



PLANNING COMMISSION AGENDA

JAIME HOLT, Chair

Commission Members
PAUL E. CAPRIOGLIO
RAMA DAWAR
SEROP TOROSSIAN
ROJELIO VASQUEZ

Planning and Development
Assistant Director/Secretary
KEITH BERGTHOLD

Senior Deputy City Attorney
JOHN W. FOX

The Planning Commission welcomes you to this meeting.

October 21, 2009

Wednesday

6:00 p.m. to 10:00 p.m.

City Hall, Second Floor, COUNCIL CHAMBER, 2600 Fresno Street

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call Planning and Development Department staff at 559-621-8277.

El cuarto de la reunión es accesible a los físicamente incapacitados y los servicios de un traductor pueden ser hechos disponible. Peticiones para servicios adicionales para los incapacitado, los firmantes, aparatos de escuchar o los traductores deben ser hechos una semana antes de la reunión. Por favor llame a el Departamento de la Planificación y el Desarrollo en 559-621-8277.

Chav sablaj muaj rau cov tibneeg xiam ooghab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam ooghab, cov hlua ntsaws pobntseg mloog haislus, los yog tibneeg txhaislus, nej yuav tau hais tuaj ib asthiv los yog ib limpiam ua ntej lub rooi sablaj. Nej hu tau rau peb cov tubtxib ntawm tus xovtooj; 559-621-8277.

Metered parking is in effect throughout the downtown area. The general public wishing to attend a Planning Commission meeting at City Hall may park after 5 p.m. in the parking lot at the northeast corner of Tulare and P Streets or in the parking lot east of City Hall across the railroad tracks. Both parking lots have entrances from Tulare Street, and parking restrictions have been relaxed in these lots for those attending the meeting.

- I. **ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**

III. PROCEDURES

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing.

In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition of the project will be limited to three minutes per person. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with a soft bell ring when one minute is remaining. The speaker should be completing the testimony by the time the red light comes on with a final bell indicating time has expired. All public testimony must be presented to the Commission at the podium. Any testimony that references race, religion, economic status, national origin, shall be deemed out of order, irrelevant and will not be considered by the Commission in making its land use determinations.

If you challenge these land use matters in court, you may be limited to raising only those issues you or someone else raised in oral or written testimony at or before the close of the hearing.

IV. AGENDA APPROVAL

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

V. CONSENT CALENDAR

All Consent Calendar items are considered by the Planning Commission to be routine and will be enacted in one motion. There will be no separate discussion of these items unless requested, in which event the items will be removed from the Consent Calendar and considered prior to approval of the Consent Calendar. If any member of the public wishes to have a specific item removed for discussion, be present when the meeting is called to order and the Chair announces the Consent Calendar. Commission approval of Consent Calendar items for which there is no discussion shall constitute adoption of the staff recommendation.

- A. Minutes – Meeting Minutes of July 29, and August 5, 2009
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

- A. Election of Planning Commission Officers.

VII. CONTINUED MATTERS

VIII. NEW MATTERS

- A. Consideration of rescission of Planning Commission action on September 16, 2009, approving Vesting Tentative Tract Map No. 5957 filed by Precision Civil Engineering, Inc., on behalf of Fulton Plaza, LLC, pertaining to approximately 2.32 acres of property located on the southwest corner of the intersection of East Divisadero and Fulton Streets.
- Central Area Community Plan
 - Council District 3 (Councilmember Sterling)
 - Staff Recommendation: Recommend approval of rescission
 - Staff Member: Will Tackett
- B. Vesting Tentative Tract Map No. 5957 filed by Precision Civil Engineering, Inc., on behalf of Fulton Plaza, LLC, pertaining to approximately 2.32 acres of property located on the southwest corner of the intersection of East Divisadero and Fulton Streets.
1. Vesting Tentative Tract Map No. 5957 proposes a one-lot subdivision for the purposes of a condominium project on the subject property. The property is currently being developed as an 80-unit residential/commercial mixed use project. If approved, the proposed condominium project will facilitate individual ownership of respective dwelling units and/or commercial tenant spaces and establish or designate jointly owned and shared areas and facilities on the subject property.
 2. Approve the environmental finding for Environmental Assessment No. T-5957 that the project proposal is categorically exempt from the provisions of CEQA under Sections 15301 (Class 1/Existing Facilities) and Section 15315 (Class 15/Minor Land Divisions) of the CEQA Guidelines.
 - Central Area Community Plan
 - Council District 3 (Councilmember Sterling)
 - Staff Recommendation: Recommend approval
 - Staff Member: Will Tackett
 - May be considered by the City Council

VIII NEW MATTERS CONTINUED

C. Consideration of Conditional Use Permit Application No. C-09-145 and environmental findings filed by Karanbaljit Kahlon, pertaining to approximately 1.1 acres of property, zoned C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*), located on the southwest corner on North Cedar and East Nees Avenues.

1. Environmental Assessment No. C-09-145, determination of a Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA).
2. Conditional Use Permit Application No. C-09-145, requests to establish a State of California, Alcohol Beverage Control License for off-premises consumption of beer and wine (ABC Type 20 License) within an existing convenience store.
 - Woodward Park Community Plan
 - Council District 6 (Councilmember Brand)
 - Staff Member: David Braun
 - Staff Recommendation: Approval
 - May be considered by the City Council

IX. REPORT BY SECRETARY

X. SCHEDULED ORAL COMMUNICATIONS

XI. UNSCHEDULED ORAL COMMUNICATIONS

You may address the Planning Commission at the conclusion of the Commission meeting regarding matters of public interest that are not listed on the agenda and that are within the Commission's jurisdiction. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on the Planning Commission agenda should contact the Planning and Development Department, (559) 621-8277, at least 10 days before the desired appearance date.

XII. ADJOURNMENT

UPCOMING MATTERS
(Dates subject to change)