



# REPORT TO THE PLANNING COMMISSION

August 7, 2013

AGENDA ITEM NO. VIII-A  
COMMISSION MEETING 8-7-2013

FROM: MIKE SANCHEZ, Planning Manager  
Development Services Division

THROUGH: SOPHIA PAGOULATOS, Supervising Planner  
Development Services Division

BY: BRUCE BARNES, Project Manager  
Development Services Division

APPROVED BY  
  
JENNIFER K. CLARK  
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. TA-13-003 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. EA-13-003 TO BE APPLIED ON A CITY-WIDE BASIS

## RECOMMENDATION

Text Amendment Application No. TA-13-003 requests authorization to amend the text of the Fresno Municipal Code related to the zoning classification of the C-R (*Commercial-Recreation District*) zone district, to add the following land uses: medical offices, therapy offices, banks, grocery stores and delicatessens. The proposed text amendment also would permit off-site alcohol sales as a conditional uses at grocery stores and delicatessens.

The appropriateness of the proposed text amendment has been examined pursuant to Section 12-402, and the Director has determined that three of the five requested land uses (medical offices, therapy offices and delicatessens) are consistent with the goals and policies in the 2025 Fresno General Plan. The Director further determined that off-site alcohol sales was inappropriate for the C-R district but that on-site alcohol sales would continue to be permitted with a conditional use permit. The applicant has accepted the Director's determinations.

Therefore, it can be concluded that the proposed Text Amendment Application No. TA-13-003 is appropriate for only the following land uses: medical offices, therapy offices and delicatessens in the C-R zone district. Therefore, staff recommends the Planning Commission take the following actions:

1. RECOMMEND APPROVAL to the City Council of the environmental finding of Environmental Assessment No. EA-13-003, approving a Finding of Conformity for the project.
2. RECOMMEND APPROVAL to the City Council of Text Amendment Application No. TA-13-003 to add medical offices, therapy offices and delicatessens land uses to the C-R district. This amendment shall also be incorporated into the new development code.

## ANALYSIS

The C-R zoned properties are located within the jurisdiction of the 2025 Fresno General Plan and are shown on the attached map. There are 9 locations within the City which are zoned C-R ranging in size from 3 acres to 40 acres. Cumulatively they account for only 152 acres out of 72,414 acres or about two-tenths of a percent (.2%) of the territory in the City.

The C-R district is a recreation type district, with limited, yet related (to recreational) commercial services. It is intended to allow for an array of recreational uses, mostly active sports (baseball, golf,

basketball, tennis, etc.). Most of these uses occupy large amounts of land and may not necessarily make good neighbors if located proximate to residential uses due to late night uses, stadium type lighting, noise and traffic.

In keeping with the existing C-R district, the proposed Development Code proposes also identifies a C-R district, with nearly identical recreation type uses in comparison with the existing district, including limited commercial. Limited commercial is restricted to uses that are complementary to recreational uses. Banks and grocery stores typically serve the local neighborhood and as such belong in commercially zoned districts, and not the C-R with its emphasis on recreational uses and related recreational uses.

Therefore, staff supports the addition of only three of the five requested uses: medical offices, therapy offices and delicatessens while maintaining the existing provisions of allowing on-site alcohol sales with a conditional use permit. The proposed amendment would allow for more flexibility in the C-R zone district thereby improving economic vitality of the city. More particularly, the recommended text amendment would help undeveloped C-R zoned properties such as Granite Park. This proposal is desirable for public welfare, and is important in supporting the goals of the 2025 Fresno General Plan.

## **ENVIRONMENTAL FINDING**

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Finding of Conformity for this project. A public notice of the attached Environmental Assessment Application No. TA-13-003 was published on July 5, 2013 with no comments or appeals received to date.

## **PUBLIC NOTICE**

In accordance with Fresno Municipal Code Section 12-402-B, a notice of hearing was published in the Fresno Bee 10 days prior to the Planning Commission hearing date. No comments have been received by staff.

## **Airport Land Use Commission**

The Airport Land Use Commission on June 10, 2013 reviewed and approved the proposed text amendment request with no recommended conditions of approval.

## **District Committees**

The District 1, 2, 3, 4, 5 and 6 Plan Implementation Committees unanimously approved the rezone application with modest requests to clarify definitions of requested uses and alcohol sales, which have been incorporated.

## **LAND USE PLANS AND POLICIES**

The most relevant objectives and policies of the various plans that pertain to the project are discussed below:

### ***2025 Fresno General Plan***

***Policy C-12-g:*** *Identify appropriate locations for commercial recreational uses to provide the community with accessible leisure and entertainment opportunities that do not conflict with adjacent sensitive uses.*

The proposed text amendment as modified by staff would add limited uses that are complimentary to the C-R zone district without severely comprising the integrity of this zone district. This amendment shall also be incorporated into the new Development Code.

## **CONCLUSION**

The appropriateness of the proposed text amendment has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Text Amendment Application No. TA-13-003, as modified, is appropriate.

Attachments:      Exhibit A –      C-R Zone District Map  
                         Exhibit B –      An Ordinance Amending Section 12-223.1.B of the Fresno Municipal Code  
                         Exhibit C-      Environmental Assessment No. TA-13-003, dated July 5, 2013

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, AMENDING SECTION 12-223.B OF  
THE FRESNO MUNICIPAL CODE RELATING TO THE  
ADDITION OF RELATED COMMERCIAL USE IN THE  
“CR” COMMERCIAL RECREATION DISTRICT

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

SECTION 1. Section 12-223.B of the Fresno Municipal Code is amended to read:

- A. SECTION 12-223.B RELATED COMMERCIAL USES including but not limited to the following:
  - 1. (Reserved)
  - 2. Barbershops and beauty shops.
  - 3. Baths, Turkish and the like.
  - 4. Bicycle shops.
  - 5. Model swimming pools (enclosed within a building or adequately protected by fencing).
  - 6. Off-street parking lot or structure.
  - 7. Restaurants.
  - 8. Sporting goods stores.
  - 9. Temporary or permanent telephone booths.
  - 10. Public parking lot or structure.
  - 11. Medical Offices

12. Physical therapy offices

13. Delicatessens

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, 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 \_\_\_\_\_, 2013.

AYES :  
NOES :  
ABSENT :  
ABSTAIN:

Mayor Approval: \_\_\_\_\_, 2013

Mayor Approval/No Return: \_\_\_\_\_, 2013

Mayor Veto: \_\_\_\_\_, 2013

Council Override Vote: \_\_\_\_\_, 2013

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
City Attorney

BY: \_\_\_\_\_  
Talia Kolluri-Barbick, Deputy



CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY

Filed with **FILED**

JUL 05 2013

FRESNO COUNTY CLERK  
By *[Signature]*  
DEPUTY

FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721

E201310000179

TEXT AMENDMENT AND ENVIRONMENTAL ASSESSMENT  
NO.TA-13-003

APN No. See list and maps attached, Exhibit A

APPLICANT: Mr. Guy Stockbridge  
Stock Five Holdings, LLC  
2972 Larkin Ave.  
Clovis, CA 93612

PROJECT LOCATION:  
See list and maps attached, Exhibit A

PROJECT DESCRIPTION: Text Amendment Application No. TA-13-003 requests authorization to amend the text of the Fresno Municipal Code related to the zoning classification of the C-R (*Commercial-Recreation District*) zone district, to add the following uses: medical offices, therapy offices, banks, grocery stores and delicatessen and off-site alcohol sales.

The Development and Resource Management Department is proposing to amend the C-R (*Commercial-Recreation District*) zone district to expand the list of allowable by-right and conditional uses in the C-R zone district. The aforementioned uses are no more onerous than the existing permitted uses in the district. This proposal amends Section 12-223.1A and 12-223.3B of the C-R zone district by allowing for the following permitted uses: medical offices, therapy offices, banks, grocery stores and delicatessen. The text amendment would also permit off-site alcohol sales as a conditional use.

The C-R zoned properties are located within the jurisdiction of the 2025 Fresno General Plan and are shown on the attached map. There are 9 locations within the City which are zoned C-R ranging in size from 3 acres to 40 acres. Cumulatively they account for only 152 acres out of 72,414 acres or 2% of the territory in the City.

The proposed amendment would allow for more flexibility in the C-R zone district thereby improving economic vitality of the city. This proposal is desirable for public welfare, and is essential in supporting the goals of the 2025 Fresno General Plan.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

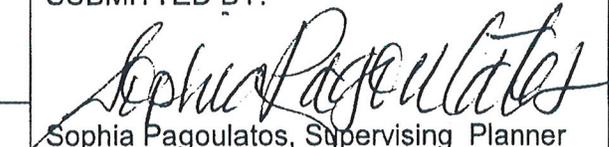
E201310000179

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Bruce Barnes at (559) 621-8047 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on August 6, 2013. Please direct comments to Bruce Barnes, Project Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to [bruce.barnes@fresno.gov](mailto:bruce.barnes@fresno.gov); or comments can be sent by facsimile to (559) 498-1026.

This development application and this proposed environmental finding has been tentatively scheduled to be heard by the Planning Commission on August 7, 2013 at 6:00 p.m. or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on August 29, 2013 at 10:00 a.m.. This hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY: Bruce Barnes, Project Manager	SUBMITTED BY:  Sophia Pagoulatos, Supervising Planner CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT
DATE: July 5, 2013	





# EXHIBIT A

Sheet 2 of 6



TA-13-03



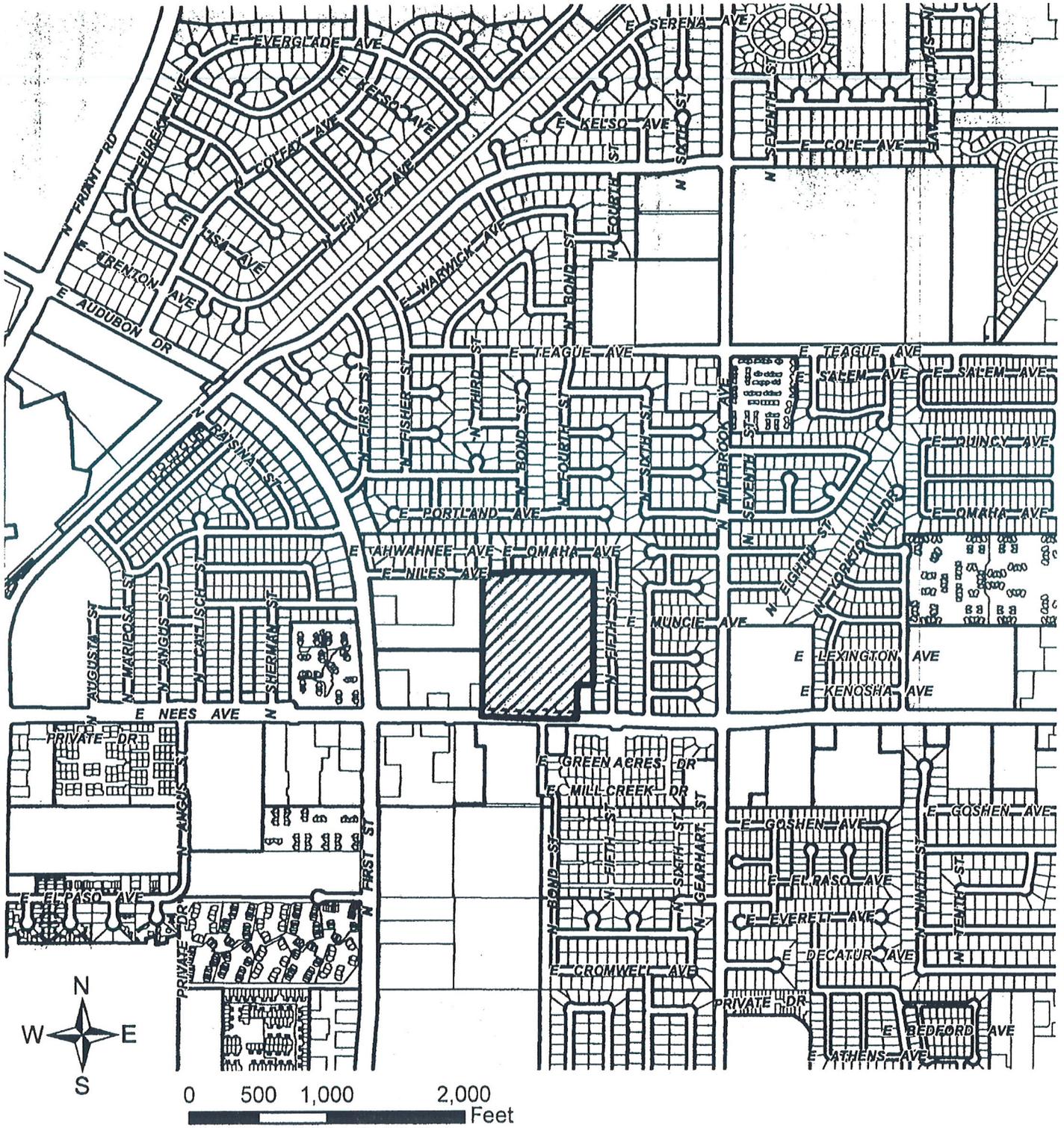
C-R (Commercial Recreational)



City Limits

# EXHIBIT A

Sheet 3 of 6



TA-13-03

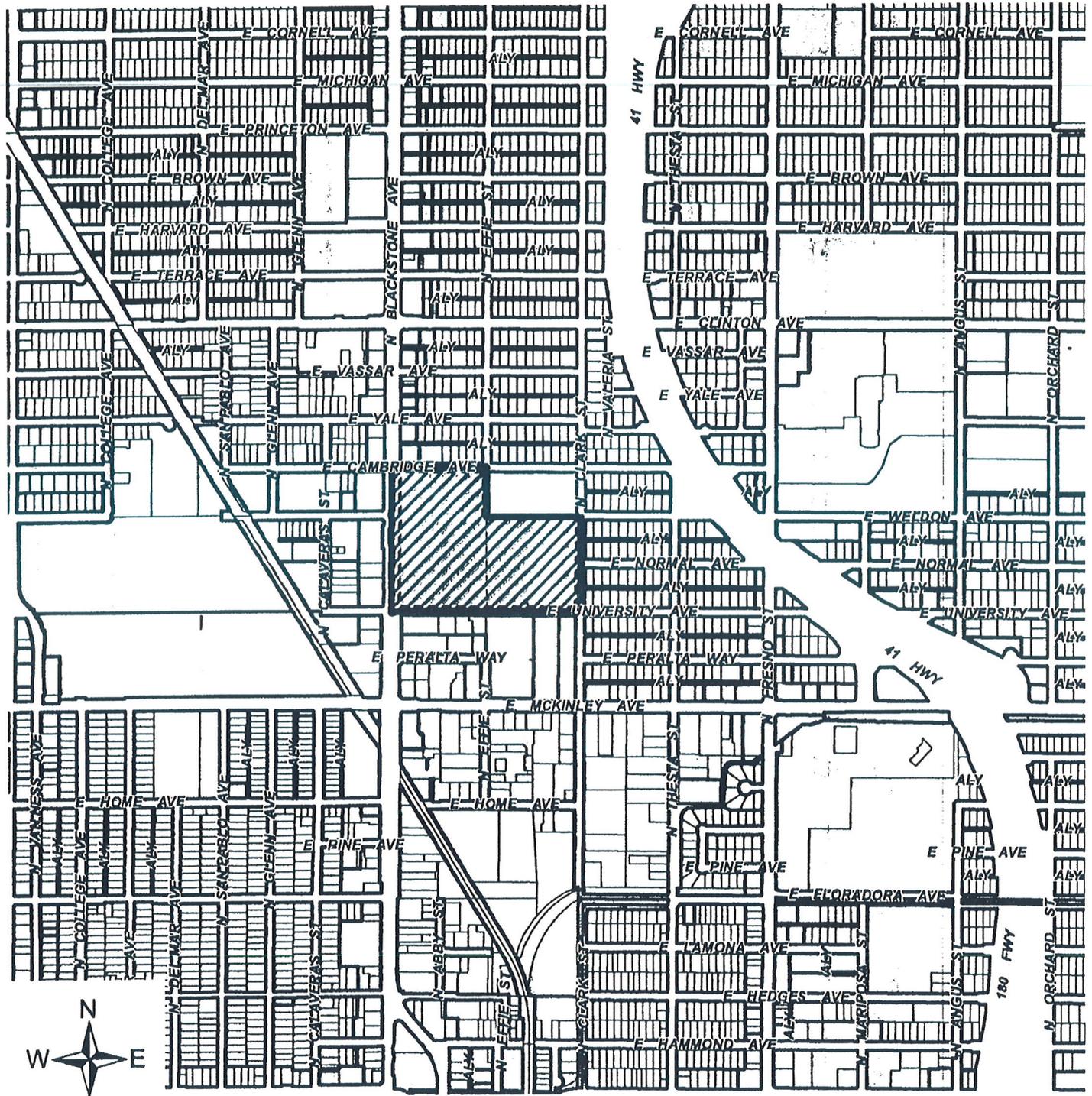
 C-R (Commercial Recreational)

 City Limits



# EXHIBIT A

Sheet 5 of 6



TA-13-03



C-R (Commercial Recreational)



City Limits



**Text Amendment TA-13-03  
Amendment to the Commercial-Recreational District  
APN Numbers with the C-R Zone District Designation**

43802150  
43802152  
43802155  
43802157  
43802159T  
43802160T  
43802162  
43802164  
43802165  
43802166  
43802167  
43802175  
43802176  
43802177  
43802178  
43806230T  
43806237T  
44631005T  
44631006T  
50506046  
50506072  
50803001  
51023303  
51023304

**Text Amendment TA-13-03**  
**Amendment to the Commercial-Recreational District**  
**Latitude and Longitude of Parcels with the C-R Zone District Designation**

....  
36.837062,-119.889546 6421 W. Spruce  
36.813378,-119.899608 6099 W. Barstow  
36.807206,-119.88212 5021 W. Shaw  
36.852025,-119.773474 602 E. Nees  
36.767344,-119.790448 1856 N. Blackstone  
36.788355,-119.754215 3896 N. Cedar  
36.780801,-119.74332 4649 E. Shields  
36.793727,-119.731658 4260 N. Winery  
36.738466,-119.696514 5711 E. Balch