



PLANNING COMMISSION AGENDA

JAIME HOLT, Chair

Commission Members
SEROP TOROSSIAN, Vice Chair
PAUL E. CAPRIOGLIO
RAMA DAWAR
ANDY HANSEN-SMITH
LUISA MEDINA
ROJELIO VASQUEZ

Development and Resource Management Department
KEITH BERGTHOLD
Assistant Director/Planning Commission Secretary

Senior Deputy City Attorney
SHANNON L. CHAFFIN

The Planning Commission welcomes you to this meeting.

December 21, 2011

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 Development and Resource Management Department staff at 559-621-8277. **The agenda and related staff reports are available at www.fresno.gov.**

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 incapacitados, 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 oqhab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam oqhab, cov hlua ntsaws pobntseg mloog haislus, los yog tibneeg txhaislus, nej yuav tau hais tuaj ib asthiv los yog ib limpiam ua ntej lub rooj sablaj. Nej hu tau rau pab 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.

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 December 7, 2011
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

A. CONTINUED FROM DECEMBER 7, 2011

[Consider Plan Amendment Application No. A-11-007, Rezone Application No. R-11-009 and Official Plan Line, filed by Trident Realty Partners, LLC and Sol Development Associates, LLC, on behalf of Leslie and Marjorie Sassano Family Trust, Sarkisian Family Trust, and D & M Farms, Inc. pertaining to approximately 37.79 acres of property \(4 parcels\) located on the northwest corner of East Herndon and North Willow Avenues.](#)

1. **Recommend the City Council Approve Environmental Assessment No. A-11-007/R-11-009/OPL/TPM2007-28** recommending that a Mitigated Negative Declaration be adopted for the entire project, which includes (1) The proposed amendment to the 2025 Fresno General Plan and Bullard Community Plan planned land use designation for the subject property; (2) The proposed rezoning of the subject property consistent with the proposed plan amendment; (3) The proposed official plan line; and (4) Tentative Parcel Map Application No. 2007-28 on the subject property.
2. **Recommend the City Council Approve Plan Amendment Application No. A-11-007** which proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from the commercial business park planned land use designation to the community commercial land use designation. The application also proposes to amend the definition of an “expressway” street as defined in Policy E-1-A of the 2025 Fresno General Plan as follows: Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals [with additional signalized “jughandle” intersections as determined where necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The “jughandle” must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]
3. **Recommend the City Council Approve Rezone Application No. R-11-009** which proposes to reclassify the subject property from the AE-5/UGM (*Five Acre Agricultural/Urban Growth Management*) zone district to the C-2/EA/UGM (*Community Shopping Center/Expressway Area/Urban Growth Management*) zone district.
4. **Recommend the City Council Approve Official Plan Line Application** which proposes an alignment of a planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The proposed segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue.
 - Woodward Park Community Plan
 - Council District 6 (Councilmember Brand)
 - Staff Recommendation: Recommend Approval
 - Staff Member: Kevin Fabino and Will Tackett
 - Will be considered by the City Council

VIII. NEW MATTERS

- A. [Consider an appeal of the Development and Resource Management Department Director's action to approve, with conditions, Conditional Use Permit Application No. C-10-221 for property located at 6127 East Kings Canyon Road #105. This application requests authorization to establish a State of California, Alcohol Beverage Control \(ABC\) Type 21 license within a proposed 2,031 square foot convenience store \(within an existing building\). The Type 21 ABC license allows the sale of beer, wine and distilled spirits for consumption off the premises where sold. The subject property is zoned C-1 \(Neighborhood Shopping Center District\).](#)
1. **Approve Environmental Assessment No. C-10-221** recommending a Categorical Exemption Section 15301/Class 1, Section 15303/Class 3 and Section 15332/Class 32 be adopted for the conditional use permit application.
 2. **DENY the Appeal and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-10-221** which is a request for authorization to establish a State of California, Alcohol Beverage Control (ABC) Type 21 license within a proposed 2,031 square foot convenience store (within an existing building). The Type 21 ABC license allows for the sale of beer, wine and distilled spirits for consumption off the premises where sold.
 - Roosevelt Community Plan
 - Council District 5 (Councilmember Quintero)
 - Staff Recommendation: Deny appeal, uphold Director's decision
 - Staff Member: Israel Trejo
 - May be considered by the City Council
- B. [Consideration of Plan Amendment Application No. A-11-010; Rezone Application No. R-11-014; Conditional Use Permit Application No. C-11-128; and, related Environmental Assessment No. A-11-010/R-11-014/C-11-128 for a 95-unit gated affordable senior housing project on the south side of Ventura Avenue between Seventh and Eighth Streets.](#)
1. **RECOMMEND APPROVAL (to the City Council)** of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-010/R-11-014/C-11-128 for the purpose of the proposed plan amendment and rezone applications.
 2. **RECOMMEND APPROVAL (to the City Council)** of Plan Amendment Application No. A-11-010 which proposes to amend the 2025 Fresno General Plan and Roosevelt Community Plan for APN 470-052-02 (2.84 ac) *from* the public facilities planned land use *to* the heavy commercial (0.86 ac) and the medium-high density residential (1.98 ac) planned land use designations and for APN 470-052-03 *from* the public facilities planned land use (0.26 ac) *to* the medium-high residential planned land use designation.
 3. **RECOMMEND APPROVAL (to the City Council)** of Rezone Application No. R-11-014 requesting authorization to reclassify 1.98 acres of parcel 470-052-02 and 0.26 acre of APN 470-052-03 *from* the R-1 (*Single Family Residential*) zone district *to* the R-2 (*Low Density Multiple Family Residential*) zone district.
 4. **APPROVE the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-010/R-11-014/C-11-128** for the purpose of the proposed Conditional Use Permit application, contingent upon City Council approval of Plan Amendment Application No. A-11-010, Rezone Application No. R-11-014, and the related environmental assessment.

VIII. NEW MATTERS (Continued)

5. **APPROVE Conditional Use Permit Application No. C-11-128** subject to the findings included within the Staff Report to the Planning Commission dated December 21, 2011; compliance with the Conditions of Approval dated December 21, 2011; and, contingent upon City Council approval of Plan Amendment Application No. A-11-010, Rezone Application No. R-11-014, and the related environmental assessment.

- Roosevelt Community Plan
- Council District 5 (Councilmember Quintero)
- Staff Recommendation: Recommend Approval
- Staff Member: Sophia Pagoulatos
- Plan Amendment and Rezone will be considered by the City Council; Conditional Use Permit may be considered by the City Council on appeal

C. [Consider Conditional Use Permit Application No. C-11-149 filed by John and Maribel Lawless. This application is requesting authorization to establish a State of California Alcoholic Beverage Control Type 48 license \(Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the licensed premises; minors are not allowed to enter and remain\), and operate the 'Bottoms Up Night Club' between the hours of 3 p.m. to 2 a.m. daily. The subject property is located on the north side of West Ashlan Avenue between State Route 99 and North Golden State Boulevard \(4113 West Swift Avenue, Suite 101\).](#)

1. **Approve Environmental Assessment No. C-11-149** the Determination of a Categorical Exemption from the requirements of the California Environmental Quality Act.

2. **Approve Conditional Use Permit Application No. C-11-149** which the applicant is requesting authorization to establish a State of California Alcoholic Beverage Control Type 48 license (*Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the licensed premises; minors are not allowed to enter and remain*), and operate a night club between the hours of 3 p.m. to 2 a.m. daily.

- West Area Community Plan
- Council District 1 (Councilmember Xiong)
- Staff Recommendation: Recommend Approval
- Staff Member: Joann Zuniga
- May be considered by the City Council on appeal

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)