



MINUTES
PLANNING COMMISSION
of the
CITY OF HANFORD

COUNCIL CHAMBERS
400 N. Douty St.
6:30 PM, Tuesday, April 26, 2016

6:30 PM CALL TO ORDER CLOSED SESSION

Chairperson HAM called the meeting to order at 6:30 p.m.

ROLL CALL

PRESENT: JOHNSTON, DRAXLER, HAM
ABSENT: NAHAL, PADEN

PUBLIC COMMENT - CLOSED SESSION

Comments from the public are limited to items on the agenda (GC54954.3a). A maximum of five minutes is allowed for each speaker.

None.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING

Chairperson HAM adjourned the meeting to Closed Session at 6:32 p.m.

**1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
Government Code Section 54956.9(d)(2)**

Number of Potential Cases - 1

7:00 PM CALL TO ORDER REGULAR MEETING

Chairperson HAM called the meeting to order at 7:00 p.m.

ROLL CALL

Attendee Name	Title	Status	Arrived
Dennis Ham		Present	
Ajmer Nahal		Present	
Michael Johnston		Present	
Travis Paden		Absent	
John Draxler		Present	

FLAG SALUTE

Led by Chairperson HAM.

CLOSED SESSION ACTION REPORT

City Attorney Mizote reported that no action was taken during Closed Session.

PUBLIC COMMENT

*This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Commission. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed. A maximum of **five minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

None.

CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

1. Approval of the Minutes of the April 12, 2016 Meeting

Motion by Commissioner JOHNSTON, seconded by Commissioner DRAXLER, to approve the Consent Calendar. Motion carried by the following roll call vote:

AYES: Commissioners JOHNSTON, DRAXLER, NAHAL, HAM
NOES: Commissioners NONE
ABSTAIN: Commissioners NONE
ABSENT: Commissioners PADEN

PUBLIC HEARING

- 1. Tentative Tract 914, a request to subdivide approximately 28.75 acres into 115 single-family residential lots in the “R-1-6” Low-Density Residential Zone District. Planned Unit Development No. 2016-01, a request to deviate from the standards of the “R-1-6” Low-Density Residential Zone District to allow reduced side-yard setbacks for two-story homes from 10 feet to five feet. The project is located at the northeast corner of 12th Avenue and Hume Avenue (APN 011-110-032, 011-110-034, and 011-110-035). The action requires certification of Mitigated Negative Declaration No. 2016-02 for the project.**

Chairperson HAM opened the Public Hearing at 7:04 p.m.

City Attorney Mizote reported that City Manager and City Staff received email from Mr. Willie Thomas, subsequent to the preparation of this agenda, regarding Native American tribal consultations. City Attorney Mizote presented his response letter to the commissioners prior to this meeting. The city received a letter from Michael Noland, attorney for this project's applicant, (also distributed to Commission prior to this meeting). City Attorney Mizote concurs with the Mr. Noland's conclusions and asked if the Commission would like to go forward with the project at this meeting. Commission consensus to proceed with the Public Hearing.

Assistant Planner de Silva presented the Staff Report and referred to a supplemental document that was distributed to the Commission just prior to this meeting, containing comments received on this date. She then recommended approval of the project.

Chairperson HAM opened Questions of Staff.

Following Questions of Staff, Chairperson HAM opened Public Comment.

FAVOR

1. Applicant Jim Robinson, of San Joaquin Valley Homes, stated that they agree with the conditions of the Staff Report. He thanked staff for their time and work on this project, and answered questions from the commissioners.
2. Michael Noland, attorney for applicant, addressed the Native American tribal consultation issue and noted that this is a time-sensitive project.

OPPOSED

1. Bob Ramos, not against the project, but asked the Commission to take more time to examine the tribal consultation issue.

Chairperson HAM closed Public Comment and opened Commission Discussion.

Following Commission Discussion, Chairperson HAM closed the Public Hearing at 7:40 p.m. and called for a motion.

Motion by Commissioner DRAXLER, seconded by Commissioner NAHAL, to adopt Mitigated Negative Declaration 2016-02 for the project. Motion carried by the following roll call vote:

AYES: Commissioners DRAXLER, NAHAL, JOHNSTON, HAM
NOES: Commissioners NONE
ABSTAIN: Commissioners NONE
ABSENT: Commissioners PADEN

Motion by Commissioner DRAXLER, seconded by Commissioner JOHNSTON, to adopt Resolution 2016-09 approving Tentative Tract Map 914. Motion carried by the following roll call vote:

AYES: Commissioners DRAXLER, JOHNSTON, NAHAL, HAM
NOES: Commissioners NONE
ABSTAIN: Commissioners NONE
ABSENT: Commissioners PADEN

Motion by Commissioner DRAXLER, seconded by Commissioner NAHAL, to adopt Resolution 2016-10 approving Planned Unit Development 2016-01. Motion carried by the following roll call vote:

AYES: Commissioners DRAXLER, NAHAL, JOHNSTON, HAM
NOES: Commissioners NONE
ABSTAIN: Commissioners NONE
ABSENT: Commissioners PADEN

2. Appeal filed by Hanford Environmental Awareness Team (HEAT) of Site Plan Review 2015-05 and Negative Declaration No. 2015-03. Site Plan Review 2015-05 is a request to construct a 216-unit multi-family development in the RM-2 zone. (APN 011-020-045)

Chairperson HAM opened the Public Hearing at 7:42 p.m. and called for the Staff Report.

Community Development Director Mata presented the Staff Report, recommended denial of the Appeal, and invited questions of staff. A letter from the Law Offices of Richard Harriman was submitted to the Commission just prior to this meeting. Because Director Mata had not received a copy of the letter, it was suggested that a recess be provided either before or after Public Comment, to give staff time to consult with the City Attorney and respond to the letter.

Chairperson HAM opened Questions of Staff. Following Questions of Staff, Chairperson HAM opened Public Comment.

FAVOR

1. Appellant Richard Harriman, attorney for Hanford Environmental Awareness Team (HEAT), stated that they are not against the project, but are opposed to the filling in of Mussel Slough. He requested a focused Environmental Impact Report (EIR), regarding drainage.
2. Robin Mattos, of HEAT, speaking as a citizen, likes the project, but disagrees with the proposed cinder block walls around the project and feels that Mussel Slough should be allowed to remain a natural resource.

OPPOSED

Jeff Reed, attorney for Bajun, stated that past issues should not be taken into account. He asked that the Commission uphold the Mitigated Negative Declaration, which is not deferred mitigation. He added that there is no evidence that this project is located on Mussel Slough.

REBUTTAL

Appellant Harriman stated that there has been public passage across this property since 2007 until recently, and there is no evidence that the project is in the Pioneer School District, raising a public safety issue. He asked for a requirement that the trail go by on the property of the applicant.

Chairperson HAM closed Public Comment and called a recess.

(RECESS 8:15 p.m.-8:25 p.m.)

Chairperson HAM asked for comments from Director Mata. Director Mata made clarifications to the Staff Report and responded to comments in Mr. Harriman's letter.

John Zumwalt, of Zumwalt-Hansen, engineer for the project, responded to questions regarding the cinder block wall. He read from the original Conditions of Approval that the six-foot block wall is required to separate the RM-2 zoned apartments from the single-family area. The chain link fence around the drainage basin belongs to the city, and it will not be removed.

Mr. Harriman called a Point of Order, stating that in his conclusion, he referenced Cal. Pub. Res. Code §21158.5, which was not discussed by staff.

Chairperson HAM closed the Public Hearing at 8:30 p.m. and called for a motion.

Motion by Commissioner JOHNSTON, seconded by Commissioner NAHAL, to approve Resolution 2016-11 upholding approval of Site Plan Review 2015-05 and certification of Mitigated Negative Declaration 2015-03 based on the following findings: a. That the document reflects the City of Hanford's independent judgment; b. That the decision is based on the full record of the proceedings, including any public testimony, comments or evidence submitted to the City of Hanford. Motion carried by the following roll call vote:

AYES: Commissioners JOHNSTON, NAHAL, DRAXLER, HAM
NOES: Commissioners NONE
ABSTAIN: Commissioners NONE
ABSENT: Commissioners PADEN

DIRECTOR'S COMMENTS

Director Mata announced that TPM 2015-04 was supposed to be on this agenda, but the applicant withdrew the application.

Joint meeting with the City Council will be Wednesday, May 18, 2016, in the Training Room at 5:30 p.m.

COMMISSIONERS' ITEMS OF INTEREST

Commissioner NAHAL asked about the Costco project. Director Mata replied that they have paid all their permit fees, and they will be in to get the permits any day.

Chairperson HAM stated that the Commissioners have been receiving some documents right before the meetings and asked if they could receive those documents sooner. Director Mata stated that staff tries to get packets to the Commissioners on Thursday, whenever possible, but the public has the right to submit documents any time up until the Public Hearing is held.

ADJOURNMENT

Chairperson HAM adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Diana Black
Recording Secretary