

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13574**

The Fresno City Planning Commission, at its regular meeting on February 20, 2019, adopted the following resolution relating to Conditional Use Permit Application No. P18-03222.

WHEREAS, Conditional Use Permit Application No. P18-03222 has been filed with the City of Fresno by Terri Dickerhoff of CGR Development on behalf of Jim Shehadey of Red Triangle, and pertains to approximately 0.55 acres of property consisting of Assessor Parcel Number (APN) 460-296-09; and,

WHEREAS, the subject property is located on the northwest corner of East Tulare Street and North Cedar Avenue; and,

WHEREAS, Conditional Use Permit Application No. P18-03222 requests authorization to construct an approximately 3,052 square-foot convenience store and eight fueling positions; and,

WHEREAS, pursuant to Section 15-5303 of the Fresno Municipal Code, the Fresno City Planning Commission conducted a public hearing on February 20, 2019 to review the proposed Conditional Use Permit, consider the associated Categorical Exemption prepared for Environmental Assessment No. P18-03222, received public testimony and considered the Development and Resource Management Department's environmental assessment and proposed Conditional Use Permit, including conditions of approval, dated February 20, 2019; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this Conditional Use Permit, Environmental Assessment No. P18-03222, dated February 20, 2019; and,

WHEREAS, the Development and Resource Management Department staff prepared a report and recommended the Planning Commission approve Conditional Use Permit Application No. P18-03222, subject to compliance with the Conditions of Approval, dated February 20, 2019; and,

WHEREAS, no one from the public spoke in support of the project and six individuals from the public spoke in opposition of the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Fresno City Planning Commission finds that, in accordance with its own independent judgment, there is no substantial evidence in the record that Conditional Use Permit Application No. P18-03222 may have a significant effect on the environment, and hereby adopts Environmental Assessment No. P18-03222, dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act through a Class 32 Categorical Exemption.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of Conditional Use Permit Application No. P18-03222 is consistent with the Fresno General Plan and Downtown Neighborhoods Community Plan.

BE IT FURTHER RESOLVED that, after receiving the staff report and testimony, the Fresno City Planning Commission has determined that the findings necessary to grant this conditional use permit, have been met, in accordance with Section 15-5306 of the Fresno Municipal Code and as noted in the accompanying report to the Planning Commission dated February 20, 2019; and hereby approves Conditional Use Permit Application No. P18-03222, subject to the Development and Resource Management Department Conditions of Approval dated February 20, 2019.

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The foregoing Resolution was adopted by the Fresno City Planning Commission, upon a motion by Commissioner Hardie, seconded by Commissioner Sodhi-Layne.

VOTING: Ayes - Hardie, Sodhi-Layne, Bray, Garcia, McKenzie, Vasquez,
 Not Voting - None
 Absent - None

DATED: February 20, 2019



Jennifer Clark, Secretary
Fresno City Planning Commission

Resolution No. 13574
Conditional Use Permit Application No. P18-03222
Filed by Terri Dickerhoff of CGR Development on behalf
of Jim Shehadey of Red Triangle
Action: Approve Staff's Recommendation

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13575**

The Fresno City Planning Commission, at its regular meeting on February 20, 2019, adopted the following resolution relating to Conditional Use Permit Application No. P18-03223.

WHEREAS, Conditional Use Permit Application No. P18-03223 has been filed with the City of Fresno by Terri Dickerhoff of CGR Development on behalf of Jim Shehadey of Red Triangle, and pertains to approximately 0.55 acres of property consisting of Assessor Parcel Number (APN) 460-296-09; and,

WHEREAS, the subject property is located on the northwest corner of East Tulare Street and North Cedar Avenue; and,

WHEREAS, Conditional Use Permit Application No. P18-03223 requests authorization to acquire a Type 20 alcohol license (*Package Store – sale of beer and wine for consumption off the premises where sold*) for a 3,052-square foot convenience store; and,

WHEREAS, pursuant to Section 15-5303 of the Fresno Municipal Code, the Fresno City Planning Commission conducted a public hearing on February 20, 2019 to review the proposed Conditional Use Permit, considered the associated Categorical Exemption prepared for Environmental Assessment No. P18-03223, received public testimony and considered the Development and Resource Management Department's environmental assessment and Conditional Use Permit, including conditions of approval, dated February 20, 2019; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this Conditional Use Permit, Environmental Assessment No. P18-03223, dated February 20, 2019; and,

WHEREAS, the Development and Resource Management Department staff prepared a report and recommended the Planning Commission deny Conditional Use Permit Application No. P18-03223; and,

WHEREAS, no one from the public spoke in support of the project and six individuals from the public spoke in opposition of the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Fresno City Planning Commission finds that, in accordance with its own independent judgment, there is no substantial evidence in the record that Conditional Use Permit Application No. P18-03223 may have a significant effect on the environment, and hereby adopts Environmental Assessment No. P18-03223, dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act through a Class 32 Categorical Exemption.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of Conditional Use Permit Application No. P18-03223 would not be consistent with the Fresno General Plan and Downtown Neighborhoods Community Plan.

BE IT FURTHER RESOLVED that, after receiving the staff report and testimony, the Fresno City Planning Commission has determined that the findings necessary to grant this conditional use permit, have not been met, in accordance with Sections 15-2706 and 15-5306 of the Fresno Municipal Code and as noted in the accompanying report to the Planning Commission dated February 20, 2019; and hereby denies Conditional Use Permit Application No. P18-03223.

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The foregoing Resolution was adopted by the Fresno City Planning Commission, upon a motion by Commissioner Hardie, seconded by Commissioner Sodhi-Layne.

VOTING: Ayes - Hardie, Sodhi-Layne, Bray, Garcia, McKenzie, Torossian
 Noes - Vang
 Not Voting - None
 Absent - None

DATED: February 20, 2019



Jennifer Clark, Secretary
Fresno City Planning Commission

Resolution No. 13575
Conditional Use Permit Application No. P18-03223
Filed by Terri Dickerhoff of CGR Development on behalf
of Jim Shehadey of Red Triangle
Action: Approve Staff's Recommendation