



BILL NO. B-27

ORDINANCE NO. 2013-27

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 12-223.B OF THE FRESNO MUNICIPAL CODE RELATING TO THE ADDITION OF RELATED COMMERCIAL USE IN THE "CR" COMMERCIAL RECREATION DISTRICT

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

SECTION 1. Section 12-223.B of the Fresno Municipal Code is amended to read:

- A. SECTION 12-223.B RELATED COMMERCIAL USES including but not limited to the following:
1. (Reserved)
 2. Barbershops and beauty shops.
 3. Baths, Turkish and the like.
 4. Bicycle shops.
 5. Model swimming pools (enclosed within a building or adequately protected by fencing).
 6. Off-street parking lot or structure.
 7. Restaurants.
 8. Sporting goods stores.
 9. Temporary or permanent telephone booths.
 10. Public parking lot or structure.



[11. Medical Offices]

[12. Physical therapy offices]

[13. Delicatessens]

SECTION 2. 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 12th day of September, 2013.

AYES : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: N/A, 2013

Mayor Approval/No Return: September 24, 2013

Mayor Veto: N/A, 2013

Council Override Vote: N/A, 2013

YVONNE SPENCE, CMC
City Clerk

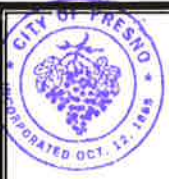
BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

BY: Talia Kolluri-Barbick, Deputy

9/24/13



3.
Environmental Assessment No. TA-13-003



CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY

TEXT AMENDMENT AND ENVIRONMENTAL ASSESSMENT
NO.TA-13-003

APN No. See list and maps attached, Exhibit A

APPLICANT: Mr. Guy Stockbridge
Stock Five Holdings, LLC
2972 Larkin Ave.
Clovis, CA 93612

PROJECT LOCATION:
See list and maps attached, Exhibit A

Filed with

FILED

JUL 05 2013

FRESNO COUNTY CLERK
By *[Signature]*
DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

E201310000179

PROJECT DESCRIPTION: Text Amendment Application No. TA-13-003 requests authorization to amend the text of the Fresno Municipal Code related to the zoning classification of the C-R (*Commercial-Recreation District*) zone district, to add the following uses: medical offices, therapy offices, banks, grocery stores and delicatessen and off-site alcohol sales.

The Development and Resource Management Department is proposing to amend the C-R (*Commercial-Recreation District*) zone district to expand the list of allowable by-right and conditional uses in the C-R zone district. The aforementioned uses are no more onerous than the existing permitted uses in the district. This proposal amends Section 12-223.1A and 12-223.3B of the C-R zone district by allowing for the following permitted uses: medical offices, therapy offices, banks, grocery stores and delicatessen. The text amendment would also permit off-site alcohol sales as a conditional use.

The C-R zoned properties are located within the jurisdiction of the 2025 Fresno General Plan and are shown on the attached map. There are 9 locations within the City which are zoned C-R ranging in size from 3 acres to 40 acres. Cumulatively they account for only 152 acres out of 72,414 acres or 2% of the territory in the City.

The proposed amendment would allow for more flexibility in the C-R zone district thereby improving economic vitality of the city. This proposal is desirable for public welfare, and is essential in supporting the goals of the 2025 Fresno General Plan.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

E201310000179




With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Bruce Barnes at (559) 621-8047 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on August 6, 2013. Please direct comments to Bruce Barnes, Project Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to bruce.barnes@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

This development application and this proposed environmental finding has been tentatively scheduled to be heard by the Planning Commission on August 7, 2013 at 6:00 p.m. or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on August 29, 2013 at 10:00 a.m.. This hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:
Bruce Barnes, Project Manager

SUBMITTED BY:

Sophia Pagoulatos, Supervising Planner
CITY OF FRESNO PLANNING AND
DEVELOPMENT DEPARTMENT

DATE: July 5, 2013



September 12, 2013

Council Adoption: 9/12/13
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC 
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 9/12/2013, Council adopted the attached Bill No. 27 and Ordinance No. 2013-27 entitled **Amending Section 12-223.B of the Fresno Municipal Code relating to the addition of related commercial use in the "CR" Commercial Recreation District, Item No. 1K** by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before September 23, 2013. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: X

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: _____

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :