

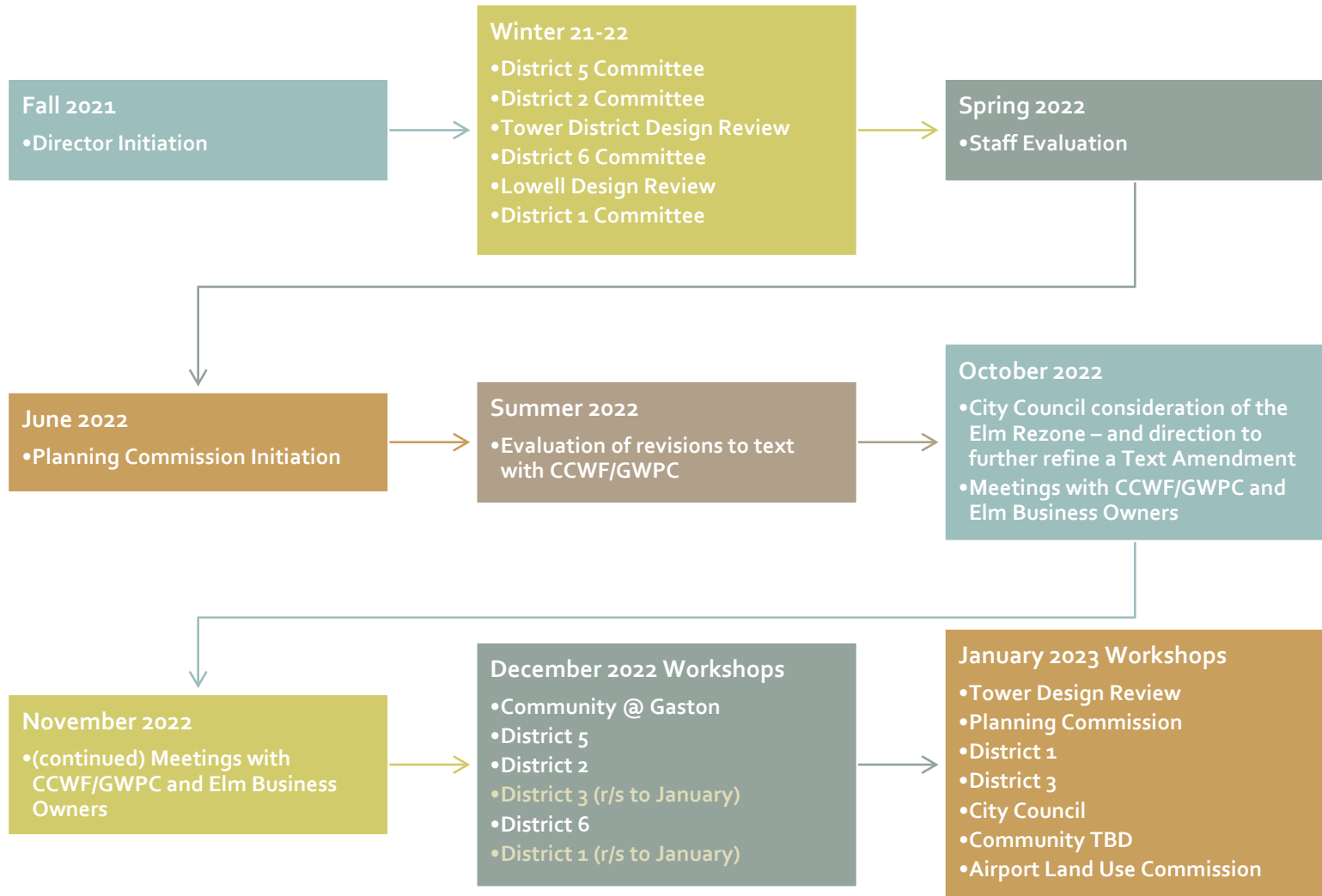
# Workshop: Cleaner & Greener Overlay

Planning Commission

January 4, 2023



# Timeline





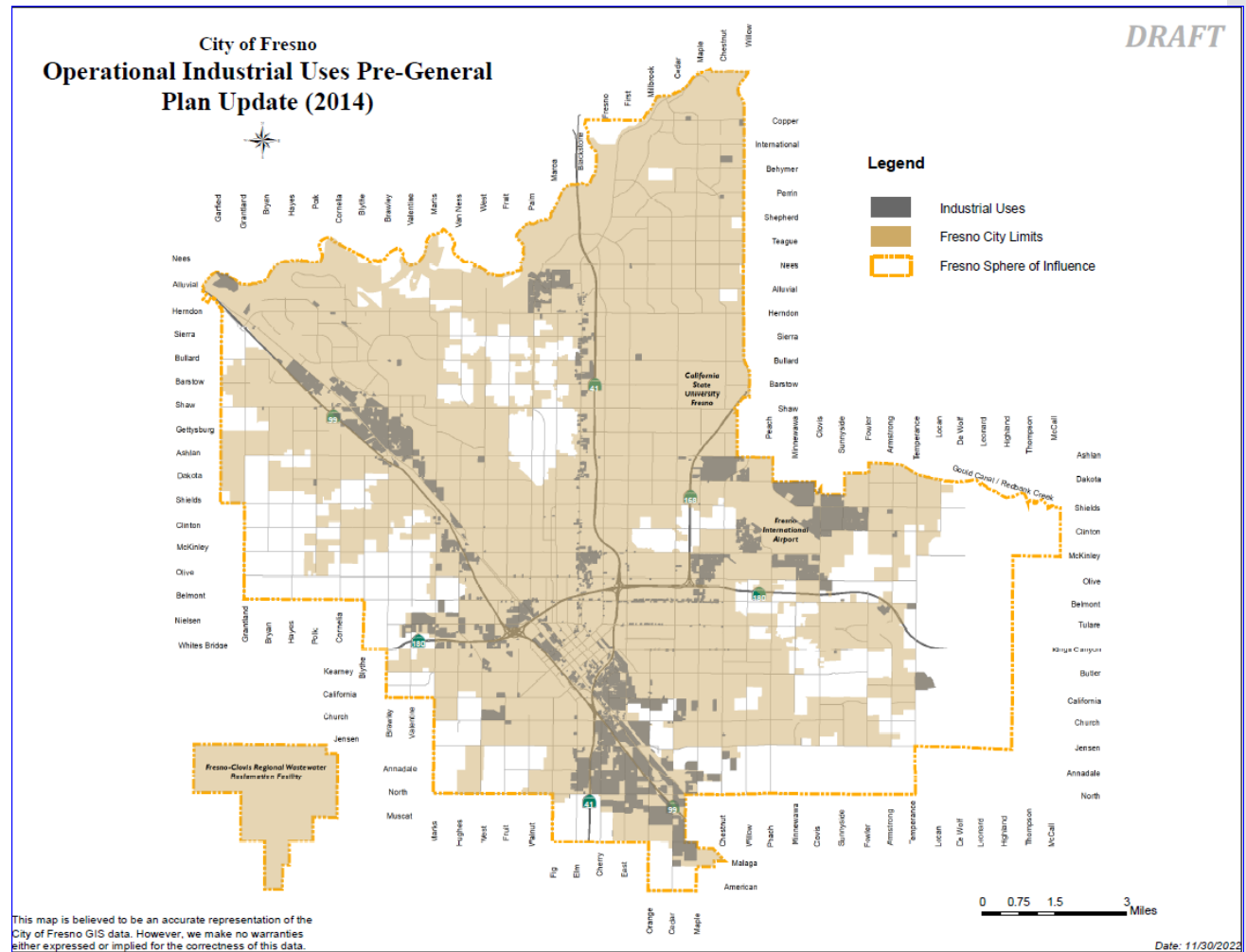
# Content

# Overview

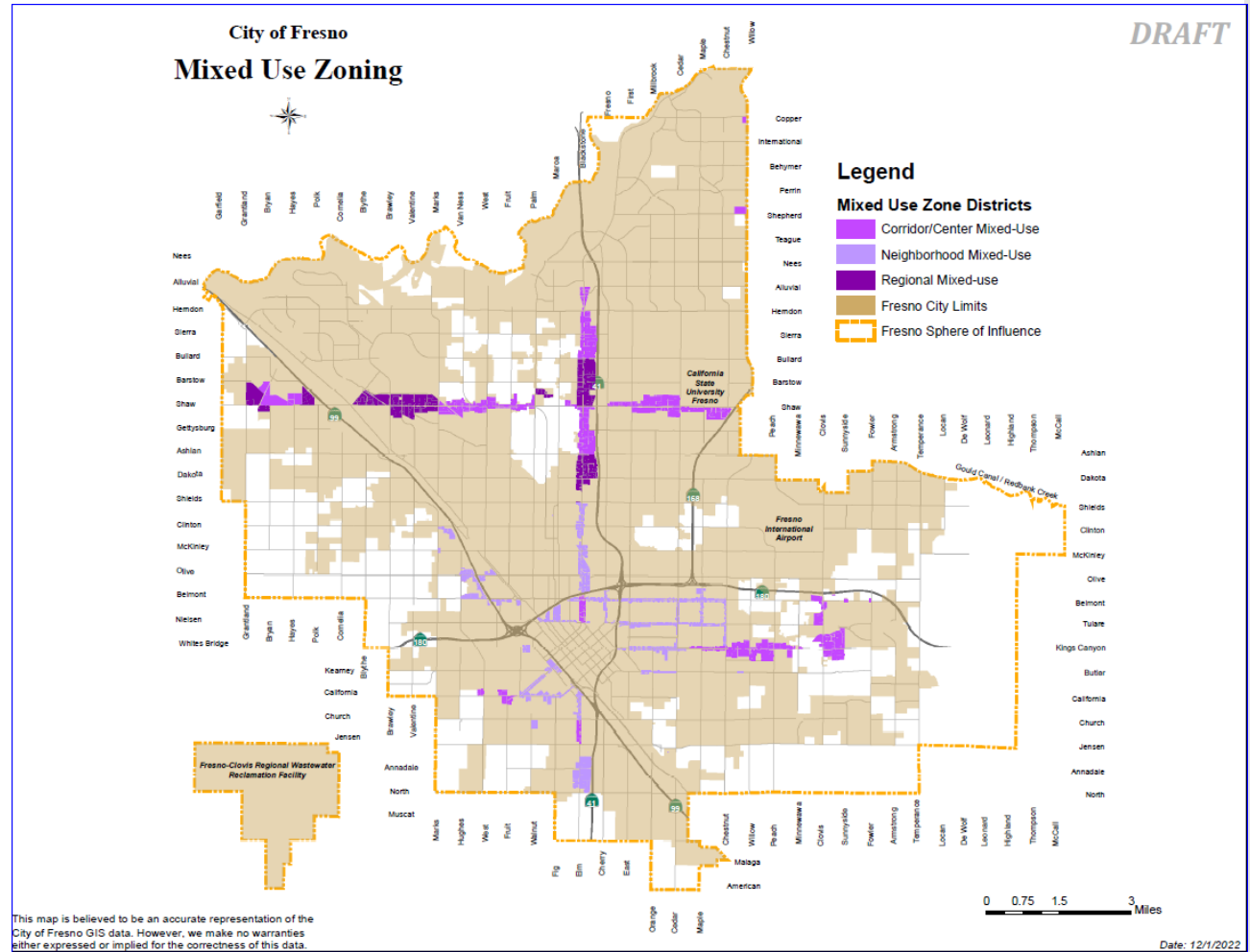
- Context of Regulation
- What was initiated
- Feedback from meetings
- Feedback specific to Southwest Specific Plan area
  - Concerned Citizens for SW Fresno/Golden Westside Planning Committee
  - Elm Business Park Owners
- Options
- Planning Commission Feedback
- Next Steps

# Context of Regulation

# Industrial Use Map

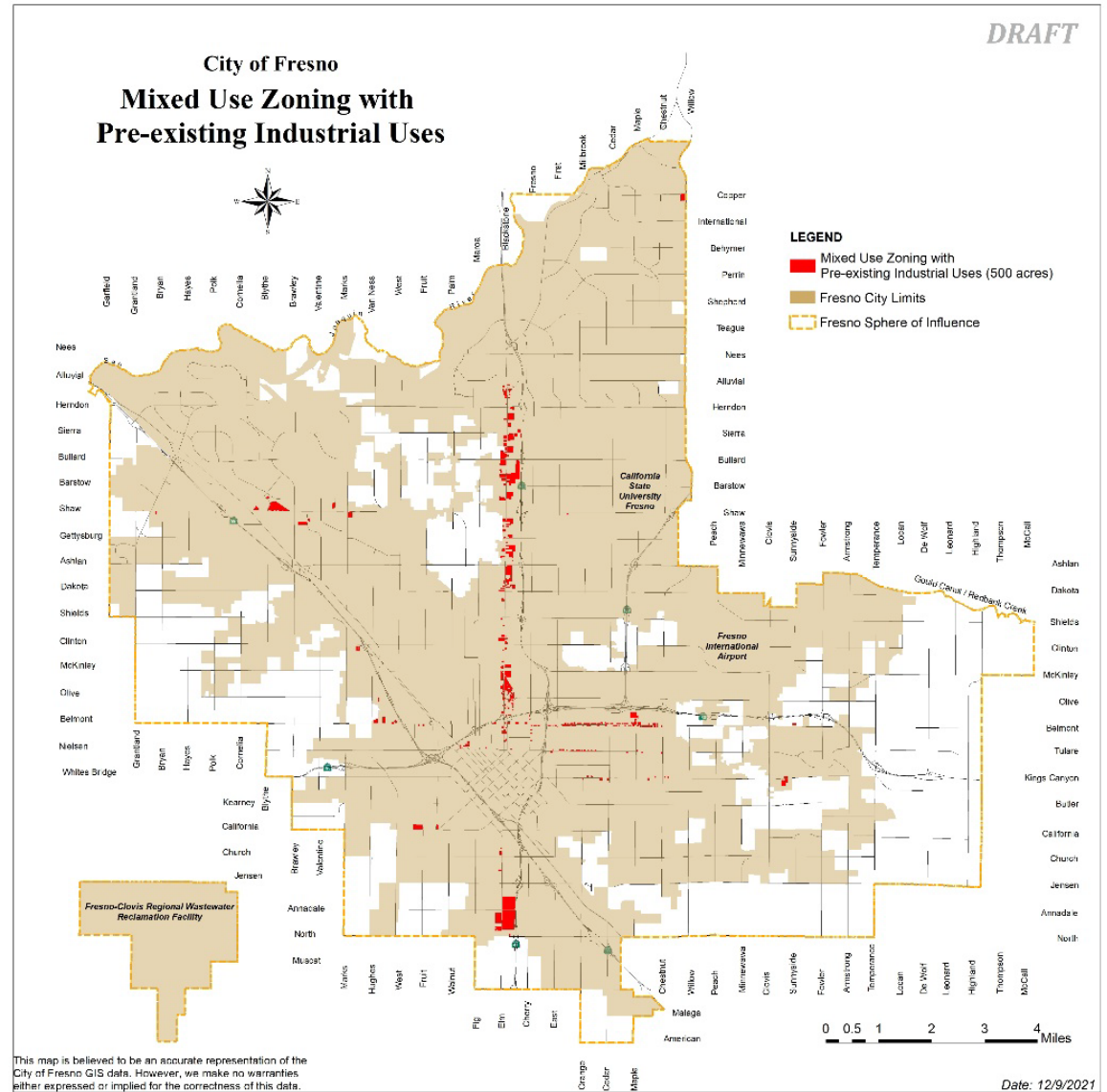


# Mixed Use Zoning Map





# Properties Affected



# Non-conforming Use (grand-fathering)

- **Definition**
- A use, structure, site feature, or lot shall be considered non-conforming if it was created prior to the adoption of this Code, or any amendment thereto, and does not conform to its provisions.
- **Purpose for Allowing Legal Uses & Structures to remain**
- to permit continued utility and economic viability of uses, structures, site features, and lots that were created lawfully prior to the adoption of this Code, but do not conform to its provisions, while preventing new non-conformities.

# Challenges Created

- **Use-related**

- Existing user may want to expand operations
- New occupant must be same use as prior occupant
- Other potential users may not meet the new zoning district requirements

- **Structure-related**

- Structure may have a lot of usable life left
- Structure may not have the characteristics that are wanted by a conforming tenant
- Structure may not be able to be retrofitted to meet new codes

- **Financial**

- Structure owner may not be able to access financing to make improvements
- Structure owner may not be able to access insurance to house different tenants

# What happens

Buildings may have lower value uses

- Tenants/owners may be willing to occupy but for a lesser use
- Owners will have less revenue to maintain or improve buildings

Buildings may become vacant

- Vacant buildings attract unwanted attention
  - Graffiti
  - Vandalism
  - Deterioration

# Initiated Version

June 1, 2022 – PC Initiated Text Amendment process

- Permitted uses included
  - Colleges and Trade Schools
  - Veterinary Services
  - Auto Sales & Services
  - Construction and Material Yards
  - Custom Manufacturing
  - Limited Industrial
  - General Industrial
  - Research & Development
  - Warehousing, Storage & Distribution
  - Communication Facilities within buildings
  - Freight/Truck Terminals & Warehouses
  - Light Fleet Based Services (e.g., taxi)
  - Utilities Major and Minor

## Initiated Version (continued)

- Conditionally permitted uses included:
  - CRV Recycling Center
  - Recycling Processing Facility
  - Waste Transfer Facility
- Uses not permitted included:
  - Emergency Shelter
  - Adult-Oriented Businesses
  - Towing & Impound, Salvage & Wrecking
  - Intensive Industrial
  - Airports & Heliports
  - Agricultural Processing
  - Agricultural Support Services
  - Animal Raising
  - Crop Cultivation
  - Rendering
  - Sales Lot, Feed Lot, Stockyard
  - Cannabis Dispensaries
  - Cotton Ginning, wineries or alcohol fuel production

## Initiated Version Requirements

To apply,

- A property must currently have a legally established non conforming industrial use classification
- Property must have been rezoned to a mixed use classification prior to the adoption of this ordinance
- CEQA must be completed establishing thresholds for impacts including water use, energy use, traffic counts, noise reduction, odor generation, PM 2.5 and nanoparticles, and light spill
- Application must be reviewed by commenting agencies, district committees, planning commission and city council
- Conditions may be applied which could place limits on uses, operations, or require improvements
- Could allow for up to 20% increase in new building area with a CUP

# Feedback

- Unclear – much of the feedback centered around the language of the text amendment being unclear and vague; in particular whether the requirements to cap impacts for certain categories of uses.
- Strong opposition to expansion of industrial uses – many comments were focused on the language allowing for expansion of industrial uses including where none currently exist.
- Concern over how the community has been included in the process – why was there one community workshop in southwest but none elsewhere
- Concern that this is not a city-wide effort but that it targets pollution-burdened populations
- Concern that allowing businesses to continue will prevent the transition to the desired mixed use districts



## Feedback (continued)

- Desire to see more allowable uses under the overlay
- Desire to require each impacted property to be evaluated independently for each unique situation
- Provide protective barriers between industrial and residential uses
- Electrification will require additional energy usage to comply for both on site equipment and delivery vehicles
- Concern that no net increase in all impacts may prevent cleaner uses from establishing – higher energy use may lead to lesser traffic
- Uses consistent with the base district create higher impacts in traffic and emissions

# Feedback applicable to SW Fresno Specific Plan

## CSWF/GWPC

### Revised Health Impact Statement

...shall achieve a net-reduction in specific measureable impacts for potable water use<sup>1</sup>, energy use<sup>2</sup>, diesel truck traffic counts, noise, odor generation, criteria pollutants and greenhouse gas emissions (including PM 10, PM 2.5 and nanoparticles), and light spill as compared to the project site's existing legally nonconforming industrial uses, as identified through project specific environmental studies completed in accordance with the California Environmental Quality Act (CEQA) guidelines for the purpose of protecting public health.

<sup>1</sup>shall not apply to recycled water within the site or tertiary treated water provided by the City

<sup>2</sup>unless the increase is directly related to the electrification of diesel trucks and yard equipment. (Notwithstanding the presently operating businesses through their need of electrification shall have an increase in energy use specifically related to electrification of diesel trucks and yard equipment).

## Elm Business Park Owners

### Performance Standards:

Any new industrial use ... that requires (i) the construction of a new structure, (ii) the expansion of any existing structure by more than 10% compared to the gross floor area existing as of the date upon which the underlying property was rezoned to the Base District, or (iii) requiring permitting under Title V of the Clean Air Act."

"Any new industrial use permitted ... shall be subject to the following restrictions and standards:

1. Any new industrial use shall not generate any orders that are detectable offsite.
2. Any new industrial use shall not generate any noise that exceeds the limitations provided in the Fresno Municipal Code.
3. Any new industrial use must tie in to the City's municipal water system. The use of groundwater from private wells is not permitted."
4. All new industrial uses must acquire and maintain at all times (i) any permits required for any stationary sources from the SJVAPCD, and (ii) certificates from the California Air Resources Control Board showing compliance with all applicable regulations governing trucks, including yard trucks, that enter onto the Project site, including but not limited to the Truck and Bus Regulation, the Advanced Clean Trucks Regulation, and the Advanced Clean Fleets Regulation.
5. Any tenant improvements or other construction activities performed for any new industrial use shall comply with California Green Building Standards.
6. All industrial uses shall fully comply with the California Accidental Release Prevention (CalARP) program. No industrial use shall allow any substance regulated under the CalARP program or other hazardous substance to migrate offsite."

# Feedback applicable to SW Fresno Specific Plan (continued)

## Permitted Uses

- Move Automobile/Vehicle Service and Repair, Major to conditionally permitted
- Move General Industrial to conditionally permitted
- Move Research and Development to conditionally permitted
- Move Light Fleet Based Services to conditionally permitted
- Move Utilities Major to conditionally permitted
- Move Chemical and Mineral Storage to conditionally permitted
- Revise Research and Development, to exclude chemical
- Revise General Industrial to exclude certain subcategories (moved to the conditionally permitted section)
- Move Chemical and Mineral Storage to conditionally permitted (other than incidental storage that comprises less than 5% of the premises)

## Feedback applicable to SW Fresno Specific Plan (continued)

### Conditionally Permitted Uses

- Move CRV Recycling Center to not permitted
- Move Recycling Processing Facility to not permitted
- Move Waste Transfer Facility to not permitted
- Add Research and Development but exclude pharmaceutical, chemical and biotechnology
- Add Warehousing, Storage and Distribution: Chemical and Mineral Storage
- Move CRV Recycling Center to not permitted
- Move Recycling Processing Facility to not permitted
- Move Waste Transfer Facility to not permitted
- Add Warehousing Storage and Distribution: Chemical and Mineral Storage (other than incidental storage that comprises less than 5% of the premises)
- Agricultural Processing: sorting grading & packing of fruits and vegetables only, exclude all other subcategories

## Feedback applicable to SW Fresno Specific Plan (continued)

### Not Permitted Uses

- Add CRV Recycling Center
  - Add Recycling Processing Facility
  - Add Waste Transfer Facility
  - Add Research and Development which entails pharmaceutical, chemical or biotechnology
  - Add Major Utilities
- Add CRV Recycling Center
  - Add Recycling Processing Facility
  - Add Waste Transfer Facility
  - Add Hazardous Waste Materials Facilities
  - Add Major Utilities

# Options

- Unique Geographical Allowances
- Unique Circumstance Allowances
- Thresholds for Application
- Other?



# Planning Commission Feedback

# Next Steps

- Upcoming Meetings
  - District 1
  - District 3
  - Community Workshop
  - City Council Workshop
  - ALUC
- Staff Evaluation and Recommendation to Planning Commission and City Council (TBD)