



**Planning Commission Regular Meeting
Minutes**

**November 28, 2023 5:30 PM
Council Chambers
400 N. Douty St.**

ROLL CALL:

Vice-Chair NORRIS called the meeting to order at 5:30 p.m.

Present:	Absent:
Commissioner HAM Commissioner DOUGLAS Vice-Chair NORRIS Alternate Commissioner CURTIS	Chair DEVINE

INVOCATION:

Garrett Jones, of First Baptist Church, led the invocation.

FLAG SALUTE:

Vice-chair NORRIS led the flag salute.

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 three 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.

- A. Community Development: Approval of the October 24, 2023 Planning Commission Minutes
- B. Community Development: Approval of the Minutes of the November 6, 2023 Special Joint Meeting

C. Community Development: Approval of the Minutes of the November 14, 2023 Meeting

Motion to approve the Consent Calendar.

RESULT: (UNANIMOUS)
MOVER: HAM
SECONDER: DOUGLAS
AYES: HAM, DOUGLAS, CURTIS, NORRIS
ABSENT: DEVINE

PUBLIC HEARING:

- A. Community Development: Conditional Use Permit No. 0025-23, a request for an existing religious facility to construct an accessory storage building in the R-M Medium Density Residential zone district. The project is located at 12536 Hanford Armona Road (APN 011-010-028 and 011-010-029).

Vice-chair NORRIS opened the public hearing and called for the staff report. Associate Planner Manha presented the staff report, recommended approval, and invited questions of staff.

Commissioner HAM noted that there was no artist's conception presented, so they do not know what the project looks like. He asked if approval would be restricted to storage. Mr. Manha replied that it would depend on what other use would be proposed. For example, a change of building code occupancy would require a site plan review.

There being no further questions, Vice-chair NORRIS opened Public Comment. There were no comments.

Vice-chair NORRIS closed the public hearing and called for a motion.

Motion to adopt Resolution No. 2023-33 approving Conditional Use Permit No. 0025-23.

RESULT: (UNANIMOUS)
MOVER: HAM
SECONDER: DOUGLAS
AYES: HAM, DOUGLAS, CURTIS, NORRIS
ABSENT: DEVINE

- B. Community Development: **Continued from November 14, 2023**

Mitigated Negative Declaration No. 2020-54: A request to certify that the proposed project will have a less than significant impact on the environment with the incorporation of mitigation measures.

Tentative Tract 930: A request to subdivide a 14.86-acre property into 55 single-family residential lots with a Planned Unit Development overlay in the R-L-8 Low-Density Residential zone district.

Planned Unit Development No. 2020-01: A request to allow deviations from the standards of the R-L-8 Low-Density Residential zone district for a single-family residential subdivision. Deviations include reduced lot sizes from 8,000 square feet to 7,443 square feet for Lots 13-23 and 40 and reduced lot depths from 95 feet to 93 feet.

Variance No. 2021-01: A request to deviate from the standards of the Hanford Municipal Code, in order to permit a 14-foot sound wall, in order to reduce noise impacts for a planned residential development. The project is located north of Grangeville Boulevard, west of the railroad tracks, east of Kings Road (APN 008-410-043).

Vice-chair NORRIS opened the public hearing and called for the staff report. Senior Planner Myers presented the staff report, with input from City Engineer Lisa Dock, who explained the street improvements and storm water drainage mitigation for the project. Having made the required findings for the project, Senior Planner Myers deferred to City Attorney Mizote for comments.

Mr. Mizote thanked staff for providing a comprehensive staff report. He emphasized the importance of the findings and explained the Planning Commission's role, which is to make a decision as to whether or not the facts support the required

findings. The approval goes far beyond whether the project is good or bad or popular. If the facts support the findings, the project is entitled to be approved. If the facts do not support the findings, then there would be a denial of the tract, PUD, and/or the variance. Referring to a letter to the City regarding traffic issues, he stated that although it is a concern, it is not evidence of substance. Evidence of substance on a traffic issue would be that evidences in the traffic study were incorrect.

Senior Planner Myers recommended approval of the project and invited questions of staff.

Commissioner HAM asked if the developer was successful in obtaining an easement for the basin from the railroad. Director Waters replied that the developer has been working with the railroad and is confident that the railroad will support the easement. City Engineer Dock stated that if the railroad easement is not allowed, the developer would be required to build their basin onsite, and they have submitted an alternate plan for that.

Vice-chair NORRIS asked about the narrow sidewalks to the access streets and was concerned about traffic safety. Ms. Dock replied with the following comments: All the improvements are within the City right-of-way; the City is not encroaching into any private property. Building the roadway for traffic safety, with two lanes, and keeping the traffic contained within the roadway was the intent of the curb and gutter. The developer is not required to develop Kings Road, and the traffic study for this project did not require any mitigation measures. Director Waters added that the streets are being built to City standards, and safety is a major component of those standards. Senior Planner Myers addressed Vice-chair NORRIS's question regarding a block wall between the subdivisions, stating that there is no requirement for a block wall between R-L (Low-Density Residential) subdivisions. City Attorney Mizote added that he did not see a legal basis to require that the developer provide a block wall, stating that imposing that condition would be a significant obstacle. Director Waters added that typically a block wall is required as a mitigation measure.

Alternate Commissioner CURTIS asked why park impact fees are required for the project, since they will not be providing a park. Senior Planner Myers replied that the park impact fee is for use of existing parks or the need to expand parks, due to a project's impact. Ms. Dock added that the developer would get a credit (no impact fee collected) if they were providing a park. Since the developer is not providing a park, there is no credit. Commissioner CURTIS then asked why the Fire Department comments did not mention that fire alarms are required. He also asked if there is a problem with the developer not having a current license. Director Waters stated that fire requirements are per the Fire Code and the scope does not involve the license or background of the applicant. That would be part of the building process. City Attorney Mizote confirmed that the applicant is not required to have a license in order to receive approval of the project. There is no basis for Planning Commission to withhold approval based on a license.

Vice-Chair NORRIS opened Public Comment:

IN FAVOR

Dan Bailey (developer/applicant) stated that this is a good infill project. They are providing a sound wall, which will be beneficial to everyone in the area, including Kings Road. He mentioned that the original proposal was for more lots, but that has been reduced. He highlighted other features of the project and addressed concerns expressed at the November 14 Planning Commission meeting: The project has three exits and smaller streets, which is why City Engineering required curb and gutter. He reiterated that, as developers, they are not required to have a license. They hire licensed general contractors to build their projects. Commissioner CURTIS Vice-Chair NORRIS asked how long it would take to complete the project. Mr. Bailey replied that they expect to be on the ground the first of the year, and the project should be completed by 2025. The street improvements will be completed during 2024. They will work with the homeowners as much as possible.

OPPOSED-(All speakers were Kings Road residents.)

- Mark Sherman - He cited references listed as sources to the Initial Study that are now outdated. Commented that the September 19, 2020 Fire Department comments stated that Bristol Lane needed a turnaround, or the street should be punched through. He visited the Armona development, by the same developer, and it had a block wall separating that development from a neighboring subdivision. He would like to see a block wall separating Kings Road from the new development.
- Gentleman (did not give his name) - Stated that Windsor Estates was annexed into the City, and the setbacks do not meet City standards. He would like to see what the outlets from this project look like and expressed concern for the safety of the children going to and from Simas Elementary School.
- Rick Goddard - Referred to Item 4 of the Traffic Impact Study and asked what measures were used to determine that there would be no impact. His main concern was traffic safety at the Claridge and University uncontrolled intersection, especially during school hours. He asked if Queens Lane and the other access streets were to City

standards, and he had questions about storm water control. City Engineer Dock replied that the street widths are to code. They have shoulders, they just do not have curb and gutter. The streets are to City standards, and improvements are not required. She stated that all storm water for this development will be contained onsite, and drainage for the access roads will stay as they are.

- Danny Garcia - Expressed that his answer, and that of all in the audience, was "No" to everything proposed. He read a dictionary definition of "environment" and stated "We are the environment."
- Ronald Herleman - Was concerned about traffic safety issues. He referred to information received about a year ago stating that the road going up the subdivision would be deeded to the homeowners, and it would not be a City road.
- Bethel Curtis - Said that the fence law states that the homeowners should be compensated. She added that her driveway will be impacted from Queens Lane.
- Edgar Padilla - Stated that by 5:00 p.m., it is pitch black. He felt that the darkness and the increased traffic will be unsafe.
- Lilly Pimentel - Noted that Kings Road is a no-outlet road. She stated that, even with the three roads that connect to Kings Road, it will still be a no-outlet road. She also expressed concern regarding safety issues.
- Howard Smith - Expressed concern regarding safety issues. He stated that the proposed development is a locked piece of ground and is not good land on which to build. He would like to see fewer, but larger, homes and suggested two-story homes along the railroad tracks. He noted that the 14' sound wall, with the elevated ground level, leaves an 8' sound wall. He stated that there will be a safety issue with children walking down Kings Road, which has no streetlights.
- Gene Keefer - stated that there was nothing wrong with the project, but it needs access to Grangeville to mitigate the traffic issue.

City Attorney Mizote reminded Vice-Chair NORRIS that the Hanford Municipal Code allows the proponent to rebut comments made during Public Comment. Vice-Chair NORRIS invited a rebuttal.

REBUTTAL

Dan Bailey - Stated he was convinced that no matter what project he proposed here, the opponents would not want it approved. He felt that it was unfair to him, as developer and property owner. He explained that all proposed exits would go into a public road, and that is the only way in. He reported that the railroad plans to eventually go underground. He was told by former Public Works Director John Doyel that access on Grangeville would not happen. Many of the fences along Kings Road were dilapidated. He agreed with staff at the time to put up new fencing on the back of the properties, close to the property lines. He did not feel that a block wall would accomplish more than the new fences that will be provided. In reference to the Armona Project, he took over an existing tract map and had to comply with the Conditions of Approval, and there was no condition to provide a block wall along the entire subdivision for this tract. He noted that most lots in this project are 9100 sq. ft. The original plan was for 77 lots, but they were able to lower that to 55. They are in contact with the railroad regarding the easement and plan to have the storm water basin go under the railroad. He felt confident that they will accomplish that. There are approximately 17 houses per entrance, and the traffic report did not find an issue with the traffic.

Mark Sherman - Stated that he will have two or two and a half fences behind his house. If something needs to be repaired, he will have to deal with two property owners.

Vice-Chair NORRIS closed Public Comment.

Senior Planner Myers clarified that the Initial Study comments regarding the Agricultural Views, under "Aesthetics", come from the General Plan EIR [Environmental Impact Report], on which the Initial Study is based. They describe the study area, in general, which covers the entire city. Site-specific comments do not include Agricultural View. Regarding the Fire Department comments, she stated that the fire chief reviewed the comments and determined that additional access through Bristol Lane was not required. Regarding the recent comment about fencing, she stated that fencing is not part of the Initial Study for environmental issues, and the proposed fencing does meet the Hanford Municipal Code Requirement.

Director Waters added that the question of how traffic levels were determined was addressed in the traffic study. It shows the number of vehicles and level of service, and a determination was made based on that information.

Commissioner HAM asked if Kings Road was in the County or if it had been annexed into the City. Mr. Waters replied that it was annexed into the City. He added that it was built per County standards, which are a different level than City standards.

City Engineer Dock explained that with Kings Road being brought into the City, it becomes part of the City network and is

evaluated based on a PCI [Pavement Conditions Index] score citywide. That is how it is determined which streets are next to receive an overlay or other type of roadway treatment. This is now in our city system, and it is ranked somewhere on this list. There were no road abandonments. It is all City right-of-way (not easements). Mr. Waters added that the new street is a public street.

City Attorney Mizote asked Ms. Dock to comment on the sidewalk issue. She stated that sidewalks are not a requirement for City roadways. There are shoulders, which is how the County developed them. Pedestrians walk along the shoulders of the roadway in the County. The typical city standard is to build curb, gutter, and sidewalk, as will be done here along the interior. When it comes to matching into County roadways, or other roadways that are not up to the typical City curb, gutter, sidewalk standard, the City has to determine a way to divide them. These access roads onto Kings Drive were a concern, as they were narrow, they were not paved to the full width of a City street, and they were being used as driveways; so the City took the improvements up to Kings Road. With this project, there will be some road reconstruction on those side streets. Depending on how it matches in with the existing roadways, the City may have to do some paving out and widening, along with the curb and gutter and ADA access throughout. Director Waters added that providing curb on the edges also stabilizes the shoulders of the road.

City Attorney Mizote asked if, within the City of Hanford, there are any other former County subdivisions, that have no sidewalks. Ms. Dock replied that the majority of County subdivisions recently annexed have no sidewalks. She noted that Short Acres was annexed quite a while ago, and they still do not have sidewalks. The majority of the annexed subdivisions want curb, gutter, and sidewalk. The City does not automatically install these when a subdivision is annexed. Typically, annexed properties' curb, gutter, and sidewalks come in through the property owners themselves, by signing an agreement between them. It is then assessed. The street is standard, safe, and usable. Mr. Mizote asked Ms. Dock if she indicated, from the street aerial, where there is no sidewalk, there is an unpaved shoulder area within the right-of-way. She replied that the City right-of-way is typically 60'. Kings Road is 50'. Without the roadway, there is plenty of shoulder for walking. The paved roadway is 26', which would be two 13' travel lanes. The City standard is 12', so the shoulder and off the pavement is sufficient for walking. She mentioned another recent annexation at Fitzgerald, south of Grangeville, that does not have curb, gutter, and sidewalk, and they want it. She advised them to come together and sign an agreement that they would each contribute to the installation.

Vice-Chair NORRIS closed the public hearing and called for a motion.

Motion to certify Mitigated Negative Declaration No. 2020-54.

RESULT: (UNANIMOUS)
MOVER: HAM
SECONDER: CURTIS
AYES: HAM, CURTIS, DOUGLAS, NORRIS
ABSTAIN: NONE
ABSENT: DEVINE

Motion to adopt Resolution No. 2023-30, approving Tentative Tract 930.

RESULT: (UNANIMOUS)
MOVER: DOUGLAS
SECONDER: CURTIS
AYES: DOUGLAS, CURTIS, HAM, NORRIS
ABSTAIN: NONE
ABSENT: DEVINE

Motion to adopt Resolution No. 2023-31, approving Planned Unit Development No. 2020-01.

RESULT: (UNANIMOUS)
MOVER: HAM
SECONDER: DOUGLAS
AYES: HAM, DOUGLAS, CURTIS, HAM
ABSTAIN: NONE
ABSENT: DEVINE

Motion to adopt Resolution No. 2023-32, approving Variance No. 2021-01.

RESULT: (UNANIMOUS)
MOVER: DOUGLAS
SECONDER: CURTIS
AYES: DOUGLAS, CURTIS, HAM, NORRIS

ABSTAIN:	NONE
ABSENT:	DEVINE

DIRECTOR'S COMMENTS:

None.

COMMISSIONERS' ITEMS OF INTEREST:

At this time, any Commissioner may ask a question for clarification of matters within the Planning Commission's jurisdiction, make an announcement, or report briefly on activities in their role as a Planning Commissioner. In addition, subject to the Planning Commissioner's Handbook, Commissioners may request staff to report back to the Planning Commission at a subsequent meeting concerning any matter within the Commissioner's jurisdiction (GC 54954.2).

Commissioner HAM asked what the new project is south of Grangeville, near University. Staff replied that it is an apartment complex.

Commissioner DOUGLAS stated that he had never heard the language in the Chambers that he heard in this meeting.

Vice-Chair NORRIS thanked the public for coming.

ADJOURNMENT:

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available to public inspection in the Planning Division Office located at 317 N. Douty Street, Hanford, California 93230, during normal business hours. Such documents are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post documents before the meeting. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Division's office, 559-585-2580, 317 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II} APPEALS: Any action of the Planning Commission, which is a final project decision, may be appealed to the City Council by the applicant or any adversely affected person. To file an appeal, an appeal application and filing fee of \$1,000.00 must be submitted to the Community Development Department, 317 N. Douty Street, Hanford, California, within ten (10) days following the date of the final decision of the Planning Commission.

Vice-Chair NORRIS adjourned the meeting at 7:26 p.m.

Respectfully submitted,

Diana Black
Recording Secretary