



## Legislation Details (With Text)

**File #:** 20-0226

**On agenda:** 4/14/2020

**Final action:** 4/14/2020

**Enactment date:**

**Enactment #:**

**Title:** Consider appeal of Planning Commission’s denial of Classified Conditional Use Permit Application No. 3632, proposing to allow an agricultural commercial center consisting of an approximately six-acre flea market with related improvements on a 78.18-acre parcel in AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District; and, if the Appeal is granted and the Planning Commission’s denial of Classified Conditional Use Permit Application No. 3632 is overturned: a. adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7568 and approve the proposal subject to project Mitigation Measures and Conditions of Approval; b. make the required Findings specified in Fresno County Zoning Ordinance, Section 873(F) for approval of the Classified Conditional Use Permit Application No. 3632; and, c. adopt Resolution approving Classified Conditional Use Permit Application No. 3632 for a flea market, with Conditions of Approval, the subject property is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with S. El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga) (APN 073-090-20S)

**Attachments:** 1. Agenda Item, 2. Attachments A - F, 3. Resolution, 4. Additional Information

Date	Ver.	Action By	Action	Result
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4/14/2020      1      Board of Supervisors

**DATE:** April 14, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Initial Study No. 7568 and Classified Conditional Use Permit No. 3632  
(Applicant/Appellant: Luis Bravo)

**RECOMMENDED ACTION(S):**

- 1. Consider appeal of Planning Commission’s denial of Classified Conditional Use Permit Application No. 3632, proposing to allow an agricultural commercial center consisting of an approximately six-acre flea market with related improvements on a 78.18-acre parcel in AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District; and**
- 2. If the Appeal is granted and the Planning Commission’s denial of Classified Conditional Use Permit Application No. 3632 is overturned:**
  - a. Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7568 and approve the proposal subject to project Mitigation Measures and Conditions of Approval;**
  - b. Make the required Findings specified in Fresno County Zoning Ordinance, Section 873(F) for approval of the Classified Conditional Use Permit Application No. 3632; and**

**c. Adopt Resolution approving Classified Conditional Use Permit Application No. 3632 for a flea market, with Conditions of Approval.**

**The subject property is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with S. El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga) (APN 073-090-20S).**

This item comes before your Board on appeal of the Planning Commission's denial of the subject application (8 to 1) at its February 13, 2020 hearing. The Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the application should be approved, approved with stated conditions, or disapproved. A copy of the Planning Commission's action is included as Attachment A. The property would be used for an agricultural commercial center consisting of a flea market with related improvements. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

If your Board is unable to make the required Findings for granting Classified Conditional Use Permit (CUP) No. 3632, a motion to deny the appeal and uphold the Planning Commission's decision, stating which Findings cannot be made and the reasoning for the inability to make those Findings, would be appropriate.

Alternatively, your Board could approve the CUP with different (or additional) conditions of approval than those recommended by Department staff.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Applicant/Appellant paid \$9,555 in land use processing fees for the CUP Application request. The Applicant/Appellant also paid \$508 in fees to appeal the Planning Commission's denial.

DISCUSSION:

Section 873(H) of the Fresno County Zoning Ordinance outlines the procedure for an appeal of the decision of the Planning Commission. Pursuant to Zoning Ordinance Section 873(F), for your Board to approve CUP No. 3632, the following Findings must be made:

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.
4. That the proposed development is consistent with the General Plan.
5. That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

The Planning Commission Staff Report dated February 13, 2020, (Attachment B) provides additional flea market with related improvements project (Project) information, including Department staff's analysis of the adequacy and appropriateness of the site, and further evidence for your Board's proposed Findings. The site is on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with S. El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga.

## Background

The subject proposal entails the development of an agricultural commercial center consisting of an approximately six-acre flea market with related improvements on a 78.18-acre parcel in AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District (Project).

At the February 13, 2020, Planning Commission hearing, the Applicant/Appellant gave testimony in support of the application stating that the flea market would provide family entertainment that was not otherwise available in the area. There was no testimony in opposition; however, there was one letter in opposition (Attachment C) citing concerns with the project's effect on the adjacent property's potential future uses, noise, and possible camping at the site. There were no letters of support for the project.

After receiving Department staff's presentation and considering the Applicant/Appellant's testimony in support of the subject application, the Planning Commission approved a motion to deny the Project and the associated Mitigated Negative Declaration (MND). During the meeting, the Planning Commission expressed concern that the project was not needed because similar services could be accommodated in the City of Coalinga, which is located within seven miles of the site, the proximity of the site to the state prison and state hospital, and general concerns about public safety, noise, alcohol sales, hours of operation, and traffic.

Staff contacted the state prison, state hospital, and the California Highway Patrol (CHP). The Pleasant Valley State Prison and California State Hospital did not express any concerns with the project and the CHP did not anticipate impacts to their operations but requested that the Jayne Avenue be properly signed to notify traffic cresting the hill that vehicles are entering and exiting the highway.

The Applicant/Appellant filed the appeal, included as Attachment D, on February 18, 2020, stating the appeal was based on the fact that the project meets all standards and there will be no adverse impacts to surrounding properties.

If your Board is able to make the required Findings for granting approval of CUP No. 3632, a motion to approve the appeal based on Department staff's analysis, found in Attachment B, overturning the Planning Commission's denial of the Project would be appropriate, stating in its motion to approve the manner in which your Board can make the required Findings and that your Board is adopting the MND prepared for Initial Study (IS) No. 7568 and approving the proposal subject to project Mitigation Measures and staff's recommended Conditions of Approval shown in Attachment E, which is also included in the Planning Commission staff report. The proposed MND prepared for IS No. 7568 is included as Attachment F.

If your Board is unable to make the required Findings for granting CUP No. 3632, a motion to deny the appeal and uphold the Planning Commission's decision, stating which Finding(s) cannot be made and the reasoning for the inability to make the Finding(s), would be appropriate.

## ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - F  
On file with Clerk - Resolution

## CAO ANALYST:

Debbie Paolinelli