City of Fresno

City Hall Council Chambers
2600 Fresno Street

Meeting Minutes - Draft

Wednesday, March 20, 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

Chair Vang called meeting to order at 6:01pm

Also present were Jennifer Clark, Israel Trejo, Rob Holt, Diego St. Clair, Janice Monroe, Kari Camino, David Densley, Kristi Costa (CAO), Heather Thomas (CAO), Harmanjit Dhaliwal (DPW), Dejan Pavic (DPU), & Jennifer Ruiz (CMO).

Camino made an announcement about translation services that were available both online and in person.

Present 5 - Chairperson Peter Vang, Commissioner David Criner , Vice Chair Brad Hardie, Commissioner Kathy Bray, and Commissioner Monica Diaz

Absent 2 - Commissioner Haley M. Wagner, and Commissioner Jacqueline G. Lyday

II. PLEDGE OF ALLEGIANCE

6:03pm

III. PROCEDURES - PROCEDIMIENTOS - KEV SAB LAJ

6:03pm

Chair Vang read procedures aloud.

IV. AGENDA APPROVAL

6:05pm

Trejo reported no changes to the agenda.

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

Aye: 5 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, Commissioner Bray, and Commissioner Diaz

Absent: 2 - Commissioner Wagner, and Commissioner Lyday

V. CONSENT CALENDAR

6:06pm

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

Aye: 5 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, Commissioner Bray, and Commissioner Diaz

Absent: 2 - Commissioner Wagner, and Commissioner Lyday

V-A ID 24-321 February 21, 2024 Planning Commission Regular Meeting Minutes

V-B ID 24-392 March 6, 2024 Planning Commission Regular Meeting Minutes

VI. REPORTS BY COMMISSIONERS

6:06pm

None

VII. CONTINUED MATTERS

N/A

VIII. NEW MATTERS

VIII-A ID 24-399 Consideration of Rezone Application No. P23-02992 and related Environmental Assessment No. P23-02992 relative to property generally located between North Friant Road, East Copper Avenue, North Willow Avenue and the East Silaxo Road (Council District 6).

1. **RECOMMEND ADOPTION** (to the City Council) Environmental Assessment No. P23-02992, dated March 13, 2024, an Addendum to the Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2000021003 for the proposed project pursuant to the California Environmental Quality Act (CEQA).

2. **RECOMMEND APPROVAL** (to the City Council) of Rezone Application No. P23-02992 proposing to amend the Official Zone Map to reclassify: ± 35.59 acres of property from the RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single-Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 0.93 acres of property from the RM-2/UGM/cz (Multi-Family Residential, Urban

Neighborhood/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 7.23 acres of property from the RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district to RS-5/UGM/cz (Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning) zone district, ± 0.79 acre of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 2.68 acres of property from the CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district to CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning) zone district, ± 2.07 acres of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density/Urban Growth Management/conditions of zoning) zone district, ± 1.17 acres of property from the RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density/Urban Growth Management/conditions of zoning) zone district, ± 8.17 acres of property from the RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district to RM-2/UGM/cz (Multi-Family Residential, Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, ± 2.68 acres of property from the RS-4/UGM/cz (Single Family Residential, Medium Low Density /Urban Growth Management/conditions of zoning) zone district to RS-4/UGM/cz (Single Family Residential, Medium Low Density /Urban Growth Management/conditions of zoning) zone district, and ± 4.53 acres of property from the RS-3/UGM/cz (Single Family Residential, Low Density /Urban Growth Management/conditions of zoning) zone district to RS-3/UGM/cz (Single Family Residential, Low Density /Urban Growth Management/conditions of zoning) zone district.

6:06pm

Commissioner Bray recused herself from the item due to potential business conflict.

Trejo began his presentation by explaining there were no changes in Land

Use, but instead a change in the conditions of zoning. He then made a presentation on the location, history of Copper River Ranch, conditions of zoning (existing versus proposed), District 6 Plan Review Committee feedback, and Staff's recommendations.

Gary McDonald (applicant) provided a brief background on the project and thanked Staff. He was available for comments or questions.

No Public Comment was given.

On motion of Commissioner Diaz, seconded by Vice Chair Hardie, that the above Action Item be APPROVED. The motion carried by the following vote:

Aye: 4 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, and Commissioner Diaz

Absent: 2 - Commissioner Wagner, and Commissioner Lyday

Recused: 1 - Commissioner Bray

VIII-B ID 24-400 Consideration of an appeal filed regarding Cannabis Conditional Use Permit Application No. P23-03086 and related Environmental Assessment for property located at 4555 East Kings Canyon Road on the northeast corner of East Kings Canyon Road and South Jackson Avenue (Council District 5).

1. APPROVE Environmental Assessment No. P23-03086 dated November 9, 2023, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) Guidelines through Section 15301/Class 1 Categorical Exemption.

2. DENY the appeal and **UPHOLD** the action of the Planning and Development Department Director in the approval of Cannabis Conditional Use Permit Application No. P23-03086 authorizing the establishment of a cannabis retail business in an approximately 2,100 square foot existing commercial building, subject to the following:

a. Development shall take place in accordance with the Conditions of Approval for Cannabis Conditional Use Permit Application No. P23-03086 dated January 9, 2024.

6:16pm

Vang made an announcement that those who need translation services will be given extra time to speak.

Holt made a presentation about the cannabis application process, existing Cannabis Conditional Use Permit approvals in Council District 5, proximity to schools, appeal process, and opposition's issues with the project and corresponding Staff responses. He then talked about the subject location, Land Use, proposed business details (including security, operation, and plans), Fresno Municipal Code Findings, and Staff recommendations.

Commissioners asked Staff about relocating as a result of proximity to a new school and the potential risk as a result of the neighboring Fairgrounds.

David Densley (Cannabis team) elaborated on the definition of Youth Center according to the Code.

Jessica Reuven, Rita Tsalyuk, & Kirill Merkuluv were present on behalf of the applicant team. Reuven made a presentation on the company background, protocols, location, proposed improvements, neighborhood compatibility/nuissance, and community benefits offered.

Commissioners asked several questions to clarify security protocols and any special plans for when events are being held at the Fairgrounds. Trejo noted there were limited studies on traffic/accidents that could be comparable and that the results were inconclusive at this time. Tsalyuk also explained consumption will not be allowed on site or in public, elaborating on protocols.

Hardie also asked about the timeline of construction, to which the applicant's team explained their interest in immediate construction and opening for business.

Hardie left the room from 6:54-6:56pm.

Public Comment
There was one member of the public that spoke in favor of the project, citing benefits to the neighborhood & investment in the community.

No one spoke in opposition to the project.

After deliberation on security concerns, particularly when events are held at the Fairgrounds, Chair Vang motioned to amend Staff's recommendation due to the Health, Safety, & Welfare Finding. The motion included the stipulated condition that the applicant add an additional security guard during the two week Fresno Fair and a week for Hmong New Year (totaling 3 weeks per year).

On motion of Chairperson Vang, seconded by Commissioner Diaz, that the above Action Item be APPROVED AS AMENDED. The motion carried by the following vote:

Aye: 4 - Chairperson Vang, Commissioner Criner , Vice Chair Hardie, and Commissioner Diaz

No: 1 - Commissioner Bray

Absent: 2 - Commissioner Wagner, and Commissioner Lyday

IX. REPORT BY SECRETARY

7:03pm

None

X. SCHEDULED ORAL COMMUNICATIONS

N/A

XI. UNSCHEDULED ORAL COMMUNICATIONS

7:03pm

None

XII. ADJOURNMENT

Chair Vang adjourned meeting at 7:03pm