

Fresno's rules for development get nuts-and-bolts overhaul

By John Ellis
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In December 2014, Fresno's new general plan was adopted. Think of it as a shiny vehicle purchased by the city.

Now comes the development code. Think of it as the owner's manual.

This nuts-and-bolts plan of how Fresno will grow, look and feel – a document that hasn't seen a wholesale update in 51 years – goes before the City Council on Thursday.

One of the key efforts of Mayor Ashley Swearingin's time in office, the complex plan goes deep into the weeds to implement the general plan's vision. Currently at 598 pages, it has specific rules on not just what building can go where, but what kind of businesses can go in those buildings, how many parking spaces they need and how they can operate. It lays out how new investment can occur and how to protect existing city investments.

There are rules on parks and sidewalks and homes. It will determine where fast-food restaurants can go and where liquor stores can be located. There are requirements for industrial and commercially zoned developments. It gives details to the broad strokes of Swearingin's ambitious plan to remake Blackstone and Shaw avenues and Kings Canyon Road into multi-use corridors that will mix commercial and residential.

"We are essentially rezoning the entire city, so we better get it right," Fresno City Council Member Lee Brand says.

Whether that happens remains to be seen.

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Fresno Mayor Ashley Swearingin

Jennifer Clark, director of the city's Development and Resource Management Department, says there are many developers and investors waiting for the document to be approved so they can move forward with projects. What this document will do, she says, is give them certainty and a concrete set of rules and regulations.

Swearingin says it's exciting to be part of a history-making document.

"Our current development code hasn't been comprehensively updated in over 50 years," she says. "This project is so enormous, no one thought we could get it done. But our team has spent literally thousands of hours with residents, stakeholders and investors to make sure the new code protects property values, promotes investment throughout the city, and implements our new general plan."

A flawed document

As the council prepares to weigh in on final approval, however, concerns remain among the various companies, groups and organizations that have lobbied for or against certain parts of the document. Work on the new plan started in 2009, but even now, some say it remains flawed.

"We still have issues," says Michael Prandini, president of the Building Industry Association of Fresno and Madera Counties. "We have a couple of real serious issues."

One, for instance, is a requirement of two trees per residential lot. Prandini wonders whether mandating trees is the right approach as the state suffers through a drought. One of those trees also must be deciduous.

Another is a requirement that there must be access to a major street every 600 feet.

With both the trees and access, Prandini says the problem is a lack of flexibility. Some home buyers don't want any trees.

At one time, Granville Homes had a list of 44 items of concern in the new development code. That was eventually whittled to 24. Now, as a final vote looms, the company's list of concerns is at 13.

For instance, the plan as currently written requires that half of a new park's perimeter must border on a street. The city's idea is to reduce vandalism by making a park more visible, which isn't the case when it is tucked between homes. Granville, however, wants it to be 25 percent. Darius Assemi, Granville's president, says the new rule will require parks to be placed in developments with streets on three sides. That, he says, makes them unsafe for children because of the higher likelihood that an errant baseball or soccer ball will go into the street and be chased by a kid.

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Michael Prandini, president of the Building Industry Association of Fresno and Madera Counties

Another concern is cul-de-sacs. At one point, the plan was eliminate them, Assemi says. Now, the latest version of the development code limits them to 30 percent of a subdivision. Cul-de-sacs are popular with home buyers – the first lots to sell, Prandini says – and Assemi wonders what such regulations will do to the market in Fresno.

“We like progress and positive change, but we're concerned that in this 500-plus-page document, there's going to be many surprises,” Assemi says. “Many contractors and business owners will find out about this code for the first time when they go to get a permit.”

At the other side of the political spectrum is the Leadership Counsel for Justice & Accountability, which has its own set of concerns.

Addressing poverty pockets

The organization wants to break up Fresno's entrenched pockets of extreme poverty. It also worries that liquor stores are too concentrated in poor parts of town. So the good news in the new document, says Ashley Werner, an attorney at the Leadership Counsel, is requirements that 15 to 20 percent of land in what is known as a “concept plan area” – which is a 160-acre block of land that developers must plan, even if they are only building on a fraction of it – be set aside for multifamily housing. That could be low-density apartments, duplexes or four-plexes. And there's also some “good-sounding language” that should make it harder to locate liquor stores in high-crime areas.

Unfortunately, Werner says, there are loopholes in both that make it uncertain that either would actually happen.

“They're just all over the place,” she says of the loopholes. “My guess is they will grow bigger.”

Werner also says noticing requirements aren't strong enough – or in some cases will become nonexistent in the new plan. Homeowners are notified of a proposal if they are 300 feet from an affected property. It's not far enough in parts of Fresno where homes sit near industrial plants, Werner says.

She adds that no notice or even a conditional use permit will be required for some projects as Fresno looks to become more business friendly.

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Ashley Werner, an attorney at Leadership Counsel for Justice and Accountability

Werner specifically points to heavy industrial zones. Proposals such as warehouses, freight and truck terminals, stockyards or agriculture processing in heavy industrial zones would not need to give notice to residents or seek a use permit from the city. Some existing south Fresno residential neighborhoods are adjacent to heavy industrial zones, Werner says, and it is unfair to not notify residents about a major change nearby. Such a change could increase truck traffic around their homes or have some other adverse effect that they should be able to raise concerns about should they choose.

Related to that, she says the new plan has been moving too fast and includes changes to the document that are made public when there is little time for anyone to absorb or vet the plan.

“We feel like it’s been rushed through,” she says. “Not once have (city officials) gone out to the community and asked residents what they’ve thought about this.”

Still, Werner says it isn’t all bad.

There is a chance these new code requirements could shift land-use patterns. The ideal, she says, is to have a “balanced environment” that can break up Fresno’s entrenched poverty pockets. Historically, Fresno’s multifamily and low-income housing has been concentrated in the south part of the city. At the same time, she says, efforts at gentrification – for instance, encouraging the city’s fledgling tech sector – need to proceed carefully. Even a small uptick in land prices can result in modest rent increases that could hurt the poor.

“It is time to bring it into the modern era,” she says. “The code has some good things. It is a change.”

Prandini, of the Building Industry Association, says the existing document, amended over the decades, has worked pretty well.

Now, with the new general plan in place with its focus on infill and multi-use development, Prandini wonders whether a major change is in the works.

Through the first 10 months of this year, Prandini says, builders have sold more houses and more home building permits have been issued in Clovis than in Fresno. It’s never happened before, he says. It may be an aberration, Prandini says, or it could be a sign of things to come in which local home builders take their business elsewhere – not just to Clovis but Sanger, southern Madera County and beyond.

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If you go

What: Public hearing on Fresno’s new development code

When: 5:30 p.m., Thursday

Where: Fresno City Hall, 2600 Fresno St., Fresno