

TEXT AMENDMENT

P24-00794

MINISTERIAL APPROVAL FOR OFFICE TO DWELLING
CONVERSIONS IN THE OFFICE ZONE, HOUSING NEAR
BUS STOPS IN MULTI-FAMILY ZONES, INFILL
RESIDENTIAL DEVELOPMENT IN MIXED USE ZONES
AND NEW RESIDENTIAL IN OFFICE ZONES

PURPOSE

- **One Fresno Housing Strategy**
 - Presented by the Mayor in April 2022
 - Includes priority to pursue the conversion of office space to affordable housing
- **Prohousing Designation**
 - City received designation from California Department of Housing and Community Development (HCD) in November 2022
 - Includes commitment to update Code to permit additional residential uses in non-residential districts
- **City Council Resolution No. 2023-064**
 - In 2023, Council instructed staff to prepare this Text Amendment to address changing dynamics of office work and Citywide housing shortages
- **2023-2031 Housing Element**
 - Adopted by City Council and certified by HCD in 2025
 - Program 2 requires amending the zoning code to allow higher density housing in high and relatively high resource areas, including allowing residential development in the office zone district

TEXT AMENDMENT

- Amends Fresno Municipal Code (FMC) Sections 15-1302, 15-4907, 15-5102, 15-6702 and 15-6802
- Establishes FMC Section 15-2742.5
- Repeals FMC Section 15-1106
- Text Amendment proposes:
 - Ministerial approval of office to dwelling conversions in the Office zone district
 - Ministerial approval of multi-unit residential development in the RM-1, RM-2, and RM-3 zone districts on parcels within one-half mile of an existing bus stop
 - Ministerial approval of multi-unit residential uses in the NMX, CMX, CMS, RMX and CR zone districts on parcels within the City's Infill Priority Area
 - Ministerial approval of new standalone multi-unit residential development in the Office zone district

DISCRETIONARY VS. MINISTERIAL APPROVAL

- Discretionary Approval
 - Review Authority can apply a variety of conditions of approval to a project
 - These conditions do not have to be a requirement in the Development Code
 - Approvals can be appealed
- Ministerial Approval
 - Review Authority determines if the project complies with standards in the Development Code
 - To qualify for ministerial approval, the project must meet **all** of the standards in the Development Code. If it does not, ministerial approval cannot be granted
 - Ministerial approvals are issued as a Zone Clearance
 - Approvals can be appealed

SENSITIVE AREAS

- Text Amendment Application No. P24-00794 would prohibit ministerial approval in the following instances:
 - Important Farmland (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), as designated by the State Department of Conservation;
 - Williamson Act contract(s);
 - Special flood hazard area (A, AE, etc.) as designated by the Federal Emergency Management Agency;
 - Safety Zones 1 (RPZ), 2 (IADZ) or 3 (ITZ) within the Airport Influence Areas as designated by the Airport Land Use Commission of Fresno County;
 - Hazardous sites (e.g. Cortese List references);
 - The project would involve the modification or demolition of a designated Historic Resource.

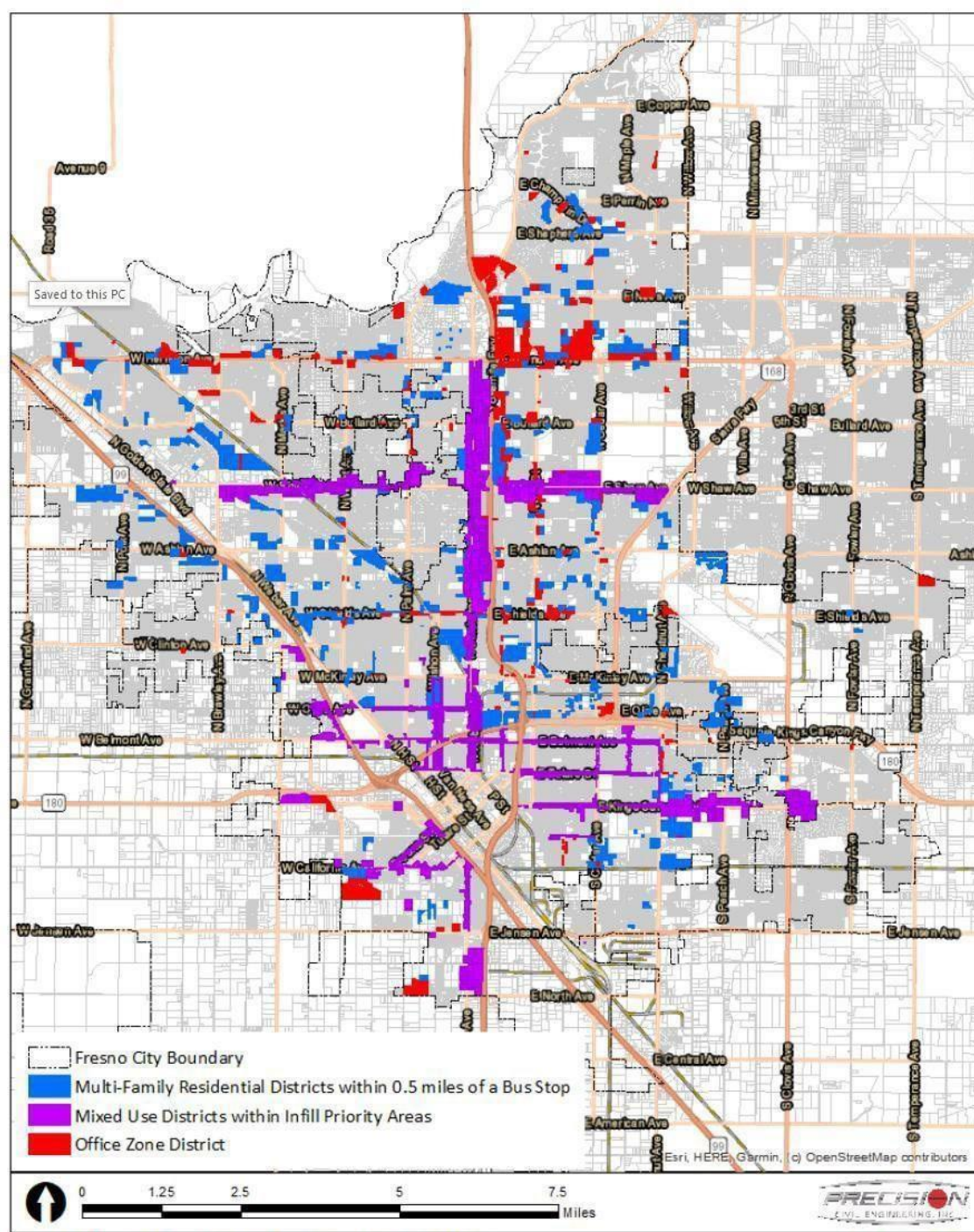
DEVELOPMENT OR IMPACT THRESHOLDS

- A project site that is determined to require additional review or improvements based on a technical study or analysis pursuant to any of the following must obtain a Development Permit:
 - Phase I and Phase II Environmental Site Assessment
 - If project is located on land where no urban development has ever occurred or on a site that could provide suitable habitat for special status species
 - Historic Resource evaluation
 - Changes on undisturbed land
 - SJVAPCD SPAL thresholds for low, mid and high-rise apartments
 - Construction adjacent to sensitive receptors
 - Peak hour trips for projects in traffic zones TIZ 1, TIZ 2, TIZ 3 and TIZ 4
 - CEQA Guidelines for VMT Thresholds

DEVELOPMENT OR IMPACT THRESHOLDS CONT.

- Project can be accommodated within existing infrastructure for Public Works and Public Utilities
- Noise study adjacent to sensitive receptors
- Compliance with Environmental Assessments and incorporation of associated Mitigation Measures
- Sewer flow capacity
- On-site retention or storm drainage system modifications
- Solid waste to landfill locations
- Water system demand
- Bicycle and pedestrian facilities
- Compliance with Complete Streets policy
- LOS of E or F on High Frequency transit corridors

MAP OF ELIGIBLE SITES



PROPOSED CHANGES

- The development of multi-family housing is already allowed in multi-family zones – this amendment would allow multi-family housing **ministerially** within ½ mile of a transit stop
- The development of multi-family housing is already allowed in mixed-use zones – this amendment would allow multi-family housing **ministerially** in mixed-use zones
- Residential used to be allowed in Office zones prior to the Development Code update in 2014 but currently isn't – this amendment would allow the conversion of office to multi-family residential and multi-family residential to be built in office zones whether vacant or developed site, and **ministerially**.

ENVIRONMENTAL ANALYSIS

- Mitigated Negative Declaration (MND) prepared to analyze potential environmental impacts
- 4,868 new dwelling unit capacity citywide
- Public Comment Period: November 20 – December 20, 2024

CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
FOR
DEVELOPMENT CODE TEXT AMENDMENT APPLICATION NO. P24-00794
(MINISTERIAL APPROVAL FOR OFFICE-TO-DWELLING CONVERSIONS IN THE OFFICE
ZONE, HOUSING NEAR BUS STOPS IN MULTI-FAMILY ZONES, INFILL RESIDENTIAL
DEVELOPMENT IN MIXED USE ZONES AND NEW RESIDENTIAL IN OFFICE ZONES)

STATE CLEARINGHOUSE NUMBER: 2024110662

City of Fresno
Planning and Development Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

Prepared by:
Precision Civil Engineering, Inc.
1234 O Street
Fresno, CA 93721

Attachments:

Notice of Intent to Adopt a Mitigated Negative Declaration
Appendix G/Initial Study for a Mitigated Negative Declaration
Project Specific Mitigation Monitoring Checklist

PUBLIC COMMENTS

- Concerns from residents living near Herndon and Prospect Avenues include:
 - School safety for Tatarian Elementary School
 - Inadequate parking for Orchid Park
 - Access concerns due to the roundabout on Prospect Avenue
 - Concerns about ingress and egress causing traffic to back up onto Herndon Avenue
 - Potential altered traffic patterns throughout the neighborhood
 - Noise and air pollution impacts
 - No on-street parking for vehicles that will be generated by new developments

PROJECT REVIEW COMMITTEES AND COMMISSIONS

District 1: August 8th, 2024. Due to the volume of agenda items, the Committee did not hear the item within the scheduled meeting time.

District 3: August 27th, 2024. The Committee provided questions pertaining to how conversions would be required to comply with the California Building Code, intent of the ministerial provision of the Text Amendment and open space concerns in new developments.

District 4: August 20th, 2024. The Committee did not provide additional comments.

District 5: August 28th and September 25th, 2024. The Committee not receive a formal presentation due to lack of quorum.

District 6: September 11th, 2024. The Committee provided questions on where multi-unit housing would be permitted and comments on the ministerial process.

Tower District Design Review Committee: August 6th, 2024. The Committee provided comments regarding concerns over the ministerial nature of the Text Amendment.

PLANNING COMMISSION

- Presented to the Planning Commission on March 5th, 2025
- Public Comments
 - Concern regarding ministerial provision
 - Traffic impacts to neighborhoods surrounding Herndon and Prospect Avenues
 - Environmental impacts from construction-related activities
 - Concern regarding ridership and usage at surrounding bus stops
- Commissioner Comments
 - Concern regarding ministerial provision of Text Amendment

PLANNING COMMISSION ACTION:

Recommend denial of Text Amendment Application No. P24-00794 and associated Mitigated Negative Declaration

COUNCIL AMENDMENTS

- *New residential development is prohibited on vacant or underutilized parcels located in the Office Zone District within 500 feet of a school*
- *Permit developments in conformance to RM-1, RM-2 in addition to RM-3 development standards on vacant parcels zoned office*
- *Limit height of new residential developments on office zoned parcels to 45 feet unless development is located within one-half mile of a Major Transit Stop as defined by Appendix M of the CEQA Guidelines*

RECOMMENDATION

- **ADOPTION** of Mitigated Negative Declaration Sch No. 2024110662 for Text Amendment Application No. P24-00794.
- **BILL** (for introduction), amending Sections 15-1302, 15-4907, 15-5102, 15-6702, 15-6802 of the Fresno Municipal Code, repealing Section 15-1106 of the Fresno Municipal Code, and establishing Section 15-2742.5 of the Fresno Municipal Code, to permit ministerial approval of housing projects in the following instances as noted below:
 - ▣ Ministerial approval of office to dwelling conversions in the Office zone district; and
 - ▣ Ministerial approval of multi-unit residential development in the RM-1, RM-2, and RM-3 zone districts on parcels within one-half mile of an existing bus stop; and
 - ▣ Ministerial approval of multi-unit residential uses in the NMX, CMX, RMX, CMS and CR zone districts on parcels within the City's Infill Priority Area; and
 - ▣ Ministerial approval of new multi-unit residential development in the Office zone district.

THANK YOU!

APPENDIX

Figure 1E-3.14: TCAC Opportunity Areas - Composite Score, Fresno, 2022

