

**TO:** Fresno County Airport Land Use Commission

**FROM:** Sophia Pagoulatos, Planning Manager, Planning and Development Department

**DATE:** July 18, 2022

**RE: Text Amendment:** The City of Fresno (Applicant) is proposing Text Amendment P-22-02413 which would: (1) remove the maximum density for mixed-use zone districts; (2) modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties along arterials with Bus Rapid Transit (BRT) stops will have mandated commercial uses; and (3) revise Fresno Municipal Code (FMC) Section 15-4907 to allow ministerial approval of multi-family residential uses in mixed-use districts within the City's Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan). The proposed text amendment will not revise other property development standards contained in the FMC. In other words, all height, parking, landscaping, fencing and setback requirements will remain unchanged.

**Applicant:** City of Fresno

**Attachments:**

- Project Description-pg 3 of pdf
- General Plan Text Amendment-pg 12 of pdf
- Development Code Text Amendment – pg 17 of pdf
- Environmental Assessment linked here: <https://www.fresno.gov/darm/wp-content/uploads/sites/10/2022/07/MitigatedNegativeDeclarationPublicReviewdraft.pdf>

**Request:** Provide Consistency finding at August 1, 2022 ALUC meeting

**City Analysis of Consistency:**

Fresno Municipal Code Section 15-104-B-4 establishes the Priority of Plans within the City of Fresno planning framework. Specifically, it states:

***Priority of Plans.***

a. *In the event of a conflict between this Code and any operative plan, or between two operative plans, the conflict shall be resolved in the following order:*

(a) *Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5*

(b) *Adopted Design Guidelines*

- (c) Development Code*
- (d) General Plan*
- (e) Specific Plan*
- (f) Concept Plan*
- (g) Community Plan*
- (h) Neighborhood Plan*

It should be noted that the City of Fresno Development Code Section 15-104-B-4 establishes the Fresno County Airport Land Use Compatibility Plan requirements as primary, superseding the Development Code and General Plan provisions, respectively.

Although there are some mixed-use zones within traffic pattern zones, the Fresno Development Code is written so that the ALUCP of record always supersedes the City's Development Code (zoning) and General Plan, therefore the City recommends a consistency finding.

# 1 PROJECT DESCRIPTION

## 1.1 Project Title

Mixed Use Zoning Density Increase Text Amendment and related General Plan Text Amendment (P22-02413).

## 1.2 Lead Agency Name and Address

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

## 1.3 Contact Person and Phone Number

### Lead Agency

City of Fresno  
Planning and Development Department  
Attn: Sophia Pagoulatos  
Planning Manager  
(559) 621-8062

### Applicant

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

## 1.4 Study Prepared By

Precision Civil Engineering  
1234 O Street  
Fresno, CA 93721

## 1.5 Project Location

Parcels within the jurisdiction of the City of Fresno contained within the five (5) zone districts that allow mixed-use development – Neighborhood Mixed-Use (NMX), Corridor/Center Mixed-Use (CMX), Regional Mixed-Use (RMX), Commercial-Main Street (CMS), and Commercial Regional (CR). **Figure 2-2** shows the Project sites' location.

## 1.6 Latitude and Longitude

The centroid of the Project area is 36.76673162122419, -119.76698105478725.

## 1.7 General Plan Designations

The Project Area includes five (5) land use designations within the city of Fresno that allow mixed-use development. These land use designations include Neighborhood Mixed Use, Corridor/Center Mixed Use, and Regional Mixed Use, Commercial - Main Street, and Commercial – Regional. As defined in the General Plan PEIR, mixed-use land designations are “based on commercial uses and require a residential component”, and different categories are defined as follows:

### *Neighborhood Mixed Use*

Neighborhood Mixed Use designation provides local commercial development, expecting neighborhood retail on the ground floor and housing or offices on the upper level. Design and development standards limit automobile-oriented uses. Residential densities range between 12 and 16 units per acre with a minimum 50 percent residential uses. The maximum floor area ratio (FAR) is 1.5.

### *Corridor/Center Mixed Use*

The Corridor/Center Mixed Use designation allows higher density than the Neighborhood Mixed Use designation located in key transportation corridors in the City. Primary uses of Corridor/Center Mixed Use accommodates retail on the ground floor and residential or offices. Supporting uses are personal and business services and public and institutional space. Residential densities range between 16 and 30 units per acre with a minimum 40 percent residential uses. The maximum FAR is 1.5.

### *Regional Mixed Use*

Regional Mixed Use encourages the development of urban-scale buildings and retail establishments that serve a larger region. Medium-scale retail, housing, office, civic and entertainment, and shopping malls, and “big-box” retail, are allowed. Supporting uses, including gas stations, hotels, and residential, are also allowed. Residential densities range between 30 and 45 units per acre with a minimum 30 percent residential uses. The maximum FAR is 2.0

### *Commercial - Main Street*

Commercial – Main Street land uses allow a wide range of retail and service establishments to serve local and regional needs. Commercial – Main Street encourages a traditional urban character with active storefronts, outdoorseating, pedestrian-oriented design, and aims to preserve a small-scale, fine-grain character. This designation promotes primarily one to two story retail uses, with moderate office and minimal multi-family as supportive uses. The maximum FAR is 1.0.

*Commercial - Regional*

Commercial – Regional is intended for the development of large-scale retail, office, civic, and entertainment uses, as well as supporting uses such as gas stations and hotels. Compared to Commercial – Main Street, structures are larger. However, design of these developments is pedestrian-oriented within the centers. The maximum FAR is 1.0.

**1.8 Zoning**

The Project site includes five (5) zone districts within the city of Fresno that allow mixed-use development. These districts are the Neighborhood Mixed-Use (NMX), Corridor/Center Mixed-Use (CMX), Regional Mixed-Use (RMX), Commercial Main Street (CMS), and Commercial Regional (CR) zone districts. **Figure 2-3** shows the zoning of the subject site.

**1.9 Description of Project**

The City of Fresno (Applicant) proposes a Text Amendment and General Plan Amendment P22-02413) to increase the zoning density for the five (5) zone districts within the city of Fresno that allow mixed-use development (Project) in order to facilitate economically feasible and high-quality development called for in the Fresno General Plan along transit corridors, and to address the need for housing. Such zone districts include the Neighborhood Mixed-Use (NMX), Corridor/Center Mixed-Use (CMX), Regional Mixed-Use (RMX), Commercial-Main Street (CMS), and Commercial Regional (CR) zone districts and planned land use designations, herein referenced as “mixed-use parcels” or “mixed-use districts.”

*Text Amendment*

In particular, the proposed Project would: (1) remove the maximum density for mixed-use districts; (2) modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties along arterials with Bus Rapid Transit (BRT) stops will have mandated commercial uses; and (3) revise Fresno Municipal Code (FMC) Section 15-4907 to allow ministerial approval of multi-family residential uses in mixed-use districts within the City’s Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan). The proposed text amendment will not revise other property development standards contained in the FMC. In other words, all height, parking, landscaping, fencing and setback requirements will remain unchanged.

*General Plan Amendment*

The Project would remove the maximum residential density of the mixed-use districts in the General Plan, as listed in the following:

<b>Regional</b>		<b>1.0</b>
<b>Mixed-Use</b>		
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
<b>Downtown</b>		

*Ministerial Approval of Future Projects*

As mentioned above, the proposed text amendment will revise Fresno Municipal Code (FMC) Section 15-4907 to allow ministerial approval of multi-family residential uses in mixed-use districts within the City’s Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan) through the Zone Clearance process, with no additional environmental review required. Although no additional environmental review will be required, several standards, conditions and thresholds have been established under this environmental review that will be required of future ministerial projects. The City of Fresno, including the Department of Public Utilities and the Public Works Department, will have the ability to regulate future projects that have the potential to negatively impact circulation, water supply and sewer capacity, based on thresholds set by this document.

*Environmental Analysis Assumptions*

For the purpose of the environmental analysis, the consultant will analyze impacts from reasonably foreseeable development that would result from this text amendment. In order to do this, the consultant analyzed 10 parcels (2 within each district) and applied the applicable development standards of the corresponding zone district, with the exception of density, to create conceptual site plans. Based on this analysis, it was determined that the following densities are the actual maximums that would be possible based on the limitations of property development standards:

- CR: 80 dwelling units per acre
- CMS: 48 dwelling units per acre
- NMX: 64 dwelling units per acre
- CMX: 75 dwelling units per acre

- RMX: 90 dwelling units per acre

Based on a Buildable Lands Inventory prepared by the consultant (see [Appendix A](#)), there are approximately 791 acres of mixed-use zoned property that has the potential to be developed in the next few decades. These 791 acres consist of land that is considered vacant and underutilized and includes parcels that have an existing land use of ‘vacant’, ‘parking’, or ‘open space/ag’ per City of Fresno Existing Land layer, and sites with parking lots over five (5)-acres along the City’s two (2) identified BRT corridors. Based on this acreage and the maximum densities identified above, the total maximum buildout of residential units that could result from this text amendment would be 60,880 units, as compared to the current 20,434-unit capacity on those sites (see [Table 2-1](#)). This quantity of dwelling units is unlikely to be constructed within the General Plan horizon of 2035, however a maximum buildout approach is taken to provide CEQA streamlining for housing and mixed-use projects anywhere within the corridors.

It should be noted that studies<sup>1</sup> have found that the upzoning of property to allow for additional residential units has not historically been found to increase overall housing units or population. Thus, although the above numbers were utilized to assume potential growth within the mixed-use areas, it should be noted that the project will not result in overall population growth but will instead result in the redistribution of housing units to more infill areas by allowing increases in density and a streamlined approval process in these areas.

Table 2-1 Summary of Density Increases

Zone Districts	Acres	Allowed Density		Maximum Possible Density	
		DU/AC	Units	DU/AC	Units
CMS	10	16	165	48	495
CMX	320	30	9,590	75	23,975
CR	248	16	3,966	80	19,830
NMX	99	16	1,577	64	6,308
RMX	114	45	5,136	90	10,272
<b>TOTAL</b>	<b>791</b>	-	<b>20,434</b>	-	<b>60,880</b>

*Note: The numbers are rounded to the nearest whole number.*

In order to analyze physical development more accurately, the “Reasonable Dwelling Unit per Acre (du/ac) and Floor Area Ratio (FAR) by Land Use” calculation sheet previously utilized by the City for anticipating build-out of the General Plan was used to estimate the expected development in the Project area. This calculation sheet extracts a density between the minimum and maximum allowed in the density range (du/ac or FAR) that projects a reasonable intensity of future development. For instance, the NMX zone allows 12 to 16 du/ac and the calculation sheet utilizes 14 du/ac to calculate future development in the General Plan, EIR, and updated PEIR, which totals to 12,734 units at buildout in the mixed-use districts. Using the same percentage of max density

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<sup>1</sup> Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction, Yonah Freemark

development, the Project estimates a total of 34,496 units at buildout in the mixed-use districts. Tiering off of the General Plan PEIR, only the difference between the baseline (current allowed, 12,734 units) and proposed Project (34,496 units) is analyzed, which is 21,762 units. Thus, quantitative analysis in the initial study utilizes the additional 21,762 units developed by 2056 as its primary assumption of the proposed text amendment.

Table 2-2 Reasonable Density

Zone Districts	General Plan Buildout Calculation				Project Buildout Calculation			
	Allowed du/ac	Reasonable du/ac	% *	Units	Max Possible Density	% *	Reasonable du/ac	Units
CMS	16	8	0.50	80	48	0.50	24	240
CMX	30	20	0.67	6,400	75	0.67	50	16,000
CR	16	4	0.25	992	80	0.25	20	4,960
NMX	16	14	0.88	1,386	64	0.88	56	5,544
RMX	45	34	0.76	3,876	90	0.76	68	7,752
<b>TOTAL</b>	-	-	-	<b>12,734</b>	-	-	-	<b>34,496</b>

\* The percentage is calculated by dividing the reasonable density by the allowed density. This percentage is used to calculate the reasonable density for the Project Buildout Calculation.  $\text{reasonable buildout density} = \text{maximum allowed density} * \%$

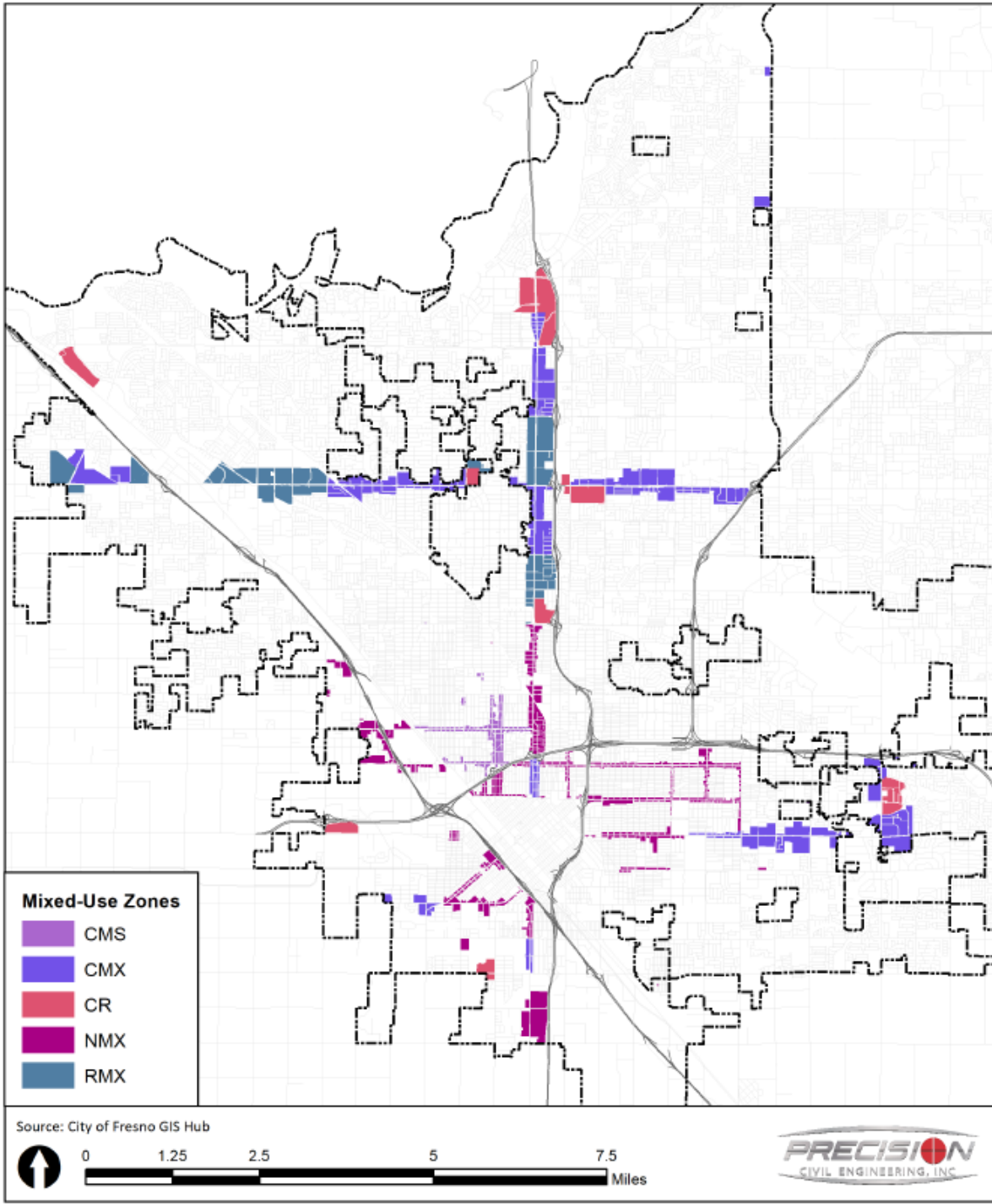
**Attachments:**

1. Project Area/Location
2. Zoning Map
3. Priority Areas for Development Incentives Map



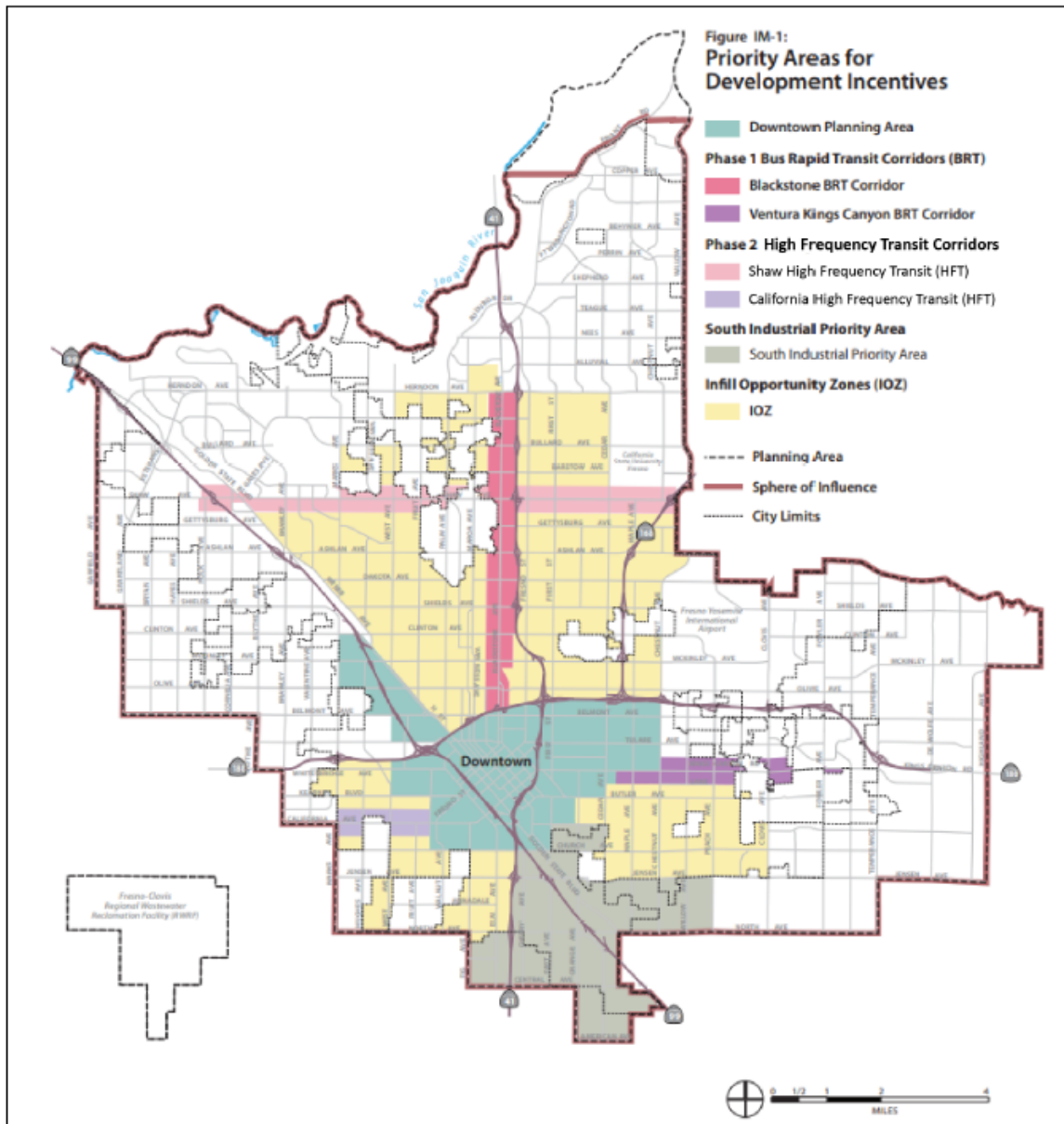


Figure 2-2 Project Regional Location



CITY OF FRESNO - MIXED USE ZONING DENSITY INCREASE TEXT AMENDMENT  
INITIAL STUDY

Figure 2-3 Zoning Map



**Figure 2-1 City of Fresno Infill Areas**  
*Source: Fresno General Plan (2014)*

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

Land Use	Minimum to Maximum Residential Density (du/net acre) <sup>1,2,3</sup>	Maximum Floor Area Ratio
Buffer	Max = 0.05 (1 unit per 20 net acres)	-
<b>Residential</b>		
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	-
<b>Commercial</b>		
Main Street		1.0
Community		1.0
Recreation		0.5
General		2.0
Highway & Auto		0.75
Regional		1.0
<b>Mixed-Use</b>		
Neighborhood Mixed-Use	Min = 12 units per acre Max = <del>16 units per acre</del> No Limit	1.5
Corridor/Center Mixed-Use	Min = 16 units per acre Max = <del>30 units per acre</del>	1.5
Regional Mixed-Use	Min = 30 units per acre Max = <del>45 units per acre</del>	2.0
<b>Downtown</b>		
Downtown Neighborhood	Min = No limit Max = No limit	No limit
Downtown General	Min = No limit Max = No limit	No limit
Downtown Core	Min = No limit Max = No limit	No limit
<b>Employment</b>		
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).



*An example of Fresno's established residential neighborhoods, with wide streets, sidewalks, and large trees.*

### HIGH DENSITY

High Density residential is intended to accommodate attached homes, two- to four-plexes, and apartment buildings, and it will be supported by walkable access to frequent transit, retail and services, and community facilities such as parks and schools. High Density allows for 30 to 45 units per acre.

### Commercial

Commercial land use designations allow a wide range of retail and service establishments intended to serve local and regional needs.

### MAIN STREET

Main Street Commercial encourages a traditional Main Street character with active storefronts, outdoor seating and pedestrian-oriented design. This designation promotes primarily one to two story retail uses. It also preserves small-scale, fine-grain character in neighborhoods where single-family residential and townhomes are predominant. The maximum FAR is 1.0.

### COMMUNITY

Community Commercial is intended for commercial development that primarily serves local needs such as convenience shopping and small offices. Many of the city's current commercial districts fall into this designation. Specific uses allowed include medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores and supporting uses. The maximum FAR is 1.0.

### RECREATION

The Recreation designation is intended for areas of private commercial recreation uses, such as bowling alleys and golf driving ranges. The maximum FAR is 0.5.

### GENERAL

The General Commercial designation is intended for a range of retail and service uses that are not appropriate in other areas because of higher volumes of vehicle traffic and potential adverse impacts on other uses. Development such as strip malls fall into this designation. 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 maximum FAR is 2.0.

### HIGHWAY & AUTO

The Highway & Auto designation is intended for limited areas near State Route 99 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. The maximum FAR is 0.75.

### REGIONAL

The Regional Commercial designation is intended to meet local and regional retail demand, such as large-scale retail, office, civic and entertainment uses; shopping malls, with large format or "big-box" retail allowed; and supporting uses such as gas stations, and hotels. Buildings typically have relatively large footprints. Development and design standards will create a pedestrian orientation within centers and along major corridors. The maximum FAR is 1.0.

## Employment

### OFFICE

The Office designation is intended for administrative, financial, business, professional, medical, and public offices. This designation is mainly intended to apply to existing office uses on smaller lots, generally located on arterial roadways. This designation is also considered compatible with existing residential neighborhoods given the smaller

## Mixed-Use<sup>5</sup>

Mixed-use designations are based on commercial uses and also require a residential or upper-floor office component.

### NEIGHBORHOOD MIXED-USE

This designation allows a minimum of 50 percent residential uses and provides for mixed-use districts of local-serving, pedestrian-oriented commercial development, such as convenience shopping and professional offices in two- to three-story buildings. Development is expected to include ground-floor neighborhood retail uses and upper-level housing or offices, with a mix of small lot single family houses, townhomes, and multi-family dwelling units on side streets, in a horizontal or vertical mixed-use orientation. The built form will have a scale and character that is consistent with pedestrian-orientation, to attract and promote a walk-in clientele, with small lots and frequent roadway and pedestrian connections permitting convenient access from residences to commercial space. Automobile-oriented uses are not permitted. ~~Residential densities range between 12 and 16 units per acre and the maximum FAR is 1.5.~~

### CORRIDOR/CENTER MIXED-USE

The Corridor/Center Mixed-Use designation is higher intensity than Neighborhood Mixed-Use, and is intended to allow for horizontal and vertical mixed-use development in multiple story buildings along key circulation corridors where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with personal and business services and public and institutional space as supportive uses. Development will facilitate the transformation of existing transportation corridors into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent neighborhoods. This designation will largely apply along major roadways, at targeted locations between regional Activity Centers. ~~Residential densities range between 16 and 30 units per acre with~~ A minimum ~~[of]~~ 40 percent residential uses ~~[is required]~~, and the maximum FAR is 1.5.

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<sup>5</sup> The General Plan is long-term in nature, and recognizes the importance of providing for an orderly evolution of existing, legal non-conforming uses during the planning period in a manner that acknowledges their current economic contributions while providing for a transition into conforming uses consistent with applicable land use designations.

## REGIONAL MIXED-USE

The Regional Mixed-Use land use designation is intended to accommodate mixed-use development in urban-scale buildings and retail establishments that serve residents and businesses of the region at large. Medium-scale retail, residential, office, civic and entertainment uses, and shopping malls (with large format or “big-box” retail) are allowed, as are supporting uses such as gas stations and hotels in mixed-use or single use buildings. Design standards will support a pedestrian orientation within centers and along major corridors, with parking on the side or rear in general, but automobile-oriented uses also will be accommodated on identified streets and frontages. ~~Residential densities range between 30 and 45 units per acre with A minimum~~ [of] 30 percent residential uses [is required], and the maximum FAR is 2.0.

## Open Space

The Open Space designations (Parks and Recreational Facilities; Other Public Open Space) apply to open space areas that are not parks or trails, such as riparian corridors, the clear zone around Fresno-Yosemite International Airport, and the San Joaquin River bottom, which is primarily designated as open space even though it includes a limited number of existing homes.

## Public Facilities

This designation applies to public facilities, such as City Hall, county buildings, schools, colleges, the municipal airports, and hospitals. It also includes public facilities, such as fire and police stations, City-operated recycling centers, sewage treatment plants, neighborhood, community and regional parks, recreational centers, and golf courses. Finally, it applies to multi-purpose trails that serve both regional and neighborhood needs.

## Buffer

This designation is intended to separate urban uses from long-term agricultural uses in order to preserve long-term viable agricultural areas and intensive farming operations adjoining but outside the Planning Area. The Buffer designation will serve to prevent urban residential and related uses from developing near agricultural operations and infringing on full operation of important farmland. A variety of uses are compatible with the purpose of the Buffer, which will be defined in detail in the Development Code. General categories include environmental habitats; water conveyance, retention and recharge; preservation and preparation of gravel resources for beneficial uses related to permanent water resource facilities; limited agriculture and necessary supportive uses, such as agricultural processing, excluding animal processing or uses that have the potential to create nuisances; and residential uses with 20 acres of land required per residence.



BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING CHAPTER 15 TABLE 15-1102, TABLE 15-1103, SECTION 15-1104-A., TABLE 15-1202, TABLE 15-1203-1, TABLE 15-4907, AND SECTION 15-5102 OF THE FRESNO MUNICIPAL CODE AND ADDING CHAPTER 15 SECTION 15-1106 TO THE FRESNO MUNICIPAL CODE.

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

SECTION 1. Table 15-1102 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS</b>				
Use Classifications	NMX	CMX	RMX	Additional Regulations
<b>Residential Use Classifications</b>				
<b>Residential Housing Types</b>				
Single-Unit Dwelling, Attached	P(1)	P(1)	P(1)	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(1)	P(1)	P(1)	
<b>Adult Family Day Care</b>				
Small (6 clients or less)	P(1)	P(1)	-	
Large (7 to 12 clients)	P(1)	-	-	
Caretaker Residence	P(1)	P(1)	P(1)	
<b>Domestic Violence Shelter</b>				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Elderly and Long-Term Care	P(1)	P(1)	P(1)	
<b>Family Day Care</b>				
Small (8 or fewer children)	P(1)	P(1)	P(1)	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(1)	P(1)	P(1)	
<b>Group Residential</b>				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Lodging-to-Dwelling Conversion	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
<b>Residential Care Facilities</b>				
Residential Care, Limited	P(1)	P(1)	P(1)	
Residential Care, Senior	P(1)	P(1)	P(1)	
Single Room Occupancy	C	C	C	
<b>Public and Semi-Public Use Classifications</b>				

Colleges and Trade Schools, Public or Private	C	C	C (3)	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P	P	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	C	C	C	
Cultural Institutions	P	P	P	
Day Care Centers	P	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	P(1)	P(1)	P(1)	
Hospitals and Clinics				
Hospital	-	C(11)	C(11)	
Clinic	P	P	P	
Substance Abuse Treatment Clinic	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	-	C(6)	C(6)	
Public Safety Facilities	C	C	C	
Schools, Public or Private	P	P	P	
Social Service Facilities	P(1)	P(1)	P(1)	
<b>Commercial Use Classifications</b>				
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P	
Veterinary Services	-	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
Automobile/Vehicle Sales and Leasing	C(18)	C(13)	C(13)	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile Rentals	C(12)(19)	C(12)	C(12)	
Automobile/Vehicle Repair, Major	C(12)(19)	C(12)	C(12)	
Automobile/Vehicle Service and Repair, Minor	C(12)(19)	C(12)	C(12)	
Automobile Washing	C(12)(19)	C(12)	C(12)	
Service Station	C	C	C	§ 15-2755, Service Stations
Banks and Financial Institutions				
Banks and Credit Unions	P	P	P	
Check Cashing Businesses and Payday Lenders	-	-	-	§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§ 15-2712, Banquet Hall

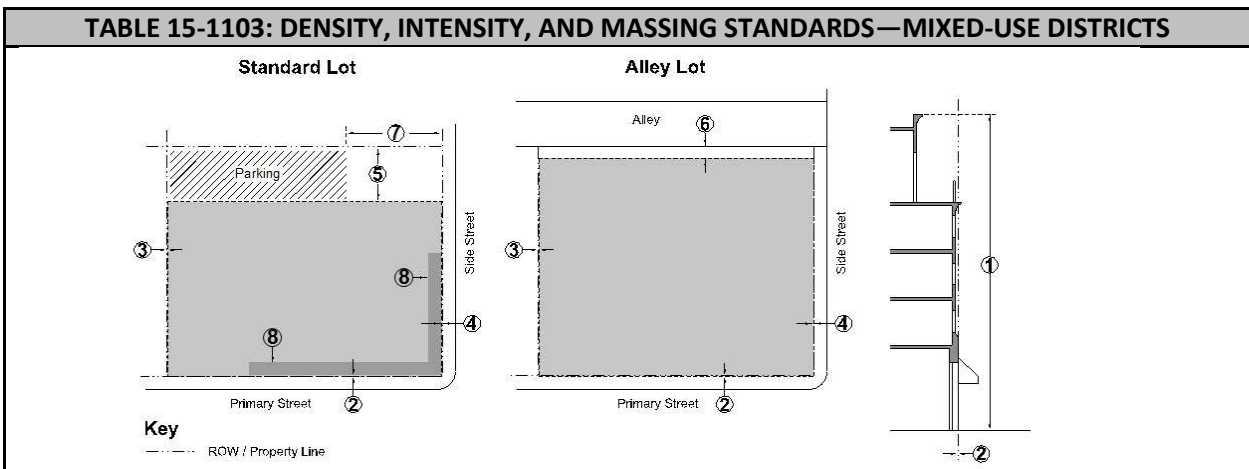
Business Services	P	P	P	
Eating and Drinking Establishments				
Bars/Nightclubs/Lounges	C	C	C	§ 15-2743, Outdoor Cooking for Commercial Purposes; § 15-2744, Outdoor Dining and Patio Areas; § 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
Restaurant with Alcohol Sales	C	C	C	
Restaurant without Alcohol Sales	P	P	P	
Entertainment and Recreation				
Cinema/Theaters	P	P	P	
Cyber/Internet Cafe	C	C	C	§ 15-2724, Cyber/Internet Cafes
Small-Scale	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales				
Farmer's Markets	P	P	P	§ 15-2730, Farmer's Markets
General Market	P	P	P	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	
Liquor Stores	C(12)	C(12)	C(12)	§ 15-2707, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	P(1)	P(1)	P(1)	
Funeral Parlors and Internment Services	P(1)	P(1)	P(1)	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P	P	P	
Lodging				
Bed and Breakfast	P	P	P	
Hotels and Motels	P(8)	P(8)	P	
Maintenance and Repair Services	P	P	P	
Offices				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Walk-in Clientele	P	P	P	
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5)(12)	P(12)	P(12)	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	-	-	C	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	§ 15-2745, Outdoor Retail Sales; § 15-2761 Tobacco and Vapor Shops

General Retail	P	P	P	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	P	P	P	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P	P	§ 15-2745, Outdoor Retail Sales
Second Hand/Thrift Stores	P	P	P	
Swap Meet/Flea Market	C	C	C	§ 15-2730, Flea Markets
<b>Industrial Use Classifications</b>				
Custom Manufacturing	P(12)(19)	P(12)	P(12)	
Limited Industrial	C(13)(18)(19)	C(13)	C(13)	
Recycling Facility				
Reverse Vending Machine	P	P	P	§ 15-2750, Recycling Facilities
Warehousing, Storage, and Distribution				
Personal Storage	C	C	C	§ 15-2747, Personal (Mini) Storage
<b>Transportation, Communication, and Utilities Use Classifications</b>				
Airports and Heliports	-	-	C(10)	
Communication Facilities				
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities			
Transportation Passenger Terminals	-	-	C	
Utilities, Minor	P	P	P	
<b>Agricultural and Extractive Use Classifications</b>				
Produce Stand	P	P	P	§ 15-2752, Roadside Fruit Stands/Grower Stands
Tasting Room	C	C	C	
Urban Farm	P	-	-	§ 15-2719, Community Gardens/Urban Farms
<b>Other Applicable Types</b>				
Accessory Uses and Structures	§ 15-2703, Accessory Uses			
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping			
Home Occupations	§ 15-2735, Home Occupations			
Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§ 15-2760, Temporary Uses			
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing			
<b>Specific Limitations:</b>				
1. [Not allowed on the ground floor within 200 feet of an intersection (measured from the lot line) of two or more major streets with the exception of main building entrances and active community spaces. Other high-activity uses may be approved at the discretion of the Review Authority. Projects				

with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority.] ~~Not allowed on the ground floor of portions of the site which abut a major street, but allowed in the interior of all sites. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority.~~

2. Reserved.
3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.
4. Must be located along a major street.
5. Limited to establishments with a gross floor area of 5,000 square feet or less.
6. Shall be below grade or in structures faced with active uses along the street.
7. Provided that such use shall be completely enclosed in a building of soundproof construction.
8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.
9. Reserved.
10. Limited to heliports used as accessory to a hospital.
11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.
12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop.
13. Must take place entirely within a building.
14. Must include an indoor waiting area.
15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.
16. Reserved.
17. Reserved.
18. Permitted only after review and approval of a Conditional Use permit, and only in the following areas: a) NMX-zoned parcels which are located south of State Route 180 and east of State Route 41 and which are not within 500 feet of a Bus Rapid Transit route; or b) NMX-zoned parcels which are located north of State Route 180 and west of the Union Pacific Railroad.
19. Prohibited in the following areas: Parcels which are located south of State Route 180 and west of the Union Pacific Railroad.

SECTION 2. Table 15-1103 of the Fresno Municipal Code is amended to read:



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/ <del>16</del>	16/ <del>30</del>	30/ <del>45</del>	§ 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	①
Setbacks (ft.)					
Front (min./max.)	-/10	-/10	-/10	§ 15-313, Determining Setbacks and Yards	②
Interior Side (min.)	-	-	-	§ 15-1104-B, RS Transition Standards	③
Street Side (min.)	-	-	-	§ 15-1104-D, Parking Setback	④
Rear (min.)	-	-	-	§ 15-2305, Areas to be Landscaped	⑤
Alley (min.)	3	3	3		⑥
Parking, from back of sidewalk or curb (min.)	30	30	30		⑦
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	

SECTION 3. Section 15-1104-A. of the Fresno Municipal Code is added to read:

SEC. 15-1104. – SITE DESIGN DEVELOPMENT STANDARDS.

A. **Active Uses Adjacent to Sidewalks.** For buildings located within 20 feet of a public street, the following standards shall apply:

1. **Within [1]200 [f]Feet [in each direction] of an Existing or Planned Bus Rapid Transit Station.** No less than 60 percent of the building frontage along public streets shall be occupied by food and beverage sales, entertainment and recreation, general personal services, artist's studios, eating and drinking establishments, personal services, general retail, or convenience retail uses. Other high-activity uses which typically operate at night and on weekends may be approved at the discretion of the Review Authority.
2. **Other Locations.** Active spaces, such as [individual] dwelling unit [entrances], cinemas/theaters, eating and drinking establishments, offices, personal services, general retail, or residential or office lobbies, ~~or~~ shall occupy no less than 60 percent of building frontage along public streets.

Inactive and utilitarian spaces, such as storage, utility rooms, or facilities which are occupied infrequently shall not occupy more than 50 percent of the building frontage along public streets. Sites with frontage on multiple streets may not be required to meet this standard along the street with the lowest functional classification or least visual prominence, at the discretion of the Review Authority.

SECTION 4. Section 15-1106 of the Fresno Municipal Code is added to read:

[SEC. 15-1106. – ADDITIONAL STANDARDS.

- A. Projects shall incorporate all relevant mitigation measures required pursuant to applicable environmental assessments prepared pursuant to CEQA that encompass the project area. "Applicable Environmental Assessments" shall include, but may not be limited to the following:
  - 1. An EIR prepared for the General Plan in effect at the time of project approval;
  - 2. A Program or Project EIR prepared for either a Community Plan or Specific Plan that includes the project area, in effect at the time of project approval.
  - 3. An Environmental Assessment reviewing the removal of density limits in Mixed-Use areas.
- B. The proposed design shall not lead to an overburdening of existing or planned infrastructure capacities, including, but not limited to, capacities for water, runoff, storm water, wastewater, and solid waste systems. The determination of whether or not the proposed design can be accommodated within existing infrastructure shall be made by the Review Authority in consultation with the Directors of Public Works and Public Utilities.
- C. The project shall comply with the following standards to ensure it can be adequately served by City Public Utility Services:
  - 1. Pipelines that are downstream (between the project site and wastewater treatment plant or lift station) from the proposed project shall maintain a sewer flow capacity of 1.15 q/Q ratio. Projects that result in a pipeline exceeding the flow capacity of 1.15q/Q shall construct upsized replacement pipelines for those found to be deficient per the requirements of the Department of Public Utilities Director.
  - 2. On-site retention or storm drainage system modifications are required for projects within Priority Development Areas that are: 1) proposed at a density exceeding the maximum density currently permitted in the mixed-use district (16 du/ac in CMS, CR, and NMX, 30 du/ac in CMX, and 45 du/ac in RMX) and 2) within areas where storm drain facilities are already constructed. Projects proposed outside the Priority Development Areas shall comply with General Plan PEIR mitigation measures related to stormwater.

3. The City shall evaluate additional landfill locations at the time discretionary projects are submitted, and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.
  4. For any project that results in the existing water system pipelines in the area of the project from not being able to meet maximum day demand plus the project required fire flow of 2500 gallons per minute (gpm), the project developer shall construct upsized replacement pipelines, per the requirements of the Department of Public Utilities Director, in the project vicinity to increase flow for the maximum day demand plus fire flow condition.
- D. The project shall comply with the following standards and all applicable Public Works standards:
1. To maintain a peak hour LOS standard of F or better for all intersections and roadway segments, a traffic impact study (TIS) is required for all development projected to generate 300 or more peak hour new vehicle trips within the Project Area, unless not required by the City Traffic Engineer. The following is also exempt :
    - i. Development within Infill Priority Areas within the Project Area proposing 80% residential development do not require a traffic impact study and will be considered ministerial.
  2. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, bicycle and pedestrian facilities such as signalized crossings, traffic signal upgrades, such as left-turn phasing, sidewalks or asphalt paths, and bicycle facilities may be required.
  3. When LOS reaches E or F on High Frequency Transit Corridors, development projects within the Corridors may be conditioned to provide transit street design treatments and operational strategies, or in-leiu fees, set forth by the City of Fresno, including intersection treatments, dedicated transit lanes, business access and transit (BAT) lanes, Transit Signal Priority (TSP), and/or others.
  4. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, the project may be required to construct improvements in accordance with the City of Fresno’s Complete Street Policy dated September 26, 2019 (as amended).]

SECTION 5. Table 15-1202 of the Fresno Municipal Code is amended to read:

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	CMS	CC	CR	CG	CH	CRC	Additional Regulations
<b>Residential Use Classifications</b>							



Residential Housing Types							
Single-Unit Dwelling, Attached	P(2) (16)	-	P(2) (16)	-	-	-	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(2) (16)	-	P(2) (16)	-	-	-	
Adult Family Day Care							
Small (6 clients or less)	P(1)	-	P(2)	-	-	-	
Caretaker Residence	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	
Elderly and Long-Term Care	-	-	P(2)	-	-	-	
Family Day Care							
Small (8 children or less)	P(2)	P(2)	P(2)	P(2)	-	-	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(2)	P(2)	P(2)	P(2)			
Group Residential							
Small (6 persons or less)	P(1)	-	P(2)	-	-	-	
Large (7 persons or more)	P(1)	-	P(2)	-	-	-	
Lodging-to-Dwelling Conversion	C	C	C	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
Re-Entry Facility	-	-	-	P	-	-	
Residential Care Facilities							
Residential Care, General	C(1)	-	-	-	-	-	
Residential Care, Limited	P(1)	-	P(2)	-	-	-	
Residential Care, Senior	C(1)	-	-	-	-	-	
Single Room Occupancy	-	-	-	P	-	-	§ 15-2757, Single Room Occupancy Hotels and Boarding Homes
<b>Public and Semi-Public Use Classifications</b>							
Colleges and Trade Schools, Public or Private	-	C(3)	P	P	-	-	

Community and Religious Assembly (less than 2,000 square feet)	P	P	P	P	-	-	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	-	C(4)	P	C	-	C	
Community Garden	P	P	P	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	-	C(4)	P	-	-	C	
Cultural Institutions	P(5)	C	C	-	-	C	
Day Care Centers	P	P	P	P	-	-	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	-	P	-	-	§ 15-2729, Emergency Shelters
Government Offices	P	P	P	-	-	-	
Hospitals and Clinics							
Hospital	-	C(13)	C(13)	C(13)	-	-	
Clinic	C(5)	P	P	P	-	-	
Substance Abuse Treatment Clinic	C(15)	C(15)	C(15)	C(15)	-	-	
Instructional Services	P	P	P	C	-	-	
Park and Recreation Facilities, Public	P	P	P	P	P	P	
Parking, Public or Private	-	C(6)	C(6)	-	-	-	
Public Safety Facilities	C	C	C	C	C	C	
Schools, Public or Private	C	C	C	C	-	-	
Social Service Facilities	C(1)	C	-	-	-	-	
<b>Commercial Use Classifications</b>							
Animal Care, Sales and Services							
Grooming and Pet Stores	P	P	P	P	-	-	
Veterinary Services	-	P	P	-	-	-	
Artist's Studio	P	P	P	-	-	-	
Automobile/Vehicle Sales and Services							
Automobile Rentals	-	-	C	C	P	-	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile/Vehicle Sales and Leasing	-	-	C	C	P	-	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing

Automobile/Vehicle Service and Repair, Minor	-	-	C	C	P	-	§ 15-2710, Automobile/Vehicle Service and Repair, Major and Minor
Large Vehicle and Equipment Sales, Service and Rental	-	-	-	C	P	-	§ 15-2710, Automobile and Motorcycle Retail Sales and Leasing
Service Station	-	C	P	C	P	-	§ 15-2755, Service Stations
Washing	-	-	C	C	P	-	§ 15-2711, Automobile/Vehicle Washing
Banks and Financial Institutions							
Banks and Credit Unions	P(5)	P	P	P	-	-	
Check Cashing Businesses and Payday Lenders	-	-	C(7)	C(7)	-	-	§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	-	C	-	§ 15-2712, Banquet Hall
Business Services	P(5)	P	P	P	-	-	
Eating and Drinking Establishments							
Bars/Nightclubs/Lounges	C	C	C	C	C	C(8)	§ 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; § 15-2744, Outdoor Dining and Patio Areas
Restaurant with Alcohol Sales	C	C	C	C	C	C	
Restaurant without Alcohol Sales	P	P	P	P	P	P	
Entertainment and Recreation							
Cinema/Theaters	C	C	P	P	-	P	
Cyber/Internet Café	C	C	C	C	-	-	§ 15-2724, Cyber/Internet Café
Motorcycle/Riding Club	-	-	-	-	P	-	§ 15-2742, Motorcycle/Riding Clubs

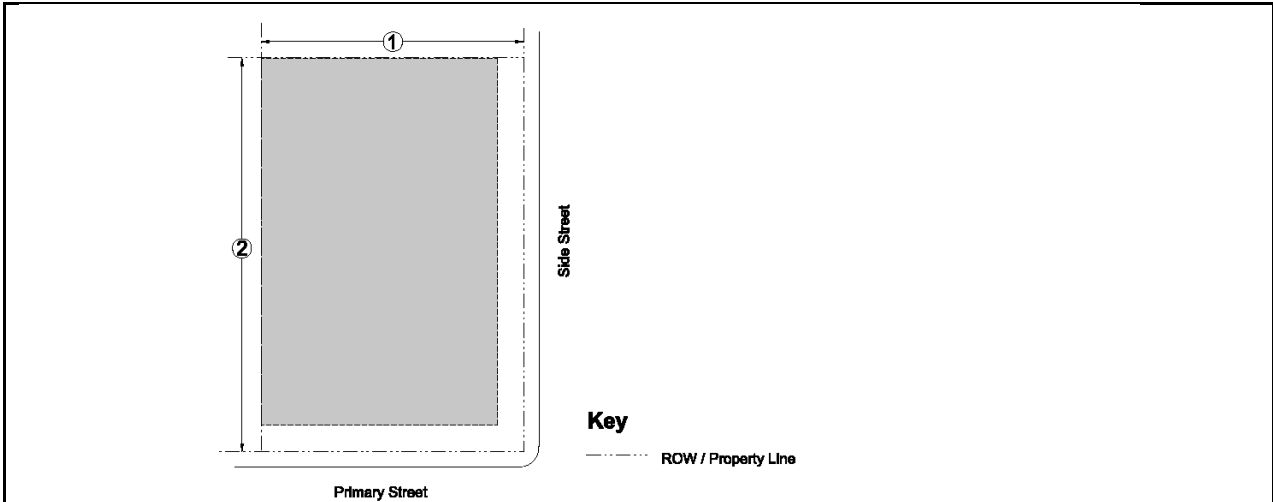
Shooting/Archery Range	-	-	-	-	-	P	§ 15-2756, Shooting Ranges/Archery Ranges
Large-Scale	-	C	C	C	C	C	
Small-Scale	P	P	P	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales							
Farmer's Markets	P	P	P	P	P	P	§ 15-2730, Farmer's Markets
General Market	P	P	P	P	P	-	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	P	P	-	
Liquor Stores	C	C	C	C	C	-	§ 15-2706, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	-	P	P	P	-	-	
Funeral Parlors and Internment Services	-	C	P	P	-	-	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	-	-	-	-	-	
Lodging							
Hotels and Motels	P(14)	P	P	-	P	-	
RV Park	-	-	-	-	-	-	
Maintenance and Repair Services	C(5)	P(9)	C	P	-	-	
Offices							
Business and Professional	P(9) (17)	P	P	P	-	-	
Medical and Dental	P(17)	P	P	P	-	-	
Walk-In Clientele	P(17)	P	P	P	-	-	
Personal Services							
General Personal Services	P	P	P	P	-	-	
Fortune Telling Service	-	-	-	P	-	-	
Massage Establishments	C	C	C	C	-	C	
Tattoo or Body Modification Parlor	P(9)	P(9)	P	P	-	-	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales							

Building Materials and Services	C(12)	C	P	P	-	-	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	P	P	C(10)	§ 15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P	P	P	P	-	C(10)	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Gun Shop	C	P	P	P	-	P	§ 15-2745, Outdoor Retail Sales
Large-Format Retail	-	C	P	P	-	-	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P(5)	P	P	P	-	-	§ 15-2745, Outdoor Retail Sales
Pawn Shops	-	-	-	P	-	-	
Second Hand/Thrift Stores	P(5)	P	P	P	-	-	
Swap Meet/Flea Market	-	-	-	C	-	C	§ 15-2730, Flea Markets
<b>Industrial Use Classifications</b>							
Construction and Material Yards	-	-	-	C	C	-	§ 15-2721, Concrete Batch Plants, Storage Yards, and Similar Uses
Custom Manufacturing	-	-	-	P(11)	-	-	
Recycling Facility							
Reverse Vending Machine	-	C	P	P	-	-	§ 15-2750, Recycling Facilities
CRV Recycling Center	§ 15-2750, Recycling Facilities						
Warehousing, Storage, and Distribution							
Personal Storage	C	C	C	C	C	C	§ 15-2747, Personal (Mini) Storage
<b>Transportation, Communication, and Utilities Use Classifications</b>							
Communication Facilities							
Antenna and Transmission Towers	§ 15-2759, Telecommunications and Wireless Facilities						
Facilities within Buildings	-	-	-	P	-	-	
Utilities, Minor	P	P	P	P	-	P	
<b>Agricultural and Extractive Use Classifications</b>							
Agricultural Support Services	-	-	-	P	-	-	

Produce Stand	-	-	-	P	-	-	§ 15-2752, Roadside Fruit Stands/Grow Stands
Tasting Room	C	C	C	C	-	C	
Urban Farm	-	-	-	P	-	-	§ 15-2720, Community Gardens/Urban Farms
<b>Other Applicable Types</b>							
Accessory Uses and Structures	§ 15-2703, Accessory Uses						
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping						
Home Occupations	§ 15-2735, Home Occupations						
Animal Keeping	§ 15-2707, Animal Keeping						
Drive-in and Drive-Through Facilities	-	C	C	C	C	C	§ 15-2728, Drive In and Drive Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities						
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots						
Temporary Use	§ 15-2760, Temporary Uses						
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing						
<b>Specific Limitations:</b>							
<ol style="list-style-type: none"> <li>1. Not allowed on the ground floor.</li> <li>2. Not allowed on the ground floor along arterials or collectors.</li> <li>3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.</li> <li>4. Must be located along an arterial or collector.</li> <li>5. Limited to establishments with a gross floor area of 5,000 square feet or less.</li> <li>6. Shall be below grade or in structures faced with active uses along the street.</li> <li>7. Limited to 2,500 square feet in size, located on a collector or higher classification street.</li> <li>8. Permitted only as an accessory use that supports commercial recreation.</li> <li>9. Limited to 1,500 square feet in size if on the ground floor.</li> <li>10. Limited to facilities associated with park and recreation facilities.</li> <li>11. Provided that such use shall be completely enclosed in a building of soundproof construction.</li> <li>12. Limited to establishments with a gross floor area of 10,000 square feet or less.</li> <li>13. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.</li> <li>14. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.</li> <li>15. Must include an indoor waiting area.</li> <li>16. [Housing projects shall meet the requirements of § 15-1104, § 15-1106, § 15-5102-E, and Table 15-1203-1.] <del>Residential Uses shall not exceed 16 du/ac.</del></li> <li>17. Not permitted along ground floor on Olive Avenue between Van Ness Avenue and Echo Avenue.</li> </ol>							

SECTION 6. Table 15-1203-1 of the Fresno Municipal Code is amended to read:

**TABLE 15-1203-1: LOT AND INTENSITY STANDARDS—COMMERCIAL DISTRICTS**



District	CMS	CC	CR	CG	CH	CRC	Additional Regulations	#
Minimum District Size (sq. ft., unless otherwise noted)	5,000	32,670	15 acres	12,000	15,000	4 acres		
Minimum Lot Size (sq. ft.)	-	32,670	10,000	12,000	15,000	15,000		
Minimum Lot Width (ft.)	-	75	100	75	100	100		①
Minimum Lot Depth (ft.)	-	100	100	125	125	150		②
Maximum Floor Area Ratio (FAR)	1.0	1.0	1.0	2.0	0.75	0.5	§ 15-309, Determining Floor Area Ratio	
[Residential Density, du/ac (min./max.)]	[No limit]	[-]	[No limit]	[-]	[-]	[-]	[§ 15-310, Determining Residential Density]	
[Minimum On-Site Open Space (% of Lot Area)]	[15]	[-]	[8]	[-]	[-]	[-]	[§ 15-1104-E, On-Site Open Space]	

SECTION 7. Table 15-4907 of the Fresno Municipal Code is amended to read:

TABLE 15-4907: PLANNING PERMITS AND ACTIONS		
Proposed Activity	Permit or Action Required	Type of Decision
Use-Only Proposals		
Establishment of a (P) Permitted use, not associated with development of property	Zone Clearance	Ministerial
Establishment of a (C) Conditional use	Conditional Use Permit	Discretionary Quasi-Judicial

Establishment of a Temporary use	Temporary Use Permit	Discretionary Quasi-Judicial
Establishment of use which is not listed in this Code	Director's Determination	Ministerial
<b>Development Proposals</b>		
Development of one single-family home, duplex, or qualifying [housing in] Downtown[, Mixed-Use, and Commercial Districts that] which complies with all provisions of this Code	Zone Clearance	Ministerial
Development of property to a greater extent than is covered by a Zone Clearance	Development Permit (Formerly Site Plan Review)	Discretionary Quasi-Judicial
Request for relief from property development standards due to unique conditions in conjunction w/a Development Permit	Variance	Discretionary Quasi-Judicial
Request for relief from property development standards of 10% or less in conjunction with a Development Permit	Minor Deviation	Discretionary Quasi-Judicial
Innovative development proposal which does not comply with the provisions of any zone district within this Code	Planned Development Permit	Discretionary Quasi-Judicial
<b>Other Proposals or Actions</b>		
Formal interpretation of this Code, verifications of prior permits, or confirmation of zoning district	Zoning Inquiry	Ministerial
Minor changes to approved plans, consistent with original findings and conditions	Minor Modification	Ministerial
Change to discretionary permit or change to approved plans that would affect findings or conditions	Major Modification	Discretionary Quasi-Judicial
Violation of conditions or terms of permit	Revocation of Permit	Discretionary Quasi-Judicial
Modifications of or exceptions from regulations to ensure equal access to housing for individuals with disabilities	Reasonable Accommodation for Housing	Discretionary Quasi-Judicial
Proposals to change a regulation within this Code	Development Code Text Amendment	Discretionary Legislative
Proposal for development which complies to regulations of an existing district, but not the one currently applied to the site	Rezone	Discretionary Legislative
Change of the General Plan land use designation for a site	Plan Amendment	Discretionary Legislative
Large, multi-phase project which needs certainty regarding regulations over time in exchange for public benefits	Development Agreement	Discretionary Legislative



SECTION 8. Section 15-5102 of the Fresno Municipal Code is amended to read:

- A. **Establishment of a Permitted Use.** A Zone Clearance is required to confirm that the establishment of a new use is permitted as a matter of right and that no Conditional Use Permit or other entitlements are required prior to securing a tax certificate and commencing operations.
- B. **Development of One Single-Family Home or One Duplex.** A Zone Clearance is required to confirm that the construction of one single-family house or one duplex is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a building permit. If a proposed development project does not meet the threshold for a Zone Clearance it shall be required to secure a Development Permit.
- C. **Signs.** Unless a Master Sign Program is required per Section 15-2612, a Zone Clearance is required to confirm that proposals for new signage are consistent with all applicable regulations of this Code.
- D. **Downtown Housing.**
  - 5. Downtown projects which meet all of the following criteria shall require a Zone Clearance to confirm that their construction is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:
    - a. Located within a DT District;
    - b. A minimum of 16 total dwelling units in the project;
    - c. A residential density of no less than 20 du/ac;
    - d. Residential uses must occupy 50% or more of the total floor area; and
    - e. No historic resources or potential historic resources are located on the site.
  - 2. Downtown projects which do not meet the threshold for a Zone Clearance shall be required to secure a Development Permit.
- E. **[Housing in Commercial and Mixed-Use Districts.**
  - 6. Housing projects which meet all of the following criteria shall require a Zone Clearance to confirm that their construction is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:
    - a. Located within a NMX, CMX, RMX, CMS, or CR District;
    - b. Located within the City's Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan);

- c. No historic resources or potential historic resources are located on the site.
- d. Can provide adequate City services to serve the site in accordance with all relevant standards required pursuant to applicable environmental assessments prepared pursuant to CEQA or standards listed below (from Section 15-1106 of this Code):
  - 1. Pipelines that are downstream (between the project site and wastewater treatment plant or lift station) from the proposed project shall maintain a sewer flow capacity of 1.15 q/Q ratio. Projects that result in a pipeline exceeding the flow capacity of 1.15q/Q shall construct upsized replacement pipelines for those found to be deficient per the requirements of the Department of Public Utilities Director.
  - 2. For projects within the Priority Development Areas that are: 1) proposed at a density exceeding the maximum density currently permitted in the mixed-use district (16 du/ac in CMS, CR, and NMX, 30 du/ac in the CMX, and 45 du/ac in the RMX) and 2) within areas where storm drain facilities are already constructed; on-site retention or storm drainage system modifications are required. Projects proposed outside this area shall comply with General Plan PEIR mitigation measures related to stormwater.
  - 3. The City shall evaluate additional landfill locations at the time discretionary projects are submitted, and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.
  - 4. Any project that results in the existing water system pipelines in the area of the project from not being able to meet maximum day demand plus the project required fire flow of 2500 gallons per minute (gpm), the project developer shall construct upsized replacement pipelines, per the requirements of the Department of Public Utilities Director, in the project vicinity to increase flow for the maximum day demand plus fire flow condition.
  - 5. To maintain a peak hour LOS standard of F or better for all intersections and roadway segments, a traffic impact study (TIS) is required for all development projected to generate 300 or more peak hour new vehicle trips within the Project Area, unless required by the City Traffic Engineer, except for the following:
    - a. Development within Infill Priority Areas within the Project Area proposing 80% residential development

do not require a traffic impact study and will be considered ministerial.

6. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, bicycle and pedestrian facilities such as signalized crossings, traffic signal upgrades, such as left-turn phasing, sidewalks or asphalt paths, and bicycle facilities may be required.
7. When LOS reaches E or F on High Frequency Transit Corridors, development projects within the Corridors may be conditioned to provide transit street design treatments and operational strategies, or in-leiu fees, set forth by the City of Fresno, including intersection treatments, dedicated transit lanes, business access and transit (BAT) lanes, Transit Signal Priority (TSP), and/or others.
8. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, project may be required to construct improvements in accordance with the City of Fresno's Complete Street Policy dated September 26, 2019 (as amended).]

~~F.~~ **[G] Streamlined Development.** Streamlined Development as defined in Section 65913.4 of the California Government Code.

~~G.~~ **[H] Other Activities.** A Zone Clearance shall be required for any other activity for which a Zone Clearance is specifically required elsewhere in this Code.

~~H.~~ **[I] Exceptions.**

- a. No Zone Clearance shall be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any Building Code or Development Code regulations.
- b. A change in building use that complies with this Code shall require a Building Permit if the use is in a different Building Code occupancy group class, such as conversion of a retail building to public assembly or residential use.

SECTION 9. 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, TODD STERMER, 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 \_\_\_\_\_ 2021.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2021  
Mayor Approval/No Return: \_\_\_\_\_, 2021  
Mayor Veto: \_\_\_\_\_, 2021  
Council Override Vote: \_\_\_\_\_, 2021

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Name Date  
Title