



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 5, 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 ooqhab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam ooqhab, 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
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. REPORT BY SECRETARY

- A. El Dorado Park Neighborhood Plan Workshop

Staff: Sophia Pagoulatos

VIII. CONTINUED MATTERS

A. CONTINUED FROM JULY 15, 2009

Consideration of Vesting Tentative Tract Map No. 5873/UGM, Conditional Use Permit Application No. C-09-078, and environmental findings, filed by Provost & Pritchard, Inc., on behalf of Marjorie A. Nolte, pertaining to approximately 8.46 net acres (9.15 gross acres) of R-1 (*Single Family Residential/Urban Growth Management*) zoned property located on the east side of North Marks Avenue between West McKinley and West Olive Avenues.

1. Environmental Assessment No. T-5873/C-09-078, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
2. Vesting Tentative Tract Map No. 5873/UGM proposes a 62-lot single family residential public street planned development subdivision on the subject property at an overall density of approximately 7.33 dwelling units per acre (planned medium density residential at 4.99 to 10.37 dwelling units per acre).
3. Conditional Use Permit Application No. C-09-078 proposes to develop the single family lots with modified lot area, lot dimensions, lot coverage, and building setbacks, and including common open space.
 - West Area Community Plan
 - Council District 3 (Councilmember Sterling)
 - Staff Member: Joann Zuniga
 - Staff Recommendation: Recommend approval
 - May be considered by the City Council

IX. NEW MATTERS

A. Consideration regarding Rezone Application No. R-09-004, Conditional Use Permit Application No. C-09-112 and environmental findings, filed by Sol Development Associates, LLC, on behalf of WG Enterprises, pertaining to approximately 4.47 acres of property located on the west side of North Milburn Avenue between West Palo Alto and West Herndon Avenues.

1. Environmental Assessment No. R-09-004/C-09-112, 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-09-004 proposes to reclassify the site from the M-1/EA/BA-15/UGM (*Light Manufacturing/Expressway Area Overlay/Boulevard Area Overlay, 15-foot setback/Urban Growth Management*) zone district to the C-M/BA-15/UGM (Commercial and Light Manufacturing/Boulevard Area Overlay, 15-foot setback/Urban Growth Management) zone district
3. Conditional proposes to amend approved Conditional Use Permit Application No. C-07-221 to establish a drive through for Commercial Building "L" on the site plan.
 - Bullard Community Plan
 - Council District 2 (Councilmember Borgeas)
 - Staff Recommendation: Recommend approval of the rezone and a continuance of the Conditional Use Permit
 - Staff Member: Bonique Salinas
 - Will be considered by the City Council

IX. NEW MATTERS - *Continued*

- B. Consideration regarding the Rezone Application No. R-09-009 and environmental findings, filed by the City of Fresno, pertaining to thirteen properties totaling approximately 17.26 acres generally located on the east and west sides of North Polk Avenue between West Ashlan and West Dakota Avenues.
1. Environmental Assessment No. R-09-009, 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-09-009, proposes to rezone the parcel from the RR (County) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overly*) zone districts.
 - West Area Community Plan
 - Council District 1 (Councilmember Xiong)
 - Staff Recommendation: Recommend approval
 - Staff Member: David Braun
 - Will be considered by the City Council
- C. Consideration of an appeal of the Planning and Development Department Interim Director conditionally approved Site Plan Review Application No. S-09-019 and environmental findings, filed by Pat Scrivner on behalf of Steven Lauck, pertaining to the farmer's market on the northwest corner of Van Ness and Olive Avenues located at 1201 North Van Ness Avenue. The appeal protests the sale of prepared food.
1. Environmental Assessment No. S-09-019 determination of a Categorical Exemption under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.
 2. Site Plan Review Application No. S-09-019 requests to amend the previous Site Plan Review Application No. S-05-332 for establishment of a farmer's market by incorporating the following changes: inclusion of arts and craft vendors and specialty food vendors within the 25 percent ration allowed by the ordinance, hours of operation expanded to 6 days per week, Monday through Saturday, from 9:00 am to sunset; changing the canopy style and color, installing a canopy storage box, installation of bollards along northern property line, and placement of temporary barriers and/or delineators on a daily basis to keep traffic out of the designated vendor stalls.
 - Tower District Specific Community Plan
 - Council District 1 (Councilmember Xiong)
 - Staff Recommendation: Support Appeal
 - Staff Member: Sophia Pagoulatos
 - May be considered by the City Council

IX. NEW MATTERS - Continued

- D. 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.

- Roosevelt Community Plan
- Council District 5 (Councilmember Dages)
- Staff Member: Mike Sanchez
- Staff Recommendation: Recommend approval
- Will be considered by City Council

X. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. California Dairies, Inc. vs City of Fresno

XI. CONTINUED MATTERS - Continued

A. CONTINUED FROM JULY 29, 2009

Consideration of an appeal of the Planning and Development Department Interim Director's conditional approval of Conditional Use Permit Application No. C-09-067, and environmental findings, filed by the Fresno Historic Chinatown, LLC, on behalf of the Redevelopment Agency, pertaining to approximately ±0.60-acres of property located on the northeasterly corner of "F" and Mono Streets at 718 F Street. The project site is designated by the 2025 Fresno General Plan and the Central Area Specific Plan for commercial/mixed use level 2 planned land uses and is within the C-M (*Commercial and Light Manufacturing*) zone district.

1. Environmental Assessment No. C-09-067 determination of a Categorical Exemption under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.
2. Conditional Use Permit Application No. C-09-067 is a request for authorization to construct the proposed five-story, vertical mixed use building with basement level parking (Chinatown Lofts) consisting of 3,700 square feet of commercial retail space with additional interior parking on the first floor, and multiple-family residences (68 dwelling units, total on the second through the fifth floors.
 - Central Area Specific Plan
 - Council District 3 (Councilmember Sterling)
 - Staff Member: Kevin Fabino
 - Staff Recommendation: Deny appeal, approve project
 - May be considered by City Council

XII. SCHEDULED ORAL COMMUNICATIONS

XIII. 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.

XIV. ADJOURNMENT

UPCOMING MATTERS

(Dates subject to change)

August 19, 2009 – Fancher Creek Project Development