

Regular Council Meeting
September 29, 2022

RECEIVED

FRESNO CITY COUNCIL



2022 SEP 27 A 11:36
CITY CLERK'S OFFICE

Supplemental Packet

10:15 A.M. (ID 22-1411)

ITEM(S)

HEARING for Consideration of Text Amendment Application No. P21-05809 and related Environmental Finding for Environmental Assessment No. P21-05809, amending Chapter 15 of the Fresno Municipal Code, Tables 15-1102, 15-1402, and 15-1502, and Section 15-2010, relating to the Zone Districts where Electrified Fences are permitted.

Contents of Supplement: Revised Exhibit L, Page 4

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.



Planning & Development Department

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Jennifer K. Clark, AICP, HDFP
Director

TO: FRESNO CITY CLERK

COPY: CITY MANAGERS OFFICE

FROM: DREW WILSON, SUPERVISING PLANNER

RE: **10:15 A.M. ITEM - #22-1411: CORRECTED EXHIBIT**

DATE: SEPTEMBER 26, 2022

The purpose of this memo is to transmit the following (attached):

1. Corrected Exhibit L – Planning Commission Resolutions

FINAL REVISIONS TO EXHIBIT L – PLANNING COMMISSION RESOLUTION

Text additions highlighted in red; deletions highlighted in red-strikeout

Exhibit	Page	
L	4	The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Vang Fuentes, seconded by Vice Chair Hardie Commissioner Wagner

Exhibit L - Planning Commission Resolutions

FRESNO CITY PLANNING COMMISSION RESOLUTION NO. 13748

The Fresno City Planning Commission, at its regular meeting on June 15, 2022 adopted the following resolution relating to Text Amendment Application No. P21-05809:

WHEREAS, Precision Civil Engineering, Inc. submitted a proposed Text Amendment on behalf of Amarok, LLC (formerly known as Electric Guard Dog) to amend Section 15-2010 of the Fresno Municipal Code; and

WHEREAS, Text Amendment No. P21-05809 proposes to expand the Zone Districts where Electrified Fences are permitted by revising the language in the Fresno Municipal Code (FMC) Sections 15-2010 of the Fresno Municipal Code; and

WHEREAS, the Citywide Development Code implements the General Plan by regulating land use within Fresno's City Limits; and

WHEREAS, the Planning Commission's regularly scheduled June 15, 2022, hearing on Text Amendment Application No. P21-05809 and the related environmental finding was duly noticed by publication in the *Fresno Bee* on May 20, 2022, the newspaper of greatest local circulation; and

WHEREAS, on June 15, 2022, the Fresno Planning Commission conducted a public hearing to consider Text Amendment Application No. No. P21-05809 and the related environmental finding; and,

WHEREAS, during the June 15, 2022, hearing, the Commission received and considered the Planning and Development Department's report recommending consideration of the Text Amendment No. P21-05809 and the related environmental finding and provided the opportunity for consideration of testimony from the applicant and the public; and

WHEREAS, four members of the public spoke in support and two members of the public spoke in opposition of the proposed text amendment; and

WHEREAS, the Planning Commission recommended approval with modifications utilizing the Development Code Findings provided by the applicant; and

WHEREAS, the modifications proposed by the Commission were to require an 18 inch separation between the perimeter fence and the electrified fence, the removal of all Mixed-Use Districts and Public and Institutional Districts from permitted locations, and prohibition of Electric Fences within 500 feet of sensitive uses, such as schools and childcare facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission, based upon information presented at the hearing, finds in accordance with its own independent judgment that there is no substantial evidence in the record to indicate that the Text Amendment may have a significant effect on the environment as identified by, and evaluated within, Environmental Assessment No. P21-05809, and determines it is exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense exemption that it can be seen with certainty

that there is no possibility that the proposed text amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3); and

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that the approval with Conditions of Text Amendment No. P21-05809 and the related environmental finding is consistent with the adopted Fresno General Plan, and the findings required pursuant to Section 66410 et.seq of the Government Code; and


BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends that the City Council approve with conditions the Text Amendment Application No. P21-05809 and the related environmental finding.

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The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Chair Vang, seconded by Vice Chair Hardie

VOTING: Ayes - Vang, Hardie, Bray, Criner, Diaz, Wagner
 Noes - Fuentes
 Not Voting - None
 Absent - None

DATED: June 15, 2022



Jennifer Clark, Secretary
Fresno City Planning Commission

Resolution No. 13748
Text Amendment No. P21-05809
Environmental Assessment No. P21-05809
Action: Recommend Approval with Conditions

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13762**

The Fresno City Planning Commission, at its regular meeting on August 17, 2022 adopted the following resolution relating to Text Amendment Application No. P21-05809:

WHEREAS, Precision Civil Engineering, Inc. submitted a proposed Text Amendment on behalf of Amarok, LLC (formerly known as Electric Guard Dog) to amend Section 15-2010 of the Fresno Municipal Code; and

WHEREAS, Text Amendment No. P21-05809 proposes to expand the Zone Districts where Electrified Fences are permitted by revising the language in the Fresno Municipal Code (FMC) Section 15-2010 of the Fresno Municipal Code; and

WHEREAS, the Citywide Development Code implements the General Plan by regulating land use within Fresno's City Limits; and

WHEREAS, the Planning Commission's regularly scheduled August 17, 2022, hearing on Text Amendment Application No. P21-05809 and the related environmental finding was duly noticed for the first hearing by publication in the *Fresno Bee* on May 20, 2022, the newspaper of greatest local circulation; and

WHEREAS, on June 15, 2022, the Fresno Planning Commission conducted a public hearing to consider Text Amendment Application No. No. P21-05809 and the related environmental finding; and,

WHEREAS, during the June 15, 2022, hearing the Commission received and considered the Planning and Development Department's report recommending consideration of the Text Amendment No. P21-05809 and the related environmental finding and provided the opportunity for consideration of testimony from the applicant and the public; and

WHEREAS, the Planning Commission recommended approval with modifications utilizing the Development Code Findings provided by the applicant during the June 15, 2022 hearing; and

WHEREAS, the City Council, at its regularly scheduled meeting on July 21, 2022, voted to refer a new alternative modification of the Text Amendment submitted by the applicant back to Planning Commission; and

WHEREAS, the Planning Commission recommended approval of the new alternative modification of the Text Amendment with a consistency review, specifically not permitting the installation of electric fences in Park and Recreation Facilities, during the August 17, 2022 hearing;

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission, based upon information presented at the hearing, finds in accordance with its own independent judgment that there is no substantial evidence in the record to indicate that the Text Amendment may have a significant effect on the environment as identified by, and evaluated within, Environmental Assessment No. P21-05809, and determines it is exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense exemption that it can be seen with certainty

that there is no possibility that the proposed text amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3); and

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that the approval of Text Amendment No. P21-05809 and the related environmental finding is consistent with the adopted Fresno General Plan, and the findings required pursuant to Section 66410 et.seq of the Government Code; and

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends that the City Council approve with conditions the Text Amendment Application No. P21-05809 and the related environmental finding.
///

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Fuentes, seconded by Commissioner Wagner

VOTING: Ayes - Fuentes, Wagner, Vang, Bray, Diaz, Hardie
 Noes - None
 Not Voting - None
 Absent - Criner

DATED: August 17, 2022



Jennifer Clark, Secretary
Fresno City Planning Commission

Resolution No. 13762
Text Amendment No. P21-05809
Environmental Assessment No. P21-05809
Action: Recommend Approval