



Legislation Details (With Text)

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Title: * BILL NO. B-36 - (For adoption; Introduced August 21, 2014) - Repealing Section 12-328 of the Fresno Municipal Code and adding Article 22 of Chapter 12 to the Fresno Municipal Code relating to outdoor dining

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. City Council Staff Report of March 6, 2014.pdf, 2. 65250elb KBD - Outdoor Dining Ordinance Final 8 7 14-msedits.pdf

Date	Ver.	Action By	Action	Result
8/28/2014	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

August 28, 2014

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Development and Resources Management

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SUBJECT

* **BILL NO. B-36** - (For adoption; Introduced August 21, 2014) - Repealing Section 12-328 of the Fresno Municipal Code and adding Article 22 of Chapter 12 to the Fresno Municipal Code relating to outdoor dining

RECOMMENDATION

Staff recommends the Council take the following action:

1. Approve the ordinance bill of the City Council repealing Section 12-328 of the Fresno Municipal Code and adding Article 22 of Chapter 12 to the Fresno Municipal Code relating to outdoor dining.

EXECUTIVE SUMMARY

On March 6, 2014, the City Council, through Ordinance Bill 2014-17, approved Text Amendment No.

TA-13-006 relating to the use of outdoor dining areas within street easements and rights-of-way, without requiring a special permit for certain uses. In efforts to enhance permit processing the attached ordinance bill was drafted to clarify some administrative procedures relating to right-of-way encroachment and the necessity of recorded agreements. This bill will simplify the process for all businesses whether they own or lease the property and will allow for encroachment on City owned space without obtaining any permit or encroachment agreement subject to certain requirements. There is clarifying language to include lessee, tenants and legal occupants of the building to eliminate ownership issues.

BACKGROUND

The proposed ordinance bill has been drafted to address specific concerns related to the outdoor dining ordinance that was enacted in March of 2014. During its early inception, concerns were raised regarding the recordation of an agreement as well as the extent of encroachment into the right-of-way. City staff has drafted the attached ordinance that addresses these concerns and would still allow for the timely processing of these applications.

Many of the original requirements of the outdoor dining ordinance will remain in place. These include no additional parking requirements; clear definition of designated outdoor dining areas; and no updated security plans. These requirements will allow for a safe operating environment while protecting the public right-of-way. The proposed relocation of the ordinance within the Fresno Municipal Code will also promote timely processing by eliminating administrative timelines. The original intent of the ordinance was to process such permits over the counter in one day. This will be accomplished through the adoption of this ordinance.

ENVIRONMENTAL FINDINGS

This is not a "project" for the purposes of CEQA pursuant to CEQA Guidelines, section 15378(b)(5), as it is an administrative activity that will not result in direct or indirect physical changes to the environment.

LOCAL PREFERENCE

Not applicable since no bid process was involved in this project.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion, in turn, funding the respective operations of the Development and Resource Management Department.

Attachments:

Ordinance Bill

City Council Staff Report of March 6, 2014.