

City of Fresno

*City Hall Council Chambers
2600 Fresno Street*



Meeting Agenda - Final

Wednesday, January 3, 2024

6:00 PM

Regular Meeting

**In Person and/or Electronic
City Hall Council Chambers**

Planning Commission

Chairperson – Peter Vang

Vice Chair – Brad Hardie

Commissioner – David Criner

Commissioner – Haley M Wagner

Commissioner – Kathy Bray

Commissioner – Monica Diaz

Commissioner – Jacqueline Lyday

THE PLANNING COMMISSION WELCOMES YOU TO COUNCIL CHAMBERS, LOCATED AT CITY HALL, 2600 FRESNO STREET, FRESNO, CALIFORNIA 93721.

PUBLIC PARTICIPATION – Any interested person may appear at the public hearing and present written testimony or speak in favor or against the matters scheduled on the agenda. Public participation during Fresno City Planning Commission meetings is always encouraged and can occur in one of the two following ways:

- 1. Participate In Person: Council Chambers, City Hall, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721**
 - a. To speak during a Commission meeting in person: You may approach the speaker podium upon the Chair’s call for public comment.**
- 2. Participate Remotely via Zoom:**
https://zoom.us/webinar/register/WN_I18M0bh8TbSGAo27i5ze1Q
 - a. The above link will allow you to register in advance for remote participation in the meeting via the Zoom platform. After registering, you will receive a confirmation email containing additional details about joining the meeting.**
 - b. To speak during a Commission meeting while attending remotely in the Zoom application, click on the icon labeled “Participants” at the bottom of the screen. Then select “Raise Hand” at the bottom of the Participants window. Your digital hand will now be raised. You will be asked to “unmute” when your name is called to speak. You will not be visible via video and there will be no opportunity to share your screen.**

All public speakers will have up to 3 minutes to address the Commission pursuant to Rule No. 13 of the Planning Commission Bylaws of the City of Fresno (available in the City Clerk’s Office).

SUBMIT DOCUMENTS / WRITTEN COMMENTS –

- 1. E-mail – Agenda related documents and comments can be e-mailed to PublicCommentsPlanning@fresno.gov. Unless otherwise required by law to be accepted by the City at or prior to a Commission meeting or hearing, no documents shall be accepted for Commission review unless they are submitted to the Planning and Development Department at least 24 hours prior to the commencement of the Commission meeting at which the associated agenda item is to be heard.**
 - a. Attendees may also email comments to be read during the meeting. Please include the agenda date and item number you wish to speak**

on in the subject line of your email. Include your name and address for the record, at the top of the body of your email.

b. Emails will be a maximum of 450 words.

c. All comments received at least 24 hours prior will be distributed to the Planning Commission prior and during the meeting and will be a part of

the

official record.

VIEWING PLANNING MEETINGS (non-participatory) – For your convenience, there are ways to view Planning Commission meetings live:

1. Community Media Access Collaborative website: <https://cmac.tv/>
2. Cable Television: Comcast Channel 96 and AT&T Channel 99

Should any of these viewing methods listed above experience technical difficulties, the Commission meeting will continue uninterrupted. Commission meetings will only be paused to address verifiable technical difficulties for all users participating via Zoom or in the Chambers.

The City of Fresno's goal is to comply with the Americans with Disabilities Act (ADA). Anyone requiring reasonable ADA accommodations, including sign language interpreters, or other reasonable accommodations such as language translation, should contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To help ensure availability of these services, you are advised to make your request a minimum of 48 hours prior to the scheduled meeting.

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. PROCEDURES - PROCEDIMIENTOS - KEV SAB LAJ

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, ethnicity, economic status, national origin, or any other classification protected under state or federal law in a derogatory manner shall be deemed 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 or before the close of the hearing.

IV. AGENDA APPROVAL

V. CONSENT CALENDAR

V-A [ID 24-54](#) November 15, 2023 Planning Commission Regular Meeting Minutes

Sponsors: Planning and Development Department

Attachments: [Exhibit A - November 15, 2023 DRAFT Planning Commissi](#)

V-B [ID 24-55](#) December 6, 2023 Planning Commission Regular Meeting Minutes

Sponsors: Planning and Development Department

Attachments: [Exhibit A - December 6, 2023 DRAFT Planning Commissic](#)

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

VIII. NEW MATTERS

VIII-A [ID 23-1721](#) Consideration of an appeal related to Zoning Inquiry No. P23-02357 for Bauer's Towing located on approximately 0.71 acres between West Voorman and West Nielsen Avenues, west of North Thorne Avenue in Fresno, California.

1. **DENY** the appeal and **UPHOLD** the Zoning Inquiry response dated September 26, 2023, as prepared by the Planning and Development Department Director.

Sponsors: Planning and Development Department

Attachments: [Exhibit A - Vicinity Map](#)
[Exhibit B - Aerial Photograph](#)
[Exhibit C - Planned Land Use & Zoning Map](#)
[Exhibit D - Zoning Inquiry Application](#)
[Exhibit E - Zoning Inquiry P23-02357 Response Letter](#)
[Exhibit F - Appeal Letter](#)
[Exhibit G - Directors Classification No. 208](#)
[Exhibit H - Planning & Development Policy & Procedure C-](#)
[Exhibit I - City of Fresno Public Works Department Standar](#)
[Exhibit J - Zoning Inquiry Q-11-035](#)
[Exhibit K – Non-Exclusive Franchise Tow Agreement for th](#)
[Exhibit L – FMC Section 15-2765 - Vehicle Impound Yard \(](#)
[Exhibit M - Public Hearing Notice & Notice Map](#)
[Supplemental Exhibit N – Letter from Applicant - Appellant](#)

VIII-B [ID 23-1785](#)

Hearing to consider Conditional Use Permit Application No. P23-00835, Planned Development Permit Application No. P23-02080, and related Environmental Assessment; regarding a phased, multi-tenant commercial community development project with Starbucks Café and drive-through located on approximately ± 2.98 acres of property located on the southwest corner of the intersection of South Martin Luther King Boulevard and East Church Avenue. (Council District 3)

Based upon the evaluation contained in this report and the appeal received from the appellant, staff recommends that the Planning Commission take the following actions:

1. **CONSIDER and APPROVE** Environmental Assessment No. P23-00835/P23-02080 dated January 3, 2024, an Addendum to the Southwest Fresno Specific Plan Final Program EIR (the "Program EIR"), prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. **DENY** the appeal submitted by Councilmember Arias on November 20, 2023, and **UPHOLD** the action of the Planning and Development Department Director approving Conditional Use Permit Application No. P23-00835 and Planned Development Permit Application No. P23-02080 authorizing the construction of a ± 5,781 square foot multi-tenant shell building with Starbucks Café with drive-thru; and full development of the site with associated parking lot, landscaping, trash enclosures, and pad for a future building to be entitled under separate permit.

Sponsors:

Planning and Development Department

Attachments:[Exhibit A-1 – Vicinity Map](#)[Exhibit A-2 – Aerial Photo](#)[Exhibit B-1 – Zoning Map](#)[Exhibit B-2 – Planned Land Use Map](#)[Exhibit C-1 – Project Operational Statement](#)[Exhibit C-2 – Project Site Plan](#)[Exhibit C-3 – Project Elevations](#)[Exhibit D-1 – Notice of Intent to Take Action](#)[Exhibit D-2 – Recirculated Notice of Intent to Take Action](#)[Exhibit E – Council District 3 Project Review Committee Ac](#)[Exhibit F – P23-00835 / P23-02080 Conditions of Approval](#)[Exhibit G – Fresno Municipal Code Findings](#)[Exhibit H – Notice of Action](#)[Exhibit I-1 – Environmental Assessment P23-00835 / P23-\(](#)[Exhibit I-2 – Environmental Assessment P23-00835 / P23-\(](#)[Exhibit J – Councilmember Miguel Arias Appeal Letter \[11/](#)[Exhibit K – COF Public Works Department TIS Memorandu](#)[Exhibit L – Planning Commission Public Hearing Notice](#)[Exhibit M – West Creek Village Recorded Development Ag](#)[Exhibit N – Supplemental Materials Provided by Applicant](#)[Exhibit O – Southwest Fresno Specific Plan](#)[Supplemental Exhibit P – Comments Received After Public](#)**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 (telephone: 559-621-8277) at least 10 days before the desired appearance date.

XII. ADJOURNMENT

UPCOMING MATTERS (dates subject to change)