



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.

September 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. 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 August 17, 2011
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

A. **RECOMMEND CONTINUANCE TO OCTOBER 19, 2011**

Consider an appeal of the Director's approval of Conditional Use Permit Application No. C-11-028, filed by Larry McKenry of ABC Brokers on behalf of Abdulla Mansour Nasr, for property located on the southwest corner of East California Avenue and Martin Luther King, Jr. Boulevard covering 0.66 acres. The subject property is zoned C-5(General Commercial) and is consistent with the neighborhood commercial planned land use by the Edison Community Plan and the 2025 Fresno General Plan.

1. **Approve Environmental Assessment No. C-11-028:** Determination of a Class 32/Section 15332 (Infill Development Projects) Categorical Exemption from the requirements of the California Environmental Quality Act.
2. **DENY the Appeal and UPHOLD the action of the Development and Resource Management Director's Approval of Conditional Use Permit Application No. C-11-028, and amended conditions of approval,** requesting authorization to up-grade from a Type 20 ABC License to a Type 21 ABC License.
 - Edison Community Plan
 - Council District 3 (Councilmember Baines)
 - Staff Recommendation: Deny appeal, uphold Director's decision
 - Staff Member: Jack Van Patten
 - May be considered by the City Council

VIII. NEW MATTERS

- A. Consider Conditional Use Permit Application No. C-10-228, filed by Firas Abdel Jaber, requesting authorization to establish an 18 years and older night club at the existing restaurant with a dancing permit for those 21 years and older, to maintain their State of California Alcoholic Beverage Control Type 47 license (sale of beer, wine, and distilled spirits for consumption on the licensed premises), and operate between the hours of 6 p.m. to 2 a.m. daily. The property is located on the west side of North Blackstone Avenue between West Barstow and West Bullard Avenues (5665 North Blackstone Avenue, Suite 110).

1. **Approve** the finding of a Class 1 and 32 Categorical Exemption for Environmental Assessment No. C-10-228 issued September 9, 2011.
2. **Approve** Conditional Use Permit Application No. C-10-228 to establish an 18 years and older night club at the existing restaurant with a dancing permit for those 21 years and older, to maintain their State of California Alcoholic Beverage Control Type 47 license (sale of beer, wine, and distilled spirits for consumption on the licensed premises), and operate between the hours of 6 p.m. to 2 a.m. daily.
 - Bullard Area Community Plan
 - Council District 7 (Councilmember Olivier)
 - Staff Recommendation: Recommend Approval
 - Staff Member: McKencie Contreras
 - May be considered by the City Council

VIII. New Matters (Continued)

B. Consider Conditional Use Permit Application No. C-11-056, and related environmental findings, filed by Sing Sonephady of the Me-Khong Restaurant, for approximately 0.34 acres of property located at 2001 East Belmont Avenue, on the north side of East Belmont Avenue between North Diana and North Clark Streets, requesting authorization to demolish an interior wall between the existing travel agency and restaurant, and expand the interior of the restaurant/nightclub by 1,325 square feet. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (restaurant – sale of beer and wine for consumption on the licensed premises). The project site is zoned C-6 (Heavy Commercial). Pursuant to Fresno Municipal Code Section 12-326 related to Restaurants, Taverns and Nightclubs, the Planning Commission is the granting authority for nightclubs proposed in the C-6 zone district.

1. **Approve Environmental Assessment No. C-11-056** which was determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines as the minor alteration and licensing of an existing facility.
2. **Approve Conditional Use Permit Application C-11-056** requests authorization to expand the existing Me-Khong Restaurant/Nightclub by 1,325 square feet.
 - Central Area Community Plan
 - Council District 3 (Councilmember Baines)
 - Staff Recommendation: Recommend Approval
 - Staff Member: Sophia Pagoulatos
 - May be considered by the City Council

C. Workshop on 2035 General Plan Update. (45 minutes; No action will be taken by the Planning Commission)

Documents related to this report may be found at the following link, www.fresno.gov/newplan.

- Citywide
- Staff Member: Keith Bergthold, Assistant Director, Development and Resource Management

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)

October 19, 2011 Workshop on Fulton Corridor Specific Plan

October 19, 2011 Workshop on Downtown Neighborhood Specific Plans