

Regular Council Meeting

May 11, 2023

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

3-B (ID 23-745)

WORKSHOP - On Status of Negotiations Concerning Cleaner and Greener Neighborhood Industry Overlay District and Elm Avenue

Contents of Supplement: PowerPoint Presentation

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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CITY CLERK'S OFFICE
2023 MAY -9 A 7:05

RECEIVED

John P. Kinsey

Wanger Jones Helsley PC

Elm Avenue Workshop

Fresno City Council

May 8, 2023



Elm Avenue Properties

- Properties were redeveloped as part of the City's 1999 "Elm Avenue Corridor Blight Removal, Streetscape and Business Attraction."
- The City actively attracted the current landowners to re-develop the Elm Avenue Corridor between the early 2000s and 2016
- Tenants include: IFCO, Barney Butter, Lumio, Western Power Sports, and many others
- Over \$100 million investment in the City
- Rezoned to NMX in 2017



Local Issue / Regional Problem

- Landowner Impacts:
 - Diminishes the ability to attract reputable, responsible, and well-capitalized tenants
 - Undermines ability to sell; plummeting property value
 - Undermines ability to obtain financing
 - Non-use can result in loss of legal non-conforming status
- Regional Issues:
 - Undermines the City's ability to compete with other jurisdictions
 - Economic investment requires certainty and predictability
 - If it can happen to +\$100MM recent investment on Elm Avenue

Elm Avenue Properties

- 2018 – Landowners learned about rezoning
- Early 2020 – the City’s Environmental Consultants prepared an environmental document: no negative effects
- Between 2020 and 2022, the issue was the subject of numerous meetings:
 - Meetings formally soliciting neighborhood outreach
 - Informal meetings (including onsite meetings) with community members
 - District Project Review committee meetings
 - Planning Commission meetings
 - City Council meetings/workshops



City Council Direction on 10/13/22

- SDG and Mid-Valley were rezoned to IL on 10/13/2022
- With respect to the remaining ~60 acres:
 - Councilmember Arias started the discussion by directing staff to **return in 90-days** after seeking support from both the community and the landowners so the Council could consider a compromise draft overlay district.
 - Councilmember Bredefeld clarified that, “[i]f they don’t have agreement with it, the Council will make the determination of exactly what will be accomplished in that overlay”
 - Councilmember Arias then stated they were on the same page. He also directed staff to come forward with a draft that “addresses the issues discussed today.”

Events After 10/13/22

- Landowners immediately invited community members and staff to engage in settlement discussions.
- Landowners, City Staff (B.T. Lewis and J. Clark), and community members met via zoom:
 - October 18, 2022
 - November 1, 2022
 - November 15, 2022
- In these meetings:
 - The Landowners asked for clarification of only two narrow issues—*i.e.*, (i) wording that suggested a CEQA review was required for each new tenant, and (ii) a phrase suggesting new tenants had to have the same or less trips, electricity usage, and other impacts than their predecessor. But advised that they were flexible on essentially any other issues.
 - The Landowners sought feedback from the community members and B.T. Lewis about their concerns.
 - The Landowners offered specific, detailed mitigation to directly address the concerns that were articulated.

Events After 10/13/22

- Landowners made numerous concessions that were specifically targeted to resolve the issues identified by the community:
 - Limiting most new construction/expansion of footprint
 - Prohibitions on certain uses, such as more intensive manufacturing uses and recycling
 - Ensuring trucks would not pass by schools or through residential neighborhoods
 - Enhanced landscaping
 - Assurances that odors and unacceptable noise levels would not be present beyond the property
 - Assurances that no impacts to groundwater would occur
 - Adherence to California Green Building Standards
 - Presentation of releases of hazardous substances
 - Measures designed to reduce mobile source emissions
- Despite their acceptance of these concessions, the community representatives would not agree to any relief to the Landowners.

Events After 10/13/22

- We are long past 90-days from 10/13/2022
- Despite a recognition on the part of staff that its proposed text amendment is ambiguous, we have seen no language seeking to resolve those issues.
- Although the text amendment has made its way through the district review committees, the administration has not scheduled a Planning Commission hearing.

Elm Ave. Landowners' Request

- Reconsideration of the 10/13/2022 decision for the area south of E. Annadale Ave.
 - Schedule a new public hearing on the original rezone request for the 60-acre area
- At that hearing, consider rezoning the property IL
 - The Landowners will accept, as conditions of zoning, the concessions they made during the negotiation process with the community.
 - The environmental document has already been prepared under CEQA