



# PLANNING COMMISSION AGENDA

HAL KISSLER, Chair

Commission Members  
JAIME HOLT, Vice Chair  
PAUL E. CAPRIOGLIO  
RAMA DAWAR  
CAM MALOY  
SEROP TOROSSIAN  
ROJELIO VASQUEZ

Planning and Development  
Interim Director/Secretary  
KEITH BERGTHOLD

Senior Deputy City Attorney  
JOHN W. FOX

*The Planning Commission welcomes you to this meeting.*

**August 19, 2009**

**Wednesday**

**6:00 p.m. to 10:00 p.m.**

**City Hall, Second Floor, COUNCIL CHAMBER, 2600 Fresno Street**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call Planning and Development Department staff at 559-621-8277.

El cuarto de la reunión es accesible a los físicamente incapacitados y los servicios de un traductor pueden ser hechos disponible. Peticiones para servicios adicionales para los incapacitado, los firmantes, aparatos de escuchar o los traductores deben ser hechos una semana antes de la reunión. Por favor llame a el Departamento de la Planificación y el Desarrollo en 559-621-8277.

Chav sablaj muaj rau cov tibneeg xiam oqhab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam oqhab, cov hlua ntsaws pobntseg mloog haislus, los yog tibneeg txhaislus, nej yuav tau hais tuaj ib asthiv los yog ib limpiam ua ntej lub rooi sablaj. Nej hu tau rau peb cov tubtxib ntawm tus xovtooj: 559-621-8277.

Metered parking is in effect throughout the downtown area. The general public wishing to attend a Planning Commission meeting at City Hall may park after 5 p.m. in the parking lot at the northeast corner of Tulare and P Streets or in the parking lot east of City Hall across the railroad tracks. Both parking lots have entrances from Tulare Street, and parking restrictions have been relaxed in these lots for those attending the meeting.

- I. **ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**

### **III. PROCEDURES**

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, economic status, national origin, shall be deemed out of order, 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 at or before the close of the hearing.

### **IV. AGENDA APPROVAL**

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

### **V. CONSENT CALENDAR**

All Consent Calendar items are considered by the Planning Commission to be routine and will be enacted in one motion. There will be no separate discussion of these items unless requested, in which event the items will be removed from the Consent Calendar and considered prior to approval of the Consent Calendar. If any member of the public wishes to have a specific item removed for discussion, be present when the meeting is called to order and the Chair announces the Consent Calendar. Commission approval of Consent Calendar items for which there is no discussion shall constitute adoption of the staff recommendation.

- A. Minutes – Meeting Minutes of July 1 and July 15, 2009
- B. Communications
- C. Entitlements

### **VI. REPORTS BY COMMISSIONERS**

**VII. CONTINUED MATTERS**

**A. REFER TO STAFF - CONTINUED FROM JULY 15, 2009**

Consideration of an appeal of the Planning and Development Department Interim Director's approval of Conditional Use Permit Application No. C-09-58, and environmental findings, filed by Lana M. Shearer of Complete Wireless Consulting, on behalf of Verizon Wireless, pertaining to approximately 403 square feet of leased R-1 zoned property within an existing 0.39 acre City of Fresno Water Pump Station No. 153 located on the north side of East Butler Avenue between South Peach and South Minnewawa Avenues at 5339 East Butler Avenue.

1. Environmental Assessment No. C-09-58 determination of Class 32 Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA) Guidelines.
2. Conditional Use Permit Application No. C-09-58 proposes the installation of an unmanned telecommunications tower consisting of 12 antennas mounted inside a radome enclosure on a brown 80-foot high slimline monopole and the construction of a 12-foot by 20-foot equipment shelter adjacent to the base of the cell tower on leased property within City of Fresno Water Pump Station No. 153. The proposed facility will meet with all FAA and FCC requirements.
  - Roosevelt Community Plan
  - Butler Willow Area Specific Plan
  - Staff Member: Joann Zuniga
  - Staff Recommendation: Deny Appeal, Uphold Director's Action of Approval
  - May be considered by City Council

**VII. CONTINUED MATTERS**

**C. CONTINUED FROM AUGUST 5, 2009**

Consideration of proposed Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC and the repeal of the Tulare Street Official Plan Line between Clovis Avenue easterly within the Project Area and a vesting parcel map. The Project Area is generally 95 acres and located on the northeast and southeast corners of Clovis Avenue and the Tulare Street alignment.

The proposed Development Agreement is intended to allow the development of Project area with 1.2 million square feet of mixed retail space and 724 residential units. City staff is recommending that Council may find that the proposed project which may be developed under the Development Agreement was assessed in EIR No. 10133 certified by the Council on May 17, 2005 as part of the larger Fancher Creek Development Project which included a 475 acre project area and no new environmental document is required pursuant to CEQA Guidelines Section 15162 as described in an addendum prepared pursuant to CEQA Guidelines Section 15164.

Under the provision of Section 65864 et seq. of the Government Code, the City of Fresno is authorized to enter into Development Agreement with any person having a legal or equitable interest in real property for the development of the property. The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project in order to assure the maximum efficient utilization of resources at the least economic cost to the public.

1. Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC: Negotiating and stipulating terms respective to: (1) Vested rights; (2) The timing within which key elements of the project need to be constructed; (3) The sale, transfer or assignment of all or a portion of the project and rights duties or obligations of the agreement; (4) Allocation of fee credits and reimbursements (i.e. developer financing); (5) The subjectivity of the project to exactions such as adopted regional mitigation fee assessments; (6) Allowed density and intensity of uses and conditions, terms, restrictions and requirements for subsequent discretionary actions; and (7) The duration of the agreement; (8) Development standards and processing of future submittals.
2. Repeal of the Tulare Street Official Plan Line, easterly from Clovis Avenue, within the Fancher Creek Town Center Project Area.
  - Roosevelt Community Plan
  - Council District 5 (Councilmember Dages)
  - Staff Member: Mike Sanchez
  - Staff Recommendation: Recommend approval
  - Will be considered by City Council

**VIII. NEW MATTERS**

- A. Consideration of Rezone Application No. R-09-002 and environmental findings, filed by Ali Mohgaddam, pertaining to approximately 2.4 acres of property located at the southwest corner of North Baird and East Nees Avenues. This application will facilitate the development of a new single story multiple family residential gated community consisting of 27 dwelling units for senior citizens.
1. Environmental Assessment No. R-09-002, recommends that a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) be adopted.
  2. Rezone Application No. R-09-002, requests to reclassify the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.
    - Woodward Park Community Plan
    - Council District 6 (Councilmember Brand)
    - Staff Recommendation: Recommend Approval by City Council
    - Staff Member: McKencie Contreras
    - Will be considered by the City Council

**IX. REPORT BY SECRETARY**

- A. Planning Commission Workshop presented by the City Attorney's Office providing an overview of the following topics:
1. The Brown Act – Open Meeting Laws.
  2. Parliamentary and meeting procedures and decorum.
  3. Conflicts of Interest, both financial and personal bias.
  4. Findings necessary to approve entitlements.
  5. Due Process and Fair Process.
- Staff Member: Senior Deputy Attorney John Fox

**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, (559) 621-8277, at least 10 days before the desired appearance date.

**XII. ADJOURNMENT**

**UPCOMING MATTERS**  
(Dates subject to change)