



# 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  
JOHN M. DUGAN, AICP  
Director/Planning Commission Secretary

Senior Deputy City Attorney  
SHANNON L. CHAFFIN

*The Planning Commission welcomes you to this meeting.*

**June 1, 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](http://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 ooqhab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam ooqhab, 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 peb cov tubtxib ntwm 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 May 4 and May 18, 2011
- B. Communications
- C. Entitlements

### **VI. REPORTS BY COMMISSIONERS**

## VII. CONTINUED MATTERS

- A. [Consider Plan Amendment Application No. A-11-002 and Rezone Application No. R-11-002, filed by Jeff Roberts, on behalf of Trudy Moxley, which pertains to approximately 7.18 acres in an area located on the east side of North Blythe Avenue between West Dakota and West Ashlan Avenues, in the City and County of Fresno, California.](#)
1. **Recommend Approval to the City Council** of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-002/R-11-002.
  2. **Recommend Approval to the City Council** of Plan Amendment Application No. A-11-002 which proposes to amend the 2025 Fresno General Plan and West Area Community Plan for APN 511-250-02 (4.86 acres) from the medium-low density residential planned land use destination to the medium-high density residential planned land use destination.
  3. **Recommend Approval to the City Council** of Rezone Application No. R-11-002 which proposes to reclassify APN 511-250-02 (4.86 acres) from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district and APN 511-363-24 (2.32 acres) from the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district.
    - West Area Community Plan
    - Council District 1 (Councilmember Xiong)
    - Staff Recommendation: Recommend Approval
    - Staff Member: McKencie Contreras
    - Will be considered by the City Council
- B. [Consider Conditional Use Permit Application No. C-11-016, filed by Manuel Perales on behalf of Yosemite Falls Café, relating to an existing restaurant within the Granite Park Development located on the east side of North Cedar Avenue between East Dakota and East Ashlan Avenues \(4020 North Cedar Avenue\).](#)
1. **Approve Environmental Assessment No. C-11-016** recommending a Categorical Exemption Section 15301/Class 1 and 15332/Class 32 be adopted for the conditional use permit application.
  2. **Approve Conditional Use Permit Application No. C-11-016** which is a request to operate a nightclub within an existing restaurant. The restaurant (Yosemite Falls Café) has an existing Alcohol Beverage Control license which allows for the sale of beer, wine and distilled spirits (ABC Type 47 license).
    - McLane Area Community Plan
    - Council District 4 (Councilmember Westerlund)
    - Staff Recommendation: Recommend continue to June 15, 2011
    - Staff Member: Israel Trejo
    - May 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-11-022 for property located at 7010 North West Avenue, located on the northeast corner of North West and West Herndon Avenues, requesting authorization to establish a State of California Alcoholic Beverage Control Type 21 License \(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold\), and convert an existing building that had been an auto repair shop into a Shop 'N' Go convenience store with alcohol sales and add a 718 square-foot automatic car wash at the south end of the building.](#)
1. **Approve Environmental Assessment No. C-11-022** recommending a Categorical Exemption Section 15332/Class 32 be adopted for the conditional use permit application.
  2. **Approve Conditional Use Permit Application No. C-11-022:** This application is a request to establish a State of California Alcoholic Beverage Control Type 21 License (*Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold*) and convert an existing building that had been an auto repair shop into a Shop 'N' Go convenience store with alcohol sales and add a 718 square-foot automatic car wash at the south end of the building.
    - Bullard Area Community Plan
    - Council District 2 (Councilmember Borgeas)
    - Staff Recommendation: Deny appeal, uphold Director's decision
    - Staff Member: Bonique Salinas
    - May be considered by the City Council
- B. [Consider an amendment to the conditions of approval issued for Vesting Tentative Tract Map No. 5461/UGM. The amendments to the conditions of approval have been proposed by the City of Fresno Department of Public Utilities and UCP Montecito, LLC., subdivider, and the application pertains to approximately 66.40 net acres of property located on the north side of East Dakota Avenue between North Armstrong and North Temperance Avenues.](#)
1. **Approve** findings of Statutory Exemption pursuant to CEQA Guidelines Section 15282(k) and No Possibility of Significant Effect pursuant to CEQA Guidelines Section 15061(b)(3) for the proposed amendment to the Conditions of Approval for Vesting Tentative Tract Map No. 5461/UGM.
  2. **Approve** Amendment to Conditions of Approval for Vesting Tentative Tract Map No. 5461/UGM as provided within the Revised Conditions of Approval dated June 01, 2011; subject to the findings of Section 12-1028 of the Fresno Municipal Code.
    - McLane Area Community Plan
    - Council District 4 (Councilmember Westerlund)
    - Staff Recommendation: Recommend Approval
    - Staff Member: Will Tackett
    - May be considered by the City Council

**VIII. NEW MATTERS (Continued)**

C. [Consider repeal of Official Plan Line \(OPL\) No. 97-01, on behalf of the City of Fresno.](#)

1. **Approve** addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, as adopted by the City Council on February 10, 2011 (Resolution No. 2011-19 and Ordinance No. 2011-5/Bill No. B-5), in accordance with Section 15164 of the California Environmental Quality Act (CEQA).
2. **Recommend Approval to the City Council** of Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purposes of the proposed repeal of Official Plan Line (OPL) No. 97-01.
3. **Recommend Approval to the City Council** of the request to repeal the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01 as recorded on September 18, 1997, in Volume 8 of Precise Plans at Pages 20 & 21, Fresno County Records.
  - Bullard Area Community Plan
  - Council District 2 (Councilmember Borgeas)
  - Staff Recommendation: Recommend Approval
  - Staff Member: Will Tackett
  - Will 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)*

*July 20, 2011      Workshop on Form Base Codes*

*August 17, 2011    Workshop on Fulton Corridor Specific Plan*

*August 17, 2011    Workshop on Downtown Neighborhood Specific Plans*