



**COUNCIL DISTRICT 2 PROJECT REVIEW COMMITTEE MINUTES**  
Fresno City Hall, 2600 Fresno Street, Fresno, CA 93721

Monday October 11, 2021 – 5:30 PM  
Planning and Development Department – Development Services Division  
Fresno City Hall, WebEx

**1. CALL TO ORDER & ROLL CALL**

Committee Members: David Rodriguez (Chairperson), Linnea Faeth (Vice-Chairperson), Lori Buffington

Present – 2: David Rodriguez (Chairperson), Lori Buffington

Absent – 1: Linnea Faeth

**2. APPROVAL OF AGENDA**

*Chairperson Rodriguez motioned to approve the October 11, 2021 agenda, seconded by Committee Member Buffington. The motion carried unanimously, 2 votes to 0.*

**3. APPROVAL OF THE MINUTES**

*Chairperson Rodriguez motioned to approve the August 23, 2021 minutes, seconded by Committee Member Buffington. The motion carried unanimously, 2 votes to 0.*

**4. PROJECT REVIEW – CONTINUED MATTERS**

None

**5. PROJECT REVIEW – NEW MATTER**

**A. Development Permit Application No. P20-02011 & Tentative Parcel Map No. P21-02012**

Development Permit Application No. P20-02011 was filed by Eric Tange of Galloway & Co. and pertains to the 10.39 acres located at 100 West Shaw Avenue. The applicant proposes a project which consists of an 8,285 square foot, single-level commercial building and associated site improvements. The project will occupy a 1.28 acre / 55,799 square foot site that is being partitioned from an existing 10.55-acre parcel through concurrent Tentative Parcel Map Application No. P20-02012. The parcel is zoned RMX (Regional Mixed-Use).

[Project Submittals](#) (click link)

Relative Link(s): [Map Viewer](#)  
[Fresno Municipal Code Findings](#)

**Project Contact:** Chris Lang  
(559) 621-8023  
[Chris.Lang@fresno.gov](mailto:Chris.Lang@fresno.gov)

Applicants Eric Tange and Jerry Mitchell were able to attend this meeting, and Eric Tange presented the item.

Chairperson Rodriguez asked if the committee had reviewed this project before in a different configuration. **The applicant responded that there was a previous Development Permit application in 2018 and that there had been some changes since then.**

Committee Member Buffington motioned for approval of the project, seconded by Chairperson Rodriguez. The motion carried unanimously, 2 votes to 0.

#### Vote Tally

Ayes (2): Buffington (motion), Rodriguez (second)

Abstain (0): None

Absent (1): Faeth

#### **B. Variance Application No. P21-03287**

Variance Application No. P21-03287 was filed by Matthew Penry and pertains to a proposed  $\pm 5,500$  square-foot home to be located at 4748 West Alluvial Avenue. A variance from the maximum front yard setback requirement is requested. Pursuant to Section 15-904-A of the Fresno Municipal Code, the required front yard setback shall be no less than 27 feet, nor greater than 33 feet. This variance requests to increase the maximum allowable setback to approximately  $\pm 131.6$  feet. The parcel is zoned RS-3+OS/BL/UGM/cz (Residential Single Family, Low Density + Open Space/Bluff Protection Overlay/Urban Growth Management/conditions of zoning).

[Project Submittals](#) (click link)

Relative Link(s):

[Map Viewer](#)

[Fresno Municipal Code Findings](#)

**Project Contact:**

Thomas Veatch

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[Thomas.Veatch@fresno.gov](mailto:Thomas.Veatch@fresno.gov)

Applicant and property owner Matthew Penry was able to attend the meeting, and he presented the item.

Committee Member Lori Buffington asked if the protest letters from the public were sent out to the committee. **Liaison Nicholas Caldera stated that he was not aware of any protest letters since they were not included in the project record. Caldera shared his screen during the meeting to share the letters with the attendees, and he also emailed the letters to the committee members.**

Committee Member Lori Buffington asked if the applicant had researched where the floodplains were located in relation to his property to see if that would impact the project. **The applicant responded that while he was unsure where the floodplains were located, he did not believe this would pose an issue because his property is located at the highest elevation within the neighborhood. He had also submitted a soils report to the City of Fresno for review which stated that the soil was stable for his proposed project. Veatch, the planner assigned to the project application, added that the project was routed to the Flood Control District in which their department confirmed that the property was not within a flood prone area.**

Committee Member Lori Buffington asked if there are any additional restrictions from the Sierra Sky Park Aripport since the proposed home seems as if it would be closer to their flight pattern than other homes in the area. **The**

**applicant stated that there were not any additional regulations from the airport. There was only a maximum height restriction of 35 feet for buildings within that area which came from the City of Fresno Development Code.**

Committee Member Lori Buffington asked if there are any CC&Rs or an HOA for that neighborhood that would impact the project. **The applicant responded that there was no HOA, and after speaking with his neighbors, there were no additional restrictions within that residential subdivision.**

Chairperson Rodriguez asked if the development would meet all setback regulations from the bluff. **The applicant responded that there is a 20-foot restriction from the bluff face, but he is proposing to build the home at least 40 feet back from that point.**

Chairperson Rodriguez asked what type of fence was being proposed in the front portion of the property. **The applicant responded that he is proposing a cinder block wall covered in stucco which would match the house paint color.**

Committee Buffington asked what constitutes an extraordinary need or circumstance as required in one of the findings that must be met before the City of Fresno Planning Division can grant a Variance. **Veatch read the four findings from Section 15-5506 of the Fresno Municipal Code to provide clarification. He also confirmed that the project in question would have to meet all the required findings before the Variance could be granted.**

Committee Buffington asked the applicant what the exceptional or extraordinary need was in relation to the proposed development that would allow the Planning Division to grant the Variance. **The applicant responded that taking advantage of the bluff view was valuable, and that the only way to take advantage of the back portion of the lot, since the property was so long, was to build the home farther back from the front of the property.**

Chairperson Rodriguez expressed his opinion that he is not opposed to the proposed development if it meets all the code requirements.

Committee Member Buffington expressed her concern that the project did not seem to meet all the required Variance findings and that it may be detrimental to the neighbors' view of the bluff based on their opposition letters. **The applicant commented that his neighbors have permanent structures located towards the rear of their properties that would be in his view of the bluff. He added that his neighbors also planted trees that have and will impact the view of other property owners.**

Both committee members provided input on how the applicant could express his concerns to the review authority as the Variance continued through the application process.

The committee members asked if they had to provide an official action on the item or if they could just provide comments with no official action. **Caldera responded that there must be an official action based on his understanding of the Council District Project Review Committee process.**

Committee Member Buffington motioned for denial of the project based on her opinion that the project does not meet the Variance requirements under the statute. She added that she had no particular protest for the actual project other than the opposition from the neighbors. Motion not seconded; motion failed.

Chairperson Rodriguez motioned for approval of the project. He added that he likes to see property owners take advantage of their properties as much as possible. He understands that the project is required to meet the

*Variance requirements, but he believes those findings must be determined at a higher-level review than the District 2 Committee. Motion not seconded; motion failed.*

*A motion did not pass for this item because there was not a majority vote, but quorum was established at the meeting, and recommendations were provided by the committee members that were able to attend.*

## **6. ADMINISTRATIVE MATTERS**

None

## **7. COMMITTEE CONSULTATION AND UNSCHEDULED MATTERS**

*Chair Rodriguez stated that he had approached the District 2 office about needing more members for the District 2 Project Review Committee. Applicant Matthew Penry stated that he had spoken with Councilmember Karbassi about volunteering as a member for the committee.*

## **8. ADJOURNMENT**

*The Committee was adjourned at 6:20 p.m.*