RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPLICATION NO. P24-02420, INITIATING THE TOWER DISTRICT SPECIFIC PLAN ENTERTAINMENT DISTRICT OVERLAY PERTAINING TO AREAS WITHIN THE TOWER DISTRICT SPECIFIC PLAN BOUNDARIES.

WHEREAS, the Tower District Specific Plan Area is generally bounded by State Route 180 to the south, Blackstone Avenue to the east, Shields Avenue to the north and Fruit Avenue and Union Pacific Railroad to the west; and

WHEREAS, the plan area is within Council District 1, Council District 3 and Council District 7; and

WHEREAS, the Tower District Specific Plan was adopted on March 26, 1991 by Bill No. 91-26; and

WHEREAS, on December 18, 2014, the City Council approved Resolution No. 2014-226, adopting the Fresno General Plan which includes general goals, policies, and objectives that apply for the City of Fresno as a whole; and

WHEREAS, members of the Tower District community expressed a desire to update the existing 1991 Specific Plan to update objectives and policies to encourage consistent and compatible development of future residential and commercial uses; and

WHEREAS, on May 27th, 2021 the City Council approved Resolution No. 2021-147, establishing the Tower District Specific Plan Implementation Committee and requiring membership to consist of seven members; and

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: KC
275328v1

WHEREAS, members of the Tower District community expressed a desire to establish regulations for late-night entertainment uses where adjacent to residential uses; and

WHEREAS, the Tower Entertainment District Overlay boundaries are represented in Exhibit A – TED Boundary; and

WHEREAS, the Tower Entertainment District Overlay is intended to support a variety of entertainment businesses in the Tower District and ensure that the commercial uses integrate well with the surrounding residential areas; and

WHEREAS, the Tower Entertainment District Overlay is intended to apply to establishments with restaurant, bar and night-club related uses that include rear or side outdoor patios with a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council, pursuant to Fresno Municipal Code Section 15-4902-B hereby initiates Tower Entertainment District Overlay (Exhibit B – Draft TED Ordinance and Exhibit A – TED Boundary)

2. The Council directs staff to continue preparation of the Tower Entertainment District Overlay.

3. This resolution shall be effective upon final approval.

* * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Name Date
Title

Attachments:

Exhibit A – TED Boundary

Exhibit B – Draft TED Ordinance

EXHIBIT A

TED BOUNDARY

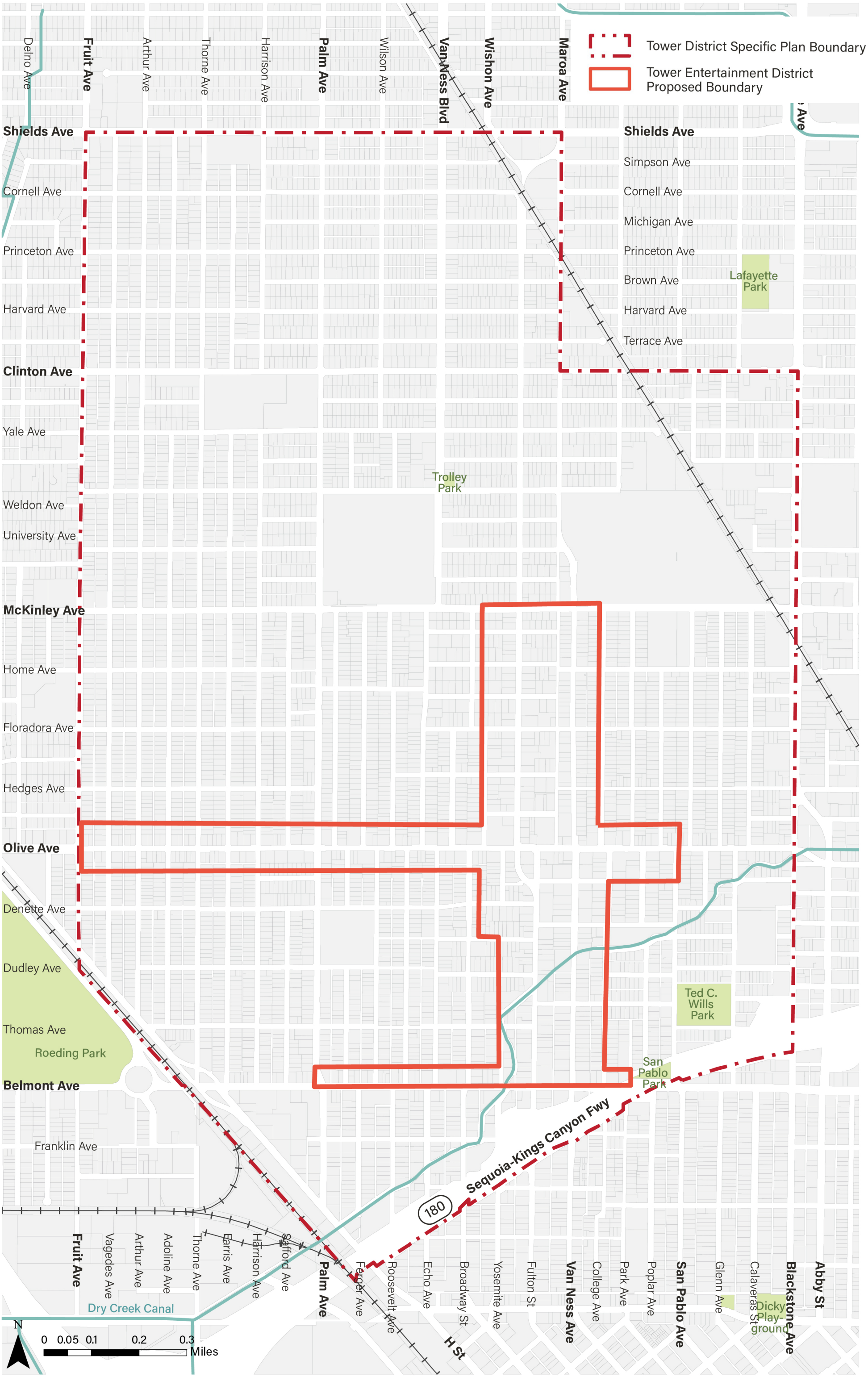
Tower District Specific Plan Boundary
Tower Entertainment District Proposed Boundary
Delno Ave
Fruit Ave
Arthur Ave
Thorne Ave
Harrison Ave
Palm Ave
Wilson Ave
Van Ness Blvd
Wishon Ave
Maroa Ave
Shields Ave
Cornell Ave
Princeton Ave
Harvard Ave
Clinton Ave
Yale Ave
Weldon Ave
University Ave
McKinley Ave
Home Ave
Floradora Ave
Hedges Ave
Olive Ave
Denette Ave
Dudley Ave
Thomas Ave
Roeding Park
Belmont Ave
Franklin Ave
Simpson Ave
Michigan Ave
Brown Ave
Terrace Ave
Lafayette Park
Trolley Park
Ted C. Wills Park
San Pablo Park
Sequoia-Kings Canyon Fwy
180
Vagedes Ave
Adoline Ave
Harris Ave
Safford Ave
Ferger Ave
Roosevelt Ave
Echo Ave
Broadway St
Yosemite Ave
Fulton St
College Ave
Park Ave
Poplar Ave
Glenn Ave
Calaveras St
Blackstone Ave
Abby St
H St
Dry Creek Canal
Dicky Play-ground
N
0 0.05 0.1 0.2 0.3 Miles

EXHIBIT B

DRAFT TED ORDINANCE

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, TO APPROVE TEXT AMENDMENT APPLICATION P24-02420 TO ADD SECTION 15-1615 AND AMEND SECTION 15-2744 AND SECTION 15-5302 OF THE FRESNO MUNICIPAL CODE, RELATING TO THE TOWER ENTERTAINMENT DISTRICT.

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

SECTION 1. Section 15-1615 is added to the Fresno Municipal Code to read:

[SECTION. 15-1615 TOWER ENTERTAINMENT (TE) OVERLAY DISTRICT

A. Purpose. The Tower Entertainment (TE) Overlay District is intended to support a variety of entertainment businesses in the Tower District and ensure that the commercial uses integrate well with the surrounding residential areas.

B. Applicability. The provisions of this article apply to establishments in the Tower District Specific Plan Boundaries with the TE Overlay District designation for restaurant, bar and night-club related uses that include rear or side outdoor patios with a Conditional Use Permit.

C. Definitions.

1. Amplified sound: sound whose volume is increased by any electric, electronic, mechanical or motor-powered means.

D. Use Regulations.

1. Permitted Uses. The uses permitted in the Base District.

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

2. **Uses Not Permitted.** The uses expressly prohibited by the provisions of the Base District.

E. **Time to Stop Sales, Services, & Consumption of Alcohol.** All establishments serving alcohol must adhere to the regulations set forth in §15-2751, Table 15-2751-G.

F. **Outdoor Patios – Rear or Side of Property.** For establishments with outdoor patios located at the rear or side of the property, outdoor patios must adhere to the hours listed in Table 15-1615-F, according to the outdoor patio's distance from an existing Residential use. All uses shall comply with applicable business operating hours and the noise standards provided in Subsection G.

TABLE 15-1615-F: OUTDOOR PATIO LOCATED AT THE REAR OR SIDE OF PROPERTY CLOSING TIME BY DISTANCE TO RESIDENTIAL USES

Use	100 ft. or closer to Residential	100 ft. to 250 ft. from Residential	250 ft. or further from Residential
Smoke/Hookah/Cigar Lounges	No outdoor patio permitted	No limitations	No limitations

Use	100 ft. or Closer to Residential	100 ft. to 250 ft. from Residential	250 ft or further from Residential
Outdoor Patios Without Noise Attenuation Measures	7:00am – 10:00pm	7:00am – 2:00am	No limitations

Use	100 ft. or Closer to Residential[1]	100 ft. to 250 ft. from Residential	250 ft or further from Residential

Outdoor Patios With Noise Attenuation Measures	7:00am – 2:00am	7:00am – 2:00am	No limitations
[1] No amplified sound permitted after 10:00pm on outdoor patios that are 100 ft. or closer to Residential.			

G. Noise Standards.

1. Exterior Noise Levels. Exterior noise levels shall be measured at the property line. Establishments with side and rear patios shall comply with standards as noted in §15-2506-A and Table 15-2506-D of the Fresno Municipal Code.

2. Interior Noise Levels. The interior noise levels shall be measured within the affected adjacent interior space, regardless of use, at points at least four feet from the wall, ceiling, or floor nearest the noise source, with windows in the normal seasonal configuration; and meet the following standards as noted in Table 15-2506-A of the Fresno Municipal Code.

3. Restaurants with Alcohol Sales. Bar/Nightclubs/Lounges doors and windows shall remain closed after 10:00pm to minimize noise, except for normal entry and exit of patrons.

H. Sidewalk Vendors. Sidewalk vendors operating within the Tower Entertainment District must comply with the following regulations:

1. Vendors must provide and maintain trash receptables for patrons. Trash from patrons is to be removed from the premises by the operator.

2. Vendors must comply with noise standards and shall not play amplified sound after 10:00pm.

3. After two years from the date of adoption of this section, generators powered by gas, diesel, or natural gas shall not be permitted.

I. **Mobile Vendors.** Mobile vendors operating within the Tower Entertainment District must comply with the regulations set forth in §15-2741 of the Fresno Municipal Code.]

SECTION 2. Section 15-2744 of the Fresno Municipal Code is amended to read:

SECTION 15-2744 - OUTDOOR DINING AND PATIO AREAS Eating and drinking establishments, including bars, nightclubs, and smoking establishments, with outdoor dining and/or patio areas shall be located, developed, and operated in compliance with the following standards. [When regulations in this section conflict with regulations in §15-1615 Tower Entertainment (TE) Overlay District, the regulations in §15-1615 shall supersede.]

SECTION 3. 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, TODD STERMER, 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 _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kristi M. Costa Date
Senior Deputy City Attorney