



# PLANNING COMMISSION AGENDA

JAIME HOLT, Chair

Commission Members  
SEROP TOROSSIAN, Vice Chair  
RAMA DAWAR  
ANDY HANSEN-SMITH  
LUISA MEDINA  
RANDY REED  
ROJELIO VASQUEZ

Development and Resource Management  
Assistant Director/Commission Secretary  
KEITH BERGTHOLD

Deputy City Attorney  
TALIA KOLLURI-BARBICK

*The Planning Commission welcomes you to this meeting.*

**February 6, 2013**

**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 Development and Resource Management Department staff at 559-621-8277. **The agenda and related staff reports are available at [www.fresno.gov](http://www.fresno.gov).**

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 rooj 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.

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 December 19, 2012, and January 16, 2013
- B. Communications
- C. Entitlements

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

## **VII. CONTINUED MATTERS**

- A. [Consider Rezone Application No. R-09-012 and Conditional Use Permit Application Amendment No.C-09-161 and related environmental findings for approximately 12 acres \(7.8 acres for the proposed building site and an additional 4.35 acres for parking\) of an overall 20.07-acre site located at 25 East River Park Place West, between North Friant Road and State Route 41. The applicant requests authorization to increase allowed building height from 6 stories and 98 feet to 10 stories and 150 feet to construct an approximately 234,723 square foot, 10-story office building. The proposed project is located within the C-M/UGM/cz \(Commercial and Light Manufacturing/Urban Growth Management/ conditions of zoning\) zone district, the Woodward Park Community Plan and the 2025 Fresno General Plan areas.](#)
1. **RECOMMEND APPROVAL of Environmental Assessment No. R-09-012, C-09-161 to City Council** which recommends that a Mitigated Negative Declaration be adopted for the project.
  2. **RECOMMEND APPROVAL of Rezone Application No. R-09-012 to the City Council** filed by Richard Fairbank, on behalf of DeWayne Zinkin requesting authorization to modify conditions of zoning pertaining to the building height.
  3. **APPROVE Conditional Use Permit Application No. C-09-161** requesting authorization to construct a 234,723 square foot 10-story office building at a maximum height of 150 feet pursuant to Section 12-321 of the Fresno Municipal Code related to Mid Rise and High Rise Buildings. **Approval of Conditional Use Permit Application No. C-09-161 is subject to City Council approval of items 1 and 2.**
    - Woodward Park Community Plan
    - Council District 6 (Councilmember Brand)
    - Staff Recommendation: Recommend approval
    - Staff Member: Sophia Pagoulatos
    - Will be considered by the City Council

## **VIII. NEW MATTERS**

- A. [Consideration of Text Amendment No. TA-13-01 amending Section 12-405-D of the Fresno Municipal Code relating to termination of rights for Special Permits.](#)
1. **Recommend approval to the City Council** that Environmental Assessment No. TA-13-01 that a Finding of No Possibility be adjusted for the project.
  2. **Recommend approval to the City Council** that Text Amendment No. TA-13-01 amending Section 12-405-D of the Fresno Municipal Code, be adopted.
    - Citywide Application
    - Staff Recommendation: Recommend approval
    - Staff Member: Mike Sanchez
    - Will be considered by the City Council

**VIII. NEW MATTERS(Continued)**

B. [Consideration of Conditional Use Permit Application No. C-11-153 and related environmental findings, filed by Vincent Palacios for about 3,500 square feet of space within 11.67 acres of property located on the northeast corner of East Butler and South Maple Avenues.](#)

a. **APPROVE Environmental Assessment No. C-11-153** Determination of a 15303/Class 3 and Section 15332/Class 32 (Infill Development Projects) Categorical Exemption from the requirements of the California Environmental Quality Act.

b. **DENY the appeal and uphold the Director's action to approve Conditional Use Permit Application No. C-11-153** requests authorization to install two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, to serve the adjacent grocery store.

- Roosevelt Community Plan
- Council District 5 (Councilmember Quintero)
- Staff Recommendation: Deny appeal, uphold Director's decision
- Staff Member: Jack VanPatten
- May be considered by the City Council, if appealed

C. [Consider an appeal to Conditional Use Permit Application No. C-08-060, filed by Edward Palacios, pertaining to the vacant portion of property approximately 7.13 acres, located on the west side of North Sharon Avenue between East Spruce Avenue and East Herndon Avenue \(7177 North Sharon Avenue\).](#)

1. **APPROVE Environmental Assessment No. C-08-060** recommending that a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) and Mitigated Negative Declaration prepared for Plan Amendment A-09-02 dated January 4, 2013 is adopted.

2. **DENY the appeal and uphold the Director's action to approve Conditional Use Permit Application No. C-08-060** which requests authorization to construct a two story, 53,600 square foot, licensed long term acute care hospital on partially developed property just north of the San Joaquin Valley Rehabilitation Hospital.

- Woodward Park Community Plan
- Council District 6 (Councilmember Brand)
- Staff Recommendation: Deny appeal, uphold Director's decision
- Staff Member: McKencie Contreras
- May be considered by the City Council

**IX. REPORT BY SECRETARY**

**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 Development and Resource Management Department (telephone: 559-621-8277) at least 10 days before the desired appearance date.

**XII. ADJOURNMENT**

***UPCOMING MATTERS***

*(Dates subject to change)*