



# 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 7, 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 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
- B. Communications
- C. Entitlements

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

## **VII. CONTINUED MATTERS**

- A. [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 (Continued)**

- A. [Consider Conditional Use Permit Application No. C-11-015, filed by Manuel Perales on behalf of Yosemite Falls Cafe. This application relates to an existing restaurant \(Yosemite Falls Café\) located on the north side of West Ashlan Avenue between North Blythe Avenue and State Route 99 \(4248 West Ashlan Avenue\).](#)
1. **Approve Environmental Assessment No. C-11-015** 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-11-015** which is a request to operate a night club 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).
    - West Area Community Plan
    - Council District 1 (Councilmember Xiong)
    - Staff Recommendation: Approve
    - Staff Member: Israel Trejo
    - May be considered by the City Council

**VIII. New Matters (Continued)**

B. [Consider Rezone Application No. R-11-10, filed by Tobias Teran of Computax, Inc., pertaining to approximately 0.35 acres of property located on the southwest corner of the intersection of East Tulare Street and North Chestnut Avenue.](#)

1. **Recommend Approval to City Council of Environmental Assessment No. R-11-010/S-11-037** recommending that a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigate Negative Declaration prepared for Plan Amendment No. A-09-02 (Air Quality MND) be adopted for Rezone Application No. R-11-010.

2. **Recommend Approval to City Council of Rezone Application No. R-11-010** proposing to rezone the subject property from the R-1 (*Single Family Residential*) and C-1 (*Neighborhood Shopping Center*) zone districts to the C-6 (*Heavy Commercial*) zone district. If approved, Rezone Application No. R-11-010 will facilitate approval of Site Plan Review Application No. S-11-037, requesting authorization to demolish the existing building on the subject property and to construct a new approximately 3,000 square-foot building for commercial retail uses. The 2025 Fresno General Plan designated the subject property for General, Heavy Strip Commercial planned land uses.

- Roosevelt Area Community Plan
- Council District 5 (Councilmember Quintero)
- Staff Recommendation: Recommend Approval
- Staff Member: Will Tackett
- Will be considered by the City Council

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

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

D. Workshop on Development Code Update. (45 minutes; No action will be taken by the Planning Commission)

- 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*