Exhibit G

TEXT AMENDMENT APPLICATION NO. P25-00974 AND RELATED ENVIRONMENTAL DETERMINATION

City of FRESNO

PURPOSE OF TEXT AMENDMENT

- Provide flexibility for existing drive-through facilities required to relocate due to property being acquired as a result of a public work project.

BACKGROUND – EXISTING REGULATIONS

Drive-In and Drive-Through Facilities permitted in the MX districts with CUP

- Also subject to Specific Limitation No. 15, which:
  1) Prohibits drive-through facilities within 100 feet of a planned or existing BRT station; and
  2) Prohibits drive-through related facilities from being located between a building and a sidewalk.

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS

Use Classifications	NMX	CMX	RMX	Additional Regulations
Residential Use Classifications				
Other Applicable Types				
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§ 15-2728, Drive-In and Drive-Through Facilities

Specific Limitations:

1. Not allowed on the ground floor within 200 feet of an intersection (measured from the lot line) of two or more major streets with the exception of main building entrances and active community spaces. Other high-activity uses may be approved at the discretion of the Review Authority. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority.
2. Reserved.
3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.
4. Must be located along a major street.
5. Limited to establishments with a gross floor area of 5,000 square feet or less.
6. Shall be below grade or in structures faced with active uses along the street.
7. Provided that such use shall be completely enclosed in a building of soundproof construction.
8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.
9. Reserved.
10. Limited to heliports used as accessory to a hospital.
11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.
12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop.
13. Must take place entirely within a building.
14. Must include an indoor waiting area.
15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.
16. Reserved.
17. Reserved.
18. Permitted only after review and approval of a Conditional Use permit, and only in the following areas: a) NMX-zoned parcels which are located south of State Route 180 and east of State Route 41 and which are not within 500 feet of a Bus Rapid Transit route; or b) NMX-zoned parcels which are located north of State Route 180 and west of the Union Pacific Railroad.

Additional Regulations

Specific Limitations

EXISTING REGULATIONS – CONT'D

SEC. 15-2728. - DRIVE-IN AND DRIVE-THROUGH FACILITIES.

Drive-in or drive-through facilities shall be located, developed, and operated in compliance with the following standards:

A. **Where Allowed.** Drive-in and drive-through facilities are allowed per base district land use regulations.

B. **Separation Requirements.**

1. **From Residential Districts.** Drive-through ordering intercoms or other amplified speaker interface shall not be located within 100 feet of a Residential District.
2. **Space between Drive-Throughs.** A building with a drive-through lane shall not be located within 400 feet of another structure containing a drive-through facility.
    a. **Exceptions.**
        i. This requirement does not apply in the CH Commercial - Highway and Auto district. However, compatibility with traffic flow shall still be assessed.
        ii. This requirement does not apply within 1,000 feet of a freeway exit.

C. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas. Aisles shall be designed to provide adequate visibility at their intersection with streets or travel aisles. See Section 15-2018, Intersection Visibility.

D. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a minimum height of 30 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets, parking lots, and the public right-of-way.

E. **Menu Boards.** A maximum of two menu boards, not exceeding 20 square feet in area apiece, with a maximum height of six feet are permitted per drive-through. Should a facility have two drive-throughs, each drive-through may have two menu boards. All outdoor speakers shall be directed away from any residential district or residential use.

F. **Pedestrian Walkways.**

1. Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists due to physical site constraints. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.
2. A pedestrian walkway crossing a drive-through lane will be allowed when it is the pedestrian pathway that links the site to the rest of the shopping center. This pathway must be located at the end of the drive-through lane and must be clearly delineated with striping or contrasting paving. Signage notifying drivers in the drive-through lane of the pedestrian crossing shall be provided.

G. **Site and Building Design.**

1. Walls along the street face and visible from the street, shall be transparent with windows, doors, and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.
2. Drive-through elements shall be placed to the side or rear of the building.
3. Drive-through aisles shall be designed to reduce idling. Signage to encourage customers not to idle shall be placed either before or at the entrance of a drive-through aisle.

H. **Hours of Operation.** Should a drive-through facility be located closer than 100 feet from a Residential District, the drive-through shall close no later than 10 p.m.

I. **Equal Access.** Whenever service is limited to drive-through facilities, customers using non-motorized transportation shall have equal access to service.

(Added Ord. 2015-39, § 1, eff. 1-9-16; Am. Ord. 2017-33, § 26, eff. 7-30-17; Am. Ord. 2018-25, § 27, eff. 6-11-18).

TEXT AMENDMENT PROPOSAL – PROPOSED CHANGES

Amend Specific Limitation No. 15 in Table 15-1102

15. Not allowed[: a)] within 100 feet of a planned or existing Bus Rapid Transit station [except for projects involving an existing drive-through that is required to relocate as a result of a taking by eminent domain and where the new location is within 1 mile of the original location and where the new establishment complies with, and without deviation from, all applicable property development standards;] and [b.)] not allowed between a building and a sidewalk.

Amend Section 15-2728 to add an exception to drive-through separation requirement

Space between Drive-Throughs. A building with a drive-through lane shall not be located within 400 feet of another structure containing a drive-through facility.

a. Exceptions.

i. This requirement does not apply in the CH Commercial - Highway and Auto district. However, compatibility with traffic flow shall still be assessed.

ii. This requirement does not apply within 1,000 feet of a freeway exit.

[iii. This requirement does not apply to projects involving an existing drive-through that is required to relocate as a result of a taking by eminent domain and where the new location is within 1 mile of the original location.]

Public Input

- Three (3) of the four (4) active Council District Project Review Committees (Districts 1, 3, and 6) considered the proposed Text Amendment.
- The Council District 4 Project Review Committee failed to establish quorum at its regularly scheduled meetings on June 17, 2025 and July 15, 2025.
- One public comment letter received.
  - Presented to the project review committees
- Planning Commission recommended approval on July 16, 2025
- Public hearing notice was published in the Fresno Bee on June 25 and August 17, 2025

RECOMMENDED MODIFICATION

Amend Specific Limitation No. 15 in Table 15-1102

15. Not allowed[: a)] within 100 feet of a planned or existing Bus Rapid Transit station [except for projects involving an existing drive-through that is required to relocate ~~as a result of a taking by eminent domain~~ *due to property being acquired as a result of a public work project* and where the new location is within 1 mile of the original location and where the new establishment complies with, and without deviation from, all applicable property development standards;] and [b.)] not allowed between a building and a sidewalk.

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ACTION BY THE CITY COUNCIL

RECOMMEND ADOPTION of the environmental determination that Text Amendment Application No. P25-00974 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

BILL (for introduction) amending Table 15-1102 and Section 15-2728 of the FMC, relating to existing establishments with drive-through facilities that are required to relocate as a result of a taking by eminent domain.