

City of Fresno

*City Hall Council Chambers
2600 Fresno Street*



Meeting Minutes - Draft

Wednesday, March 15, 2023

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

Chair Vang called meeting to order at 6:02 pm

Commissioner Bray was not in attendance until 6:08pm

Present 6 - Chairperson Peter Vang, Vice Chair Brad Hardie,
Commissioner Haley M. Wagner, Commissioner Kathy Bray,
Commissioner Monica Diaz, and Commissioner Jacqueline
G. Lyday

Absent 1 - Commissioner David Criner

II. PLEDGE OF ALLEGIANCE

6:02pm

After the Pledge of Allegiance, Chair Vang introduced the Interpreters.

III. PROCEDURES - PROCEDIMIENTOS - KEV SAB LAJ

6:03pm

Chair Vang read the procedures aloud.

IV. AGENDA APPROVAL

Trejo had no changes to the agenda.

On motion of Commissioner Diaz, seconded by Vice Chair Hardie, the above AGENDA was APPROVED. The motion carried by the following vote:

Aye: 5 - Chairperson Vang, Vice Chair Hardie, Commissioner Wagner, Commissioner Diaz, and Commissioner Lyday

Absent: 2 - Commissioner Criner , and Commissioner Bray

V. CONSENT CALENDAR

6:06pm

Gary McDonald (on behalf of applicant) spoke about V-A (ID 23-424), reporting his current discussions on the timeline of Public Works requirements.

On motion of Commissioner Diaz, seconded by Vice Chair Hardie, the CONSENT CALENDAR was APPROVED. The motion carried by the

following vote:

Aye: 5 - Chairperson Vang, Vice Chair Hardie, Commissioner Wagner, Commissioner Diaz, and Commissioner Lyday

Absent: 2 - Commissioner Criner , and Commissioner Bray

- V-A [ID 23-24](#) February 15, 2023 Planning Commission Regular Meeting Minutes
- V-B [ID 23-150](#) March 1, 2023 Planning Commission Regular Meeting Minutes
- V-C [ID 23-424](#) CONTINUED FROM MARCH 1, 2023
 Consideration of Vesting Tentative Tract Map No. 6385, Planned Development Permit Application No. P22-04278, and related Environmental Assessment No. T-6385/P22-04278 for approximately 11.10 acres of property located on the northwest corner of North Alicante Drive and North Willow Avenue (Council District 6).
 1. **ADOPT** Environmental Assessment No. T-6385/P22-04278 dated January 25, 2023, an Addendum to the Final Subsequent Environmental Impact Report State Clearinghouse No. 200021003 (“SEIR”) for the proposed project pursuant to the California Environmental Quality Act (CEQA).
 2. **APPROVE** Vesting Tentative Tract Map No. 6385 dated December 19, 2022, proposing to subdivide approximately 11.10 acres of the subject property into a 39-lot single-family residential subdivision, subject to compliance with the Conditions of Approval dated March 15, 2023.
 3. **APPROVE** Planned Development Permit Application No. P22-04278 proposing to modify the RS-4 (*Single-Family Residential, Medium Low Density*) zone district development standards to allow for a reduction in the front yard setback to living façade, increase of maximum lot coverage, and gated private streets.

VI. REPORTS BY COMMISSIONERS

6:07pm

Chair Vang introduced the new Commissioner (Jacqueline Lyday) who then talked about her background and eagerness to be part of the team.

Vice Chair Hardie announced his recusal from item VIII-B (ID 23-167).

VII. CONTINUED MATTERS

N/A

VIII. NEW MATTERS

Commissioner Bray arrived at 6:08pm

VIII-A [ID 23-386](#) Consideration of an appeal filed regarding Conditional Use Permit Application No. P22-02534 and related Environmental Assessment, for property located at 2840 Tulare Street; Located on the southeast side of Tulare Street between “R” Street and “S” Street.” (Council District 3) - Planning and Development Department

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

1. **CONSIDER** Environmental Assessment No. P22-02534 dated January 18, 2023, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Section 15332/Class 32 Categorical Exemption.
2. **DENY** the appeal and **UPHOLD** the action of the Planning and Development Department Director in the approval of Conditional Use Permit Application No. P22-02534 authorizing the construction of a ± 2,406 square foot Starbucks shell building with a ± 840 square foot patio, a drive-through with capacity for seventeen (17) vehicles, and full improvements to the site with a new parking lot and landscaping.

6:08pm

Planner, Steven Martinez, made a presentation on the scope of work, location, history, and staff recommendations of the project. Wagner asked about the traffic impact and Martinez confirmed this would be a question for the applicant.

Ian Robertson, on behalf of the applicant, made a presentation on community impact, benefits available, comparison to other stores & why it is larger than nearby locations, location choice, and changes made after community feedback.

Chair Vang asked about the public outreach but Robertson was unable to answer the question.

Wagner repeated her question on traffic, but Robertson was unable to answer this question.

Public:

Those in favor appreciated the added security and economic interest for the community.

Monique Erratchu, a representative from Starbucks, addressed Wagner's question talking about idle time and goals for the business.

Those opposed referenced the frequency of this franchise in the San Joaquin Valley, noting that while an individual location may not add a great deal of emissions influence, the concern stems from the cumulative impact of having so many in the area. The opposition also voiced concern about the homeless population in the area and concern of the vehicles using EV chargers for extended periods of time.

Applicant Rebuttal:

Chair Vang reminded him of the pending questions. Robertson said that he knew they were under the program with the San Joaquin Valley Air Pollution Control District, but was unaware of the specifics regarding terms. He also admitted to not knowing the amount of Starbucks in the area.

Vang asked for contact information if the public had any comments or questions, to which Erratchu said she would report back.

Robertson notified the Commission that the EV chargers were not a requirement but were added by request. If the public did not want them, they were willing to have them removed.

Bray made a motion to agree with Staff's recommendation, including the denial of the appeal.

On motion of Commissioner Bray, seconded by Vice Chair Hardie, that the above Action Item be RECOMMENDED FOR DENIAL. The motion carried by the following vote:

Aye: 6 - Chairperson Vang, Vice Chair Hardie, Commissioner Wagner, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

Absent: 1 - Commissioner Criner

VIII-B [ID 23-167](#) Consideration of Development Permit Application No. P22-01346 and related Environmental Assessment No. P22-01346 for approximately ±0.69 acres of property located on the northwest corner of East McKinley and North Fine Avenues. (Council District 4) - Planning and Development Department.

1. **CONSIDER** Categorical Exemption Class 32 (In-Fill Development Project) prepared for Environmental Assessment (EA) No. P21-01346, dated December 8, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. **DENY** the appellant’s appeal and **UPHOLD** the action of the Planning and Development Department Director to approve Development Permit Application No. P22-01346, a request to construct a carwash, subject to Conditions of Approval dated December 8, 2022.

6:36pm

Hardie recused himself from this item.

Vang announced that because of the translation needed for some speakers, the public would be limited to 2.5 minutes to speak, giving translators 2.5 minutes as well.

Planner, Jose Valenzuela, made a presentation on the location, scope of work, background, outreach & concerns (addressing each analysis for main areas), and staff recommendations.

Vang asked about the hours of operation, to which Valenzuela confirmed 7am-9pm. He also asked if there was an existing car wash nearby, and was told that only self-service options were close, not automated.

Wagner asked about the compliance with ADA parking spaces (Applicant would have to respond) & who would bear the cost of the extra spaces (Developers).

Bray asked about the noise concerns and Valenzuela referred to noise consultant speaking later.

Applicant team spoke on the zoned district, addressed queuing, impact of noise & traffic, parking (including the removal of two vacuum stations to replace the ADA stall), mitigated sound, water usage, intent of project, and City requirements. They said they were told no mitigation measures would be approved by neighbors and cited CEQA requirements.

Vang confirmed parking agreement is ratified in 2030.

Claire Pincock (noise consultant) reported her research found insignificant impact when compared to existing decibels. She responded to questions from the Commission by explaining the reverberation chamber, sound power levels, confirmation levels, and a checks & balances system that helped form their determination.

Vang asked questions about a potential wall (none planned) and amount of outreach (permitted by rite use but offered meeting and tour of facility).

Public:

No one spoke in favor

23 people spoke in opposition. Among this group were property owner, staff, clients, and family of the neighboring adult school who voiced their concern over the impact of noise and safety for residents. They talked about the influence of altering the valued routine, inevitable fear reactions of clients to the noise, environmental concerns, and parking struggles as a result of the proposal. Individuals spoke of the importance of the school for the Asian community as well as those with disabilities. People reported negative impacts of other car washes in different areas.

During the applicant rebuttal, he reported following all rules and steps asked of him and questioned the school's staff and use of property.

Wagner asked about original plan (coffee shop) that fell through.

Vang suggested continuing the item, encouraging better communication between both parties. He also suggested staff research the parking agreement from 1981. After Wagner's motion & Bray's second to continue the item, they discussed the rule of the law verses the spirit of the law. In the end, they agreed the item should return on 5/3/23, making sure translation is available, and City Attorney's Office will verify statements made in the discussion.

An amendment was made by the commission to continue the item to a date certain of 5/3/2023, requesting more community involvement in the meantime.

On motion of Commissioner Wagner, seconded by Commissioner Bray, that the above Action Item be CONTINUED AS NOTED. The motion carried by the following vote:

Aye: 5 - Chairperson Vang, Commissioner Wagner, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

Absent: 1 - Commissioner Criner

Recused: 1 - Vice Chair Hardie

IX. REPORT BY SECRETARY

8:35pm

Clark welcomed Commissioner Lyday and reminded commissioners to communicate attendance to staff so as to better prepare for meetings.

X. SCHEDULED ORAL COMMUNICATIONS

N/A

XI. UNSCHEDULED ORAL COMMUNICATIONS

N/A

XII. ADJOURNMENT

Chair Vang adjourned meeting at 8:40