

City of Fresno

*City Hall Council Chambers
2600 Fresno Street*



Meeting Minutes - Final

Wednesday, December 6, 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 6:00pm

Also present from staff were Jennifer Clark, Israel Trejo, Phillip Siegrist, Janice Monroe, Saul Perez, Diego St. Clair (Planning), Talia Koulluri (CAO), Harmanjit Dhaliwal (DPW), & Dejan Pavic (DPU)

(Attending via zoom were Vang & Hardie (AB2449))

Present 7 - Chairperson Peter Vang, Commissioner David Criner , Vice Chair Brad Hardie, Commissioner Haley M. Wagner, Commissioner Kathy Bray, Commissioner Monica Diaz, and Commissioner Jacqueline G. Lyday

II. PLEDGE OF ALLEGIANCE

6:01pm

III. PROCEDURES - PROCEDIMIENTOS - KEV SAB LAJ

6:01pm

Chair Vang read procedures aloud

IV. AGENDA APPROVAL

6:03

Trejo stated there were no changes to the agenda

On motion of Commissioner Bray, seconded by Commissioner Criner ,the AGENDA was APPROVED. The motion carried by the following vote:

Aye: 7 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, Commissioner Wagner, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

V. CONSENT CALENDAR

6:04PM

On motion of Commissioner Criner , seconded by Commissioner Wagner, that the CONSENT CALENDAR be APPROVED. The motion carried by the following vote:

Aye: 7 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, Commissioner Wagner, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

- V-A [ID 23-711](#) Consideration of the Fresno City Planning Commission Meeting Schedule for Calendar Year 2024
- V-B [ID 23-1770](#) August 16, 2023 Planning Commission Regular Meeting Minutes
- V-C [ID 23-83](#) November 1, 2023 Planning Commission Regular Meeting Minutes

VI. REPORTS BY COMMISSIONERS

6:05
None

VII. CONTINUED MATTERS

N/A

VIII. NEW MATTERS

VIII-A [ID 23-1711](#) Consideration of Annexation Application No. P23-03757; Pre-zone Application No. P23-03758; and related Environmental Assessment No. P23-03757/P23-03758 for approximately 141 acres of property generally located along the north and south sides of West Ashlan Avenue between North Bryan and North Polk Avenues.

1. **RECOMMEND ADOPTION** (to the City Council) of the Mitigated Negative Declaration prepared for Environmental Assessment No. P23-03757/P23-03758 dated November 10, 2023, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. **RECOMMEND APPROVAL** (to the City Council) of Annexation Application No. P23-03757 (for the Ashlan-Hayes Nos. 2, 3, and 4 Reorganization) proposing detachment from the Kings River Conservation District and North Central Fire Protection District and annexation to the City of Fresno.
3. **RECOMMEND APPROVAL** (to the City Council) of Pre-zone Application No. P23-03758 proposing to pre-zone: approximately 97.55 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone district; approximately 18.65 acres of property from the Fresno

County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-1/ANX (*Single-Family Residential, Low Density/Annexed Rural Residential Transitional Overlay*) zone district; approximately 14.13 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RM-2/ANX (*Multi-Family Residential, Urban Neighborhood/Annexed Rural Residential Transitional Overlay*) zone district; and, approximately 1.76 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno OS/ANX (*Open Space/Annexed Rural Residential Transitional Overlay*) zone district.

6:05pm

Rob Holt (Planner) made a presentation covering the location, General Plan map, amount of developed properties in area, outreach & concerns of the neighborhood, existing water and sewer service, and the annexation process between the City and LAFCo. He also explained why the item was coming before the Planning Commission, elaborating on the previous annexation and Tax Sharing Agreement. Holt concluded his presentation by explaining in detail the Annexation Criteria within the Fresno Municipal Code.

Brian Spaunhurst (LAFCo representative) talked about the LAFCo process and protest options, including the application process, hearing, Authority Proceedings. He explained when voters and property owners would have opportunity to speak.

Vang confirmed with Spaunhurst how the public could contact LAFCo after the meeting and the Commission clarified with Staff the terms of the Annexation Overlay.

Public Comment:

No one spoke in favor, but 5 people spoke in opposition, highlighting concerns of the cost, inconsistent noticing, and an unfair situation that is out of their control.

Pavic (Public Utilities) spoke about the loan available to annexed properties (3.75% fixed interest rate for 15 years, up to \$20,000). The Commission asked for an estimate of how much it would cost the average person to connect to water & sewer but Pavic was unsure. He reported the current fee schedule and explained where in the Master Fee Schedule this information

was available.

The Commission voiced sympathy for the residents who were not interested in annexing and encouraged the community to work it out together.

VIII-B [ID 23-1719](#) Consideration of an appeal related to Conditional Use Permit Application No. P19-04757, which requests to establish a State of California Alcoholic Beverage Control Type 21 (off-sale general: beer, wine, and distilled spirits for consumption off the premises where sold) alcohol license for a proposed combination service station and general market with detached car wash located south of West Ashlan Avenue, between State Route 99 and North Golden State Boulevard (Council District 1) - Planning & Development Department.

1. **DENY** the applicant's appeal and **UPHOLD** the action of the Planning and Development Department Director to deny Conditional Use Permit Application No. P19-04757 requesting to establish a State of California Alcoholic Beverage Control Type 21 (off-sale general: beer, wine, and distilled spirits for consumption off the premises where sold) alcohol license for a proposed service station and general market.

6:47pm

Thomas Veatch (Planner) made a presentation on the location, land use/zoning, project summary (including site plan, elevations, & floor plan), background (including related applications & existing license), application analysis, restrictions & exceptions (highlighting the census tract with nearby locations), outreach, timeline, and staff recommendations.

Present on behalf of applicant were Dirk Poeschel, Sunny Singh (property owner), and Scott Vincent (architect). Poeschel talked about the previous location, High Speed Rail acquisition, background on the property owner's journey between locations, support received, proposed site plan & elevations, and the Code changing after the condemnation (without a grandfathering exception available). He addressed each of the findings Veatch mentioned and asked Commission to grant appeal.

Will Oliver (CEO of Economic Development Corporation) spoke in support of the project and explained the background his agency had with the applicant since the HSR acquisition.

The Commission discussed the necessary findings (only finding a. of CUP findings was still needed) and exceptions (only finding a. & c. of the exceptions were needed to grant the appeal), clarifying restrictions and

limitations. They asked questions about the timeline of when the Code changed (RNMA) versus when the process started for the project.

No Public Comment was given

Bray found the project was not detrimental, alcohol sales were inevitable as a result of a grocery store, it was meeting an unserved need, and that the primary use meets the definition of a general market, therefore moved to approve the appeal.

On motion of Commissioner Bray, seconded by Commissioner Criner , that the above Action Item be APPROVED. The motion carried by the following vote:

Aye: 7 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, Commissioner Wagner, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

IX. REPORT BY SECRETARY

7:30pm

Clark reported that she expected another meeting in December, but because there was a change the item would be continued to the new year she wanted to take time to thank the Commissioners and Staff for their investment and wished them a happy, healthy holiday. Vang also showed gratitude to Staff.

X. SCHEDULED ORAL COMMUNICATIONS

N/A

XI. UNSCHEDULED ORAL COMMUNICATIONS

N/A

XII. ADJOURNMENT

Chair Vang adjourned meeting at 7:32pm