

Fresno City Council approves development code

By John Ellis
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The Fresno City Council on Thursday night approved an updated set of rules and regulations that will guide how the city will grow, look and feel over the coming years, if not decades.

After nearly four hours of 11th-hour amendments, the council voted 5-1 to approve the revised development code. Council Member Steve Brandau voted no. Council Member Sal Quintero was absent.

The complex and voluminous document is a nuts-and-bolts plan that will guide development in the city. It hasn't had a wholesale update since 1964 – 51 years ago. Mayor Ashley Swearengin has made the update a key part of her time in office.

“This has been a five-year effort,” Swearengin said from the dais. She called Thursday a “historic night.”

The updated document implements the city's already-updated general plan. Swearengin said the newly minted development code will “make the vision of the general plan come alive.”

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Council Member Lee Brand

It has specific rules on not just what can go where in the city, but also how a business or residential subdivision will look. For instance, how many parking spaces a specific business needs, how many signs can be erected and how they can look.

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. It gives details to the broad strokes of Swearengin's ambitious plan to remake Blackstone and Shaw avenues and Kings Canyon Road into multi-use corridors that will mix commercial and residential.

Council Member Esmeralda Soria said the new document will help business, but more than that, it also “sets the foundation to improve the quality of life for the residents.”

If the update is done right, Fresno will thrive, Council Member Lee Brand added. If not, it could hold the city back. He concluded that it will raise the city's building standards, but said that ultimately it is the private sector that must make the city go within the parameter's set by the updated development code.

“It's not perfect,” Brand said, “but I think it's a huge step forward.”

Indeed, while the document has broad support, interests on all sides of the debate found things not to like in the final product.

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Council Member Steve Brandau

“We're going to have to continue to work together to address the remaining issues,” said Ashley Werner, an attorney at the Leadership Counsel for Justice & Accountability.

For instance, she said that noticing requirements still aren't strong enough in parts of Fresno where homes sit near industrial areas where certain businesses are being encouraged to locate. On the other hand, Werner liked that notifying residents of proposed new developments in other areas is expanding from 300 feet to 1,000 feet.

Granville Homes President Darius Assemi was generally pleased with the final product, with most of his concerns addressed. But he noted that his company's focus was primarily on single-family homes, and there could be trouble lurking in other parts of the document.

Brandau, the lone no vote, didn't totally hate the document, but found too much in it he didn't like, including a little too much central planning.

"It has a little bit less of the free market than I'm comfortable with," he said.

Even after five years of work, council members on Thursday took up several amendments.

Possibly the most controversial among them was one by Brandau that deals with inclusionary zoning, which is a planning practice that requires certain percentages of low- and moderate-income housing in residential developments as a way to break up concentrated poverty pockets. Fresno's general plan and development code do not include inclusionary zoning, but Brandau appeared to be making a pre-emptive strike. The city can't put any in place unless there is a general plan update.

The proposal passed 4-2, which disappointed advocates for the poor.

Other changes suggested Thursday night:

- A proposal by Council Member Clint Olivier to allow electric fencing in more areas of the city (though not residential zones). It passed.
- An Olivier proposal to undo a proposal in the updated code that would prohibit gas stations on Blackstone and Shaw avenues and Kings Canyon Road – the proposed multi-use corridors – within 500 feet of a bus rapid transit station. Olivier said the language wasn't needed. "We may even be at the saturation point in terms of service stations," he said. The motion passed.
- City Attorney Doug Sloan proposed putting the city's ordinance covering medical marijuana dispensaries into the development code. The ordinance has been on the books for eight years and expressly prohibits dispensaries. Sloan said adding the language to the development code would make the ordinance stronger and better able to withstand legal challenges. The motion failed on a 3-3 vote.

Things that are found not to be working in the future will be fixed, Council President Oliver Baines said.

"I view this as a foundation for how we are going to develop in this city," he said. "The foundation is important."

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