City of Fresno

City Hall Council Chambers
2600 Fresno Street

Meeting Minutes - Draft

Wednesday, February 19, 2025

6:00 PM

Regular Meeting

City Hall Council Chambers
2600 Fresno Street

Planning Commission

Chairperson – Peter Vang
Vice Chair - Kathy Bray
Commissioner – David Criner
Commissioner – Monica Diaz
Commissioner – Jacqueline Lyday
Commissioner - Linda M Calandra
Commissioner – Gurdeep Singh Shergill

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 by attending a meeting in the Council Chambers, City Hall, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721. When called to speak during a meeting, you may approach the speaker podium upon the Chair's call for public comment.

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 the Planning & Development Department. 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. 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, pursuant to Article 4 (3).

a. Email comments to PublicCommentsPlanning@fresno.gov.

b. Emails should 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.

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1. **Community Media Access Collaborative website: https://cmac.tv/**
2. **Cable Television: Comcast Channel 96 and AT&T Channel 99**
3. **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.

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Zoom or in the Chambers.

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I. ROLL CALL

Chair Vang called the meeting to order at 6:00 p.m.

Commissioner Shergill arrived at 6:01 p.m.

Also present were Ashley Atkinson, Phillip Siegrist, Robert Holt, Kari Camino, Andrew Janz (CAO), Heather Thomas (CAO), Dejan Pavic (DPU), and Jairo Mata (DPW).

Present 5 - Chairperson Peter Vang, Commissioner Kathy Bray, Commissioner Jacqueline G. Lyday, Commissioner Linda Calandra, and Commissioner Gurdeep Singh Shergill

Absent 2 - Commissioner David Criner , and Commissioner Monica Diaz

II. PLEDGE OF ALLEGIANCE

6:00 p.m.

III. PROCEDURES

6:01 p.m.

Commissioner Shergill arrived at 6:01 p.m.

Chair Vang read the procedures aloud.

IV. AGENDA APPROVAL

6:02 p.m.

Siegrist reported no changes to the agenda.

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

Aye: 5 - Chairperson Vang, Commissioner Bray, Commissioner Lyday, Commissioner Calandra, and Commissioner Shergill

Absent: 2 - Commissioner Criner , and Commissioner Diaz

V. CONSENT CALENDAR

6:03 p.m.

On motion of Commissioner Lyday, seconded by Chair Vang, the CONSENT CALENDAR was APPROVED. The motion carried by the following vote:

Aye: 5 - Chairperson Vang, Commissioner Bray, Commissioner Lyday, Commissioner Calandra, and Commissioner Shergill

Absent: 2 - Commissioner Criner , and Commissioner Diaz

V-A ID 25-237 January 15, 2025 Planning Commission Regular Meeting Minutes

VI. REPORTS BY COMMISSIONERS

6:03 p.m.

Chair Vang made an announcement that Item VIII-C (ID 25-162) and Item VIII-D (ID 25-82) have been continued to March 5, 2025.

VII. CONTINUED MATTERS

N/A

VIII. NEW MATTERS

VIII-A ID 25-233 Consideration of Vesting Tentative Tract Map No. 6312, Planned Development Permit Application No. P24-04002, and related Environmental Assessment for approximately 9.23 acres of property located on the west side of North Portofino Drive, north of East Copper Avenue (Council District 6) - Planning and Development Department.

1. **ADOPT** Environmental Assessment No. T-6312/P24-04002 dated February 19, 2025, an Addendum to the Final Subsequent Environmental Impact Report State Clearinghouse No. 2000021003 (SEIR) for the proposed project, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

2. **APPROVE** Vesting Tentative Tract Map No. 6312 proposing to subdivide approximately 9.23 acres of property into a 22-lot single-family residential development, subject to compliance with the Conditions of Approval dated February 19, 2025.

3. **APPROVE** Planned Development Permit Application No. P24-04002 proposing to modify the RS-3 (*Single-Family Residential, Low Density*) zone district development standards to allow for private streets, a reduction in setbacks and lot width, and an increase in building height and lot coverage, subject to compliance with the Conditions of Approval dated February 19, 2025.

6:04 p.m.

Holt made a presentation on the project including the general location, land use, zoning, proposed tract map, planned development, open space requirements, and Staff recommendations.

Gary McDonald (Applicant) provided a brief background on the project and thanked Staff. Commissioners asked questions about Senior housing, and price ranges of the development. In response, McDonald stated no Senior housing was planned, and pricing has not been set. He was available for any additional questions.

Public Comment:

No public comment was provided.

On motion of Commissioner Calandra, seconded by Commissioner Shergill, that the above Action Item be APPROVED. The motion

carried by the following vote:

Aye: 5 - Chairperson Vang, Commissioner Bray, Commissioner Lyday, Commissioner Calandra, and Commissioner Shergill

Absent: 2 - Commissioner Criner , and Commissioner Diaz

VIII-B ID 25-160 Consideration of Text Amendment Application No. P23-03410 and related Environmental Finding for Environmental Assessment No. P23-03410, amending Sections 15-2761 and 15-6802 of the Citywide Development Code, relating to Tobacco and Vapor Sales, Smoke Shops, and Definitions.

1. **RECOMMEND ADOPTION** (to the City Council), of a finding set forth in Environmental Assessment No. P23-03410 dated January 15, 2025, that Text Amendment Application No. P23-03410 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. **RECOMMEND APPROVAL** (to the City Council) of Text Amendment Application No. P23-03410, to amend Sections 15-2761 and 15-6802 of the Citywide Development Code, relating to Tobacco and Vapor Sales, Smoke Shops, and Definitions.

6:10 p.m.

Siegrist made a presentation to amend Sections 15-2761 and 15-6802 of the Citywide Development Code, relating to Tobacco and Vapor Sales, Smoke Shops, and Definitions. The purpose of the Amendment is to require new Smoke Shops to obtain a Conditional Use Permit (CUP) and Business Tax License, establish regulations and operational requirements, annual inspections, fines, as well as amortize existing Smoke Shops, and only allow up to 7 establishments per City Council District. It would also provide public notice of available permits, and implement location restrictions near sensitive areas.

Public Comment:

3 members of the public spoke in favor of the Text Amendment encouraging businesses operating illegally to be closed immediately, new restrictions should apply to all Tobacco retailers, and creating a Tobacco Retailer License with training.

14 spoke in opposition of the Text Amendment voicing concerns of the Amortization of existing Smoke Shops, irregularities in enforcement of rules by Code Enforcement, signed lease agreements for existing shops in sensitive areas, and unobtainable rules to follow.

Chair Vang moved to: Recommend increasing the number of Smoke Shops permitted within each City Council District from 7 to 10; Recommend increasing the time for the Amortization period from 18 months to 24 months; and Recommend grandfathering in existing Smoke Shops such that they would not be subject to the sensitive use location restrictions under the Text Amendment.

Vice Chair moved to: Recommend applying this legislation to all Tobacco Retailers, rather than just Smoke Shops; and Recommend creating a Tobacco Retailer License.

Commissioner Lyday moved to: Recommend that the City provide a Code Enforcement Workshop where business owners can meet with Code Enforcement, and everyone can be on the same page regarding this legislation; Recommend removing the lottery system from the Text Amendment, and making the application system entirely merit-based, which would include: The Smoke Shop Operator's business plan, their community impact, their experience, and history of compliance. She also recommends including immediate closure of Smoke Shops which are engaged in gambling or sales of cannabis.

Commissioner Shergill moved to: Recommend creation of a City-based tool for business owners to gather information they need, and to report their concerns.

Commissioner Calandra requested to remove the CUP requirement for existing businesses, however, that request was not adopted.

Roll Call Vote was taken.

On motion of Chair Vang, seconded by Vice Chair Bray, that the above Action Item be RECOMMENDED FOR APPROVAL AS AMENDED. The motion carried by the following vote:

Aye: 4 - Chairperson Vang, Commissioner Bray, Commissioner Lyday, and Commissioner Shergill

No: 1 - Commissioner Calandra

Absent: 2 - Commissioner Criner , and Commissioner Diaz

VIII-C ID 25-162 **CONTINUED TO MARCH 5, 2025**

Consideration of Text Amendment Application No. P23-03472 and related Environmental determination, amending Section 15-6703 and Article 68 of the Citywide Development Code, relating to Hospitals and Sub-Acute Care Facilities and Terms and Definitions.

1. **RECOMMEND ADOPTION** (to the City Council), for Environmental Assessment No. P23-03472, that Text Amendment Application No. P23-03472 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

2. **RECOMMEND APPROVAL** (to the City Council), of Text Amendment Application No. P23-03472, to amend Section 15-6703 and Article 68 of the Citywide Development Code to define Sub-Acute Care Facility and to include Sub-Acute Care Facilities in the description for Hospitals.

Item VIII-C (ID 25-162) is being continued as noted during agenda approval.

VIII-D ID 25-82 **CONTINUED TO MARCH 5, 2025**

Consideration of Text Amendment Application No. P24-00794 and related Environmental Finding for Environmental Assessment No. P24-00794, repealing Section 15-1106 of the Fresno Municipal Code, amending Sections 15-1302, 15-4907, 15-5102, 15-6702, 15-6802 of the Fresno Municipal Code, and establishing Section 15-2742.5 of the Fresno Municipal Code, to permit ministerial approval of housing projects.

1. **RECOMMEND ADOPTION** (to the City Council), of Mitigated Negative Declaration Sch No. 2024110662 for Text Amendment Application No. P24-00794.

2. **RECOMMEND ADOPTION** (to the City Council), of Text Amendment Application No. P24-00794, repeal Section 15-1106 of the Fresno Municipal Code, amend Sections 15-1302, 15-4907, 15-5102, 15-6702, 15-6802 of the Fresno Municipal Code, and establish Section 15-2742.5 of the Fresno Municipal Code, to permit ministerial approval of housing projects in the following instances as noted below:
    a. Ministerial approval of office to dwelling conversions in the Office zone district; and
    b. Ministerial approval of multi-unit residential development in the RM-1, RM-2, and RM-3 zone districts on parcels within one-half mile of an existing bus stop; and
    c. Ministerial approval of multi-unit residential uses in the NMX, CMX, RMX, CMS and CR zone districts on parcels within the City's Infill Priority Area; and
    d. Ministerial approval of new multi-unit residential development in the Office zone district.

Item VIII-D (ID 25-82) is being continued as noted during agenda approval.

IX. REPORT BY SECRETARY

7:38 p.m.

Atkinson informed the Commissioners that the next meeting would be a lengthy one, due to the two items that were continued.

X. SCHEDULED ORAL COMMUNICATIONS

N/A

XI. UNSCHEDULED ORAL COMMUNICATIONS

7:39 p.m.

None

XII. ADJOURNMENT

Chair Vang adjourned the meeting at 7:39 p.m.