



Legislation Details (With Text)

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Title: ***BILL NO. B-7- (Intro. 3/26/15) (For adoption) - Amending Sections 12-216.3-B, 12-325-D-2-B, and 12-306-N-37 of the Fresno Municipal Code to 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
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Date	Ver.	Action By	Action	Result
4/9/2015	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

April 9, 2015

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SUBJECT

***BILL NO. B-7- (Intro. 3/26/15) (For adoption) - Amending Sections 12-216.3-B, 12-325-D-2-B, and 12-306-N-37 of the Fresno Municipal Code to 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

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. Adopt the environmental finding of Environmental Assessment No. TA-14-003, dated February 10, 2015, pursuant to CEQA Guidelines Section 15061(b)(3), that there is no possibility that this project may have a significant effect on the environment.
2. BILL - (For introduction) - Amending Sections 12-216.3-B, 12-325-D-2-B, and 12-306-N-37 of the Fresno Municipal Code to 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.

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 Fresno Municipal Code ("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 20-acre 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 and create a more walkability.

BACKGROUND

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.

After review of the recommendation made by the Council 3 District Plan Implementation Committee to consider reducing the minimum parcel size, staff determined that the proposed 20-acre minimum 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 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.

In conclusion, the proposed amendment is consistent with the above objectives of the Fresno General Plan, as it would improve economic vitality in the City of Fresno and allow development of existing properties within the City of Fresno. The proposed text amendment promotes business growth and reinvestment within the City and preserves and protects resources within the City by expanding opportunities for development on infill properties. Infill development conserves resources and takes advantage of existing infrastructure.

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.

Fresno City Planning Commission Action

This text amendment was considered by the Fresno City Planning Commission at its meeting on February 25, 2015. Two members of the public spoke in support of the text amendment and no one spoke in opposition. After a complete hearing, the Commission voted to recommend the City Council approve the text amendment.

ENVIRONMENTAL FINDINGS

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.

LOCAL PREFERENCE

Local preference was not considered because this ordinance does not include a bid or award of a construction or service contract.

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. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

Attachments: Exhibit A: Text Amendment Application No. TA-14-003 Ordinance
Exhibit B: Environmental Assessment Application No. TA-14-003 dated February 10, 2015
Exhibit C: Map of Areas with C-P Zoning (>20 acres)
Exhibit D: Planning Commission Resolution