seven feet six inches.

5. Stairs may encroach in the parking area of a garage provided that the front end of the average automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) should be a minimum of five feet above the garage floor.

6. For the purpose of determining the existing number of garage spaces for an existing dwelling unit the following dimensions shall apply:

   a. An existing garage with minimum interior dimensions of 8.5 feet in width and 18 feet in length shall qualify as one existing enclosed parking space.

   b. An existing garage with minimum interior dimensions of 17 feet in width and 18 feet in length shall qualify as two existing enclosed parking spaces.

   c. If the minimum interior dimensions of an existing garage parking space exceed the minimum dimensions in this subsection, the existing enclosed space dimensions shall be maintained.

15-2018 Parking Lot Surface, Striping, and Curbs

A. **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.

B. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces on a site with four or more unenclosed parking spaces. A 6 inch high concrete curb surrounding a landscape area at least 6 feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

C. **Surfacing.** All parking areas shall be graded, paved, and improved and all sites shall be properly drained and subject to the approval of the City Engineer. No unpaved area shall be used for parking unless used as Temporary Parking per Section 15-2360.

   1. ***Cross-Grades.*** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.

   Was, and should continue to be 3'

   2. ***Landscaping Alternative.*** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

   3. ***Permeable Paving.*** Permeable paving may be used in all overflow parking areas and emergency access-only drives if approved by the Public Works Director.

   4. ***Turf Grids / Grassy Pavers.*** Turf grids / grassy pavers may be installed in areas of low traffic or infrequent use, such as emergency vehicles if approved by the Fire Department and the Public Works Director.

D. **Perimeter Curbing.** A 6 inch wide and 6 inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas may need to be designed to allow stormwater runoff to pass through.

E. **Separation from On-Site Buildings.** Parking areas shall be separated from the front and side exterior walls of on-site buildings per Public Works Standards.

What are these standards - please forward for our review

15-2019 Parking Lot Lighting

A. **Lighting.** Parking areas designed to accommodate four or more vehicles shall be provided with light over the parking surface. I assume wall lights qualifies

1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

2. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Article 21, Performance Standards.

15-2020 Parking Lot Landscaping

A. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index (SRI) of at least 29, or a combination of shading and light colored materials. Please Explain?

B. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the general standards of Article 19, Landscape, as well as the standards of this subsection.

C. **Perimeter parking lot landscaping.** The following shall apply to Multiple Family, Mixed-use, Office and Commercial developments.

1. ***Layout.*** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:

   a. A minimum of 10 percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

   b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;

   c. On-site landscaping at the parking lot perimeter.

2. ***Adjacent to Streets.*** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip equivalent to the required setback for the subject zoning district.

   a. Landscaping shall be designed and maintained to screen cars from view from the street to a height of between 24 and 36 inches.

   b. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement.

5. ***Size.*** All trees shall be a minimum 15-gallon size with a one-inch diameter as measured 48 inches above natural grade.

C. **Protection of Vegetation.**

1. ***Clearance from Vehicles.*** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb. Was and should be 3'

2. ***Planters.*** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow storm-water runoff to pass through.

15-2022 Circulation and Safety

A. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall be maintained as to not impair the sight line of drivers and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.

B. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements, as determined by the Review Authority.

C. Separate vehicular and pedestrian circulation systems shall be provided where possible and where the following occurs:

1. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways.

2. Parking areas for commercial and mixed-use developments that provide 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

b. *Materials and Width.* Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.

c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised or be of a different material, and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

4. ***Covered Stalls.*** Covered stalls shall be:

   a. Inside buildings, in a bike room or clearly designated area;

   b. Under roof overhangs or awnings;

   c. In bicycle lockers; or

   d. Within or under other structures

5. ***Anchoring and Security.*** Long-term bicycle parking must be in:

   a. A permanently anchored rack or stand inside a building. Racks shall be either an inverted "U", a bike hitch, a swerve rack, or per the City's qualified product list. Racks may serve multiple bicycle parking spaces;

   b. An enclosed permanently anchored bicycle locker; or

   c. A fenced, covered, locked, or guarded bicycle storage area or room.

6. ***Size and Accessibility.*** Each bicycle parking space shall be a minimum of 30 inches in width and 6 feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

7. ***Vehicle Parking Reduction.*** Should an applicant seek to install bicycle lockers for an existing development, they may reduce vehicle parking to less than the prescribed number in this Code to accommodate bicycle lockers. Should the bicycle lockers cause a reduction in vehicle parking spaces to less than what is prescribed in this Code, an exemption (i.e., Variance or Deviation) for the vehicle parking shall not be required.

C. **Showers and Changing Rooms.** Showers and Changing Room(s) for employees that engage in active modes of transportation are required per the following standards.

   1. ***Requirement Thresholds.*** New office development greater than 20,000 square feet. The 20,000 square foot minimum applies to single buildings.

   2. ***Number of Showers Required.*** Refer to Table 15-2028-C(2).

TABLE 15-2028-C(2): EMPLOYEE SHOWERS REQUIRED FOR NEW CONSTRUCTION

Land Use Classification	*Showers and Changing Rooms Required*
Office	Less than 20,000 sq. ft.: None More than 20,000 sq. ft.: 1

Should be at 40,000 sq. ft.

D. **Number of Spaces Required.**

The following table identifies the number of short-term and long-term bicycle parking stalls required per use.

All should be at 1.0 sq. ft.

TABLE 15-2209: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICT			
Zoning District (Frontage)	*Permitted Sign Types*	*Total Maximum Sign Area (square feet)*	*Additional Regulations*
	Pole Projecting Wall Window	whichever is greater	frontage
Employment Districts			
O	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
BP	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
RBP	Awning Monument Pole Projecting Wall Window	200 or .25 per linear foot of building frontage, whichever is greater	Limited to one pole or monument sign per street frontage
IL	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
IH	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	

15-2210 Signage Allowances for Specific Uses

This Section establishes signage allowances for specific uses. These signs are allowed in addition to the signs allowed by Zoning District in Section 15-2209, Standards for Signs by District.

A. **All Districts.** Signs may not be located in the visibility triangle per 15-1618, Intersection Visibility.

B. **Agricultural Operations.** Signs for agricultural operations conducted on parcels 20 acres or more in size may be erected subject to the following standards:

15-2315 Body Preparation and Funeral Services

Body preparation, including embalming and cremations, and body viewing may be permitted subject to the regulations below. The following also applies to pets.

A. **Body Viewing/Visitation.**

1. ***Traditional Facilities.*** Body viewing, including funeral and chapel services, may be permitted in Religious Institutions, Cemeteries, Funeral Chapels, Funeral Homes, and Funeral Parlors. Should also be allowed in IL district

2. ***Non-Traditional Facilities.*** Occasional funeral/chapel services may be held at Banquet Halls, Stadiums, Public Facilities, Social Halls, or similar facilities however the use shall be clearly incidental to the primary use. "Occasional," for this subsection, shall be defined as once per month.

B. **Body Preparation.** Body preparation, including the embalming of the body, may be permitted in Funeral Homes, Funeral Chapels, Funeral Parlors, or Mortuaries

C. **Body Cremation.** In addition to the permit requirements of this Code, a permit is also required from the San Joaquin Valley Air Pollution Control District.

D. **Home Death Care.** A person may prepare a body for disposition in their home per the State of California Department of Consumer Affairs, Cemetery and Funeral Bureau. Funeral Services may not be held in homes.

15-2316 Check Cashing Businesses and Payday Lenders

A. **Applicability.** The standards of this section apply to new establishments and existing establishments where there is a 20 percent or greater expansion in serviceable floor area. For the purpose of this section, an establishment is considered new when no previous check cashing or payday lender existed at that location for a period of twelve months or greater. These regulations do not apply to state and federally chartered banks, savings associations, credit unions, or industrial loan companies.

B. **Maximum Number.** At no time shall the total number of check cashing and payday loan establishments be greater than one for every 25,000 residents of the City of Fresno.

C. **Location.** In addition to the Use Regulations as put forth for the base and overlay districts, locations in which check cashing and payday loan establishments are permitted shall also be subject to the following restrictions:

1. May not be locate within a Census Tract where half of all households have a median household income of less than 80 percent of the state's median household income.

2. May not be located within 1,000 feet of another establishment of the same or similar use.

3. May not be located within 500 feet of the following:

   a. Residential district.

   b. A state or federally chartered bank, savings association, credit union, or industrial loan company.

15-2318 Commercial Truck Storage

Commercial Truck Storage, not specifically related to the primary use on the site, is permitted subject to the following standards.

A. **Minimum Lot Size:** One acre.

B. **Access.** The site shall have direct access to a street designated for the type of vehicles that will be parking on the site.

C **Landscaping and Screening.**

1. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required elsewhere in this Code or operative plan.
2. Chain link fencing is prohibited along major streets, except along state highways if the fence is erected by Caltrans.

This is an inappropriate and unnecessary regulation

3. Graffiti along perimeter Screen Walls shall be removed within 48 hours.
4. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.

D. **Surface Paving.** All parking and maneuvering areas shall be paved per Public Works Standards for Parking Lots. Parking on unimproved lots is prohibited.

E. **Operational Requirements**

1. Vehicles and/or trailer may only be stored within designated areas per the approved entitlement.
2. All auto repairs, including the changing of tires and fluids (i.e., oil) shall occur within an enclosed building.
3. There shall be no dismantling of motor vehicles.
4. Personal storage of vehicles, such as boats or RVs, is prohibited.
5. Trailers oriented to passerby, for the sole purpose of advertising, are prohibited.
6. Retail sales of vehicles is prohibited.

F. **Parking Lot Shading.** Parking Lot Shading is required for non-truck/trailer parking areas.

G. **Infrastructure Requirements**

1. Off-site improvements may be required by the City.
2. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.
3. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

H. **San Joaquin Valley Air Pollution Control District.** Applicants shall gain approval from the SJVAPCD

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May 5, 2015

Via hand delivery
Copy via email: Jennifer.Clark@fresno.gov

Jennifer

Ms. Jennifer Clark
City of Fresno
Director of Development and Resources Management Department
2600 Fresno Street
Room 3065
Fresno, California 93721

City of Fresno DARM Department
Re: Development Code Update
2600 Fresno Street
Fresno, CA 93721

SUBJECT: Comments on Draft Development Code

Dear Ms. Clark,

I am providing this letter as a comment and recommendation for your consideration concerning the draft City of Fresno Development Code.

1. Introduction. An important goal of the 2035 General Plan and Development Code is to provide opportunities for a denser urban environment, with greater flexibilities for live/work arrangements. However, the current Development Code appears to, in one important instance, actually diminish opportunities for these types of mixed-use developments that otherwise were available under the prior Zoning Code.

Specifically, residential mixed-use projects have traditionally been permitted in C-P Zones, pursuant to a Conditional Use Permit (Fresno Zoning Code Sections 12-216.1 and 12-325). However, under the new Development Code, no residential uses are intended to be allowed in the Office land use zone (which is the zone that replaces the C-P zone for office uses).

Any project that combines residential uses with office projects should require some focused evaluations pursuant to a Conditional Use Permit or other special use entitlement. That kind of focused evaluation for an office-residential mixed-use project might be best provided by the evaluations required for a Planned Development project under the new Development Code.

However, the Planned Development provisions do not appear to currently incorporate flexibilities to effectively entitle office/residential mixed uses projects.

I believe this is an important type of development project emphasized as a primary goal of the new general plan and one that other key goals of the General Plan and Development Code intend to foster. Therefore, I am providing the following details about the issue and some possible refinements that can resolve the matter.

2. Residential Densities for Office Properties. The Development Code, Section 15-1001, page II-70, states that the Office designated properties relate to uses that may be incompatible with residential uses. Apparently, for that reason, no residential density is provided to such Office properties. However, Office uses are not always incompatible with residential uses.

The Fresno Zoning Code and planning has previously supported mixed residential and Office projects, subject to a Conditional Use Permit. The maximum residential densities permitted in such a project were flexibly determined based on evaluations of city services and other factors (Fresno Zoning Ordinance Sections 12-325-D-1).

Based on our conversations over the past few months I understood that such flexibility would be provided in the new general plan and zoning ordinance. On August 19, 2014, I wrote you commenting that:

As currently proposed, it appears that the city contemplates mixed use as the vertical integration of commercial and residential uses. I respectfully suggest that a more liberal definition of what constitutes a mixed-use project in our city would include residential, office and commercial components.

A mixture of residential, office and commercial use projects could create self-contained micro neighborhoods that live and feel like the residential models of Europe and Asia that we seek to emulate. Travel to Europe or Asia is not necessary to find successful examples of fully integrated mixed uses in places like the Kierland Commons in Scottsdale or Santana Row in San Jose.

Infill and rehabilitation of existing structures are also paramount goals of the plan. Both infill and rehabilitation efforts would be enhanced with a more encompassing definition of mixed use by providing by-passed or underutilized properties new opportunities for reinvestment.

Subsequently, I understood that the general plan and proposed zoning ordinance update would accommodate and encourage mixed-use projects including residential, office and commercial components.

It appears an unintended and harmful result of the new Development Code is to actually diminish opportunities for mixed residential uses in an Office zone district. To resolve

this circumstance, Office properties should be allowed to support residential uses in a mixed use setting, subject to approval of a Planned Development entitlement.

The proposed Planned Development provisions appear to intend to allow mixed-use projects that combine residential with other uses, including Office designated parcels. However, as detailed below, the Planned Development provisions appear to limit residential densities based on the permitted residential density of the underlying zone district. Because Office lands have no underlying permitted residential density under the Development Code as written, the ability for Office land to be a valued component of an effective and viable mixed-use office/residential or commercial project appear severely limited even with a Planned Development entitlement.

The solution is to modify table 15-1002, at page II-72, to reflect that mixed use residential is permitted in the Office zone, but footnote the fact that such residential uses are subject to a Planned Development Permit. The Code should also prescribe a minimum and maximum residential density in an Office zone that obtains a Planned Development Permit authorizing residential uses. Those densities could be consistent with the residential densities permitted in a CMX Zone.

This approach would allow mixed office-residential uses in an Office zone with the minimum required text changes. This approach is consistent with Planned Development provisions, which allocate residential densities in a mixed-use project by reference to the densities authorized by the underlying zone district.

3. Refinements to the Planned Development Standards. The stated purposes of a Planned Development Overlay, at Section 15-1201, at page II-88, suggests a desire to facilitate, among other projects, an office project with mixed residential uses. However, as currently written it is unclear whether the Planned Development allows consideration of the Office acreage in setting a residential density for the Planned Development.

Specifically, Section 15-1203-C, at page II-88, states ".. the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use."

Very similar language is also stated at Section 15-4904-B (2), at page V-45.

This language is potentially ambiguous and in conflict with stated goals of the general plan because is it unclear how the "total area of the planned development designated for residential use" is determined. Assuming Section 15-4904-B (2) means the lands where residential uses are actually constructed, the language appears to mean that those residential constructions must be consistent with the General Plan's residential density for that area of land. In that instance, without the amendment to the Office district described in item 2 above, no residential uses would be permitted in an Office zone, even with a Planned Development Plan, because the Office zoned lands have no residential densities.

A similar issue may also exist for the Commercial zoned properties. Some Commercial Zones do intend to expressly allow certain residential uses. However, I did not locate any allocation of residential densities to those properties, or any indication as to how those residential densities are determined.

In addition, if the proposed language limits PD residential densities to the densities allowed by the zoning standard for the residentially developed property, the PD Overlay denies the city the opportunity to evaluate an appropriate residential density that takes into account the entirety of the Planned Development project's properties. Further, the numerous stated general plan advantages of such mixing of uses are lost.

In my experience, a planned development project is allowed to transfer densities from one portion of the overall project's acreages, to other portions. If residential density transfers within a Planned Development were not intended, it is unclear why a PD Plan would even need to address proposed residential densities.

Furthermore, Section 15-4904-B (3), at page V-46, provides even more limitations on flexibilities that are needed to use the Planned Development Overlay for a mixed-use project. That section provides that "Development shall comply with the underlying zone district. For example, a single family home may only be developed on a size zoned RS and not RM." This language provides no ability for flexibility in evaluating uses and densities in a PD Plan. It appears to obviate much of the viability of using a PD Plan and Overlay to obtain the stated purposes of the PD Overlay zone. If a single-family residential use in land zoned RM is not desired as part of a PD Overlay, the Permit can simply not allow it. However, there ought not to be a prohibition from consideration of any element of a PD Plan that applies other zoning standards as part of the overlay.

To address the above concerns I recommend the following:

A. Section 15-1203-C, at page II-88, is restated as follows: "Residential Unit Density. Except where a density bonus is granted in compliance with the City's density bonus regulations for affordable housing in Article 18, Affordable Housing Density Bonus, the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the zoning designations allocated to the properties that are incorporated in the PD Plan, provided that the PD Plan may propose to apply those densities to any of the lands within the PD Plan.

B. 15-4904-B (2), at page V-45, be restated as follows: "Residential Unit Density. Except where a density bonus is granted in compliance with the City's density bonus regulations for affordable housing in Article 18, Affordable Housing Density Bonus, the total number of dwelling units in a PD shall not exceed the maximum number permitted by the zoning designations allocated to the properties that are incorporated in the PD Plan, provided that the PD Plan may propose to apply those densities to any of the lands within the PD Plan."

C. Section 15-4904-B(3), at page V-46, be restated as follows: "Zoning. Uses allocated to lands within a PD Plan shall be based upon the zonings that are allocated to properties within the PD Plan, provided that the PD Plan may propose to apply those uses to any of the lands within the PD Plan."

4. Mixed Use Zones. The Mixed Use Zones established in Article 8 of the Development Code provide a district that could achieve many of the goals referenced above in allowing residential uses to be developed with Office projects. However, not all of the lands in the City that could well support an office/residential mixed use are allocated Mixed Use Land Use designations in the General Plan. In addition, many property owners will be reluctant to affirmatively rezone properties to a Mixed Use Zone district where any use would require various restrictions concerning minimum residential densities. As the City moves to more mixed use projects, many such projects will require careful market analysis before a property owner is likely to request a mixed-use designation as its base underlying zone given some of its inflexibilities.

That is the reason why the flexibilities for a broader development of mixed-use projects within a PD Overlay ought to be available. Increased flexibility to mix office and residential uses is a valuable tool to enhance the number of locations where mixed uses might otherwise be developed beyond the initially designated Mixed Use zoned properties. That flexibility should include allowing development of such mixed office/residential uses in an Office zoned properties using a PD Overlay.

I also want to propose a refinement to the CMX district regulations. Specifically, projects in the CMX district are limited to 60 feet in height. However, projects in the RMX zone are permitted to 75 feet in height. The CMX and RMX districts appear to relate too many of the same goals and purposes, and they are very much intermixed along the major corridors in the General Plan's land use map. It does not seem that the differences in the uses between the districts justify the distinction in the height restricts. Furthermore, both the CMX and RMX zones are subject to the regulations, at Section 15-804-B, at page II-39, which sufficiently assure appropriate scale and character in relation to adjacent neighborhoods. So the height standard for CMX should be reconsidered to be consistent with those for the RMX zone.

5. Errata. In reviewing the Development Code, I came across a few typos/errata that should be cleaned up or evaluated.

a. Section 15-103-B, at page I-2, states there are five types of regulations but only lists four. That is because Land Divisions is not separately indented and numbered.

b. Section 15-104-A (2), at page I-3, in the last sentence, the phrase "through at" should be revised by striking the word "through".

c. Section 15-104-B (4) – Priority of Plans, at page I-3, references the priority if the Development Code conflicts with a Specific or Neighborhood Plan. In that instance, it states that the General Plan prevails. However, there may be an instance

where the conflict between the Specific Plan and Community Plan the Development Code is not otherwise referenced or addressed in the General Plan. In that instance, it is unclear whether the Development Code or the Specific Plan (or Neighborhood Plan) will prevail.

d. Section 15-604-C, at page II-11, in the first sentence, between the words "homes" and "same block face", the phrase "on the " should be inserted.

e. Table 15-703, at page II-20, reference to Additional Regulations for Maximum Density, has a cross reference to Section 15-317, for Determining Residential Density. That cross reference should be to Section 15-310.

Thank you for this important opportunity to comment on the draft City of Fresno CITYWIDE DEVELOPMENT CODE. If you have any questions, please flee free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: City Manager Bruce Rudd
City Attorney Douglas Sloan
City Planner Dan Zack

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June 1, 2015

Ms. Jennifer Clark, AICP
Director, City of Fresno
Development & Resources Management Department
2600 Fresno St., Room 3065
Fresno, CA 93721

SUBJECT: Outdoor Activities Neighborhood Commercial Sites/City of Fresno Zoning Ordinance Update

Dear Ms. Jennifer Clark,

Reference is made to the City of Fresno's effort to update its zoning ordinance. Review of the proposed ordinance does not indicate parameters by which outdoor entertainment may occur within neighborhood shopping centers. Recent experience in the permitting and monitoring of these types of uses adjacent to residential neighborhoods indicate that significant adverse impacts result when the aforementioned outdoor entertainment is not properly regulated and monitored.

The proposed zoning ordinance Section VI-9 entitled *Entertainment and Recreation* provides for *participant or spectator entertainment to the general public* but does not appear to provide appropriate limitations on the aforementioned outdoor entertainment activities adjacent to residential neighborhoods. I strongly suggest that the proposed ordinance be modified so as to create appropriate conditions to protect residential neighborhoods from unnecessary obtrusive annoyances that are detrimental to the quiet enjoyment of those properties.

The proposed ordinance modification should include the following:

1. All such uses shall be subject to an *Event Permit* which shall affirm the character of the proposed event is truly neighborhood in orientation and non-intensive such that it could annoy nearby property owners. Examples of non-intensive events are car shows, farmers markets, book fares, etc.

   The *Event Permit* shall require appropriate on site event management, noise monitoring, traffic control, and regulation/mitigation of similar potentially annoying adverse impacts of the proposed use on surrounding properties. Said permit shall be noticed to all residents within 1,000 feet of the proposed event site.

2. No band stands, stages or similar structures shall be allowed.
3. Amplified music shall be confined to inside existing shopping center establishments.
4. Mobile event lighting shall be hooded and directed downward so as to not annoy nearby residents.
5. Any annual festival or similar event shall require, among other things, approval of a Conditional Use Permit which shall affirm appropriate event management, noise monitoring, traffic control, and regulation/mitigation of similarly annoying adverse impacts of the proposed use on surrounding properties.

Thank you for consideration of this important matter. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. Brad Silva, President, Park Fort Washington Home Owners Association
Mr. Robert Rosati, Esq.
Mr. Andre Nicolet

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June 1, 2015

Ms. Jennifer Clark, AICP
Director, City of Fresno
Development & Resources Management Department
2600 Fresno St., Room 3065
Fresno, CA 93721

SUBJECT: Comments Re: Fresno Municipal Code Chapter 15- CITYWIDE DEVELOPMENT CODE-Mr. John Valentino Property 210/212 "H" Street

Dear Ms. Jennifer Clark,

Reference is made to the industrial property located at 210 and 212 "H" Street within the City of Fresno owned by my client Mr. John Valentino. As you may recall, over the past few months, Mr. Valentino, his architect Mr. Paul Miller and I have had various conversations with your staff regarding Mr Valentino's purchase of the subject site to accommodate his commercial landscape maintenance, fertilizer manufacturing, incidental employee housing and open space areas

My recollection of our previous meetings is that the mix of uses Mr. Valentino plans for the 210-212 "H" Street property was considered very creative by your department as it addresses the need for safe, clean work force housing in an industrial building would be supported conditionally by city staff I also recall that the condition of such support would require a special use permit, that the housing would be limited to Mr. Valentino's employees and that the structure meet applicable building code standards for such uses.

On behalf of Mr. Valentino, I have reviewed ARTICLE 10 of the DRAFT Fresno Municipal Code Chapter 15- CITYWIDE DEVELOPMENT CODE. Table 15–1002 of said code entitled *LAND USE REGULATIONS-EMPLOYMENT DISTRICTS* appears to allow *business and professional offices* on the subject Valentino property as well as *custom manufacturing*. However, employee housing or housing predominately for employees does *not* appear to be allowed as it is not listed in the aforementioned draft code.

I recently spoke with Mr Dan Zack of your staff about the apparent lack of language in the aforementioned draft code to accommodate Mr. Valentino's proposed uses and the

importance of their inclusion, particularly given that Mr. Valentino has closed escrow on the subject property. Mr. Zack kindly informed me that the city has not changed its intention to support the Valentino mixed office, manufacturing and workforce housing project but that the language enabling such uses would be included in a Downtown Zoning Ordinance (my title). Mr. Zack told me that the public would be given an opportunity to review the Downtown Zoning Ordinance which includes language that would allow the mixed office, manufacturing and workforce housing project on the subject Valentino property and others.

Subsequently, my review of the Specific Limitations on page II-75 of the DRAFT Fresno Municipal Code Chapter 15- CITYWIDE DEVELOPMENT CODE states that "*outdoor storage shall be incidental to a primary use and screened from public view.*" To that issue, it has been my experience that outdoor storage for industrial, commercial uses is often critical by providing economical storage for products that cannot be stored in a building. Restrictions on such storage should be very carefully considered given the importance of promoting a stronger commercial warehousing sector of our economy.

Based on the aforementioned information, I respectfully request the following:

1. Please confirm that either the Downtown Zoning Ordinance or the DRAFT Fresno Municipal Code Chapter 15- CITYWIDE DEVELOPMENT CODE will accommodate the aforementioned uses contemplated by Mr. Valentino.
2. Proposed restrictions on outdoor storage for industrial and commercial uses will be very carefully considered.

Mr. Valentino and I look forward to your staff's response and the opportunity to codify how a mixed office, manufacturing and workforce housing project may be developed on the Valentino property and others. Thank you again for your assistance. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. John Valentino
Mr. Paul Miller
Mr. Dan Zack
Mr. Mike Sanchez

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Building Industry Association
of Fresno/Madera Counties, Inc.

May 29, 2015

Jennifer Clark, Director
Development and Resource Management Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Re: Recommendations and Comments on Draft Development Code

Dear Jennifer:

Since the City of Fresno released the Draft version of the Development Code for public review on March 31, 2015, we, along with other industry leaders, have been reviewing the provisions as they pertain to new residential development.

We are submitting the following recommended changes:

1. Section 15-310 A – Residential Single-Family Districts. In Residential Single-Family districts, residential density shall be measured per subdivided residential lot, regardless of size. This Section should be amended by striking "per subdivided residential lot, regardless of size" and add "by dividing the total lots by the acres, excluding external street right-of-way, parks, public open space or other public use, public easements, wetlands, floodplains, and setbacks for sensitive areas." This will avoid any ambiguity in interpretation.

2. Table 15-603-1- Lot Density Standards – Under the Corner Minimum lot width for RS-4 it should be changed to 55 ft., for RS-5 it should be changed to 45 ft., and under Reversed Corner for RS-4 it should be changed to 60 ft., and for RS-5 it should be changed to 50 ft. This will conform to current standards and practice.

3. Table 15-603-2 - Building Form and Location – Under Minimum Setback for Front for RS-4 and RS-5 it should be 15 ft. and 12 ft. respectively; for Front with Enhanced Streetscape for RS-4 it should be 8 ft.; for Interior Side for RS-4 and RS-5 it should be 8 ft. and 8 ft. for Total, respectively, with 4.5 ft. side for both RS-4 and RS-5; for Street Side for RS-4 it should be 10 ft.; Garage from primary façade

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should be eliminated for all for RS Districts; Under Maximum Lot Coverage for RS-4 the maximum lot coverage should be 50%. This will conform to current standards and practice.

4. Section 15-604-F – Garage Frontage – Where an attached garage is located on the front half of the lot and the garage doors face the street, ... This Section should be deleted. This requirement will eliminate two-car garages in higher density development which we believe is not the intent of the City.

5. Section 15-605-A, B, and D – These Sections should be deleted. These Sections severely restrict residential home design and do not allow for adjustment to market demands.

6. Section 15-605-C – Façade Compatibility for Developed Blocks. This Section should be amended to exempt custom homes. This condition is a disincentive to develop infill lots.

7. Table 15-605-D- Façade Elements – This Table should be deleted. These conditions are a disincentive for infill development.

8. Section 15-1603 – Whenever a trail is identified on an operative plan, the trail shall be constructed per City Standards. Access to trails shall be provided per Section 16-3412, Pedestrian and Bicycle Paths. The second sentence of this Section should be deleted. Access to trails should be part of the overall design of the subdivision. Further comments regarding 15-3412 are provided below.

9. Section 15-1701 – Concept Plans – (renamed from Quarter Section Concept Plan) This Article consists of 13 sections. It requires that each quarter section be planned to include parks, schools, and commercial located a convenient walking distance from a majority of property owners. It requires developers and land owners in the quarter section to participate in the Concept Plan for the 160 acres. This Section is intended to implement the "Complete Neighborhoods" Policies in the General Plan to require:

   a. Create neighborhoods that contain Parks, Schools, and neighborhood-serving commercial uses located a convenient walking distance from the majority of homes within the neighborhood.
   b. Create neighborhood centers with shops, restaurants, service uses, schools, and other civic uses that provide each neighborhood an individual identity and foster community interaction.
   c. Create a street system that is well-aligned with and connected to street in adjacent neighborhoods, employment, and shopping that allows residents to walk, bike or drive directly to other uses.
   d. Promote attractive community character as well as buffers.
   e. Provide a variety of housing types, designs and lot sizes.

f. Provide greater flexibility by allowing the blending of residential types.

This Section should be deleted. This Section effectively requires that the first developer within a quarter section plan for the entirety of a 160 acres area. This is an unreasonable request. This can be accomplished through SRC design review without requiring Quarter Section Plans. This Section will severely impact development of the area west of SR 99 and will have an adverse effect on annexations.

10. Section 15-1702 – Applicability. A Concept Plan commissioned by developers and neighboring property owners, with guidance from City staff, shall be prepared for each quarter section (approximately 160 acres or the area bordered by major streets) and submitted to the City for approval prior to approval of any annexation. Concept Plans are not required for Industrial Districts. This Section should be amended by substituting the word "may" for the word "shall." If this remains a requirement it will severely impact development of the area west of SR 99 and will have an adverse effect on annexations.

11. Section 15-1907 A 1. Residential Single-Family Districts. A minimum of two trees per lot and if part of a Planned Development then trees may be provided in common areas in addition to the two provided on each residential lot. This Section should be changed to require only 1 tree per lot. With smaller and narrower lots it is not possible to plant two trees per lot frontage. Given the potential conflicts with driveways, utility services, fire hydrants and street lights, it is not practical to achieve two trees per lot. One tree is more reasonable. Only lots with two street frontages could achieve this standard.

12. Table 15-2106-A-Noise Limits – For Residential for Exterior Noise Level Standard in Any Hour the standard should be 65 decibels, or equivalent measurement, for both Daytime and Nighttime. The standard of 65 decibels is the common standard in the area.

13. Table 15-2106-B-Noise Exposure – For Residential for Day/Night Average Sound Level should be changed to 65 decibels, or equivalent measurement. The standard of 65 decibels is the common standard in the area.

14. Section 15-2203 – Exempt Signs – This Section needs to be amended to add entry monument sigs for subdivisions, plus an exemption for Subdivision Location/Directional/Marketing signs that are located off-site on private property. In addition, there needs to be an exemption for regulatory signs. This condition would eliminate all off-site signs and would be detrimental to the marketing of new homes for sale. The elimination of regulatory signs will negatively impact public safety.

15. Section 15-2604 - Pre-Application Consultation - Prior to filing an application for a Tentative Map and/or Tentative Parcel Map the prospective subdivider shall meet with Planning staff to discuss the proposed subdivision design, including the location of open space, connectivity surrounding streets and/or property, trails, safe routes to school, bus stops, dedication requirements, applicable processing procedures, etc. This should be changed to add "a discussion of" after the word "including" in the second sentence to indicate that these will be considered only and are not requirements. The purpose of the pre-application process is to allow for discussion of the project and likely conditions and not to submit a full application.

16. Section 15-2701-C – requires that the following additional information be provided upon submittal of the vesting map application:
    1. A land use and circulation plan, including vehicular, pedestrian and alternative mode of transportation of existing and proposed facilities. The conceptual plan shall include surrounding properties to ensure that proper access is maintained for future development.
    2. The height, size and location of proposed buildings
    3. Information on the uses to which the buildings will be put
    4. Flood control information
    5. Architectural plans for tract development or design guidelines for custom subdivisions
    6. Any other studies the Director may require to evaluate the project
    This Section should be changed to require only that "Vesting Map" be stamped on the map submitted. This change will make the Code consistent with surrounding jurisdictions.

17. Section 15-3403 A to C - Requires that the location, access and relationship between such uses as multi-family, commercial centers, public facilities and parks be considered in the design and that more intensive uses be located on connectors or collectors. This should be changed to make it clear that this is for consideration only and not a requirement. Requiring a development to plan properties belonging to others is impractical and an impediment to development.

18. Section 15-3404 – There is a reference to 15-3410 to determine density, but this is an erroneous reference. It should refer to 15-310 A.

19. Section 15-3408 B – There is a reference to 15-3410 to determine density, but this is an erroneous reference. It should refer to 15-310 A.

20. Section 15-3408 D - Development adjacent to planned trails or a canal shall provide pedestrian access at no more than 400 ft. intervals and setback privacy or security walls at least 10 ft. and provide landscaping. This Section should be changed by deleting everything after the word "access." The 400 ft. interval is

excessive, negatively affects the subdivision design and is detrimental to achieving density requirements. Reference to canals should be deleted altogether. It is not possible to front homes on canals, as this is not standard practice with FID. Further, a defined access interval, like 400', is way too restrictive. Design policies are already seeking additional roadway access to subdivisions to promote circulation. This will benefit trail access as well, without requiring a defined access interval.

21. Section 15-3409 A - Requires that all streets, alleys, bike facilities, and pedestrian ways shall connect to other streets, alleys, bike facilities and pedestrian ways to form a continuous vehicular, bike, and pedestrian network with numerous connections within the subdivision and to adjacent development. This Section should be changed by deleting everything after the second word "ways." This requirement is detrimental to the efficient design of a subdivision and negatively affects the effort to achieve required density.

22. Section 15-3409 B - Requires that quarter mile streets be designed as Connector Streets connecting to Major Streets and that they be provided for all quarter sections and shall be developed as close as reasonably possible to the alignment of the quarter mile street. This Section should be changed to require that the quarter mile street be considered if the project size and existing lot pattern allow. Development of quarter mile streets is greatly affected by existing development and lot patterns and should be addressed on a case by case basis.

23. Section 15-3409 C - Requires subdivisions that are not contiguous to other subdivisions to provide vehicular and non-vehicular connections to non-contiguous subdivisions within the same 160 acre quarter section. This should be changed to require a conceptual development plan that would provide possible circulation to the adjoining property. This requirement is impractical as it will require eminent domain to acquire property not owned by the developer.

24. Section 15-3409 D 1– Requires that streets shall be aligned with existing and planned streets in adjacent quadrants to create a continuous street pattern. This should be changed by deleting "to create a continuous street pattern." This requirement is not practical as it negatively affects the efficiency of a subdivision design and the ability to achieve required density.

25. Section 15-3409 D 4 - Subdivision design shall not include dead-end streets except where through streets cannot be provided. The length of a dead-end street shall not exceed 450 ft. measured from the center of the cul-de-sac bulb and the center of the connecting street. This should be changed by deleting the first sentence and to require only that cul-de-sac streets be no longer than 600 ft. measured from the right-of-way of the connecting street. The elimination of cul-de-sacs will deny

the buyers of homes the opportunity to purchase in the most sought after locations within a subdivision.

26. Section 15-3409 E - Requires all street crossings be four-way whenever possible. This section should be deleted. This requirements creates unnecessary stops within a subdivision and adds to vehicle pollution as well as unnecessary cross traffic on local streets. This may be an acceptable design policy, but it is too restrictive as a development code requirement. Actual amount of access points should be reviewed at SRC and agreed upon only when reasonable for each particular design scenario.

27. Section 15-3410 – Access Points to a Major Street – Ingress/egress into a subdivision from a Major Street shall be provided at a ratio of 1 per each 50 residential units. Rounding shall be determined per Section 15-303. This Section should be deleted. It is excessive and negatively impacts the subdivision design and density. Should a private subdivision be adjacent to a public trail or natural feature, then the design of the subdivision should consider designs that do not prevent access. However, the purpose of a private subdivision is to restrict public access for the safety, security and solitude of the residents..

28. Section 15-3411 A- Subdivisions with private streets may be gated provided consideration shall be given to surrounding properties to ensure that pedestrian and bicycle access is maintained, in particular along trails and natural features. This Section should be deleted. The purpose of a private subdivision is to restrict public access. This Section is not appropriate within the Development Code. Subdivision design can only address the property under control of the developer and, therefore, bike and pedestrian access can only be provided within the limits of the project. This requirement extends beyond the boundary of a subdivision with unknown consequences of available right of way.

29. Section 15-3412 – Requires a continuous and convenient bike and pedestrian access be provided from every home within a subdivision area to the nearest neighborhood center, school, and park. This Section should be deleted. Access will be worked out as an element of the subdivision design.

30. Section 15-3412 B – Requires pedestrian access from residential areas be provided to commercial areas and be 23 ft. wide, lit and appropriately spaced. This Section should be deleted. This requirement is excessive and will create safety issues for the residential and commercial projects. The Code should ensure that access is only provided to the rear of commercial areas. All paths of travel shall be along public streets to the front entrances of commercial centers. Most residential projects back onto commercial properties and pedestrian pathways between lots leading to loading dock and rear sides of commercial complexes are ill-advised.

31. Section 15-3412 C - Requires that fencing, sound walls and other barriers between residential and non-residential uses provide pedestrian openings or other mechanism to allow bicycle and pedestrian access between uses. This Section should be deleted. As with Section 15-3412 B, this requirement is excessive and will create safety issues for the residential and commercial projects.

32. Section 15-3412 D - Pedestrian Way Design
    1. Pedestrian ways shall be located in permanent easements and provide a minimum of a five-foot wide paved walking surface, shall be lighted for safety, provide access points at lease every 150 feet, and include landscaping on both sides of the path and shall be at least 20 ft. wide.
    2. For subdivisions that back onto a Major Street, a pedestrian path to the Major Street shall be spaced approximately 600 ft. apart. Section 15-3412 D should be deleted. Access every 150 ft. is excessive and detrimental to the efficient design of the subdivision and negatively affects density requirements. The actual amount of access points should be reviewed at SRC and agreed upon only when reasonable for each particular design scenario.

33. Section 15-3415 K 1 – Provides that the combined length of all dead-end streets not exceed 20% of the combined total length of all other streets within the subdivision. This part of 15-3415 K 1 should be deleted. This requirement is excessive. The use of cul-de-sac streets is absolutely necessary to maximize use of irregular shaped properties. This hard threshold is unreasonable. The title for Section 15-3415 K "Dead-End Streets" should be changed to "Cul-de-Sac Streets." A Dead-End street does not have a turn around.

34. Section 15-3415 K 1 d – Dead-end streets shall provide pedestrian and bike connections to neighboring streets and/or trails. This should be changed to "consider a connection only if the cul-de-sac abuts another street or a trail where connection is possible." This requirement, similar to the Pedestrian Way Design standard, creates unsafe pedestrian alleys within neighborhoods.
    The designation of "dead-end street" should be changed to "Cul-de-sac Street."

35. Section 15-3416 Sidewalks. All streets shall have sidewalks constructed to City standards on both sides of the street, unless an alternate pedestrian plan is approved by the Review Authority. This Section should be changed by adding the sentence "Private streets in a gated community shall be exempt from this requirement." The requirement for sidewalks in a private community is unnecessary as the streets serve as multi-modal paths of travel and public access is controlled.

36. Section 15-3417 - Requires that street trees be planted a minimum of 30 ft. center-to-center. This should be changed to require that at least one street tree be planted

per residential lot where possible. Every 30 ft. is not possible given constraints with driveways and public infrastructure.

37. Section 15-3419 B - Requires that a minimum of 60 percent of the perimeter of any public park must abut a street. Homes must generally face or side the park. This should be changed to add "if such condition does not affect the orderly and efficient design of the subdivision." This requirement is excessive and will unnecessarily impact the subdivision design and negatively affect density.

38. Section 15-3421 – Requires all existing utilities, including electrical, communications and street lighting be placed under ground throughout the subdivision. This should be changed by adding a provision in Section 15-3421 D to allow a waiver if the public utility objects. This change will allow compliance with the requirements of the affected public utility.

39. Section 15-3503 D 2 – Completion by Record of Survey – Provides that a Lot Line Adjustment shall not be effective or final until a record of survey has been checked by the City Engineer and the County Surveyor and recorded by the County Recorder. This section should be amended by deleting "and the County Surveyor and recorded by the County Recorder." The requirement to wait for the County Surveyor and County Recorder will result in extraordinary and unnecessary delays in Lot Line Adjustment approval. Further, this requirement is more stringent than the Map Act requirement that allows the surveyor one year to set monuments and file necessary record of the monumentation.

40. Section 15-3803 – Addressed Monument Locations. This Section should be rewritten to conform to current City practice and should be referred to the City Engineer for appropriate language. The description of durable monuments are not defined and are incorrectly described in this section. This is an engineering and surveyor issue and should allow for flexibility in placing monuments.

41. Section 15-5502 – Definitions – Density, Net. The amount of parcel square footage per unit excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains. Setbacks for sensitive areas and private open space shall not be excluded in calculating net density. This Section should be amended to apply to mixed use, commercial and industrial projects excluding external street right-of-way, parks, public open space or other public use, public easements, wetlands, floodplains, and setbacks for sensitive areas." The last sentence should be stricken. This change will make the definition consistent with Section 15-310 A.

In addition to the above specific sections of the Draft Development Code, we have the following general comments and recommendations:

Jennifer Clark, Director
Development and Resource Management Department
City of Fresno
RE: Recommendations and Comments on the Draft Development Code

A. It is recommended that, upon the adoption of the Development Code, the City begin the process of rezoning affected properties to be consistent with the General Plan.
B. The issue of connectivity is not just an access issue, especially between residential uses and commercial uses, it is an issue of public safety. Pedestrian and bicycle access not only allows people out, it allows easy access for criminal activity.
C. Because of the changes to the General Plan and Zone Designations, the City should immediately provide a Zoning Consistency Table. Once the Consistency Table is available, we reserve the right to make additional comments and recommendations.
D. The references in the Code to the single-family residential districts should be changed from the RE, RS-1, RS-2, RS-3, RS-4 and RS-5 to the RS designation with the minimum lot size attached. For example, the RS-5, which refers to a 4,000 sq. ft. lot, should be RS-4000. This will eliminate the unnecessary cross reference.
E. The RS-4 designation requires a 7,000 sq. ft. minimum lot size. This is a medium density classification. For medium density residential the General Plan requires 5 to 12 units per acre. The minimum of 5 units per acre cannot be achieved using a 7,000 sq. ft. minimum lot size.

If you have any questions regarding these recommendations or comments, please call me at 226-5900.

Respectfully submitted,

Michael Prandini
President and CEO

From: K A Phelps
To: Arnoldo Rodriguez
Subject: Fresno City Zoning overhaul
Date: Friday, April 17, 2015 3:36:26 PM

Hello. May I please ask to be a part of this overhaul? My dwelling is inches from a residential and professional office zone and I would like to make certain that does not change. The private garbage collection activities there already break the current set residential county ordinance by collecting before 6:00 a.m. and by exceeding the maximum decibel and time duration requirements set by the code. I would not want to see this property turn into a full commercial zone and remove all noise protections for the neighboring residential zones.

Incidentally, the property I am referring to is the Woodward Court Office Complex, 7780 N. Fresno Street, Fresno, CA 93720.

Thank you.

Andrea Riley.
(559) 301-0666

From: K A Phelps
To: Arnoldo Rodriguez
Subject: Re: Fresno City Zoning overhaul
Date: Friday, May 01, 2015 2:10:09 PM

Sorry, one last thought, the county ordinance states 6:00am as a time okay for garbage collection in residential zones. While that is certainly preferred to 4:30am, and I am happy to compromise (provided they finish collection in a reasonable time and noise level) I would think 7:00am would be more reasonable for residents, especially hard-working residents like myself.

Thanks again.

-Andrea

On Fri, May 1, 2015 at 2:06 PM, K A Phelps <kphelps73@gmail.com> wrote:

Yes. It is an issue where I live.

If you would please look at the corner of Nees and Fresno on a zoning map you will see that there is a small office complex nestled in the corner directly adjacent to a condo complex and a mobile home park.
The office complex is zoned "residential and professional offices."

I have been speaking to the garbage company and the supervisor I have been speaking to is under the misapprehension that the office complex is a full commercial zone. This supervisor has sends his trucks, yes trucks (there are 7 to 10 bins at this location) anywhere from 4:30am to 7:00am for a duration of anywhere between 20 minutes to an hour. The trucks warning beeps are very loud and the sounds caused by metal on metal bin lifting and the bins crashing back down on the concrete are quite loud. As I said there are several bins so this cacaphony is repeated many times.

I have yet to invest in a decibel detector but I (and my neighbors) are confident that this exceeds 70 and perhaps even 80 dbA at fifty feet detection range.

Thank you so much for your time and interest in reading this. I live in the mobile home park directly adjacent to this office complex. The manager of our complex lives along this border as well and he has stated that this has been having a direct impact on his fatigue and overall well-being. I know it has caused me countless days of fatigue as I work 2 jobs and I have missed work because of these trucks. My doctor and I are fairly certain it is the cause of some recent health ailments I have been suffering as well.

Have a nice weekend!

-Andrea Riley
(559) 301-0666

On Fri, May 1, 2015 at 1:51 PM, Arnoldo Rodriguez <Arnoldo.Rodriguez@fresno.gov> wrote:

Good afternoon Andrea,

I am in receipt of your email. Thank you for your input. The team and I will reexamine the standards. Given that the City picks trash up mostly in the daytime, do you still see this as an issue? Also, 75 dBA is relatively loud.

Arnoldo Rodriguez

From: K A Phelps [mailto:kphelps73@gmail.com]
Sent: Thursday, April 30, 2015 2:09 PM
To: Arnoldo Rodriguez
Subject: Re: Fresno City Zoning overhaul

Hello! Thank you. I have looked over the public draft and saw something alarming that would drastically effect mine and my neighbors health. Where could I go to comment on it?

Incidentally, the code section is: 15-206, F, 6. Garbage collection activities in residential zones should never be exempted from noise in residential or residential/professional office zones. This is a public health issue. I propose that the city add a section that mirrors the County Code regarding garbage collection in residential zones. Without protections, private waste management companies can place their scheduling needs above public health. This is unacceptable. Here is the section for your convenience (8.40.080):

- **8.40.080 - Waste and garbage collection equipment.**

Notwithstanding the provisions of Section 8.40.040, noise sources associated with the collection of waste or garbage from residential property by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before six a.m. or after seven p.m., and the noise level created by such activities when measured at a distance of fifty feet in an open area shall not exceed the following standards.

1. Eighty-five dBA for equipment in use, purchased or leased within six months from the effective date of this chapter;

2. Eighty dBA for that equipment set forth in subsection D (1) above after five years from the effective date of this chapter.

3. Eighty dBA for new equipment purchased or lease after six months from the effective date

of this chapter.

4. Seventy-five dBA for new equipment purchased or leased after thirty-six months from the effective date of this chapter.

(Ord. 602, § 1, 1978)

Thank you for your time in reading this Please let me know what I can do to submit this proposal.

-Andrea Riley

(559) 301-0666

From: K A Phelps
To: Arnoldo Rodriguez
Subject: Re: Fresno City Zoning overhaul
Date: Friday, May 01, 2015 3:05:13 PM

Lastly, I forgot to mention that I did try to contact Lee Brand after speaking to OneCall on April 17th but I got his office's voice mail (approximately 2pm).

On Fri, May 1, 2015 at 2:48 PM, K A Phelps <kphelps73@gmail.com> wrote:
Oh yes, I do not know if I mentioned that the collection occurs 3 to 5 days per week. Definitely Monday, Wednesday and Friday mornings. I would need surveillance but I believe they only sometimes come Tuesday and Thursday mornings.

On Fri, May 1, 2015 at 2:43 PM, K A Phelps <kphelps73@gmail.com> wrote:
Whoops, the first line was really bad. I meant to say that it has been an issue prior to privitization as the trucks have been collecting from this corner office complex in the manner stated above since I moved there in Jan 2012. I do believe that things have become worse since privitization thought.

I hope that is more clear. Thanks.

-Andrea

On Fri, May 1, 2015 at 2:41 PM, K A Phelps <kphelps73@gmail.com> wrote:
Yes. This has been an issue prior to the privatization as the trucks, although I believe this situation has only become worse since privatization.

The day I e-mailed you (April 17) I had first called the City's OneCall line. I explained the situation in full to them, about the zones, the times, etc, and they said there was nothing they could do and that the only thing they could think of was for me to call Lee Brand, my city council person. I then called the City's Solid Waste department and spoke to a nice woman there, I wish I could recall her name, she said that she understood and sympathized greatly with me but she said that since privatization there is nothing that can be done as there is no longer any City regulation on garbage service. In the end all she could recommend was that I phone the police each time I see the garbage trucks as being a nuisance. I have not yet called the police.

I also contacted Republic Services and they put me in touch with the supervisor where I found out they thought it was a full commercial zone. I have bluntly stated to this person that it is a type of residential zone designed to protect the adjacent full residential zones. This individual stated to me that they would be contacting the City for confirmation even though I provided them with a link to the City zoning map so they could check on it.

Again, I appreciate you listening to this matter. I am actually having hopes myself and my neighbors will find some relief!

-Andrea

On Fri, May 1, 2015 at 2:27 PM, Arnoldo Rodriguez <Arnoldo.Rodriguez@fresno.gov> wrote:

Great info. I was obviously unaware of this situation. Has this been occurring for a long time, say prior to the City privatizing commercial waste pick-up? Have you contacted anyone from the City before re: this issue? If so, can you tell me who?

From: K A Phelps [mailto:kphelps73@gmail.com]
Sent: Friday, May 01, 2015 2:06 PM

To: Arnoldo Rodriguez
Subject: Re: Fresno City Zoning overhaul

Yes. It is an issue where I live.

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Thank you so much for your time and interest in reading this. I live in the mobile home park directly adjacent to this office complex. The manager of our complex lives along this border as well and he has stated that this has been having a direct impact on his fatigue and overall well-being. I know it has caused me countless days of fatigue as I work 2 jobs and I have missed work because of these trucks. My doctor and I are fairly certain it is the cause of some recent health ailments I have been suffering as well.

Have a nice weekend!

-Andrea Riley

(559) 301-0666

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1. Eighty-five dBA for equipment in use, purchased or leased within six months from the effective date of this chapter;

2. Eighty dBA for that equipment set forth in subsection D (1) above after five years from the effective date of this chapter.

3. Eighty dBA for new equipment purchased or lease after six months from the effective date of this chapter.

4. Seventy-five dBA for new equipment purchased or leased after thirty-six months from the effective date of this chapter.

(Ord. 602, § 1, 1978)

Thank you for your time in reading this. Please let me know what I can do to submit this proposal.

-Andrea Riley

(559) 301-0666

From:	Arnoldo Rodriguez
To:	Casey Lauderdale
Subject:	FW: Development Code Update Draft Comment
Date:	Tuesday, June 09, 2015 11:36:35 AM
Importance:	High

Not sure that this made its way onto our list.

From: Bill Robinson [mailto:Bill@soldevelopment.com]
Sent: Friday, May 29, 2015 11:49 AM
To: Daniel Zack
Cc: Jennifer Clark; Arnoldo Rodriguez
Subject: Development Code Update Draft Comment
Importance: High

Dan:

As I mentioned to you previously I would like to submit the following for consideration:

The General Plan description of the land use "Commercial, Highway and Auto" and the Draft Development Code description of "CH – Highway and Auto" both state that "restaurants... are typical uses".
Draft Development Code Table15-15902: under *"CH'* no Eating and Drinking Establishments are permitted.

2035 General Plan

Chapter 3, Urban Form, Land Use, and Design

Land Use Classifications (after table 3-2)

Commercial

Highway and Auto

Second sentence: "Hotels, restaurants and auto malls are typical land uses."

City Wide Development Code Public Review Draft

Article 9 Commercial Districts (C)

15-901 Purpose

CH Commercial – Highway and Auto

Second sentence: "Hotels, restaurants,, and auto malls are typical land uses.

Table 15-902: Land Use Regulations-Commercial Districts

Use Classifications *"CH"* column

Eating and Drinking Establishments

"Restaurant Full Service" and "Restaurant, Convenience" are not permitted uses.

At the NWC of West Herndon and North Golden State in a General Plan "Highway and Auto" land

use designated area there are two hotels and a couple of eating establishments that are adjacent to each other and it appears this is the intent of The "CH" Zone District to have this these types of commercial uses in close proximity near highways.

Therefore, I suggest that "Restaurant, Full Service" and "Restaurant, Convenience" be permitted uses in the "CH" Zone District. And, of course, a CUP would still be required for alcohol service, drive-throughs and 24 hour operation.

Thank you,

Bill Robinson, Principal
Sol Development Associates, LLC
906 N Street, Ste 100
Fresno, CA 93721
Phone: 559-497-1900
Fax: 559-497-0301

From:	Peter Truong
To:	Codecomments
Subject:	Atlcle 19, Section 15-1906 General Landscaping Standards
Date:	Thursday, April 23, 2015 6:33:35 PM

In the interest of water conservation, turf i.e. grass should be outlawed and only drought tolerant landscaping with drip irrigation allowed. We also need to encourage and authorize rainwater collection systems for home and/or yard use.

Peter Truong
2860 W Cromwell
Fresno, CA 93711

From:	Steven Weil
To:	Arnoldo Rodriguez
Cc:	Jennifer Clark; Daniel Zack; Bill Robinson
Subject:	Development Code -- Steve Weil comments
Date:	Wednesday, May 06, 2015 9:44:26 AM

Arnoldo:

Per staff advice that comments are best provided in writing, the following is a restatement, with some elaboration, of comments I made at the Tuesday afternoon outreach meeting at City Hall on the new Development Code:

Comment #1:

Topic: Provide an adequate transition period to minimize disruption and economic hardship.

Having the ordinance take effect 30 days following City Council final adoption does not provide an adequate transition period. I recommend a 3-4 month transition period.

As I stated at the meeting, development does not occur with an on/off switch. Investments in plans and engineering can span several months and cost tens of thousands of dollars, often before a complete application is acknowledged by the Development Department. Many in the consultant community (architects, engineers, etc.), notably out-of-town professionals, are not closely monitoring the new Development Code adoption process. A fair and reasonable transition period should be provided for submittal of applications that can be processed under the current code. The current approach providing 30 days following final adoption is insufficient to meet the fairness test. I propose that a 3-4 month transition period be provided.

As I also said at the meeting, it is widely recognized that major changes in government policy (e.g. federal tax reform, substantial replacement of a local development code) require a fair and reasonable transition process. Since I can't put it any better, let me quote from the U.S. Chamber of Commerce document, Principles of Tax Reform:

"Comprehensive tax reform should include realistic transition rules to provide adequate time for implementation and help minimize economic hardships businesses may encounter in transitioning to the new tax system."

The exact same thing can be said of the substantial replacement of the City of Fresno's development code -- there needs to adequate transition time to minimize economic hardships.

Comment #2:

Topic: Amending and/or replacing the Development Code is a "project" under CEQA and requires separate CEQA analysis apart from the General Plan MEIR.

Code amendments include many facets and features that are separate and apart from the general plan adoption process. Simply citing the fact that the new development code needs to be consistent with the General Plan does not constitute a rationale for sidestepping a separate CEQA evaluation for the new development code.

I further stated that historically, in Fresno, code amendments were subject to CEQA review even though every code amendment was, by definition, consistent with the then-prevailing General Plan.

State of California online resources on CEQA clearly indicate that amendment of the development code is, unambiguously, a "project" under CEQA, as evidenced in the following quoted excerpt:

"CEQA Process Flowchart: Is the activity a "project" subject to CEQA?

How does a Public Agency determine whether an activity is a "project" under CEQA?

Activity has potential for a direct physical change or a reasonably foreseeable indirect physical change in the environment, and

Activity involves a discretionary approval, and

Activity is one of the following types of activities:

Activities directly undertaken by a public agency, which include public works construction activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and adoption and amendment of local general plans."

I would make particular note of the fact that the State website lists "enactment and amendment of zoning ordinances" and "adoption and amendment of local general plans" as two distinct activities that are each deemed to be projects subject to CEQA.

That concludes my comments. Thank you for this opportunity to restate and expand upon my comments at the recent outreach meeting. Please feel free to email me with any questions or comments. In fact, a brief reply email simply acknowledging your receipt of this email would be greatly appreciated.

Respectfully,

Steve Weil

Fresno resident, developer and property owner

Sent from my iPad

June 1, 2015

City of Fresno, DARM Department
attn.: Arnoldo Rodriguez, AICP
2600 Fresno Street
Fresno, CA 93721
codecomments@fresno.gov

Sent via email

RE: ***Concerned Citizens of West Fresno v. Darling International***
Required Changes to Public Review Draft Citywide Development Code Dated March 31, 2015

Dear Mr. Rodriguez:

We are writing to submit comments on behalf of our client, Concerned Citizens of West Fresno, regarding the Public Review Draft Citywide Development Code (Draft Code). Concerned Citizens of West Fresno (CCWF) believes that certain provisions in and omissions of the Public Review Draft Development Code Update (Public Review Draft) would, if approved by City Council, violate the terms of the City's settlement agreement with CCWF in the above-referenced matter and state and federal civil rights and fair housing laws. The provisions and omissions at issue also threaten to CCWF, the City, and Darling's mutual efforts to seek a resolution to the subject of the lawsuit through mediation.

We ask that the City remedy these deficiencies of the Draft Code by including the additions and revisions set forth below in all future internal drafts and revised drafts released to the public.

In submitting these comments, we reserve the right to submit additional comments on the Development Code Update and the provisions addressed herein as they relate to the pending litigation and ongoing mediation concerning the Darling International (now, Darling Ingredients) rendering plant in West Fresno as well as to other matters outside the scope of that litigation.

I. Add Citizen Standing

The Public Review Draft lacks a citizen standing provision that would allow citizen enforcement of the Development Code in Court such as that contained in the currently operative Zoning Ordinance. We ask that you amend the Public Review Draft to include the language contained in Fresno Municipal Code Section 12-411(c) in Part V: Administration and Permits, Article 53, Enforcement:

> **Standing to sue.** Any resident or property owner in the city and any resident or property owner within one mile of the city limits shall have standing to obtain a mandatory prohibitory injunction to prevent the violation of this Development Code.

II. Non-Conforming Uses

The current Fresno Municipal Code requires non-conforming uses that were developed in accordance with any terms and conditions attached to the property to come into conformance with the Zoning Ordinance within five years of annexation to the City of Fresno:

> Part I: General Provisions, Article 4: Non-Conforming Uses, Structures, Site Features, and Lots of the Public Review Draft on the other hand would allow non-conforming uses that the Director, based on evidence provided by the property owner, tenant, or applicant, determines were lawfully established in the jurisdiction in which it was located to continue indefinitely without coming into compliance with the Development Code.

The Public Review Draft should be revised as follows (red text indicates additions; red strikethrough indicates deletions):

> **15-401 Purpose**
>
> The purpose of this Article is to permit continued usefulness and economic viability of certain uses, structures, site features, and lots which were created lawfully prior to the adoption of this Code and which do not conform to its provisions, while preventing the proliferation of new non-conformities.
>
> **15-402 Determination of Non-Conforming Status**
>
> A use, structure, site feature, or lot shall be considered non-conforming if it was created prior to the adoption of this Code or any amendment thereto and does not conform to its provisions. The Director shall determine that non-conforming uses, structure, and site features shall have Legal-Non-Conforming status or Illegal Non-Conforming status as follows:

A. **Legal Non-Conforming Status.** A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was located and developed in accordance with any terms and conditions attached to the property, based on the evidence reasonably available to the Director, including evidence provided by the property owner, tenant, ~~or~~ applicant and any other person.

B. Illegal Non-Conforming Status. A use, structure, site feature, or lot shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located and developed in accordance with any terms and conditions attached to the property, based on the evidence reasonably available to the Director, including evidence provided by the property owner, tenant, ~~or~~ applicant and any other person.

15-404 Legal Non-Conforming Uses

A. Continuation of Legal Non-Conforming Uses. Except as otherwise provided in this Article, any Legal Non-Conforming use that is not an Industrial Land Use pursuant to Code Section 15-5405 may be continued indefinitely[1]. No Illegal Non-Conforming use shall be continued unless such use subsequently comes into conformity with the provisions of the district in which it is located. Any Lawful Non-Conforming Industrial Use shall come into conformance with this Code or be discontinued within five years after the date the use becomes non-conforming.

B. Expansion of Legal Non-Conforming Use. A Legal Non-conforming Industrial Land Use shall not be expanded except to a conforming use. Any Legal Non-Conforming use that is not an Industrial Land Use shall not be expanded unless a Conditional Use Permit is granted....

C. Change of Legal Non-Conforming Use. A Legal Non-Conforming use that is not an Industrial Land Use shall not be changed to, or substituted for, another non-conforming use unless a Conditional Use Permit is granted for such change or substitution. A Legal Non-Conforming Industrial Land Use shall not be changed other than to come into conformance with the Code.

III. Required Findings for Conditional Use Permit Issuance

Public Review Draft Sec. 15-4306 establishes required findings that the City must make before a Conditional Use Permit can be issued. This section relaxes the required findings as they relate to

[1] Leadership Counsel reserves the right to submit further comments on this provision over the course of public process for the Development Code Update. We believe that the Code should other specified land uses, in addition to industrial land uses, to come into conformance with the Code.

the impact of the proposed land use on the public welfare in comparison with existing requirements in the Zoning Ordinance. The Public Review Draft should be revised as follows[2]:

> 15-4306. C. "The proposed use will not be ~~substantially~~ adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;

IV. Definitions and Permit Requirements

A. Definition of Rendering

Under the current Zoning Ordinance (FMC § 12-228.3), "fat rendering, tallow, grease, or lard manufacture or refining" and "solid waste transfer station" uses are subject to a Conditional Use Permit requirement.

The Draft only directly references "rendering" under the definition for "Slaughterhouse" which the Draft classifies under "Agricultural and Extractive Use Classifications" (Section 15-5407). The Public Review Draft definition for "Slaughterhouse" reads:

> "Establishments engaged in the commercial butchering of animals, including facilities dedicated for dead animal reduction and fat rendering."

Public Review Draft Table 15-1002: Land Use Regulations – Employment Districts establishes a CUP requirement for "slaughterhouse" land uses that take place in Heavy Industrial Districts (p. II-74).

The Public Review Draft Definition of "Slaughterhouse" is confusing and unclear, because rendering is a distinct land use from a slaughterhouse. Rendering involves the processing of by-products of already dead animals and does not necessarily involve animal slaughter.

Section 15-5407, Agricultural and Extractive Use Classifications should be amended to include a separate land use called "Rendering", which it should define as "fat rendering, tallow, grease, or lard manufacture or refining".

Public Review Draft Table 15-1002 should be amended to include "Rendering" under the "Agricultural and Extractive Land Use Classifications" section and establish a CUP requirement for such uses in Heavy Industrial districts.

[2] Leadership Counsel reserves the right to submit further comments on this provision over the course of the public process for the Development Code Update. We believe that the Public Review Draft does not provide sufficient protection to Fresno residents from new land uses as drafted.

B. **Definitions of "General Industrial" and "Intensive Industrial"**

While the Public Review Draft establishes a CUP requirement for "Slaughterhouse" land uses, which is defined so as to include "fat rendering", "rendering" could also arguably fall under the Public Review Draft's definition included under Section 15-4505, Industrial Use Classifications, of both "General Industrial" and "Intensive Industrial". The Public Review Draft requires a CUP for Intensive Industrial land uses located in Heavy Industrial Districts but not for General Industrial Land uses in Heavy Industrial Districts. Thus, the Public Review Draft as currently written could lead to ambiguity and confusion with respect to the permit requirements for rendering.

The definition of "General Industrial" and "Intensive Industrial" should be modified as follows:

> "General Industrial. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing. This classification does not include fat rendering, tallow, grease, or lard manufacture or refining."
>
> "Intensive Industrial. Industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, fat rendering, oil refining, asphalt and concrete plants, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic."

C. **Ambiguity in Recycling Facility and Recycling Processing Facility Definitions**

The Public Review Draft definitions of "Recycling Facility" and the Recycling Facility sub-category, "Recycling Processing Facility", could be read to encompass rendering but do not explicitly include rendering or animal processing activities in their definition. While the Public Review Draft establishes a CUP requirement for the Recycling Processing Facility use sub-category, the definitions should be amended to make clear whether rendering and/or processing and "recycling" of raw animal materials and by-products are included therein.

D. **Ambiguity in Agricultural Support Services Definition**

Public Review Draft Table 15-1002 allows "Agricultural Support Services" to occur by right (with no CUP) in Heavy Industrial Zone Districts. The definition could arguably be read to include rendering and transfer station activities involving the transport of dead animals or animal by-products. To avoid ambiguity, the definitions should be amended as follows:

> "Agricultural Support Services. Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment……; agricultural waste handling and disposal services; and other similar related services. This land use does not include rendering or transport of dead animals or raw animal by-products.

E. **Lack of Classification for Solid Waste Transfer Station**

The Public Review Draft defines "Waste Transfer Facility" as:

> "A facility that operates as a materials recovery, recycling, and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City of Fresno.

The Code lacks a land use classification that includes waste transfer activities that serve private entities, such as private corporations. The Code states that in cases where a specific land use or activity is not defined, the Director shall assign the land use or activity. The definition for Waste Transfer Facility should be amended to encompass waste transfer activities for private entities or a separate definition should be added and Table 15-002 amended to establish a CUP requirement for such uses.

* * * * *

We ask that you confirm that these changes will be included in the next version of the draft development code released for public review. Please contact us as soon as possible if you have questions about or would like to discuss any of the proposed changes above.

Sincerely,

Ashley Werner
Attorney

June 1, 2015

City of Fresno, DARM Department
attn.: Arnoldo Rodriguez
2600 Fresno Street
Fresno, CA 93721
codecomments@fresno.gov

Sent via email

Re: Comments on the Public Review Draft Fresno Citywide Development Code Update dated March 31, 2015

Dear Mr. Rodriguez:

We are writing to submit comments on the City of Fresno's Public Review Draft Development Code Update (Draft Code). Our comments aim to assist the City in developing a strong Final Development Code (Final Code) which successfully implements the 2035 General Plan's vision for vibrant, revitalized, and healthy neighborhoods and which complies with fair housing, civil rights, and other applicable law. In particular, these comments aim to support the adoption of robust affordable housing provisions, strong environmental protections, and fair, inclusive, and transparent standards for public process and decision-making to the benefit of Fresno's low-income and disadvantaged residents and neighborhoods and the City as a whole.

We provide our comments below by Draft Code Article and Section. Proposed additions or deletions to the Draft Code text are indicated respectively by the use of *italics* and ~~strikethrough~~.

In some cases, we provide explanatory commentary above the proposed text changes. Where we believe proposed changes are self-explanatory, we do not provide such commentary and only provide the proposed text changes. To help the reader quickly distinguish between our commentary and Draft Code text, all Draft Code text copied in these comments are indented.

We request the opportunity to meet with DARM staff to discuss our comments in person in order to work towards a mutual understanding of how they may be incorporated into the Final Code.

<u>Draft Code Part I: General Provisions</u>

<u>Article 1 Introductory Provisions</u>

15-102 Purpose

> The purpose of this Development Code is to implement the General Plan, and operative plans, if applicable, and to protect and promote the public health, safety, peace, comfort,

convenience, prosperity, and general welfare. More specifically, the Development Code is adopted to achieve the following consistent with the goals, objectives and policies of the General Plan and any other operative plan:

1. *To expand access to opportunity and a healthy environment in which to live, play, and work for all residents.*
2. *To establish procedures that ensure that all residents have a meaningful opportunity to provide input on development decisions that impact their neighborhoods and quality of life.*

15-104 Applicability

B. Relation to Other Regulations

4. **Priority of Plans.** Any permit, license or approval issued pursuant to this Code must be consistent with the General Plan~~,~~ and applicable operative plans. *Any permit, license or approval issued pursuant to this Code but which is not consistent with the General Plan and applicable operative plans shall be null and void.*

C. Effect on Previously Approved Projects and Projects in Progress

2. Any previously approved *and valid* entitlement or subdivision shall be honored, unless the entitlement or subdivision shall be honored, unless the entitlement expires.

Article 3 Rules of Measurement

15-303 Fractions

...

B. **Residential Rounding.** The maximum number of residential units shall not exceed the maximums per the General Plan unless ~~excepted~~ *permitted pursuant to*~~er~~ the State Affordable Housing Density Bonus law, *Article 18, Affordable Housing Density Bonus, and as permitted by other provisions of the Municipal Code.*

C. **Exception for State Affordable Housing Density Bonus.** For projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statutes, Article 18, Affordable Housing Density Bonus, *or other provision of the Municipal Code,* any fractional number of permitted bonus density units shall be rounded up to the next whole number.

Article 4 Non-Conforming Uses, Structures, Site Features, and Lots

South Fresno neighborhoods are disproportionately impacted by non-conforming land uses and land uses located in the County that conflict with nearby sensitive uses. These land uses include but are not limited to industrial, heavy commercial, and agricultural operations interspersed

among and in some cases surrounding homes, schools, parks, and stores. These uses generate toxic air emissions and other pollution hazardous to human health; result in foul odors perceptible to residents in their homes and yards and in public spaces; generate truck and car traffic on neighborhood streets which results in pedestrian and bicycle safety conflicts; and are often visually incongruous with the small-scale neighborhood character of their surroundings.

The Code must not allow and promote the indefinite continuation of non-conforming uses currently located in the City or that may be annexed into the City in the future that conflict with the health, safety and well-being of neighborhoods and that stifle the development of "complete neighborhoods" envisioned by residents and the General Plan. To do so would conflict with fair housing and civil rights laws.

We recommend that the City limit the legal continuation of legal non-conforming uses to residential uses (which do not threaten to impose an adverse impact on nearby sensitive uses), and thereby ensure the protection of residents who may be negatively impacted by non-conforming uses. We offer the proposed revisions and additions to the Draft Code Article 4 provisions set forth below.

The proposed changes to Section 15-402(A) and (B) also aim to ensure that the determination of a use as legal non-conforming or illegal non-conforming may be made with all available evidence, rather than only evidence presented by the property owner or applicant which could result in inaccurate determinations based on incomplete evidence.

15-401 Purpose

The purpose of this Article is to permit continued usefulness and economic viability of *residential* uses, structures, site features, and lots which were created lawfully prior to the adoption of this Code and which do not conform to its provisions, while preventing the proliferation of new non-conformities.

15-402 Determination of Non-Conforming Status

A use, structure, site feature, or lot shall be considered non-conforming if it was created prior to the adoption of this Code or any amendment thereto and does not conform to its provisions. The Director shall determine that non-conforming uses, structures, and site features shall have Legal Non-Conforming status or Illegal Non-Conforming status as follows:

A. Legal Non-Conforming Status. A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was located *and developed in accordance with any terms and conditions attached to the property,* based on *the* evidence *reasonably available to the Director, including evidence* provided by the property owner, tenant, ~~or~~ applicant *and any other person.*

B. **Illegal Non-Conforming Status.** A use, structure, site feature, or lot shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located *and developed in accordance with any terms and conditions attached to the property,* based on *the* evidence *reasonably available to the Director, including evidence* provided by the property owner, tenant, ~~or~~ applicant *and any other person.*

15-404 Legal Non-Conforming Uses

A. **Continuation of Legal Non-Conforming Uses.** Except as otherwise provided in this Article, any Legal Non-Conforming *residential* use may be continued indefinitely. No Illegal Non-Conforming *residential* use shall be continued unless such use subsequently comes into conformity with the provisions of the district in which it is located. *Any Lawful Non-Conforming Non-Residential Use shall come into conformance with this Code or be discontinued within five years after the date the use becomes non-conforming.*

B. **Expansion of Legal Non-Conforming Use.** *A Legal Non-Conforming Non-Residential use shall not be expanded except to bring it into conformity with this Code.~~a conforming use.~~* A Legal Non-Conforming *residential* use shall not be expanded unless a Conditional Use Permit is granted…

C. **Change of Legal Non-Conforming Use.** *A Legal Non-Conforming Non-Residential use shall not be changed other than to come into conformance with the Code.* A Legal Non-Conforming *residential* use shall not be changed to, or substituted for, another non-conforming use unless a Conditional Use Permit is granted for such change or substitution…

Part II: Base and Overlay Districts

Article 6 Residential Single-Family Districts (RS)

15-601 Purpose

The purposes of the Residential Single-Family (RS) Districts are to:

…

B. Enhance the character of the city's residential neighborhoods, while providing new opportunities for the development of a range of housing types, *including housing affordable to all income groups~~affordable housing~~*, throughout the City.

Table 15-602: Use Regulations—Residential Single Family Districts

As data in the City's Draft 2015-2019 Consolidated Plan makes clear, the City has a severe shortage of affordable multi-family rental housing, a deficiency that disproportionately impacts low-income residents and residents of color who pay unaffordable housing costs. The City has failed to implement Housing Element Program 2.1.6A, which has a deadline of June 2010 and requires the City to plan for affordable housing by re-designating 700 acres of land to higher residential densities. In fact, over the course of the past housing element cycle, the City has consistently approved developer requests to down-zone residential land and to use residentially zoned land for non-residential purposes.

Article 6 – Residential Single-Family Districts, Table 15-602 does not allow multi-family residential housing in single-family districts either by right or with a conditional use permit. Given the City's failure to plan for multi-family housing throughout the City despite the great need, the Final Code should allow multi-family housing by conditional use permit in single-family districts and pursuant to Draft Code density bonus provisions. This would create new opportunities for affordable multi-family housing in neighborhoods throughout the City, including higher opportunity[1] areas in Northern Fresno and the City's growth areas.

Allowing multi-family housing by conditional use permit in single-family districts conforms with and implements General Plan goals, objectives, policies, and implementation measures calling for the creation of a range of housing options, including affordable housing, throughout the City. See General Plan Goals 7, 9; Objective HC-3; Policies UF-1-d, UF-1-e; LU-2-b; Implementation Measures for the Health Communities Chapter ("Adopt regulations and programs and support efforts to create safe, health, and affordable housing...")

15-603 Density and Massing Development Standards

Draft Code Section 15-603 and accompanying Tables 15-603-1: Lot and Density Standards – Residential Single-Family Districts, and 15-603-2: Building Form and Location Standards – Residential Single-Family Districts establish minimum lot sizes, widths, depth, and set back requirements and maximum height and lot coverage limits. II-9, 10. These type of requirements and limits generally drive up the cost of housing. For this reason, the City's 2008-2013 Housing Element Program 2.1.7A – Maximum Density commits the City to "review its development standards such as street width, setback, coverage, heights, parking and lot size requirements and amend zoning and development standards as necessary to ensure the ability to achieve minimum density, particularly in the R-3 and R-4 zoning districts, and facilitate maximum densities." p. 6:10.

The City must justify its selection of the development standards set forth in Section 15-603 and demonstrate that they will not adversely affect the City's ability to provide or promote the creation of affordable housing to satisfy its Regional Housing Needs Allocation for the fifth

[1] As used in this comment letter, "higher opportunity" and "higher opportunity neighborhoods" means neighborhoods with low unemployment rates, low poverty rates, high performing schools, and higher educational attainment compared to the City as a whole.

housing element cycle. To the extent that the standards inhibit the development of affordable housing, the City must reduce the standards in the Final Code.[2] The City must undertake the same analysis of and modify as needed Article 7, Residential Multi-Family Districts (RM), Section 15-703, Density and Massing Development Standards.

Article 9 Commercial Districts (C)

Table 15-902: Land Use Regulations – Commercial Districts

Table 15-902 indicates that the Indoor Warehousing and Storage classification is permitted by right in Commercial – Highway and Auto (CH) District. II-57. Indoor Warehousing and Storage, as defined in Draft Code Part VI and consistent with the intent of the CH District is auto-oriented land use which can be expected to generate significant truck and car traffic. Such traffic poses health and safety risks to nearby sensitive land uses due to the generation of diesel emissions and other toxic air contaminants and conflicts with pedestrian and bicycle activity. Unfortunately, the General Plan Land Use Map places the CH land use designation immediately adjacent to residentially designated parcels in Southwest Fresno – and only in Southwest Fresno.

To avoid conflict with sensitive uses and the promotion of a disparate negative impact on a low-income neighborhood of color, the City must re-designate parcels currently designated for Highway and Auto land uses and located adjacent to residential land uses to other compatible land uses, such as Neighborhood Mixed-Use, Corridor/Center Mixed-Use, and Commercial Main Street, for example.

The City must not allow Indoor Warehousing and Storage land uses by right in CH Districts, if the City does not amend the Land Use Map to ensure separation between residential and other sensitive land uses and CH Districts. If the City fails to so amend the Land Use Map prior to or simultaneously with the adoption of the Final Code, the Final Code must prohibit Indoor Warehousing and Storage land uses in CH Districts. At a minimum, if the City does not modify the Land Use Map, the Final Code must require a CUP for Indoor Warehousing and Storage land uses in CH Districts to allow nearby property owners and tenants to have a voice in the siting of such uses and to set a baseline standard for compatibility with surrounding sensitive uses.

Article 10 Employment Districts (E)

15-1001 Purpose

B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts~~, while providing~~ to ensure compatibility in use and form with existing and planned land uses.
C. *Mitigate and prevent the imposition of disproportionate and cumulatively significant environmental impacts of industrial facilities on residential and other sensitive land uses, especially in low-income neighborhoods.*

[2] Lot size, set back, and coverage reductions available through Article 18, Affordable Housing Density Bonus, are not sufficient in and of themselves to mitigate the potential impact on housing cost of these requirements, as many developers will not opt to provide affordable housing in exchange for the incentive.

D. *Mitigate and prevent further disproportionate concentration of industrial land uses in and around neighborhoods already disproportionately impacted by such uses.*

Table 15-1002: Land Use Regulations – Employment Districts

Table 15-1002 establishes various land use classifications that, by the Draft Code's own admission through the definitions for such uses in Part VI, are likely to pose environmental, aesthetic, health and safety conflicts with sensitive land uses as permissible by right or by CUP in one or more Employment Districts, including the Office, Business Park, Regional Business Park, Light Industrial and Heavy Industrial Districts. pp. II-72-75. The land uses classifications permitted by right or by CUP that we have identified as likely to conflict with nearby sensitive land uses include but are not limited to the following:

- Automobile / Vehicle Repair, Major
- Construction and Materials Yards
- Limited Industrial
- General Industrial
- Intensive Industrial
- Recycling Facility - Recycling Collection Facility & Recycling Processing Facility
- Research and Development
- Warehousing, Storage, and Distribution
- Outdoor Storage
- Wholesaling and Distribution
- Airports and Heliports
- Freight/Truck Terminals and Warehouses
- Light Fleet-Based Services
- Utilities, Major
- Waste Transfer Facility[3]
- Agricultural Processing
- Agricultural Support Services
- Crop Cultivation
- Mining and Quarrying
- Sales Lot, Feed Lot, Stockyard
- Slaughterhouse

Some of the likely impacts of these uses include the release of toxic air emissions; potential soil, water, and air contamination from hazardous materials used in the course of operations; generation of foul odors; noise impacts from site operations; generation of truck and vehicle traffic that result in diesel emissions, noise, and pedestrian and bicycle safety hazards; visually

[3] As defined in Part VI, the Waste Transfer Facility classification could include transfer of dead animals and animal by-products, such as may occur to rendering plants. The Final Code should clarify whether the Waste Transfer Facility classification includes transfer of said materials and if so, require a CUP for such use in any district (including all Employment Districts, the Public and Institutional District and any other district) in which it is permitted as such activities are associated with numerous significant environmental impacts.

unattractive facilities, equipment, or materials visible from the public right-of-way; among others.

As is the case with the Highway and Auto designation, the General Plan Land Use Map identifies parcels as Office, Business Park, Regional Business Park and even Light and Heavy Industrial with no separation from residential use. Such land use conflicts disproportionately affect Southwest, Southeast, and Central Fresno neighborhoods – neighborhoods which are disproportionately low-income and are disproportionately composed of people of color compared to the City as a whole and which rank as among the most burdened in the state by multiple environmental stressors[4]. Some South Fresno neighborhoods in fact are almost entirely surrounded by industrial land use designations, including Calwa (surrounded on three sides by Heavy Industrial, Light Industrial, and Business Park land use designations) and West Fresno (which is the only area of the City with a Heavy and Light Industrial Land Use designations in the middle of a residential neighborhood and which is bordered by significant industrial land use designations and zoning to the North and East). Residents of neighborhoods located in West Fresno and Calwa and near the Roeding Industrial Park and other areas have vocally opposed for decades and continue to oppose the City's support for and refusal to prohibit the location and expansion of such facilities in and around their neighborhoods. By planning for the disproportionate siting of industrial, business park and other potentially noxious uses in low-income South Fresno neighborhoods of color – both historically and in the present and future - the City has engaged in a pattern and practice and created a disparate negative impact on these neighborhoods in violation of state and federal fair housing and civil rights laws.

As we emphasized in our comments on the City's Public Review Draft 2035 General Plan dated August 18, 2014, the City must re-designate Office, Business Park, Regional Business Park, Light Industrial and Heavy Industrial Districts that conflict with existing residential and other sensitive land uses to other compatible land use designations. The City should initiate this process immediately by funding in the City's FY 2015-2016 budget the implementation of General Plan Policy HC-3-g for an assessment of the compatibility of industrial and heavy commercial land uses and zoning with existing residential neighborhoods.

In the meantime, the Final Code must prevent the exacerbation of the disproportionate impact of Employment Districts located in proximity to sensitive land uses on low-income South Fresno neighborhoods by enacting appropriate permit and buffer requirements for potentially conflicting land uses. We recommend that the Final Code adopt a buffer requirement of 1,000 feet between the lot line of the land uses listed in this section above and sensitive land uses, including but not limited to residential, schools, parks and open space, hospitals and clinics, and day care centers. Further, given the co-location of Employment Districts and sensitive land uses on the General Plan Land Use Map, especially in South Fresno neighborhoods, the land use classifications listed above should be subject to a CUP requirement in each district in which they are allowed.

[4]According to the California EPA and Office of Environmental Health Hazard's California Communities Environmental Health Screening Tool, Version 2.0 (CalEnviroScreen). See the CalEnviroScreen Report and Microsoft Excel Spreadsheet with data by census tract at http://oehha.ca.gov/ej/ces2.html.

15-1004 Site Design Development Standards

As mentioned above, the City must prevent the continued siting of Employment District land uses that conflict with residential land uses and other sensitive land uses. The Final Code should do more to mitigate visual conflicts created by the co-location of Employment Districts and Residential Districts and other sensitive uses by adopting the following changes to Section 15-1004:

A. **~~Residential~~District Transition Standards**

The Final Code should enhance the transition standards that apply to Employment Districts abutting Residential Districts as follows:

1. ***Height.*** The maximum height within ~~40~~*100* feet of a Residential District is limited to 30 feet. The maximum height within ~~50~~*200* feet of a residential district is 40 feet.
2. ***Setbacks***
   a. Front and Street Side Yards. The front setback shall not be less than the required front yard on the abutting Residential District lot within ~~75~~*200* feet of the Residential District.
3. ***Landscape.*** A landscaped planting area, a minimum of 6 feet in width, shall be provided along all Residential District boundaries

The Final Code should further modify Section 15-1004(A) so that it applies to Employment Districts located in proximity to non-residential sensitive land uses, including park and open space land use, public facilities (including but not limited to schools, places of worship, hospitals, medical centers, and neighborhood centers), and commercial districts (including Main Street, Community, and Recreation districts).

In addition, the Final Code should require both new facilities as well as existing facilities that seek to modify or expand their operations to comply with the standards established by Section 15-1004.

<u>Article 16 General Site Regulations</u>

The potential use of hazardous security fencing and electric fences in industrial districts is yet another reason that the City must ensure adequate separation between residential and other sensitive land uses and industrial districts. Hazardous fencing is both unsightly in a neighborhood setting and poses a security risk for children at play or exploring their neighborhood. To reduce the impact of security fencing in industrial districts in proximity to residential and other sensitive land uses, we propose the following modification to Section 15-1609.

15-1609 Security Fencing

A. **Where Permitted.** The use of barbed wire, razor wire, ultra-barrier, and other hazardous fencing is prohibited with the exception of barbed wire in the situations below.

...

1. **Industrial Districts**. May be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least six feet in height, unless it abuts a Residential District *or would be visible from any street, public open space, recreation area, or Residential District where a Residential District is located within 1,000 feet of the proposed fencing*, where it is prohibited.

15-1610 Electric Fences

...

A. **Permitted Locations.**

1. May *only* be permitted on developed parcels *in Industrial Districts that do not share a common property line with a Residential District or use*~~, not including Caretaker's Units~~. *Electric fencing may not be used in Industrial Districts along the front perimeter of any site located within 1,000 feet of a Residential District.*

~~May be permitted in Industrial Districts that do not share a common property line with a Residential District or use, not including Caretaker's Units.~~

...

Article 17 Concept Plans

15-1703 Preparation

As currently drafted, Section 15-1703 appears to leave open the possibility that the City could commission Concept Plans. To provide clarity that Concept Plans will be prepared by property owners and/or developers and not by the City, we recommend the following change to the section:

> ~~It is anticipated that~~ Concept Plans *shall*~~will~~ be commissioned by property owner(s) and/*or* developers....

15-1704 Land Use Mix and Distribution

According to the City's 2015-2019 Draft Consolidated Plan, 47% of households in the City are cost burdened paying more than 30% of their income on housing and 24% of households are severely cost burdened paying more than 50% of their income on housing. p. 4. The Draft Consolidated Plan identifies increasing the availability of affordable rental housing as an extremely high priority need within the City. p. 26.

Given the dire shortage of affordable housing in the City, the City must act affirmatively and aggressively through this development code update to enhance the availability of affordable housing in the City. This includes planning for and ensuring that new growth areas include not only primarily low-density subdivisions that typify Post World War II greenfield development in Fresno but an ample supply of small-lot and multi-family housing in growth areas. Article 17, Concept Plans, establishes a framework for this type of balanced planning but must do more to ensure that development in growth areas meets the need for housing of all Fresno residents, in particular, Fresno's low and moderate income residents. To this end, we recommend the following modifications to Draft Code Section 15-1704:

C. **Residential Uses**. Residential uses shall be provided at densities consistent with the General Plan designation(s) for the site. A minimum of ~~20~~ *30* percent of units within each Concept Plan must be small-lot (5,000) square feet or smaller lot size detached homes, townhouse units, or multi-unit dwellings. *A minimum of 20 percent of units within each Concept Plan must be multi-unit dwellings.* ~~, unless a lower percentage is approved by the City Council upon finding that the lower percentage will not conflict with the achievement of the General Plan goals and policies~~.

15-1706 Public Infrastructure Financing

We recommend the addition of the following clarification to Section 15-1706 so that the provision fully reflects General Plan policies, including Policy ED-5-b, requiring new development to pay its fair share for infrastructure improvements and maintenance:

> Each Concept Plan shall include a funding mechanism for the provision of public infrastructure support the proposed development *in accordance General Plan Policy ED-5-b and other applicable policies.*

15-1710 Required Findings

The findings required for the approval of Concept Plans set forth in Draft Cod Section 15-1710 lack any provisions to ensure that such plans further the provision of housing for all economic segments of Fresno's population. To address this deficiency, we recommend the following addition to the required findings established in the Draft Code:

> A Concept Plan shall only be approved if the proposal as submitted or modified conforms to all of the provisions of this Development Code, and all of the following criteria:
>
> ...
>
> G. *Approval of the proposal supports achievement of the City's commitment to meet the housing needs of all economic segments of the community in accordance with its Regional Housing Needs Allocation and Housing Element for the current housing element cycle and affirmatively furthers fair housing opportunities.*

15-1711 Conditions

Draft Code Section 15-1711 sets forth certain bases upon which the City Council may impose conditions on the issuance of Concept Plans. These bases lack reference to the role of the Concept Plan in furthering – or effectively barring – the development of housing to meet the needs of all economic segments of the City's population, including housing affordable to low and moderate-income populations.

We recommend the incorporation of the following revision into Section 15-1711 in the Final Code to grant City Council the specific authority to promote the incorporation of affordable housing in Concept Plans in accordance with the purposes of Article 17 and General Plan Goals, Policies, and Objectives in support of the creation of affordable housing throughout the City (See General Plan Goals 7, 9; Objective HC-3; Policies UF-1-d, UF-1-e; LU-2-b):

> In approving a Concept Plan, the City Council may impose reasonable conditions necessary to:
>
> F. *Ensure that the proposal will create housing opportunities for all economic segments of the population including moderate, low-income, very low-income and extremely low-income residents.*

<u>Article 20 Parking and Loading</u>

15-2029 On-Site Loading

We recommend the following revision to Article 20, Parking and Loading, Section 15-2029, On-Site Loading, as loading activity located near but not necessarily adjacent to residential districts may still be visible from and otherwise impact residential districts:

> J. **Loading Bays**. The following apply to ~~commercial and office districts, or~~ any nonresidential district ~~that abuts~~*within 300 feet of* a residential district…

<u>Article 21 Performance Standards</u>

15-2110 Odors

West Fresno residents have complained that trucks entering and exiting the Darling Ingredients meat rendering facility and that contain animal by-products for processing emit pungent and nauseating odors perceptible from public streets and in their personal vehicles and residences. Draft Code Section 15-2110 should be revised as set forth below to indicate that odors emitted by vehicles other than from gasoline emissions are prohibited:

> No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and *gasoline emissions* from vehicles that enter and leave the

subject parcel ~~(e.g., construction equipment, trains, vehicle emissions trucks, etc.)~~ are exempt from this standard. (III-93)

Article 23 Standards for Specific Uses and Activities

15-2303 Accessory Uses

We support the Draft Code's use of the standard for Accessory Uses set forth in the current Municipal Code Section 12-105-A-5. It appears that Draft Code Section 15-2303 contains a few typographical errors which confuse the meaning of the section and which should be addressed as follows:

> An accessory use shall be incidental, related, appropriate, and clearly subordinate to the main use of the ~~principal use~~*lot* or building to which it relates under the same regulations as the main use in any zoning district, ~~where~~*which* accessory use does not alter the principal use *of the subject lot or affect other properties in the district*....

15-2307 Alcohol Sales (Off-Site Sales)

As recognized in the General Plan, the over-saturation of South Fresno neighborhoods with establishments engaged in the sale of alcohol for off-site consumption and criminal activity associated with such establishments has been an ongoing concern among residents. 6:7. We recommend the revisions to Draft Code Section 15-2307 set forth below in order to enhance the City's ability to address residents' concerns and implement General Plan policies regarding the oversaturation of off-site alcohol sale establishments in South Fresno neighborhoods and their associated crime and nuisance impacts. See General Plan Policy PU-1-i.

...

B. **Landscaping**.

...

2. ***Existing Buildings***. Perimeter landscaping and Parking Lot Shading standards per the applicable property Development Standards for the District in which it is located. The Director may make exceptions *for good cause* to the prescribed standards, however in no case shall reduction result in of ~~35~~*25* percent or greater in the amount of landscaping provided...

a. *Deferment*. The Director may enter into an agreement that allows the property owner to defer the installation of landscaping for a period not to exceed six months from the date of occupancy *for good cause*.

...

G. **Signage**

...

3. Any established located within ~~250~~*1,000* feet of a *residence,* park, school (private or public), day care or other youth-sensitive places (i.e., boys and girls club, youth activity centers) may not advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot. (III-29)

...

H. **Operational Requirements**

...

2. Additional and/or security measures such as security guards, door monitors, and burglar alarm systems may be required if harm or related problems are demonstrated to occur as a result of business practices or operations, including, but not limited to, the congregation of minors, violence, drunkenness, vandalism, solicitation, and/or litter. This will be determined on a case-by-case basis upon review by the Fresno Police Department *and at the request of the Mayor or the City Council member in whose district the business is located.* (III-29)

I. **Findings**. The following shall be added as required Conditional Use Permit findings.

1. ***Location***.

We recommend that the City revise Draft Code Section 15-2307-I-1 to draw from the more restrictive standards for the location of adult-oriented businesses established in Draft Code Section 15-12305 as follows:

a. The proposed use would not be located within ~~500~~*1,000* feet of ~~a school~~ *any Residential District, existing residence, educational institution, including but not limited to a public or private school, park* or library...
b. The proposed use would not ~~lead to the grouping of more than four off-premises sale of alcoholic beverage uses~~ *be located* within a 1,000 foot radius from a building engaged in the sale of off-premises alcoholic beverage use...

...

3. ***Modifications to Existing Establishments***. ~~No condition exists which has caused or resulted in~~ *Repeated* activities *have not occurred which may be associated with the establishment's presence and* which are harmful to the health, peace, or safety of persons residing or working in the surrounding area, including, but not limited to disturbances of the peace...

Finally, the Final Code should apply the performance standards identified in Section 15-2308-J-2 for Deemed Approved off-site alcohol sales establishments to all such establishments.

15-2311 Automobile / Vehicle Service and Repair, Major and Minor

As stated above in the discussion of use regulations for Employment Districts, the Final Code must include proper buffer and permit requirements for potentially hazardous land uses – including the Automobile / Vehicle Service, Major, land use classification -- which are likely to conflict with sensitive uses. The Final Code must also include performance standards that mitigate potential impacts of such land uses on surrounding sensitive land uses.

Section 15-2311(F) requires that spray and paint booths at Automobile / Vehicle Service and Repair uses shall be separated by at least 100 feet from Residential Districts, Parks, public or private Schools (K-12), and Daycare centers. Spray and paint used at auto-repair and service facilities can contain Isocyanate compounds, a potential human carcinogen. Exposure to Isocyanates has observed side health effects of skin irritation, chest tightness, and asthma.[5] 100 feet between spray activities and residences, parks, schools, or daycare centers where children and other sensitive individuals spend hours each day is unlikely to be sufficient distance to ensure the protection of human health. The Final Code should require a greater distance between such land uses, as well as medical centers and clinics, based on available research or evidence of necessary distance between such uses for the protection of human health.

15-2316 Check Cashing Businesses and Pay Day Lenders

In 2014, Fresno City Council adopted an ordinance establishing certain requirements for the location of check cashing businesses and pay-day lenders. These requirements are incorporated into Draft Code Section 15-2316 and constitute an important advance in local regulation of this industry. The City of Fresno should examine whether it can do more in the Final Code (or through other local regulations, policy, or initiatives) as other cities have done to ensure that such businesses do not engage in unfair lending practices, target and exploit low-income residents, and ultimately drain resources out of the City.

15-2327 Development of Former Landfill Sites and Hazardous Sites

The development of former landfills and hazardous sites is of particular concern to South Fresno neighborhoods, which host a disproportionate share of such sites in the community. In particular, at least two parks in West Fresno alone – Hyde Park and the Regional Sports Complex – are former landfills. To our knowledge, the City lacks information available to residents regarding the remedial activities taken at the site and the potential health impacts or lack thereof of use of the site for recreational activity. The Final Code should ensure that the future development of any landfills is performed only pursuant to evidence demonstrating that the proposed use of the site will not be associated with negative health impacts.

[5] See United States Department of Labor, Occupational Health & Safety Administration, Safety and Health Topics, Isocyanates, available at https://www.osha.gov/SLTC/isocyanates/index.html

We recommend the following revision to Draft Code Section 15-2327:

> A Conditional Use Permit shall be required for the development of all former Landfill Sites, regardless of the proposed use. As part of the application, the applicant shall at a minimum, provide a geotechnical report that provides a complete analysis of on-site soil conditions, fault hazards, underground water supplies and recommendations, ~~as well as~~ a post-closure plan that outlines remediation measures, *and evidence sufficient to demonstrate that the proposed use on the former Landfill Site after the completion of remediation activities will not result in a hazard to human health.*

15-2332 Hazardous Waste Management Facilities

The Draft Code's regulations for Hazardous Waste Management Facilities include an Air Quality Analysis of anticipated air quality impacts of the proposed facility and proposed mitigation measures. The Final Code should incorporate an equivalent Water Quality analysis that identifies anticipated or potential water quality impacts of proposed hazardous waste management facilities and mitigation measures, as such facilities have been repeatedly associated with problems relating to groundwater contamination.

The Final Code should also incorporate a provision to prevent a concentration of hazardous waste management facilities from occurring in any area of the City. We recommend that the application for such a facility include submission of a map provided by the City identifying existing hazardous waste management facilities in the City and the incorporation of a finding into Section 15-2332(M) that approval will not result in or contribute to a disproportionate concentration of hazardous waste management facilities or other potentially hazardous land uses in any residential neighborhood in the City.

15-2350 Recycling Facilities

Draft Code Section 15-2350(C), "Recycling Processing Facility", (7), "Processing", should be clarified to indicate that processing activities allowed at such facilities does not include processing of animal by-products, a fundamentally different land use with distinct environmental impacts from other recycling facilities.

Part IV: Land Divisions

Article 24 General Provisions

15-2401 Introductory Provisions

> ...
>
> B. **Purpose**....The provisions of this Subdivision Ordinance are more specifically intended to:
>
> ...

6. *Provide for the development of housing that meets the housing needs of all segments of the community, including moderate, low-income, very low-income and extremely low-income residents and special needs groups such as the elderly, disabled, large families, and farmworkers.*

Article 26 Tentative Parcel and Tentative Map Filing and Processing

We provide the following self-explanatory recommendations for the revision of Draft Code provisions relating to tentative parcel and tentative map applications.

15-2607 Referrals and Review

A. Referrals. A Tentative Parcel or Tentative Map application shall be referred to the agencies outlined in this subsection as required by the Map Act (Section 66453), as well as any other City department, County, State or Federal agency, or other individual or group that the Director believes may be affected by the subdivision or may have information useful to the City about issues raised by the proposed subdivision~~.~~, *or that has requested to receive notice regarding applications for projects at the location or in the City Council District of the proposed subdivision.*

...

C. Affected Agencies. The Director shall refer Tentative Parcel Map and Tentative Map applications to public service providers that are for review and comment to each of the following agencies:

1. ***Public Works and Local Groundwater Sustainability Agencies***. *The City of Fresno's Department of Public Works (Public Works), the Fresno County Public Works Department, and any Groundwater Sustainability Agencies (GSAs) that serve the hydrological sub-basin.*

15-2609 Tentative Map Decision

F. **Planning Commission**. The Planning Commission shall:

1. Consider the recommendations of the Director, any agency comments, *any comments or recommendations by the SRC*, and any public testimony *and written comments*;

15-2610 Required Findings for Tentative Parcel Maps and Tentative Maps

A. **Findings.**

...

3. ***Availability of Water***. *The applicant has demonstrated that necessary potable water production and supply facilities and water resources exist to serve the development for the next 100 years.* ~~Water will be available and sufficient to~~

~~serve a proposed subdivision with more than 500 dwelling units in accordance with the Map Act (Section 66473.7)~~. (*Note: As written, this section does not implement General Plan (GP) Policy PU-8-c, which directs the City to "Set appropriate conditions of approval for each new development proposal to ensure that the necessary potable water production and supply facilities and water resources are in place prior to occupancy.")*

4. ***Mitigation of Impact on Water Supply.*** *The proposal incorporates all feasible measures to mitigate the proposed development's impact on water supply, including but not limited to smaller lot sizes and landscaping restrictions to limit outdoor water use, and will not impair the City's ability to ensure an adequate and affordable water supply for current and future uses, including future uses in areas identified for infill development. (*See GP Policy PU-8-g)*
5. *The applicant has demonstrated that the proposal is consistent with all relevant groundwater management plans and will contribute to achieving groundwater sustainability in relevant aquifers.*
6. *The applicant has demonstrated that the proposal will not impact the availability of potable water for any resident, community or city reliant on groundwater from the same or adjacent aquifers.*
7. *The subdivision will create housing opportunities for all economic segments of the community, including low, very low and extremely low- income residents, and will support the City's achievement of its Regional Housing Needs Allocation.*

15-2612 Conditions of Approval

We strongly recommend that the City include requirements in Section 15-2612, Conditions of Approval, for the reservation of a minimum of 20% of units for low-income residents at prices affordable based on those residents' income, with at least 10% of such units reserved for very-low and extremely-low income residents. Such a requirement is in line with programs contained in previous housing elements to consider the adoption of an inclusionary housing ordinance and with former Mayor Alan Autry's 10*10 Blue Ribbon Commission on Affordable Housing's recommendations and is used successfully by jurisdictions around the state (though none in the Central Valley) to increase the supply of affordable housing.

Such a program would support the creation of affordable housing in neighborhoods throughout the City as called for by the General Plan and as required by fair housing and civil rights laws and would help the City make up for lost ground in meeting its state-mandated affordable housing targets through its failure to implement Housing Element Program 2.1.6A and its consistent approval of residential down-zoning requests.

Leadership Counsel stands willing to discuss this proposal with City staff and to work with the City to develop the details of such a program for inclusion in the Final Draft Code.

In addition to an inclusionary housing requirement, we recommend the following addition to Section 15-2612:

D. **Optional Conditions**. The Review Authority may also include as conditions of approval:

...

5. Any other conditions deemed necessary by the Review Authority to :

g. *Meet the needs for housing affordable to extremely-low, very-low, low- and moderate-income residents and further affordable housing opportunities throughout the City.* (Note: See GP Policy UF-1-d).

15-2614 Applicant Notification

We recommend the following modification to Draft Code Section 15-2614 to improve public process requirements and transparency:

> The Planning Division shall notify the applicant *and any person who has requested to receive notice pursuant to Section 15-2707.* If the Tentative Map is denied, the Director shall notify the subdivider *and any person who has requested to receive notice pursuant to Section 15-2707* of the denial together with a statement of the reasons for such denial. If appealed, the Director shall notify the applicant *and any persons who has requested to receive notice pursuant to Section 15-2707* of the appeal hearing.

<u>Article 33 Common Interest Developments (Condominiums and Conversions)</u>

We provide the following proposed revisions to Article 33, Common Interest Developments (Condominiums and Conversions) intended to ensure adequate protection of tenants who might be impacted by conversions and to preserve the affordability of the housing stock over time.

15-3301 Purpose of Division

The purpose of this Article is to establish the requirements for applications for the creation of a condominium or other common interest residential development, including a community apartment project, or planned development, as provided by the Map Act (Section 66424).... *In particular, the purpose of this Article is to accomplish the following:*

1. *Ensure adequate maintenance of condominiums, as their fragmented ownership may result in conditions of disrepair that undermine the public health, safety, and welfare.*
2. *Require compliance by property developers with state law governing condominium conversions and state and federal fair housing and civil rights laws.*
3. *Maintain the availability of an adequate supply of multifamily rental housing and ensure no net loss of rental units.*
4. *Implement anti-displacement practices and policies to protect moderate and lower-income residents (including very low and extremely low-income) from displacement and its impacts due to increased housing costs.*
5. *Provide special protection to the elderly and families with minor children.*

We recommend the adoption of a new section as follows:

Section 15-33XX – Precondition to Acceptance of Application for Condominium Conversions

1. *No application for the conversion of a multifamily residential units shall be accepted or processed if the vacancy rate for multifamily rental apartments in the City of Fresno is below five percent according to the current vacancy rate provided by the U.S. Census Bureau for the Fresno Metropolitan Area.*

15-3204 Required Reports for Condominium Conversions

D. **Tenant Information**.....

....

2. Makeup of existing tenant households, including:

...

c. Ages *and gender* of tenants.

...

g. *Household income.*

h. *The expiration date of any current lease agreements.*

i. The names and addresses of the head of household and sub-lesee(s), if any, for each unit.

3. Detailed history of the project, including vacancy rates, rents, and rent increases applicable to each unit during the 24 months preceding the application *and a statement of whether utilities are included in those rates*; and

4. Proof of compliance with the provisions of the Map Act *and this article* relating to noticing of tenants and future tenants of intention to convert.

E. **Residential units are more than six months old.**

1. A relocation fee equal to a minimum of two months' rent for each unit which is vacated due to the conversion after receipt of the 180 day notice of conversion prior to termination of tenancy, required by the Map Act (Section 66427.1) (*Note: the relocation assistance proposed is not adequate to ensure that condominium conversion does not work a financial hardship on existing tenants. The City should adopt a stronger relocation assistance provision. A few examples include: (1) a relocation fee equal to a minimum of three months' fair market rent in the same neighborhood, (2) payment of the tenant's moving expenses as documented by the tenant. In addition, for low-income tenants who are relocated or who remain in the building post-conversion and whose rents increase as a result of the conversion, the applicant shall pay tenants the difference between their current monthly rental rate and their subsequent rental rate for a period of 24 months. Finally, we*

recommend the Los Angeles Condominium Conversion Ordinance as an example with strong provisions to protect low-income and displaced tenants.)

2. Lifetime leases for elderly tenants *age 60 and older and disabled and handicapped tenants* and extended leases for student tenants, of the unit occupied by any such tenant, at the rate in existence at the time the Final Map is approved *shall be made available. If the tenant is living in the apartment when he/she dies, and there is surviving household member who is elderly or disabled, the lease shall continue until that person's death.* The rental rate may be increased during the term of the lease only in the manner provided in detail by the subdivider in the tenant plan and approved by the Council at the time the tentative subdivision map is approved, provided that in no event shall any such increase ~~be greater than eight percent per year~~ *exceed fifty percent of the annual increase in the Consumer Price Index in California for urban wage earners and clerical workers.*

.....

9. Units Affordable to Low-Income Residents.

a. For projects of ten or more units, twenty percent of units in the projects shall be made available at costs or rents affordable to low-income households. At least 10% of units shall be made available to very-low and extremely-low income households.

b. If the subdivider proposes that sale units be made available to satisfy this condition, the developer shall provide the City with agreements that satisfactorily demonstrate how such units will remain available to low-income households in perpetuity.

c. The City, Fresno Housing Authorities, or other agency acceptable to the City shall screen buyers or renters to assure conformance with the income limitations set forth herein.

10. If temporary relocation of any tenant is necessary for renovation between the date of submission of the application for the conversion and the date established for permanent relocation of any tenant, then the applicant shall find equivalent substitute housing for that tenant for the period in the same neighborhood or in an alternate location agreeable to the tenant, and shall pay to that tenant any additional rent of the substitute housing and any moving expenses.

...

G. Project Documents

...

10. A provision that prohibits discrimination against families with minor children in either rental or sale of units.

We recommend that you add the following section to this article:

Section, *15-320_, Compliance and Enforcement.* *The applicant shall adhere to and implement the Relocation Assistance Program prepared pursuant to Section 15-3304-E as well as all other provisions of this article. The subdivider's compliance with the RAP shall be subject to enforcement pursuant to section XX of this code. In addition, any tenant or sub-lesee of any project subject to a RAP shall have standing to obtain a mandatory prohibitory injunction for performance of the RAP and any other requirement under this Article. A property owner or subdivider who fails to comply with a RAP shall also be liable in a civil action for reasonable attorney fees and costs as determined by the court.*

15-3209 Notices

A. Tenant Notice. The subdivider shall provide notice to all existing ~~or~~and prospective tenants, at ~~their expensive~~*the subdivider's expense*, in compliance with the Map Act (Section*s 66427.1,* 66452.51, *etc.) and Section 15-3309(B) of this Code*, and shall provide the Department satisfactory proof that the notice was given.~~and~~ Notices, except public hearing notices and information required to be submitted to the Director. (*Note: this sentence is incomplete as drafted).*

B. **Notice of Intent to Convert**. The notice of intent to convert shall be submitted with the application for a residential condominium conversion *and shall be provided to all existing and prospective tenants, including existing sub-lesees at or before submission of the application. The notice shall be provided in all languages known by the applicant to be spoken by tenants and sub-lesees of the project at the time of submission of the application.* The form of the notice shall be as approved by the Director and shall contain not less than the following:

.....

11. The Housing Availability Report required by Section 15-3202(E);

14. *Telephone number, staff person name and/or departmental name, and other contact information for the City of Fresno and at least one legal service or affordable housing services provider approved by the Director that tenants can use to receive assistance in understanding their rights and procedures applicable to the application for conversion pursuant to this article, the Subdivision Map Act and other applicable laws and regulations.*

15. A reasonably complete and current list of vacant and available rental units within a one and one half mile radius of the building being converted, which units are comparable as to size and amenities to the unit occupied by the tenant.

We recommend that the City add the following section to Draft Code Article 32:

15-32___, Restriction on Rent Increases. *During the pendency of the application for the conversion, the rent for the existing residential units shall not be increased.*

15-3311 Scheduling of Hearing(s)

A. **Notice of Hearing(s)**. Following the review and recommendation by the Director, who shall consult with the SRC, the Commission and Council shall conduct public hearings. Notice and conduct of the hearings shall comply with Section 15-2709, Tentative Map Decision~~.~~, *and Section XX, Conditional Use Permits. The City shall mail written notice of all public hearings conducted for the project to each tenant head of household and sub-lesee identified in the subdivider's application.*

15-3312 Recommendations and Decision

A. **Commission.** The Commission shall:

1. Consider the recommendations of the Director, any agency comments and any public testimony *or written comments received*;
2. … The Commission's evaluation shall be based on the staff report, information provided by an environmental assessment, and any public testimony *or written comments* received.

…

15-3313 Findings

In addition to the findings otherwise required by this Subdivision Ordinance, *no residential apartment conversion shall be approved or conditionally approved, in whole or in part, unless the City Council shall have found that the proposed project complies with all of the following requirements. In order to ensure compliance, the Council may impose such conditions as are necessary to implement the spirit and intent of this section*~~Council shall find~~:

…..

E. Each tenant has received or will receive a notice of the pending conversion in accordance with the Map Act (Sections 66427.1 and 66452.3) *and this article*.

F. ~~The Council may deny an application for a residential condominium conversions upon making one or more of the following findings:~~ *(*Eliminate the introductory sentence to letter F allowing for denial should the Council make the findings listed below. Rephrase the findings as indicated below to consist of affirmative findings the Council must make for approval of the project in the same manner as findings A-E.).*

1. The overall design and physical condition of the condominium conversion ~~do not~~ achieve~~s~~ a high degree of appearance, safety, comfort, and utility;
2. The cumulative effect of the proposed conversion will ~~cause a significant percentage of low- and moderate-income rental units to be removed from the City's housing stock~~*not adversely impact the City's ability to provide affordable housing for all economic segments of the community.*
3. The RAP proposed by the subdivider~~,~~ will ~~not~~ sufficiently reduce the detrimental impact of the conversion on the tenants, including the special classes of tenants referred to in Section 15-3202(E) *and families with minor children, the elderly (defined as 60 years or older), handicapped and disabled tenants as defined in Section 4512 of the California Welfare and Institutions Code, large families composed of five or more people, low-income tenants, student tenants, farmworkers, female-headed households, and tenants at risk of homelessness.*
4. Vacancies in the project have *not* been caused by the subdivider for the purpose of preparing the project for conversion, from and after the 24th month period preceding the application for the conversion, by means of substantive rent increases or substantive increases in the number of evictions or tenancies terminated by the subdivider;
5. Approval of the proposed project would *not* cause the displacement of any of the following in an area where sufficient available comparable replacement housing does not exist:

   ...

   a. Elderly *(defined as 60 years or older)*

   b. ~~or~~ handicapped *and disabled* tenants *as defined in Section 4512 of the California Welfare and Institutions Code*;

   ...

   e. farmworkers

   f. female-headed households

   g. tenants at risk of homelessness

   h. low-, very-low, or extremely low-income houesholds

G. The subdivider has *not* engaged in discriminatory rental practices against persons within the groups referred to in paragraph 5 of this subsection, ~~solely because~~*on the basis* of the inclusion of such persons in the particular group. Discriminatory rental practices include but are not limited to refusal to enter into a lease, termination of an existing lease, an eviction from a leasehold.

Based upon information contained in the application, the report and recommendations of the Director, or presented at the hearing, approval of the residential condominium conversions would *not* be inconsistent with the purposes of this Article and with the general health and well-being of the residents of the City.

G. *The conversion of the apartment project to condominiums will not be detrimental to the health, safety, comfort, or convenience, or general welfare of persons working or residing in the neighborhood of the project, nor be injurious to property or improvements in the neighborhood.*

H. *The conversion of the apartment project will not be detrimental to the general health, safety, or welfare.*

Part V: Administration and Permits

Article 40 Common Procedures

During the workshop on the Draft Code for non-profits and residents working on issues relating to affordable housing, neighborhood revitalization, and general plan implementation held by the City on May 19, 2015, several residents and non-profit staff members, including staff from Leadership Counsel, raised our concern with DARM staff that, despite our best efforts to obtain notice from the City of pending entitlement applications in certain districts, we still do not receive notice. As a result of the City's limited noticing procedures, those concerned with certain types of projects and/or applications for projects in certain parts of the City often do not discover the application unless and until it is publically notice on the planning commission or city council agenda. Many applications are approved at the site plan review level, with concerned individuals like those in attendance at the May 19th workshop never receiving notice. This demonstrates lack of transparency surrounding the development review process and effectively excludes the voices of residents and community stakeholders from processes and decisions that have critical and significant impacts on neighborhood character and quality.

The public notice provisions of the Draft Code would only ensure the continuation of this problem. Draft Code Section 15-4007, Public Notice, provides for notice to persons other than the applicant, property, and property owners within a 300-foot radius of the subject property, who "has filed a written request with the Director for notice regarding the specific application". (15-4007(B)(3). (underline added). As we explained to DARM staff at the May 19th workshop, this notice provision renders it virtually impossible for an individual to effectively request notice for applications that might be received at a property, since it requires the individual requesting notice to request it with respect to "the specific application" filed an application the individual does not even know exists or have reason to know exists.

The Final Code must address this problem by ensuring that those who seek notice of specific types of entitlement applications and/or land entitlement applications in certain parts of the City can easily do so at the initiation of the entitlement review process and prior to and following any decisions by the Director, Planning Commission, or City Council on those projects.

To address these procedural deficiencies, the Final Code should:

- Provide that individuals and groups may request and receive notice – even if only presently available by email – for *all* entitlement applications received for a certain

property or in a certain district and/or for certain types of uses. (Notice can and should be provided to any who request it for free through an online list serve.) The City must establish an easy tracking system for all Zoning Clearance, Site Plan, Variance, Conditional Use Permit, and Minor and Major Permit Modification requests submitted and processed.

- Provide for notice to those who request it at all stages of the entitlement process, including at Pre-Application Review (Draft Code Section 15-4003); upon filing of the application (15-4005); Environmental Review (15-4006); Development Code Text Amendments; Rezones; Plan Amendments (Article 48); public hearings; and notice of action.
- Specify that the members of the Council District Plan Implementation Committees shall receive notice for entitlement applications pending in their district at all stages of the entitlement process.

15-4018 Appeals

Draft Code Section 15-4018(B) establishes a 15 day appeal period for any action taken by the Director or the Planning Commission, commencing with the date of the action or determination. However, the Draft Code establishes various instances when the Director may take an action or make a determination on matters of significant public importance but without providing notice. For example, the Director may assign a classification to a land use not specifically identified in the Code based on its substantial similarity to that classification (See 15-702(B)). Such a determination may result in the permissibility by right of that land use in a certain zone district. Concerned individuals would not necessarily have any way of knowing that such a determination took place within the time allotted to appeal such decision. Similar scenarios could arise for other interpretations of the Code issued by the Director pursuant to Draft Code Section 15-4021 (Interpretations and Determinations); issuance by the Director of a Zone Clearance; as well as other determinations and actions set forth under the Code that do not trigger public notice requirements.

Where an action or determination does not include public notice established by the Code, the Final Code should extend the time period within which an individual or group may file an appeal to a date at least 15 days after the individual or group knows or has reason to know of the action or determination.

<u>Article 42 Site Plan</u>

15-4207 Required Findings

The Final Code should incorporate the following additional finding into the required findings established for site plan reviews in Section 15-4206:

- *the project will not result in or contribute to a disproportionate negative impact on lower income communities or a class or classes protected under state or federal civil rights laws.*

Article 43 Conditional Use Permits

15-4306 Required Findings

The Draft Code sets an inappropriately high threshold for a finding of adverse impact on a community necessary to reject an application for a conditional use permit. Specifically, Draft Code Section 15-4306 provides that a CUP shall be denied where the decision-maker finds that the "proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements". The Final Code should be revised as follows:

> C. The proposed use will not be ~~substantially~~ adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;

We also recommend that Draft Code Section 15-4306 be modified to include the following additional finding (also referenced above as to site plans):

- *the project will not result in or contribute to a disproportionate negative impact on lower income residents or a class or classes protected under state or federal civil rights laws.*

Article 48 Amendments to Development Code Text, Rezones, and Plan Amendments

15-4806 Review Procedures and Public Notice

> A. **Staff Report**.

Section 15-4806(A) describes the contents of the staff report which the Director must prepare for the Planning Commission. This section should be revised to state that the staff report shall include the comments provided by the implementation committee, minutes from a community meeting held pursuant to Section 15-4805, if any, and any comments submitted by any other individuals or groups.

15-4807 Committee Review

Section 15-4807 provides that the active plan or council district implementation committees shall review and provide comments on text amendments, rezones, or plan amendments. The section should be revised to state clearly that neither the Commission nor the Council shall conduct a public hearing on the matter until all district implementation committees that must review and provide recommendations have done so.

15-4812 Criteria for Rezones and Plan Amendments

The Final Code should include the following additional criteria among the criteria set forth in Draft Code Section 15-4812 for the approval of rezones or plan amendments:

- *The change will not adversely impact the City's ability to prove public services, including but not limited to water; sewer service; trash service; lighting; sidewalks; and roads, and*

safety, including police and fire service, to existing neighborhoods, unless the rezone or plan amendment is initiated to benefit disadvantaged neighborhoods;

- *The change will not adversely impact the City's ability to satisfy its Regional Housing Needs Allocation*
- *The Change will not be contrary to the City's obligation to promote fair housing*
- *The change will not adversely impact the ability for low, very-low and extremely low income residents to secure affordable housing opportunities. .*

Article 49 Planned Developments

15-4905 Required Findings

The Final Code should incorporate an express requirement for the approval of a planned development that the proposed development will support the City's ability to meet its Regional Housing Needs Allocation and further its goal of providing housing opportunities to all segments of the population. The Code should add an additional requirement that new developments pay their fair share for transportation facilities, utilities, and public services and amenities and have a funding mechanism identified to do so.

15-4906 Conditions of Approval

The Final Code should grant the Director and the Commission authority to impose reasonable conditions deemed necessary to ensure that the Planned Development supports the provision of affordable housing for moderate, low-, very low-, extremely low-income residents and/or special needs households, such as large households of five or more individuals, disabled residents, and the elderly.

Article 51 Pre-Zoning and Annexation Procedure

15-5104 Annexation Criteria

General Plan Policy LU-1-e, Annexation Requirements, provides in commentary, "Regarding Disadvantaged Unincorporated Communities [DUCs], the City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process."

Draft Code Section 15-5104 should be revised to reflect General Plan Policy LU-1-e, which implicitly exempts DUCs from conformance with the cost-neutral requirements imposed on other annexations by the body of that policy:

> Annexation shall not be approved unless the proposed annexation meets both of the following criteria:
>
> ...
>
> B. Public Services, Facilities, and Utilities. *Except where a Disadvantaged Unincorporated Community expresses support for annexation,* [a]dequate public services, facilities, and utilities meeting City standards are available to the land proposed for

annexation or will be provided within a specific period of time, with financial guarantees and performance requirements to ensure this will occur.

Section 15-15104 should be further amended to implement General Plan Policy LU-1-e to state that the City will partner with a community that expresses support for annexation by providing technical assistance to the community as needed and by taking all steps necessary to prepare and process the annexation application, including identifying and seeking funding to improve community infrastructure if needed.

Allow Emergency Shelters in Additional Zone Districts to Comply with the Letter and Spirit of SB 2

SB 2 requires jurisdictions to identify at least one zone in which emergency shelters may be developed by right (without discretionary action). Gov. Code Sec. 65583(4)(a). The zone or zones must have sufficient capacity to accommodate the need new emergency shelters to meet the need identified for such shelters identified in the housing element. *Id.* In selecting these zone(s), the jurisdiction must consider the compatibility and suitability of the zone for residential or shelter uses. "For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or other shelter uses", whereas "a commercial zone allowing residential or residential compatible services (i.e. social services, offices) would be suitable for shelters." Memorandum from Cathy E. Creswell, Deputy Director, Dept. of Housing and Community Development, regarding Senate Bill 2, dated May 7, 2008, p. 8.

The City's 2008-2013 Housing Element, Program 2.1.11 – Zoning for Emergency and Homeless Shelters, states that, in identifying zones where emergency shelters may be developed by right, R-3 and R-4 zone districts are under consideration, but that "all zone districts that permit residential uses will be analyzed in depth" in addition to commercial and industrial zone districts.

The Draft Code proposes to comply with SB 2 by allowing emergency shelters by right in the following districts: Commercial -- General, Regional Business Park, Light Industrial, Heavy Industrial, and Public and Institutional.

Several of these districts where the Draft Code proposes to allow emergency shelters by right also allow commercial and industrial activity that may result in environmental conditions unsuitable for proximately located residential uses in conflict with HCD's guidance on this subject. The Draft Code defines "Commercial – General", in part, as follows: "The CG district is intended to accommodate a range of retail and service uses that are not appropriate in other areas because of higher volumes of vehicle traffic and potential impacts on other uses. Examples of allowable uses include: building materials, storage facilities with active storefronts, equipment rental, wholesale businesses, and specialized retail not normally found in shopping centers". The definitions of and uses allowed in Regional Business Park, Light Industrial and Heavy Industrial Districts similarly indicate that the districts are intended for activity that is not necessarily compatible with residential or other sensitive land uses.

It is not clear whether the City has sufficient vacant, underutilized, otherwise available land designated for Commercial -- General, Regional Business Park, Light Industrial, Heavy Industrial, and Public and Institutional and which would be compatible for residential use to adequately accommodate the City's need for such facilities pursuant to Government Code Section 65583(4)(a).

On the other hand, the Draft Code does not allow emergency shelters in residential, mixed-use or commercial districts other than the Commercial -- General Districts – districts which the City's Housing Element indicates that the City would examine in identifying zone districts for SB 2 compliance. Other cities throughout California allow emergency shelters by right in residential, mixed use, and commercial districts.

To comply with the letter and spirit of SB 2 for jurisdictions to eliminate obstacles created by zoning regulations to development of emergency shelters sufficient to meet the need for such facilities, the City should identify and include additional zone districts in the Final Ordinance where emergency shelters may be developed by right and/or by conditional use permit. These districts should include districts that allow uses which are compatible with the residential land use as well as those which permit complimentary uses which shelter resident may need or desire to access (such as retail and/or social services). These districts may include single and multi-family residential districts, mixed use districts (such as Neighborhood Mixed-Use, Corridor/Center Mixed-Use, and Regional Mixed-Use), and other commercial districts (such as Commercial – Main Street, and Commercial – Community).

Omission of Regulations Relating to Council District Plan Implementation Committees in the Draft Code

The Draft Code would eliminate Fresno Municipal Code (FMC) Chapter 12, Article 6, the Local Planning and Procedures Ordinance. While the Draft Code incorporates certain essential concepts from this Ordinance, such as the priority of plans and plan amendments, it does not incorporate rules establishing and relating to Council District Plan Implementation Committees (Sec. 12-611).

As stated in FMC Section 12-611, the purposes of existing rules relating to Council District Implementation Committees include:

- "Provide the opportunity for citizen review on every entitlement request to insure the voices of the community are being"
- "...to ensure that all parts of the city are heard from in regards to the implementation of the city's plans"
- "...meet the unique needs that may exist in the different [council] districts" (Sec. 12-611(2)(a-c)

Section 12-611 establishes the council district plan implementation committees and describes their composition, duties, and manner of operation. In accordance with their purpose, the duties

assigned to the committees play a critical oversight role in the entitlement review process. The duties set forth in Section 12-611 include but are not limited to the following:

1. "Committees shall review and provide recommendations to the Planning Commission and Council on every application for a plan amendment, rezone, tentative parcel map, conditional use permit, site plan or variance to develop property within the committees' boundaries...[T]he committee shall consider every plan to which the development is subject."
2. "Committees shall act as liasions between property owners, residents, business people and the community at large, and the Council and staff, providing a forum for public participation."
3. "Committees may make recommendations to the Planning Commission and Council on any matters related to planning and zoning and the plans in the councilmember's district..."

Implementation Committees, as established in FMC Section 12-611, play an especially important role for South Fresno neighborhoods (such as those included in Districts 3 and 5) which are disproportionately low-income and composed of people of color and have suffered historic and ongoing public and private sector neglect. Many residents deeply distrust the City's ability and will to process entitlements in a way that reflects the community's best interests and wishes due, in part, to the City's repeated approval of entitlements and rezoning requests for industrial, heavy commercial, agricultural, and other operations in their neighborhoods despite community opposition.

Thus, FMC Sec. 12-611, by establishing district implementation committees as a link to the community and by requiring the review of *every* entitlement and rezone application under consideration for that district, provides important (though not in themselves adequate) procedural safeguards that ensure a minimum baseline for community participation and voice and transparency in the development process. In requiring implementation committee review of projects, FMC Sec. 12-611 also serves as a warning system for the City as to whether a project may result in a disparate impact on neighborhoods of color or other protected classes and conflict with civil rights and fair housing laws.

While the Draft Code references the implementation committee on a few occasions, it does not define the committee or fully incorporate the duties of the committee as established by FMC Sec. 12-611. We urge the City to ensure that the Final Code incorporate provisions from FMC Sec. 12-611 establishing and governing the operation of the council district plan implementation committees, in particular provisions from 12-611(A) and (D).

* * * * *

Thank you for your consideration of our comments. We request to meet with you to discuss these comments in person to determine how they can be fully incorporated into the Final Code. Please contact me at awerner@leadershipcounsel.org or (559) 369-2786 to find a time to meet.

Sincerely,

Ashley Werner
Attorney

From:	Brian Leong
To:	Rick Whitaker; Arnoldo Rodriguez
Subject:	RE: City of Fresno Development Code Update
Date:	Friday, May 15, 2015 3:27:48 PM
Attachments:	image001.png

Rick,

Nice to hear from you. I am including Arnoldo Rodriguez in this e-mail as he is the Lead Planner in charge of the Development Code update. Please direct any questions to Arnoldo as they relate to the new Development Code process.

Brian T. Leong, CBO
Building Official/Building and Safety Services Manager
City of Fresno/Development and Resource Management Dept.
Building and Safety Services Division
(559) 621-8094 FAX (559) 498-4357
Brian.Leong@fresno.gov

From: Rick Whitaker [mailto:rwhitaker@benchmarkcommunities.com]
Sent: Friday, May 15, 2015 3:16 PM
To: Brian Leong
Cc: Rick Whitaker
Subject: FW: City of Fresno Development Code Update
Importance: High

Hi Brian,

I hope all is well with you. I have a few questions about the new Fresno Development Code that I hope you can help with.

We have a new development in Fresno that I hope to start March of 2016. We're completing our concepts right now and I want to make sure I understand the deadline of when the new Development Code starts.
I'm reading that I'll need to submit building plans before August 2015 to avoid the constrictions of the new Development Code. Is this correct? Also, are you requesting a full submittal set for plan check or is it just the floor plans and exterior elevations, and colors? Sorry for the questions but I didn't attend the meeting so it's a bit unclear.

Thanks for your help. Hope to speak with you soon.

Rick Whitaker
Regional Vice President of Construction
rwhitaker@benchmarkcommunities.com

O: 559.439.4464 ext: 463 | M: 559.260.2848 | F: 559.256.8651
7815 N. Palm Avenue, Suite 101 | Fresno CA 93711
www.BenchmarkCommunities.com

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From: Adrienne Burns
Sent: Friday, May 15, 2015 2:28 PM
To: Rick Whitaker
Subject: FW: City of Fresno Development Code Update
Importance: High

Adrienne Burns | Director of Product Development | **Benchmark Communities**
7815 N. Palm Avenue, Suite 101 | Fresno CA, 93711 | P 559.439.4464 ext. 451 | M 559.269.7996 | F 559.439.4477

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From: Adrienne Burns
Sent: Monday, May 04, 2015 4:02 PM
To: Dennis Gaab; Josh Pearson; Ashley Illc; Brandy Tschappler; James E. Jimison; Joel Abney; Rick Whitaker
Cc: Terry Secor
Subject: City of Fresno Development Code Update
Importance: High

I attended a preliminary meeting to discuss the new DRAFT Development Code for the City of Fresno. There are a number of items of concern. I have listed below only a handful that we discussed today. Dennis is aware of the entitlement elements that are a concern as well. The comment period is over on June 1, 2015, they are taking this to Planning Commission on July 15, 2015, and adopting it by August 2015.

Here is the link to the website that has the DRAFT Development Code:
http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/DevCodeUpdate.htm

Here are the items of concern:

- **Vesting Maps:** requiring preliminary architectural plans at that time
  - **Issue:** this comes way too early in the process which could cause additional consultant cost and may end up being revised anyway at the time of vertical development
- **Building Articulation:** requires no more than 8' of linear space on the front elevation of a house.
  - Issue: additional cost for additional architectural details and accents
- **Garage cannot exceed 50% of the front elevation.**
  - **MAJOR Issue:** this means that a higher density project, like Herwaldt, cannot have a two car garage since the width of the garage is more than 50% of the width of the house. This also causes an issue with three car garages on larger plans. A standard three car garage would require a house to be no less than 60' wide, and I believe they are counting the side walls of

the garage, not just the door width.

- **ALL garages must be a minimum of 5' back from the front of the porch.**
  - **Issue:** not only does this make design difficult, but it makes it monotonous. All plans begin to look similar.
- **Parking:** currently required to provide 1 covered parking space per 1 unit. New code requires 2 spaces per unit.
  - **Issue:** Even if you have a 1200sf home that only has two bedrooms you must provide a two car garage.
- **Lot Coverage:** They modified the 7000sf lot coverage from 45% to 40%
  - **Issue:** We may really have an issue with our 70x100 lots that we want to build single story plans with three car garages. I believe they are looking into bringing this back up to 45%, but this could be an issue even at 45%.
- **Cul-De-Sacs:** restricting the number of cul-de-sacs within a subdivision
  - **Issue:** Buyers tend to find cul-de-sac lots more valuable with the larger backyards and safer street frontage.

All that said to let you know that even with comments made we may have some significant changes that will adjust the maps, plans and product we are developing currently and in the future.

Adrienne Burns
Director of Product Development
aburns@benchmarkcommunities.com

O: 559.439.4464 ext: 451 | M: 559.269.7996 | F: 559.256.8654
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From:	Douglas Ediger
To:	Arnoldo Rodriguez
Cc:	rwhitaker@benchmarkcommunities.com; aburns@benchmarkcommunities.com
Subject:	Future projects and Planning Standards
Date:	Monday, May 18, 2015 8:43:18 AM

Good morning Arnoldo,

Following is an email I received through attachments from Rick Whitaker. It is regarding a tract I believe the developer he works for has purchased and wishes to amend. I couldn't answer his concerns in that I haven't studied the draft Development Standards myself yet.

If you could, when you have the time, respond to the CC'ed individuals regarding their concerns it would be greatly appreciated. I looks as though the dates in their time line, and the enactment of the revised Growth Plan are of concern.

Thanks in advance,

Doug Ediger
Plans Examiner II/Building & Safety Division
Development and Resource Management Department
City of Fresno
2600 Fresno St 3rd floor
Fresno, Ca. 93721-3604
Ph (559) 621-8095

Following forwarded:

"I attended a preliminary meeting to discuss the new DRAFT Development Code for the City of Fresno. There are a number of items of concern. I have listed below only a handful that we discussed today. Dennis is aware of the entitlement elements that are a concern as well. The comment period is over on June 1, 2015, they are taking this to Planning Commission on July 15, 2015, and adopting it by August 2015.

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All that said to let you know that even with comments made we may have some significant changes that will adjust the maps, plans and product we are developing currently and in the future."

From: srwillia@comcast.net
To: Codecomments
Subject: Development Code Update
Date: Wednesday, May 27, 2015 5:29:34 AM

Some of the uses that will be allowed either by right or conditionally permitted in the mixed use land applications are:

- Bars and Nightclubs
- Liquor Stores
- Tattoo Parlors
- Funeral Parlors (embalming allowed?)-currently allowed downtown only?

Are these uses permitted in C-1 under the current zoning ordinance?

Under the proposals, auto orientated uses are not permitted in the NMX or CMX districts, however auto sales and services will be allowed with a CUP in the CMX district. This seems contrary to the intent not to allow auto uses.

Will drive through restaurants be allowed in either the NMX or CMX districts?

Will the current Residential Professional Land use be an option in the new code?

Have the permitted heights in the mixed use districts been raised from the current ordinance? Was any thought given to restricting the heights for a greater distance when proximate to residential depending on the size of the mixed use parcel?

Do any of the districts have enhanced landscaping criteria? What will happen to the Boulevard Overlay District in the RCP requiring a minimum 20 foot landscaped setback along Kings Canyon Road east of Chestnut, or the 15 foot requirement along arterial and collector streets south of Belmont and east of Chestnut? Currently Minnewawa south of Kings Canyon has a 50 foot setback requirement to Fancher Creek and a 20 foot setback south to Jensen and north to Belmont.

Thank you for your assistance,

Sue Williams

Sunnsyside Property Owners Association
P.O. Box 8096-Fresno, CA 93747-8096

May 29, 2015

City of Fresno, DARM Department
Re: Development Code Update
2600 Fresno Street
Fresno, CA 93721

ATT: Jennifer Clark

The Board of Directors, of the Sunnyside Property Owners Association, (SPOA) appreciates the opportunity to comment on the draft Development Code Update.

We are pleased that a good portion of the document contains provisions that protect single-family residential. This is especially important because many of the mixed-use districts will include new by-right and conditionally approved uses that will be co-mingled with new residential in areas that are often adjacent to existing single-family districts.

The stepped down heights, buffer landscaping, and increased setback requirements in the Residential Single-Family District (RS) Transition Standards will mitigate some of the impacts of new commercial and multi-family uses. The façade development standards should address the design elements absent in many of the existing structures throughout the City, especially in neighborhoods south of Herndon Avenue. The additional standards for Specific Uses and Activities in Article 23 will alleviate many of the problems associated with some of the proposed uses.

The provisions for tree protection and the new Heritage Tree designation, detailed in Article 19, will provide important safeguards and clear provisions for tree removal and replacement. Because additional protections and preservation of the aesthetic qualities of Scenic Corridors have not been specifically addressed, we would request that additional landscape setbacks be required for new development adjacent to designated Scenic Corridors.

The General Plan Update laid the groundwork for many new land changes that have the potential to impact existing neighborhoods. While we appreciate the additional mitigation and required standards for specific uses, we respectfully offer the following suggestions to further protect neighborhoods:

- Because auto orientated uses will not be allowed in the Corridor Center Mixed Use District (CMX), we would ask that Automobile/Vehicle Sales and Leasing be removed from Table 15-802:Use Regulations; Mixed Use Districts for the CMX District. These uses are not allowed in either the Commercial Main Street or Community Commercial Districts and are not an appropriate use within mixed-use environs, in a district that specifically prohibits auto orientated uses.
- The proposed uses in mixed-use districts should be neighborhood friendly and promote stability, particularly in struggling areas. Any proposed uses that could add to crime, increase blight or would be more appropriate in entirely commercial applications, should not be allowed. We would ask that the following uses in Table 15-802 be prohibited in the Neighborhood Mixed Use (NMX) and CMX Districts:
    1. Bars/Nightclubs/Lounges
    2. Tattoo or Body Modification Parlors
    3. Funeral Parlor and Internment Services
    4. Liquor Stores

- Should the adopted Development Code permit Bars/Nightclubs/Lounges in the CMX district, we would request any outdoor facilities, to include parking, related to the associated business be located at least 100 feet from residential and monitored by either cameras or on- site security as a condition of approval. We would also suggest that conditions of approval be amended to include: a neighborhood meeting and approval by the Planning Commission regardless of the proximity to residential. (15-2351-F, Special Standards) It would be appropriate to provide the necessary methodology for public redress of the CUP, should subsequent problems occur. (This could be added to the Scope of Approval for all CUP's in Article 43 15-4010, D.)
- Because the NMX and CMX districts include a mix of commercial and living areas, we would suggest that Drive-In and Drive- Through facilities included in Table 15-802; Use Regulations-Mixed-Use Districts, be prohibited; or alternately, limited in number, dependent on the size of the parcel. These provisions to be added to Article 23:15-2328.
- The majority, if not, all of the Corridor Center Mixed Use land applications will be adjacent to existing single-family residential districts and are located in areas that have seen decline, as growth continues north. It is critical that new development provide stability, through compatible uses, scale and architectural details. Even though the stepped down approach to heights provides some level of mitigation, the proposed height of sixty feet is totally out of proportion and inappropriate when located adjacent to single family. We would suggest that the allowed height on parcels less than 10 acres in size be limited to 40 feet and adjusted upwards to 50 feet for larger parcels.
- Because neighborhoods have been unduly burdened by activities incidental to California Redemption Value (CRV) Recycling Centers, we applaud the new parameters promoting architectural compatibility and the prohibition of grocery carts on the premises and within 25 feet of the area used to accept recyclable materials. (15-2350-19 Other Requirements). We would suggest, that rather than grandfathering in legally non-conforming uses, that operations prohibited in the new general plan be given a time certain to relocate their facilities to allowed districts.

Finally we would request that elements of the Roosevelt Community Plan as they relate to enhanced landscape setbacks on arterials and collectors, south of Belmont and east of Chestnut and along Minnewawa Avenue, a Scenic Corridor, be retained; and support the continuity of the various Implementation Committees throughout the City, as they play a vital public role in the planning process.

Thank you for allowing us the opportunity to provide comment. We agree that underserved areas deserve special attention and appreciate staff's effort to mitigate impacts related to disparate land uses. We would hope that our suggestions are given full consideration, and if incorporated, provide additional guidance in the Development Code to, "promote the stability of existing land uses that conform to the General Plan, protect and enhance real property values, enhance the appearance of the City, and foster a harmonious and workable relationship among land uses."

Thank you for your consideration,

Sue Williams

Corresponding Secretary
Sunnyside Property Owners Association

CC: Councilmember Sal Quintero

Alicen.Wong@GreshamSavage.com · San Bernardino Office
(909) 890-4499 · fax (909) 890-9877

July 28, 2015

VIA FACSIMILE /E-MAIL and US MAIL

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Re: Request to Expand Proposed Development Code Regulations for Electric Fences

Dear Mayor Swearengin, City Council Members, City Manager and Ms. Clark:

I represent Electric Guard Dog, the manufacturer of the Electric Guard Dog Fence, a battery-powered security-fence currently permitted (the "Fence") in the City pursuant to Policy C-004. As you know, the City is proposing a Citywide Development Code Amendment that would (among other things) codify the Fence regulations in the Policy, which permit the Fence in industrial zones M-1, M-2, and M-3 only.

Demand among business owners in the City is growing. Recently several businesses located in commercial zones have asked to use the Fence, but my client is unable to act on these requests because the City does not permit the Fence in commercial zones (not even in the manufacturing commercial "CM" zone).

To allow my client to serve these businesses in Fresno, please consider the following proposed changes to the draft Development Code Amendment:

(i) Permit the Fence in all non-residential zones (not just in M-1, M-2, and M-3),

(ii) Allow the Fence to operate adjacent to residentially zoned properties and residences,

(iii) Do not require the removal of nonconforming fencing in connection with the installation of the Fence, and

(iv) Permit a 10' Fence inside non-electrified perimeter fencing because an 8' Electrified Fence does not provide adequate security.

I have revised the City's draft regulations to reflect these changes, and am attaching a redline for your review.

My client and I would like to meet with you to discuss these proposed changes. Please let me know when you are available.

Very truly yours,

Alicen Clark Wong, for
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

ACW:jmk
Enclosures
cc: Client

15-1610 Electric Fences

Electric fences shall comply with the following regulations.

A. **Permitted Locations.**

~~May be permitted on developed parcels.~~

1. In all non-residential zones.

~~May be permitted in Industrial Districts that do not share a common property line with a Residential District or use, not including Caretaker's Units.~~

2 Electric fences shall not encroach into the public right-of-way.

B. **Compliance with State and Federal Regulations.**

1. Electrified fencing shall comply with the California Food and Agricultural Code Chapter 8 Sections 17150 *et. eq.* and the California Building Code, as amended from time to time.

2. Only allowed to be installed with a construction permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.

3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations

C. **Electricity.**

1. Shall conform to California Food and Agricultural Code Chapter 8 (Sections 17150 through 17153) and shall only be ~~a low voltage system~~ powered by a either commercial storage battery not to exceed 12 volts of direct current (DC) or other approved 12 volt DC or lower voltage power source.

2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.

3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

D. **Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six feet in height. Should a nonelectrical fence not exist, one shall be installed prior to the electric fence being operational.

E. **Setbacks.** ~~Fencing~~ Non-electrical fencing behind which electric fence is installed shall comply with setbacks of the underlying zone district unless non-electrical fence is nonconforming.

F. **Height.** Shall have a maximum height of ~~eight~~ ten feet regardless of location on the property. ~~No more than eight strands of electric wire shall be permitted.~~

~~Existing Nonconforming Fencing. Should nonconforming fencing exist on the site, it shall be removed prior to the electric fence being operational.~~

G. **Warning Signs.** Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 60 ft.

H. **Permit.** Property owner(s) shall apply for a permit with the City prior to installation.

I. **City Indemnification.** Prior to the installation of electric fencing, the owner shall obtain a permit and execute a covenant, with any required subordinations prepared by the City, to defend, hold harmless, and indemnify the City against all claims related to the fencing.

Exhibit J:
Resolution Authorizing City Clerk Corrections

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO AUTHORIZE THE CITY CLERK AND CITY ATTORNEY TO UPDATE CROSS REFERENCES IN THE FRESNO MUNICIPAL CODE FOLLOWING THE ADOPTION OF CHAPTER 15: CITYWIDE DEVELOPMENT CODE

WHEREAS, the City of Fresno (City) has prepared a comprehensive update to sections of the Fresno Municipal Code relating to land use and development which resulted in the preparation of Fresno Municipal Code Chapter 15: Citywide Development Code ("Development Code") and which was brought forward as Text Amendment TA-15-001; and

WHEREAS, on September ____, 2015, the Planning Commission of the City of Fresno considered TA-15-001 and the related environmental assessment and recommended approval of the same to the Council of the City of Fresno; and

WHEREAS, on October ____, 2015, the Council of the City of Fresno heard staff presentations and public comment regarding the Development Code and the related environmental assessment; and

WHEREAS, on November ____, 2015, the Council of the City of Fresno approved TA-15-001, including the adoption of the Development Code; and

WHEREAS, adoption of the Development Code resulted in the repeal, replacement, or amendment of large portions of the Fresno Municipal Code; and

WHEREAS, cross references to the amended or repealed sections of the code are no longer accurate; and

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

WHEREAS, in order to maintain the function and clarity of the Fresno Municipal Code, cross references need to be updated to reflect the changes resulting from adoption of the Development Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Attorney is directed to identify references in the Fresno Municipal Code that are incorrect as a result of Council's adoption of the Development Code, and to provide a list of corrected references to the City Clerk.

2. The City Clerk is authorized to update the text of the Fresno Municipal Code to the extent necessary to incorporate the corrected references.

* * * * * * * * * * * * * * *

Exhibit K:
Resolution Authorizing DARM Director to Update the Citywide Development Code

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO AUTHORIZE THE DIRECTOR OF THE DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT TO UPDATE THE TEXT, TABLES, AND EXHIBITS CONTAINED IN THE CITYWIDE DEVELOPMENT CODE TO REFLECT THE FINAL ACTION TAKEN BY COUNCIL TO THE EXTENT SUCH UPDATES ARE NECESSARY TO MAINTAIN CONSISTENCY

WHEREAS, the City of Fresno (City) has prepared a comprehensive update to sections of the Fresno Municipal Code relating to land use and development which resulted in the preparation of Fresno Municipal Code Chapter 15: Citywide Development Code ("Development Code") and which was brought forward as Text Amendment TA-15-001; and

WHEREAS, on September ____, 2015, the Planning Commission of the City of Fresno considered TA-15-001 and the related environmental assessment and recommended approval of the same to the Council of the City of Fresno; and

WHEREAS, on October ____, 2015, the Council of the City of Fresno heard staff presentations and public comment regarding the Development Code and the related environmental assessment; and

WHEREAS, on November ____, 2015, the Council of the City of Fresno approved TA-15-001, including the adoption of the Development Code; and

WHEREAS, changes to the text of the Development Code as a result of Council action must be included in the text of the Development Code in order to ensure clarity.

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Director of the Development and Resource Management Department ("Director"), or her designee, is hereby authorized to update the text, tables, and exhibits contained in the Development Code in order to reflect Council action.

2. The Director is further authorized to update the text, tables, and exhibits contained in the Development Code in order to correct typographical or clerical errors that are identified after adoption.

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By:_____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:_____
Talia Kolluri-Barbick [Date]
Senior Deputy City Attorney

TKB:jd[69133jd/tkb] Rev. 09-25-15

DRAFT