



## **COUNCIL DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE MEETING**

Meeting Room 3078, Third Floor-North, Fresno City Hall 2600 Fresno Street, Fresno CA 93721-3604

### **AGENDA**

**MONDAY, April 14, 2014- 5:30 P.M.**

#### **1. ROLL CALL**

Members: Rose Hendry, Ralph Kachadourian, Michael Napoli, David Rodriguez, William Scott, Jasdeep Singh

Staff: Bruce Barnes, Development and Resource Management Department

#### **2. APPROVAL OF AGENDA AND MEETING ACTION AGENDA**

- a. Agenda for April 14, 2014
- b. Action Agenda for February 10, 2014

#### **3. COMMITTEE BUSINESS**

- a. Election of new Chairperson

#### **4. PROJECT REVIEW – NEW MATTERS**

a. **Text Amendment Application No. TA-14-001** was initiated by Fresno City Council Resolution No. 2013-199, dated November 21, 2013, and proposes to amend Chapter 12 of the Fresno Municipal Code, Sections 12-220.3, 12-222.3, 12-231.5, 12-105.P, and 12-306.N.17 relating to payday lending establishments. The Text Amendment to the Zoning Ordinance proposes to define and establish operational and geographical parameters for payday lending establishments. (Staff Planner: Sophia Pagoulatos)

#### **APPLIES CITYWIDE**

#### **5. STAFF INFORMATIONAL REPORT**

#### **6. PUBLIC COMMENTS**

#### **7. UNSCHEDULED MATTERS**

Unscheduled matters are items added to the agenda without the required 72-hour legal notice requirement. These items may be discussed but official action may not be taken until legal notices are given as required by law.

#### **8. ADJOURNMENT**



## COUNCIL DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE MEETING

Meeting Room 3078, Third Floor-North, Fresno City Hall 2600 Fresno Street, Fresno CA 93721-3604

### ACTION AGENDA

**MONDAY, February 10, 2014- 5:30 P.M.**

#### 1. ROLL CALL

Members Present: Ralph Kachadourian, Michael Napoli, David Rodriguez

Members Absent: William Scott, Jasdeep Singh, Rosie Hendry

Others Present: Ron Marlette, Jeff Jones, Curt Capello, Beth Aboulafia

Staff: Bruce Barnes, Development and Resource Management Department

#### 2. APPROVAL OF AGENDA AND MEETING ACTION AGENDA

a. Agenda for February 10, 2014

b. Action Agenda for January 27, 2014

*It was moved and seconded a motion to approve both the agenda and the action agenda from the previous meetings. The motion passed unanimously.*

#### 3. COMMITTEE BUSINESS

*None.*

#### 4. PROJECT REVIEW – NEW MATTERS

- a. **Site Plan Review Application No. S-14-004** was filed by Ron Marlette of Marlette Associates, on behalf of James Anderson, and pertains to 1.96 acres of property located on the east side of North Marks Avenue via the private access easement, north of West Alluvial Avenue. The applicant proposes the construction of a 10,700± square-foot two-story, single family residential dwelling with basement, attached 4-car garage, and outdoor pool on property adjacent to the southern edge San Joaquin River Bluff. The property is zoned R-1-E/BP/UGM/cz (*Single Family Residential Estate, minimum 37,500 square-foot lot/Bluff Preservation Overlay/Urban Growth Management/ conditions of zoning*). An updated supplement and the Geotechnical Engineering/Bluff Zone III Investigation Report are attached.

**APN: 500-430-03  
AVENUE**

**ZONING: R-1-E/BP/UGM/cz**

**ADDRESS: 7690 NORTH MARKS**

*After much discussion about the definition of the term "Structure" being 30 feet back from the bluff and whether a pool was considered to be a structure, it moved and seconded a motion to recommend approval. The motion passed unanimously.*

**Conditional Use Permit Application No. C-14-005-ABCUP** was filed by Beth Aboulafia, on behalf of the Target Corporation, and pertains to 11.15 acres of property located on the south side of West Herndon Avenue between Golden State Boulevard and North Riverside Drive. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 20 liquor license (*sale of beer and wine for consumption off the premises where sold*) for the Target Store in the Marketplace at El Paseo Shopping Center. The property is zoned C-3/UGM (*Regional Shopping Center/Urban Growth Management*).

**APN: 504-091-55s  
DRIVE**

**ZONING: C-3/UGM**

**SITE ADDRESS: 6655 NORTH RIVERSIDE**

*It was moved and seconded a motion to recommend approval. The motion passed unanimously.*

## **5. STAFF INFORMATIONAL REPORT**

## **6. PUBLIC COMMENTS**

## **7. UNSCHEDULED MATTERS**

Unscheduled matters are items added to the agenda without the required 72-hour legal notice requirement. These items may be discussed but official action may not be taken until legal notices are given as required by law.

## **8. ADJOURNMENT**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING CHAPTER 12 OF THE FRESNO MUNICIPAL CODE, SECTIONS 12-220.3, 12-222.3, 12-231.3, 12-105.P, AND 12-306.N.17, RELATING TO PAYDAY LENDING ESTABLISHMENTS.

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

SECTION 1. Chapter 12-220.3.B of the Fresno Municipal Code is amended to add a new part, to be numbered and to read as follows:

[15.1. Payday Lending Establishments, subject to FMC 12-306.N.17.]

SECTION 2. Chapter 12-222.3.B of the Fresno Municipal Code is amended to add a new part, to be numbered and to read as follows:

[29.1. Payday Lending Establishments, subject to FMC 12-306.N.17.]

SECTION 3. Chapter 12-231.3.B of the Fresno Municipal Code is amended to add a new part, to be numbered and to read as follows:

[14.1. Payday Lending Establishments, subject to FMC 12-306.N.17.]

SECTION 4. Chapter 12-105.P of the Fresno Municipal Code is amended to add a new part, to be numbered and to read as follows:

[7.1. PAYDAY LENDING ESTABLISHMENT shall mean a business owned or operated by a "licensee" as defined by California Financial Code Section 23001(d), as may be amended, that offers, originates, or makes deferred deposit transactions in which the lender defers depositing a customer's personal check or electronically accessing a bank account until a specific date for a fee or other charge.]

SECTION 5. Chapter 12-306.N.17 of the Fresno Municipal Code is amended to read as follows:

17. [PAYDAY LENDING ESTABLISHMENTS. The location and operation of Payday Lending Establishments shall be subject to and shall comply with all of the restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Payday Lending Establishment under or pursuant to other provisions of the Fresno Municipal Code or any other applicable

Date Adopted:

Page 1 of 4

Date Approved

Effective Date:

City Attorney Approval: \_\_\_\_\_

Ordinance No.

federal, state, or local laws, regulations, or policies.

**[a. Discontinuance and Termination.**

Any Payday Lending Establishment whether existing or subsequently granted under this Section that voluntarily discontinues active operation for more than ninety consecutive days, does not maintain a valid city business license for more than ninety consecutive days, or ceases to be licensed by the State of California under the California Deferred Deposit Transaction Law, as may be amended, shall result in a termination of the conditional use permit or use. Likewise, if the Payday Lending Establishment adds capacity, floor or land area, or extends the hours of operation, such changes shall result in a termination unless authorized by a new or amended conditional use permit. The Licensee shall be notified by the Director of the termination of the conditional use permit, or any other right of use related to the Payday Lending Establishment, and shall be informed of the Licensee's right to appeal the Director's decision. The process used in Section 12-405-E ("Revocation of Rights") of this Code, as may be amended, shall apply. For existing Payday Lending Establishments that originally did not need a special permit to lawfully operate, the same revocation process shall apply except that it shall be for a revocation of rights for use as a Payday Lending Establishment instead of a revocation of rights granted under a special permit.]

**b. Zone Districts**

1) Payday Lending Establishments approved on or after the effective date of this ordinance shall be limited to the C-4, C-6 and CC zone districts, subject to a Conditional Use Permit and subject to the provisions of FMC 12-405.

2) Notwithstanding the provisions of FMC 12-405-D-2, whenever the rights granted by a Conditional Use Permit for a Payday Lending Establishment are discontinued for a continuous period of ninety (90) days, the Conditional Use Permit shall be considered terminated.

**c. Conditions**

Any Conditional Use Permit for a Payday Lending Establishment shall incorporate the following additional conditions:

(1) Payday Lending Establishments shall be separated by at least 1,320 feet (0.25 mile) as measured directly from property line to

property line from any parcel on which an existing Payday Lending Establishment is located or on which a conditional use permit for a Payday Lending Establishment has been approved which has not been terminated or revoked pursuant to 12-405-D or 12-405-E.

(2) Payday Lending Establishments shall hold, maintain and be in compliance with a valid license issued by the State of California under the California Deferred Deposit Transaction Law, as may be amended.

(3) Payday Lending Establishments shall hold, maintain and be in compliance with a Business License issued pursuant to Section 7-1001 through 7-1301, as may be amended.]

SECTION 6. The Department of Development and Resource Management is directed to incorporate the provisions of this ordinance into any proposed comprehensive update of the zoning ordinance.

SECTION 7. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final 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 \_\_\_\_\_ day of \_\_\_\_\_, 2014.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2014  
Mayor Approval/No Return: \_\_\_\_\_, 2014  
Mayor Veto: \_\_\_\_\_, 2014  
Council Override Vote: \_\_\_\_\_, 2014

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Talía Kolluri-Barbick, Deputy  
Dated:

TKB:cg[62964cg/ORD]10/10/13

Date Adopted:  
Date Approved  
Effective Date:  
City Attorney Approval: \_\_\_\_\_