

ALL CELL PHONES AND ELECTRONIC DEVICES MUST BE TURNED OFF  
IN THE COUNCIL CHAMBERS

## AGENDA

### REEDLEY PLANNING COMMISSION REGULAR MEETING

5:00 P.M. – THURSDAY, AUGUST 2, 2012

Meeting will be held at:

**City of Reedley Council Chambers**  
**845 "G" Street**  
**Reedley, California 93654**  
City of Reedley's Internet Address: [www.reedley.ca.gov](http://www.reedley.ca.gov)

Commissioners

George Nord, Chairman  
John Clements, Vice-Chairman  
Howard Barker                      Ron Hudson                      Ted Tartaglia

Staff

Darlene R. Mata, Planning Consultant  
Frances Wiles, Administrative Assistant

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**OATH OF OFFICE**

**SWEARING IN OF COMMISSIONERS - SYLVIA PLATA, CITY CLERK**

**ELECTION OF OFFICERS**

1. Election of Chair Person
2. Election of Vice-chair Person

**PUBLIC COMMENT** – Provides an opportunity for members of the public to address the Planning Commission on items of interest to the public within the Commission's jurisdiction and which are not already on the agenda this evening. It is the policy of the Commission not to answer questions impromptu. Concerns or complaints will be referred to the Community Development Director's office. Speakers should limit their comments to not more than three (3) minutes. No more than ten (10) minutes per issue will be allowed. For items which are on the agenda this evening, members of the public will be provided an opportunity to address the Commission as each item is brought up for discussion.

**NOTICE TO PUBLIC**

Under a **CONSENT AGENDA** category, a recommended course of action for each item is made. Any Commissioner may remove any item from the **CONSENT AGENDA** in order to discuss and/or change the recommended course of action, and the Commission can approve the remainder of the **CONSENT AGENDA**.

**CONSENT AGENDA**

3. MINUTES OF REGULAR MEETING, JULY 19, 2012 – Recommend Commission approve.

**PUBLIC HEARINGS**

4. CONDITIONAL USE PERMIT NO. 2012-003 – ALCOHOLIC BEVERAGE LICENSE FOR LALO'S MEXICAN RESTAURANT (Resolution No. 2012-014) *[Continued from meeting held on July 19, 2012]*

Consider a request of Hilario Tovar, DBA Lalo's Mexican Restaurant, for a minor conditional use permit to allow for a Type 41 (on-sale beer and wine - eating place) ABC License at 1660 12th Street. Property owner: Varj Investments Inc. Staff report, discussion, and Commission action to approve, modify, or other action as appropriate.

**PLANNING CONSULTANT'S REPORT**

**ADJOURNMENT**

AGENDA ITEM NO.: 1 & 2

DATE: August 2, 2012  
TO: Planning Commission  
FROM: Frances Wiles, Administrative Assistant  
SUBJECT: Election of Officers

The first meeting in July is typically scheduled for the annual election of officers for the Planning Commission. Election of Chair and Vice Chair are normally done by voice vote, although the Commission has the option of going to ballots. The newly elected Chair and Vice Chair will serve from August 2012 through June 2013 or until new officers are elected for the following year.

REEDLEY PLANNING COMMISSION REGULAR MEETING – July 19, 2012 (Unofficial Minutes)

***A complete audio record of the minutes is available at [www.reedley.ca.gov](http://www.reedley.ca.gov)***

The regular meeting of the Reedley Planning Commission was held Thursday, July 19, 2012, in the City of Reedley Council Chambers, 845 "G" Street, Reedley. Chairman Nord called the meeting to order at 5:02 p.m.

ROLL CALL

Commissioners Present: Howard Barker, Ron Hudson, Ted Tartaglia, and George Nord.

Excused Absence: John Clements.

City Staff Present: Darlene Mata, Planning Consultant; and Frances Wiles, Administrative Assistant.

Others Present: Jeremy Martens and Doug Hoagland

PUBLIC COMMENT – None.

CONSENT AGENDA

1. MINUTES OF REGULAR MEETING, MARCH 15, 2012
2. MINUTES OF REGULAR MEETING, APRIL 19, 2012

C. Tartaglia moved, C. Hudson seconded, to approve the MINUTES OF THE REGULAR MEETINGS OF MARCH 15 AND APRIL 19, 2012. Motion carried unanimously.

PUBLIC HEARINGS

3. CONDITIONAL USE PERMIT NO. 2012-003 - ALCHOLIC BEVERAGE LICENSE FOR LALO'S MEXICAN RESTAURANT

Planning Consultant Mata reported that staff is still waiting for authorization from the property owner to proceed with Mr. Hilario Tovar's application for a conditional use permit to allow a Type 41 ABC License at Lalo's Mexican Restaurant located at 1660 12th Street and is asking for continuance of this item.

C. Hudson moved, C. Barker seconded, whereas the Planning Commission continues the public hearing for Conditional Use Permit No. 2012-003 to the meeting of August 2, 2012. Motion carried unanimously.

4. VARIANCE NO. 2012-002 - MARTENS CHEVROLET

C. Tartaglia moved, C. Hudson seconded, whereas the Planning Commission makes the required findings and approves VARIANCE NO. 2012-002 for a variance deviation from the sign requirement in the Zoning Ordinance, Chapter 14, Signs and Outdoor Advertising, of the Reedley Municipal Code to allow a second free-standing sign for Martens Chevrolet located at 1050 I Street, APN 368-380-32S, by the adoption of Resolution No. 2012-015. Motion carried unanimously.

PLANNING CONSULTANT'S REPORT

Planning Consultant Mata reported that the economy is picking up and that the City has received interest in development of new projects. Work is continuing on the project for Little Caesar's Pizza, 7-Eleven is working on their site, and Self-Help Enterprises has pulled 10 building permits for their 30-lot low-income housing on Presidential Estates Subdivision.

ADJOURNMENT

Chairman Nord adjourned the meeting at 5:23 p.m.

\_\_\_\_\_  
George Nord, Chairman  
Reedley Planning Commission

ATTEST:

\_\_\_\_\_  
Darlene R. Mata, Interim Secretary

PLANNING COMMISSION STAFF REPORT

Agenda Item No.: 4

AUGUST 2, 2012

CONDITIONAL USE PERMIT NO. 2012-003  
(Continued from meeting held on July 19, 2012)

**Request:** A request by Hilario Tovar, DBA Lalo's Mexican Restaurant, for a Minor Conditional Use Permit to allow for a Type 41 (on-sale beer and wine – eating place) ABC License located at 1660 12<sup>th</sup> Street. Property Owner: Varj Investments Inc.

**Project Description:**

The applicant is requesting a conditional use permit to allow beer and wine sales for on-site consumption at the existing Lalo’s Mexican Restaurant located at 1660 12th Street in the CC (Central and Community Commercial) zone. No changes are proposed to the exterior or interior of the existing business.

**Surrounding Land Use and Zoning:**

Direction	Land Use	Zoning
North	Existing Commercial	CC
South	Existing Commercial	CS
East	Existing Residential	RM-2
West	Existing Commercial	CC

**Staff Analysis:**

The City of Reedley Zoning Ordinance requires a conditional use permit for all uses related to alcohol sales. The request for an on-sale beer and wine license is consistent with normal restaurant operations. In order for the California Department of Alcohol Beverage Control (ABC) to issue a beer and wine license, the applicant must obtain all city approvals prior to the license being issued. Issuance of the conditional use permit and ABC license will enable the restaurant to sell beer and wine only for on-site consumption.

The Zoning Ordinance is intended, in part, to ensure promotion of public health, safety, peace, and the general welfare of residents. As such, City staff, including the Police Department, has reviewed the application, site plan, and floor plan of the project site. No concerns were expressed by the Police Department.

There are other on-sale beer and wine licenses located along Manning Avenue; however, according to the Alcohol Beverage Control, an undue concentration of alcohol licenses does not exist.

The State of California Alcoholic Beverage Control Act states that the sale and/or on-site consumption of alcoholic beverages are not permitted between the hours of 2 o'clock a.m. and 6 o'clock a.m. Lalo's Mexican Restaurant currently maintains business hours of 10:00 a.m. to 9:00 p.m. Mondays through Saturdays and 7:00 a.m. to 3:00 p.m. on Sundays. The resolution of approval contains a condition that limits the sale of alcohol to the current hours of operation, of 10:00 a.m. to 9:00 p.m. Mondays through Saturdays and 7:00 a.m. to 3:00 p.m. on Sundays.

### **Conditional Use Permit Findings:**

The Reedley Municipal Code requires that the Planning Commission make three findings in order to approve a conditional use permit as follows:

- a. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

Staff Analysis: Many existing restaurants provide beer and wine for on site consumption in the City of Reedley. Allowing the applicant the sell beer and wine for on-site consumption will him to operate consistent with other businesses.

- b. That the proposed location of the conditional use is in accordance with the objectives of this title and the purposes of the district in which the site is located.

Staff Analysis: The Zoning Ordinance allows the sale of beer and wine in the Central and Community (CC) Commercial areas.

- c. That the proposed use will comply with each of the applicable provisions of this title.

Staff Analysis: The proposed use has been conditioned to require the business to operate consistent with all Reedley Municipal Codes.

### **Environmental Findings:**

Staff finds that the proposed project is categorically exempt as the facility currently exists and will have no environmental impacts in accordance with the California Environmental Quality Act (CEQA). The Categorical Exemption has been referenced in the resolution.

### **Staff recommendations:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2012-003 subject to the findings and conditions contained in Resolution No. 2012-014.

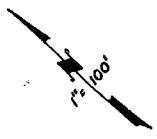
**Attachments:**

1. Site Map
  2. Site & Floor Plan
  3. Resolution No. 2012-014
  4. Categorical Exemption
  5. Property owner, Varj Investments, Inc., authorization
- c: Hilario Tovar, Lalo's Mexican Restaurant, 1660 12th Street, Reedley, CA 93654  
Varj Investments Inc., 12848 Weber Way, Hawthorne, CA 90250

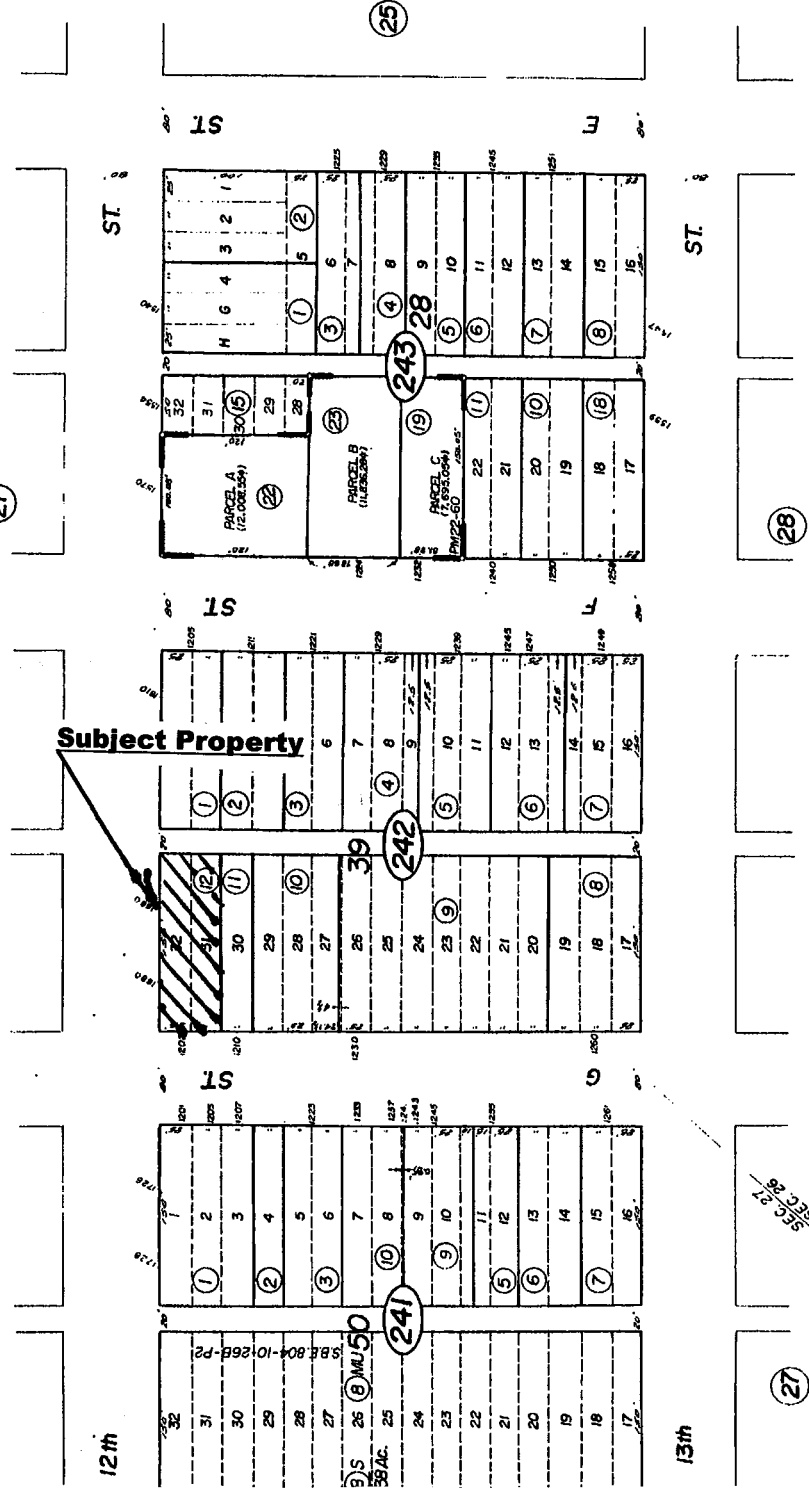
SUBDIVIDED LAND IN POR. SEC'S 26 & 27, T.15S., R.23E., M.D.B.&M

368-24

Tax Area  
8-029



NOTE  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.



**SITE MAP**

**APN: 368-242-12**  
**Location: 1660 12th Street**  
**Zoning: CC (Central and Community Commercial)**  
**General Plan: Central Commercial**

Town of Reedley - Plat Bk.5, Pg.6  
Parcel Map No. 83 - Bk. 22, Pg. 60

Assessor's Map Bk.368-Pg.24  
County of Fresno, Calif.

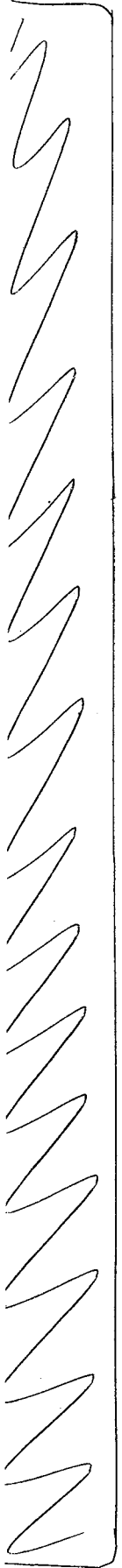
NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles

JAN 18 2002

1961



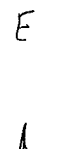
ALLEY



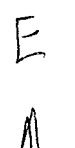
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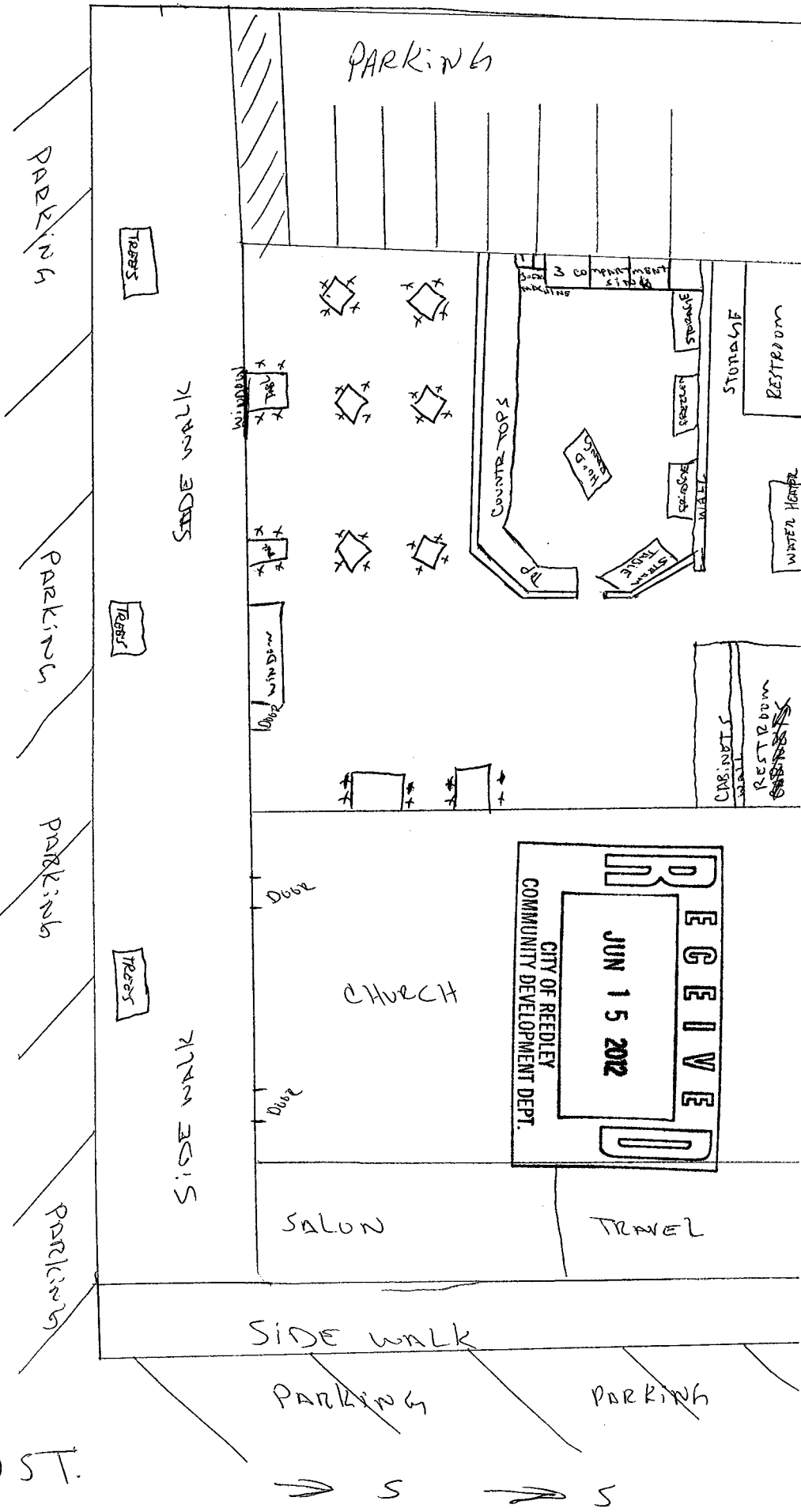


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**RECEIVE**  
**RECEIVED**  
 JUN 15 2012  
 CITY OF REEDLEY  
 COMMUNITY DEVELOPMENT DEPT.

**RESOLUTION NO. 2012-014**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REEDLEY APPROVING CONDITIONAL USE PERMIT NO. 2012-003 TO ALLOW A TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) ALCOHOLIC BEVERAGE SALES LICENSE AT LALO'S MEXICAN RESTAURANT LOCATED AT 1660 12TH STREET, APN 368-242-12.**

WHEREAS, Conditional Use Permit No. 2012-003 is a request by Hilario Tovar to allow on-sale beer and wine sales at an existing restaurant, Lalo's Mexican Restaurant, in the Central and Community Commercial Zone; and

WHEREAS, after published notice, a public hearing was held before the City of Reedley Planning Commission on July 19, 2012; and

WHEREAS, the public hearing was continued to the meeting of August 2, 2012; and

WHEREAS, the Planning Commission of the City of Reedley finds that the conditional use permit is in accordance with the Reedley Municipal Code; and

WHEREAS, the Planning Commission finds the project to be categorically exempt in conformance with the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of Reedley Planning Commission makes the following findings based on the evidence presented:

- a. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

Analysis: Many existing restaurants provide beer and wine for on-site consumption in the City of Reedley. Allowing the applicant to sell beer and wine for on-site consumption will allow him to operate consistent with other businesses.

- b. That the proposed location of the conditional use is in accordance with the objectives of this title and the purposes of the district in which the site is located.

The Zoning Ordinance allows the sale of beer and wine in the Central and Community (CC) Commercial areas.

- c. That the proposed use will comply with each of the applicable provisions of this title.

The proposed use has been conditioned to require the business to operate consistent with all Reedley Municipal Codes.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves

Conditional Use Permit 2012-003 subject to the following conditions:

1. At no point shall the sales and/or on-site consumption of alcoholic beverages be permitted between the hours of 2 o'clock a.m. and 6 o'clock a.m. daily.
2. All regulations of the State of California Alcoholic Beverage Control will be complied with at all times.
3. The applicant will comply with the performance standards contained in City of Reedley Municipal Code Section 10-18-13.5E:
  - a. That the use does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
  - b. That the use does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area.
  - c. That the use does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests, or any conduct or activity prohibited by Chapters 1 or 8 of Title 5 or Chapter 2 of Title 4 of this Code.
  - d. That the use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
  - e. That the use and its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
4. The conditional use permit shall be valid only so long as the property owner maintains a valid and unrevoked Type 41 beverage license from ABC, and the conditional use permit shall be automatically revoked if ABC revokes or suspends the Type 41 license for any reason or if the Type 41 license expires, lapses or is replaced by any other type of ABC license.
5. Any second violation, within a twelve (12) month period, of any California Department of Alcoholic Beverage Control regulations will result in an automatic review of Conditional Use Permit No. 2011-003 for consideration of revocation or modification of conditions of approval.

This foregoing resolution is hereby approved this 2nd day of August, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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George Nord, Chairman  
City of Reedley Planning Commission

ATTEST:

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Darlene Mata, Interim Secretary

**NOTICE OF EXEMPTION**

To:  Office of Planning and Research  
P. O. Box 3044  
Sacramento, CA 95812-3044

From: Darlene Mata, Planning Consultant  
City of Reedley  
1733 Ninth Street  
Reedley, CA 93654

County of Fresno  
Attn: County Clerk  
2221 Kern Street  
Fresno, CA 93721-2600

**Project Title:** Conditional Use Permit No. 2012-003

**Project Applicant:** Hilario Tovar

**Project Location - Specific:** 1660 12th Street

**Project Location – City:** Reedley

**Project Location – County:** Fresno

**Description of Nature, Purpose, and Beneficiaries of Project:** A conditional use permit to allow issuance of a Type 41 License (on sale beer and wine - eating place) from the State of California Department of Alcoholic Beverage Control permitting the sale of beer and wine for on-site consumption at Lalo's Mexican Restaurant located at 1660 12th Street, APN 368-242-12.

**Name of Public Agency Approving Project:** City of Reedley

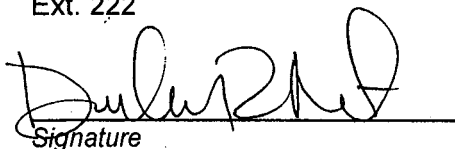
**Name of Person or Agency Carrying Out Project:** City of Reedley Planning Department

**Exempt Status (check one)**

- Ministerial (Section 21080(b)(1);15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c) );
- Categorical Exemption. State type and section number: Article 19, Section 15301, Class 1
- Statutory Exemptions. State code number:

**Reasons why project is exempt:** The project consists of establishing a conditional use permit for the project site; the permitting involves no expansion or alteration of the existing site.

**Lead Agency Contact Person:** Darlene Mata **Area Code/Telephone/Extension:** (559) 637-4200, Ext. 222

  
Signature

7/10/12  
Date

Planning Consultant  
Title

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_

To Darlene

## ***Varj Investments***

12848 Weber Way, Hawthorne, CA 90250

Tel (310) 978-4555 Fax (310) 973-3620

July 27, 2012

To the City of Reedley:

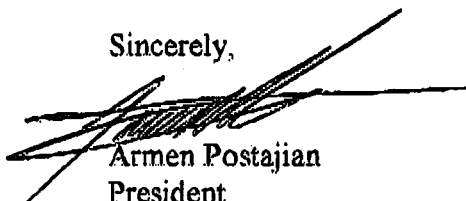
This letter is to confirm that Varj Investments, Inc does authorize our tenant Lalo Tovar to obtain a type 41 on sale of beer and wine-eating place alcoholic beverage license from the state of California.

We want to confirm and assure the city of Reedley that Lalo Tovar has our permission and approval to serve beer and wine (once he is approved of a license) at the premises he is leasing from Varj Investments, Inc at 1660 12<sup>th</sup> Street, Reedley, CA.

We also authorize the city of Reedley to allow Lalo Tovar to obtain such a license and sell beer and wine on the premises he leases from Varj Investments, Inc at 1660 12<sup>th</sup> Street, Reedley, CA.

Feel free to contact me should you need more information.

Sincerely,



Armen Postajian  
President  
Varj Investments, Inc.