



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 02.25.15

APPROVED BY

JENNIFER K. CLARK, AICP
DEPARTMENT DIRECTOR

February 25, 2015

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division 

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division 

BY: MCKENCIE CONTRERAS, Planner III
Development Services Division 

SUBJECT: CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. TA-14-003 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. TA-14-003 RELATING TO MIXED USE DEVELOPMENT IN THE C-P (ADMINISTRATIVE AND PROFESSIONAL OFFICE) ZONE DISTRICT AND THE USE OF A FAMILY RESTAURANT, GAME AND ENTERTAINMENT CENTER

RECOMMENDATION

The appropriateness of the proposed text amendment has been examined pursuant to Section 12-402 of the Fresno Municipal Code (FMC), and the Director has determined that the proposed text amendment is consistent with the objectives of the Fresno General Plan. Therefore, staff recommends that the Planning Commission take the following actions:

1. **RECOMMEND APPROVAL to the City Council** that Environmental Assessment No. TA-14-003 be adopted for the project, which finds that pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant effect on the environment.
2. **RECOMMEND APPROVAL to the City Council** that Text Amendment Application No. TA-14-003, amending Sections 12-216.3-B, 12-325-D-2-B, and 12-306-N-37 of the FMC, be adopted.

EXECUTIVE SUMMARY

Text Amendment Application No. TA-14-003 (see Attachment A) was initiated by the Director of the Development and Resource Management Department and proposes to amend Sections 12-216.3-B, 12-325-D-2-B, and 12-306-N-37 of the FMC relating to Mixed Use development in the C-P (Administrative and Professional Office) zone district and the use of a Family Restaurant, Game and Entertainment Center. The text amendment would allow the use of a Family Restaurant, Game and Entertainment Center within a mixed use development with a minimum of 20 acres that is zoned C-P.

The text amendment would promote efficient use of land and allow for an integrated development. The minimum parcel size required for a Family Restaurant, Game and Entertainment Center in the C-P zone district of a mixed use development will assure an integrated development.

BORDERING PROPERTY INFORMATION

The text amendment is a City-wide application.

ENVIRONMENTAL FINDING

The State Guidelines for the implementation of the California Environmental Quality Act (CEQA) provide for the exemption of projects which will clearly have no significant effect on the environment. More specifically, Section 15061(b) (3) of the State CEQA Guidelines states:

"...CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

It has been determined that there is no possibility of significant adverse effects as a result of this proposal (see Attachment B), since it is regulatory only. However, individual projects developed under these provisions would require independent environmental review.

PUBLIC NOTICE AND INPUT

In accordance with Section 12-402-B of the FMC, a notice of public hearing was published in the Fresno Bee on February 13, 2015. No comments have been received by staff.

The Airport Land Use Commission reviewed the text amendment on February 2, 2015 and found it consistent with the airport land use plans within the City of Fresno. The commission unanimously supported the proposed amendment.

Council Districts 1 and 2 Plan Implementation Committees made no formal recommendation on the proposed text amendment because there was no quorum. However, the members that were in attendance from both committees were supportive of the proposal. Council Districts 3, 4, 5, and 6 Plan Implementation Committees recommended approval of the text amendment. Council District 3 Plan Implementation Committee recommended staff investigate reducing the parcel acreage for this type of development. Currently, there is no Council District 7 Plan Implementation Committee.

BACKGROUND/ANALYSIS

Mixed use developments are intended to offer and promote a user-friendly walking environment in close proximity to places of employment and the C-P zone district is intended to provide for development of integrated professional districts. The proposed use within the C-P zone districts in mixed use developments promotes a retail use that could complement an employment area.

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

The C-P zoned properties within the City of Fresno that are 20 acres or more are shown on the attached map (see Attachment C). There are less than 10 locations within the City that would potentially be impacted by the proposed text amendment; therefore its impact is less than significant.

After review of the recommendation made by the Council 3 District Plan Implementation Committee to consider reducing parcel size, staff determined that the minimum lot size requirement for a Family Restaurant, Game and Entertainment Center within the C-P zone district was appropriate to assure an integrated larger mixed use development. A Family Restaurant, Game and Entertainment Center is now, and will continue to be permitted in the C-2, C-3, and C-4 zone districts subject to a conditional use permit and does not limit the parcel size.

Fresno General Plan Objectives

One of the goals of the Fresno General Plan Update is to increase opportunity, economic development, business, and job creation within the City of Fresno. The text amendment would do just that by promoting business growth and preserving and protecting the resources within the City by developing on infill properties. Infill development conserves resources and takes advantage of existing infrastructure. The objectives below support economic development and the enhancement of existing properties within the City.

Objective ED-1: Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.

Objective ED-3: Attract and recruit businesses and offer incentives for economic development.

Objective LU-6: Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.

Staff believes that the proposed amendment is consistent with the above objectives, as it would improve economic vitality in the City of Fresno and allow development of existing properties within the City of Fresno.

Conclusion

Staff believes that the proposed text amendment is in the best interest of the City of Fresno and supports Text Amendment Application No. TA-14-003 as proposed in the attached Ordinance.

Attachments: A: Text Amendment No. TA-14-003 Ordinance
 B: Environmental Assessment No. TA-14-003 dated February 4, 2015
 C: Map of Areas with C-P Zoning (>20 acres)

Attachment A
Text Amendment Application No. TA-14-003 Ordinance

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTIONS 12-216.3-B, 12-325-D-2-B, AND 12-306-N-37 OF THE FRESNO MUNICIPAL CODE RELATING TO MIXED USE DEVELOPMENT IN THE C-P (ADMINISTRATIVE AND PROFESSIONAL OFFICE) ZONE DISTRICT AND THE USE OF A FAMILY RESTAURANT, GAME AND ENTERTAINMENT CENTER

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

SECTION 1. Section 12-216.3-B of the Fresno Municipal Code is amended to read:

B. Uses permitted subject to a Conditional Use Permit.

1. Alcohol the retail sale of, for on-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.
2. Ambulance service.
3. Banquet hall.
4. Book store, not to exceed 2,500 square feet in gross floor area.
5. Buildings over thirty-five (35) feet in height, pursuant to Section 12-216.5-D below.
6. Electrical distribution substation.
- [6.5 Family Restaurant, Game and Entertainment Center pursuant to Section 12-325-D-2-b.]
7. Furrier, as defined in Subsection 12-105-F-18.
8. Group housing facility for seven (7) or more persons, subject to Section 12-

306-N-43.

9. Microwave relay stations.

10. Multiple dwellings subject to the findings of Subsection 12-306-N-19.

11. Night Club is permitted only when it is within a Hotel and customer access is only through the Hotel lobby, and pursuant to Sections 12-326 and 12-327.

12. Post Office.

13. Prescription pharmacy, subject to the provisions of Subsection 12-105-P-10.

14. Private residence clubs, fraternity and sorority houses, rooming and boarding houses.

15. Mixed Use projects pursuant to Section 12-325 of this Code.

16. Restaurant.

17. Small animal veterinary hospital, subject to the provisions of Subsections 12-306-I-2.2.t and 12-306-N-20.

18. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

19. Tavern, pursuant to Section 12-326.

20. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

SECTION 2. Section 12-325-D-2-b of the Fresno Municipal Code is amended to read:

D. Uses Permitted.

2. Office, Commercial and Light Industrial.

a. With the exception of the C-P District, all uses listed in the underlying District whether by right, by conditional use permit or by Director Classification, may be allowed or excluded, subject to approval of the project conditional use permit. A separate conditional use permit is not

required even where the underlying District requires a conditional use permit, with the exception noted below.

- b. In the C-P District, all uses listed in the C-P District whether by right, by conditional use permit or by Director Classification, and those uses listed as permitted in the C-1 District (Section 12-217.1) including those added by Director Classification as a use permitted, [and a Family Restaurant, Game and Entertainment Center, as defined by Section 12-105-F-3.1, when the C-P zoned property exceeds 20 acres], may be allowed or excluded, subject to approval of the project conditional use permit. A separate conditional use permit is not required even where the underlying District requires a conditional use permit, with the exception noted below.
- c. EXCEPTION: Any business proposing the Retail sale [sic] alcoholic beverages shall be required to obtain approval of a separate conditional use permit.

SECTION 3. Section 12-306-N-37 of the Fresno Municipal Code is amended to read:

37. Family Restaurant, Game and Entertainment Center. Whenever property in the [C-P (pursuant to Section 12-216.3-B-6.5),] C-2, C-3 and C-4 Districts is proposed to be developed as a Family Restaurant, Game and Entertainment Center, the following criteria shall apply:

- a. The Family Restaurant, Game and Entertainment Center shall be designed and operated so that all facets of the facility function as a single business.

- b. There shall be no alcoholic beverages for sale except beer and wine, which shall be sold with meals only. Alcoholic beverages of any kind shall not be sold, served, provided or consumed in the Game area of such Center. [This requirement shall not apply to proposals within the C-P zone district in mixed use projects of 20 acres or more (see FMC Section 12-325-D-2-b).]
- c. Kitchen facilities shall be adequate to prepare all food on-site, as determined by the Director.
- d. The operator of such Center shall submit to the Development Department a copy of proposed user rules and regulations which may be incorporated into the conditions of approval for the use permit.
- e. The site plan, floor plan, stipulated user rules and regulations, and method of operation shall be subject to the review and recommendation of the Police Chief, whose recommendation shall be considered by the permit approval authority in fixing the conditions to be incorporated in the use permit.
- f. On-site, adult supervision shall be provided in the Game area at all times of operation and during regular business hours of the Center.
- g. The development of a Family Restaurant, Game and Entertainment Center shall be subject to the provisions of Article 5 of Chapter 9 (Amusement Devices) and Article 23 of Chapter 9 (Children's Playlands and Amusement Centers).
- h. A Family Restaurant, Game and Entertainment Center shall not be permitted in those sensitive areas identified in the plan documents for each of the three airports: Fresno Yosemite international Airport, Chandler Air Field, and Sierra Sky Park.

SECTION 4. 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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN:

Mayor Approval: _____, 2015

Mayor Approval/No Return: _____, 2015

Mayor Veto: _____, 2015

Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

BY: _____
Mary Raterman-Doidge, Deputy
Dated:

Attachment B
Environmental Assessment No. TA-14-003

CITY OF FRESNO
ENVIRONMENTAL FINDING OF NO POSSIBILITY OF SIGNIFICANT EFFECT
ENVIRONMENTAL ASSESSMENT NO. TA-14-003

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO HAVE NO
SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 5 OF THE
STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

APPLICANT: City of Fresno
Development and Resource Management Department
2600 Fresno Street, Third Floor Room 3076
Fresno, CA 93721-2760

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Text Amendment No. TA-14-001 proposes to amend the text of the Fresno Municipal Code (FMC), Zoning Ordinance, specifically the C-P (*Administrative and Profession Office District*) zone district and Sections 12-325 and 12-306-N-37 of the FMC. The following are the proposed amendments: (1) Amend Section 12-216.3-B of the FMC related to the uses permitted by conditional use permit within the zoning classification of the C-P (*Administrative and Profession Office District*) zone district and add the use of a Family Restaurant, Game and Entertainment Center pursuant to Section 12-325-D-2-b as item 6.5; (2) Add language to Mixed Use Section 12-325-D-2-b to include the use of a Family Restaurant, Game and Entertainment Center, as defined by Section 12-105-F-3.1, when the C-P zoned property exceeds 20 acres; (3) Add language to Section 12-306-N-37 to include property in the C-P zoned district pursuant to Section 12-216.3-B-6.5; and,(4) Add language to Section 12-306-N-37-b which exempts the C-P district from this requirement regarding the sale of alcoholic beverages. The proposed amendment would allow for more flexibility in the C-P zone district of a mixed use development with a minimum of 20 acres.

This project is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: In accordance with section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the project has been determined not to be subject to the requirements of CEQA as City staff can state with certainty that there is no possibility that the adoption of the proposed text amendment may have a significant adverse effect on the environment. The text amendment would not be for physical construction; rather an addition of a use to mixed use developments and therefore regulatory. Any proposed projects would go through the appropriate entitlement process which includes environmental review. All new establishments must comply with the general plan and zoning provisions contained in the Fresno Municipal Code. Therefore, staff has determined that a no possibility of significant effect is appropriate for the proposed text amendment.

Date: February 10, 2015

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Planner III

Submitted By:


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City of Fresno

Development and Resource Management Department
(559) 621-8062

Attachment C
Map of Areas with C-P Zoning (>20 acres)

