



Board Agenda Item 11

DATE: September 24, 2024

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Initial Study No. 8337; Amendment Application No. 3852; Variance Application No. 4170; Site Plan Review Application No. 8299 (Applicant: Khushpal Singh)

RECOMMENDED ACTION(S):

1. **Consider and adopt the Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3852 based on Initial Study No. 8337; and**
2. **Find that the proposed rezone of the subject one-acre parcel from the existing AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (c) (Light Manufacturing, Conditional) Zone District with limited industrial uses is consistent with the County's General Plan and County-Adopted Roosevelt Community Plan; and**
3. **Approve Variance Application No. 4170 to allow a five-foot side yard setback (15-foot required) to accommodate proposed development on the subject parcel with Conditions of Approval contained within the Staff Report to the Planning Commission; and**
4. **Approve Site Plan Review No. 8299 for proposed development; and**
5. **Adopt an Ordinance pertaining to Amendment Application No. 3852 thereby rezoning the subject one-acre site from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (c) (Light Manufacturing, Conditional) Zone District; and**
6. **Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1)**

The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (Sup. Dist. 3).

This item comes before your Board with a recommendation for approval from the Planning Commission (6 to zero; three Commissioners absent) and, as a legislative action, requires final action from your Board to adopt the Mitigated Negative Declaration (MND) prepared for the project based on Initial Study (IS) No. 8337 and approve concurrent Variance Application (VA) No. 4170 and Site Plan Review (SPR) Application No. 8299 for a market/grocery store on the property. A summary of the Planning Commission's action is included in Attachment A including the recommended mitigation measures, conditions and project notes.

This item pertains to a location in District 3.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed AA No. 3852 to rezone the subject one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing, Conditional) Zone District is not consistent with the County-adopted Roosevelt Community Plan or the County's General Plan, a motion to deny the Application would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Applicant has paid the land use processing fees in the amount of \$12,128, the Variance processing fees in the amount of \$3,204 and the Site Plan Review processing fees in the amount of \$4,034.

DISCUSSION:

The Application requests rezoning of the subject property from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (c) (Light Manufacturing, Conditional) Zone District. A complete list of the by-right uses allowed in M-1(c) Zone District is included as Exhibit 6 of the Planning Commission Staff Report provided as Attachment B.

On June 13, 2024, the Planning Commission considered the AA No. 3852, VA No. 4140 and SPR No. 8299. After receiving the Department of Public Works and Planning Staff's presentation and considering public testimony from the Applicant in support of the proposal, and no one speaking in opposition to the proposal, the Commission voted unanimously (six to zero; three Commissioners absent) in favor of forwarding to your Board a recommendation to adopt the MND (Mitigated Negative Declaration) prepared for the project and recommending approval of the proposed AA No. 3852, VA No. 4140 and SPR No. 8299 subject to the Mitigation Measures, Conditions of Approval, and Project Notes as listed in Attachment A, Exhibit B. Staff notes that 39 property owners within a quarter mile of the subject property were provided notice of both the Planning Commission hearing and the hearing before your Board.

If your Board determines that the proposed rezoning is consistent with the County's General Plan and the County-adopted Roosevelt Community Plan and desires to approve AA No. 3852 and related VA No. 4170 and SPR No. 8299, it would be appropriate to make a motion finding the proposal consistent with the General Plan and County-adopted Roosevelt Community Plan, adopt the Mitigated Negative Declaration (Attachment C), prepared based on Initial Study No.8337, adopt the proposed attached Ordinance, and direct County Staff to prepare and publish a summary of the proposed Ordinance.

If your Board determines that the proposed rezoning is not consistent with the County's General Plan and County-adopted Roosevelt Community Plan, then denial of the rezoning concurrently with VA and SPR would be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan and the County-adopted Roosevelt Community Plan.

Additionally, staff recommends your Board include the following additional Condition of Approval for indemnification:

The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of AA 3852 and provide security in an amount determined by the County for any such legal costs incurred. The agreement and payment of security shall be due unless the litigation period has expired, in which case the requirements for the indemnification agreement and security shall be considered null and void.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C

On file with Clerk - Ordinance

On file with Clerk - Ordinance Summary

CAO ANALYST:

Salvador Espino