

## Exhibit L



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Planning and Development Department

**Jennifer K. Clark, AICP, HDFP**  
Director

March 21, 2025

Please reply to:

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Xiamy Ly-Yang  
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(Sent via email only)

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P23-02631 FOR PROPERTY  
LOCATED AT 4927 EAST MCKINLEY AVENUE (APN: 494-291-10)**

On March 21, 2025, the Planning and Development Department Director denied Conditional Use Permit Application No. P23-02631, requesting authorization to establish and operate an approximately 8,384 square foot banquet hall.

This action of denial is based upon the project's noncompliance with the requirements of Fresno Municipal Code (FMC) Section 15-2409 (Required Parking, Other Districts).

The proposed Banquet Hall facility is to be located on Parcel A (1.57 acres) of Parcel Map No. 81-27 and which is identified as Assessor's Parcel Number (APN) 494-291-10 and is developed with an existing commercial office building with parking facilities. The adjoining parcel is identified as APN No. 494-291-05 or as Parcel B (0.69 acres) of Parcel Map No. 81-27 and is partially developed with a parking lot and a vacant building pad.

A recorded cross access agreement between the project site (APN: 494-291-10/Parcel A) and the adjacent property (APN: 494-291-05/Parcel B) has been in effect since 1981 (Cross Access Document No. 108566). The agreement allows for shared parking, vehicular and pedestrian access (ingress and egress) between the two (2) parcels which were created under the referenced Parcel Map No. 81-27. The cross-access agreement is set to expire in 2031.

Pursuant to SEC 15-2409 of the Fresno Municipal Code (FMC), 1 on-site parking space is required for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater. The assembly area is approximately 6,764 sq. ft. per the provided floor plan, meaning that 135 on-site parking spaces are required.

Parcel A, the property where the banquet hall is proposed, has approximately 54 existing parking spaces. Three of the existing parking spaces are proposed to be removed in order to provide a painted path of travel aisle. Parcel B (APN: 494-291-05) has approximately 41

existing parking spaces.

The Director was unable to make all the required findings for a reduction to the required parking outlined in Section 15-2413.

Therefore, in accordance with required findings specified for Conditional Use Permits under Chapter 15, Article 53, §15-5306 of the FMC, the proposed banquet hall is denied based on the following:

**CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS**

<b>Findings per Fresno Municipal Code Section 15-5306</b>
<p><b>A.) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code.</b></p> <p>Finding (a) cannot be made for the following reason: The project proposes a Banquet Hall with approximately 6,764 square feet of assembly area. Pursuant to Table 15-1302 of the Fresno Municipal Code (FMC), Banquet Halls are a permitted use in the CC (<i>Commercial Community</i>) zone district subject to the approval of a Conditional Use Permit. Pursuant to Sec 15-2409 of the Fresno FMC, 1 on-site parking space is required for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater. 135 on-site parking spaces are required.</p> <p>Parcel A, the property where the banquet hall is proposed, has approximately 54 existing parking spaces. Three of the existing parking spaces are proposed to be removed in order to provide a painted path of travel aisle. Parcel B (APN: 494-291-05) has approximately 41 existing parking spaces. In total, the proposed use is short by approximately 43 parking spaces. Therefore, the project does not comply with all applicable provisions of the development code.</p>
<p><b>B.) The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.</b></p> <p>The Fresno General Plan and McLane Community Plan designate the subject site for Community Commercial planned land uses which is intended for commercial development that primarily serves local needs such as convenience shopping and small offices. Many of the city's current commercial districts fall into this designation.</p> <p>The proposed facility has been found to be consistent with the McLane Community Plan and the applicable Goals and Policies of the Fresno General Plan as follows:</p> <p>Goal No. 1: Increase opportunity, economic development, business and job creation. Use urban form, land use, and Development Code policies to streamline permit approval, promote local educational excellence and workforce relevance, significantly increase business development and expansion, retain and attract talented people, create jobs and sustained economic growth, strategically locate employment lands and facilities, and avoid over-saturation of a single type of housing, retail or employment.</p>

**C.) The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements.**

Finding (c) cannot be made for the following reason: Overflow parking caused by the proposed banquet hall could be detrimental to the surrounding properties. Since street parking is not allowed along East McKinley Avenue and North Fine Avenue, event guests are likely to park on adjacent properties. If guests were to park their vehicles within the northbound and southbound bike lanes along North Fine Avenue, it could create safety issues for cyclists.

**D.) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.**

Finding (d) cannot be made for the following reason: Although the design and location of the proposed use are compatible with the surrounding Community Commercial and Light Industrial land use designations, the size and operating characteristics are not compatible with the surrounding area. The existing on-site parking area is not large enough to accommodate the number of anticipated guests for the banquet hall. Should Parcel B develop in the future, it is reasonable to anticipate an additional reduction in the number of available on-site parking spaces for the proposed use.

**E.) The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.**

Finding (e) cannot be made for the following reason. The project was reviewed by the Police Department, Fire Department, and Department of Public Utilities. The existing site has the appropriate access, emergency access, utilities, and services required. However, the site does not have enough on-site parking spaces to accommodate a Banquet Hall.

**F.) The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670 - 21679.5.**

The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project is within the boundaries of Traffic Pattern Safety Zone 6 of the Fresno Yosemite International Airport, which restricts non-residential use to no more than 300 persons per acre, hazards to flight, outdoor stadium, and similar uses of very high intensity. ALUC review is required for any proposed object taller than 100 feet above ground level. The proposed commercial use will occur within an existing commercial tenant space within a one-story building. Therefore, the proposed project use and height are consistent with the ALUCP.

## **APPEALS**

Denials are subject to the provisions of Fresno Municipal Code [Section 15-5017](#), Appeals. This issuance of this denial letter commences a 15-day appeal period. If you wish to appeal the decision on this project, a written request shall be submitted directly to the email address [PublicCommentsPlanning@fresno.gov](mailto:PublicCommentsPlanning@fresno.gov) (cc [Saul.Perez@fresno.gov](mailto:Saul.Perez@fresno.gov)) by the end of business on **April 7, 2025. Please note, the fee for an appeal is \$1,002.32.** The appeal shall clearly and concisely state the reasons for the appeal and be signed by the person making the appeal

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including the accompanied appeal applicable fee. Once the 15-day appeal period has ended and no appeals are received or filed, the determination will be final.

If you have any questions regarding this letter, feel free to contact me at the email above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Saul Perez".

Saul Perez, Planner II  
Planning and Development