



Legislation Details (With Text)

**File #:** 19-1698

**On agenda:** 2/4/2020

**Final action:** 2/4/2020

**Enactment date:**

**Enactment #:** Ordinance No. R-489-3829

**Title:** Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7449, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3829; and find that proposed rezone of 42.6 acres with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District, limited to a parking lot] to the M-3(c) (Heavy Industrial, Conditional) Zone District is consistent with the County’s General Plan and County-adopted Roosevelt Community Plan; and approve Ordinance pertaining to Amendment Application No. 3829 thereby rezoning the subject 42.6-acre parcel of land to M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by Applicant; and designate County Counsel to prepare a fair and adequate summary of proposed Ordinance and direct Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b) (1). The subject parcel is located on southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (APN 331-090-96 - previously APN 331-090-75 and 74)

**Attachments:** 1. Agenda Item, 2. Attachment A - C, 3. Ordinance No. R-489-3829, 4. Advance Agenda Material, 5. Ordinance Summary, 6. Additional Information

Date	Ver.	Action By	Action	Result
2/4/2020	1	Board of Supervisors	Approved as Recommended	Pass

**DATE:** February 4, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Initial Study Application No. 7449 and Amendment Application No. 3829  
(Owner/Applicant: We Be Jammin, LP / John B. Brelsford)

**RECOMMENDED ACTION(S):**

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7449, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3829;**
- 2. Find that the proposed rezone of 42.6 acres with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District, limited to a parking lot] to the M-3(c) (Heavy Industrial, Conditional) Zone District is consistent with the County’s General Plan and County-adopted Roosevelt Community Plan;**
- 3. Approve Ordinance pertaining to Amendment Application No. 3829 thereby rezoning the subject 42.6-acre parcel of land to the M-3(c) Zone District to allow limited heavy industrial, general**

**industrial, and light manufacturing uses as requested by the Applicant;**

- 4. 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 southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of the nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (APN 331-090-96 - previously APN 331-090-75 and 74).

This item comes before your Board with a unanimous recommendation for approval from the Planning Commission (9 to 0) and requires final action from your Board per the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's action is included in Attachment A. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed Amendment Application (AA) No. 3829 to rezone the subject 42.6-acre parcel of land with split zoning to the M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by the Owner/Applicant is not consistent with the County's General Plan and County-adopted Roosevelt Community Plan or the County's General Plan Vision Statement, Goals, and Policies, a motion to deny AA No. 3829 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 Owner/Applicant has paid \$10,836 in land use processing fees.

DISCUSSION:

A rezoning (AA) is a legislative action requiring final approval and final action by your Board for the adoption of the Mitigated Negative Declaration (MND) prepared for Initial Study Application (IS) No. 7449 filed concurrently with the rezoning, AA No. 3829. If approved, the rezoning would become effective 30 days after adoption.

Background

The subject 42.6-acre property is designated General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan. A 40.1-acre portion of the property (currently fallow) is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and the remaining 2.5 acres (an automobile wrecking yard) is zoned M-3(c) (Heavy Industrial, Conditional). The area adjacent to the subject property is designated Limited Industrial and General Industrial in the Roosevelt Community Plan, zoned M-3(c), M-2, and M-1, and is developed with heavy, general and light industrial uses which include an automobile wrecking yard, warehousing/ offices, storage buildings, and machinery and equipment manufacturing facilities. The subject property and the properties in the vicinity are currently in a holding zone (AL-20; Limited Agriculture) and are to be developed with industrial uses compatible with General Industrial (Reserve), General Industrial and Limited Industrial in the Roosevelt Community Plan.

According to County records, the subject 42.6-acre property and other properties in the vicinity were zoned R-A (Single-Family Residential Agricultural District) on June 8, 1960. On April 29, 1980, AA No. 3148 was approved, which rezoned the subject property from the R-A Zone District to the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. On July 13, 2004, AA No. 3736 was approved which rezoned a 2.5-acre portion of the property from AL-20 to M-3(c) (Heavy Industrial, Conditional) limited to a parking lot. The property is currently zoned AL-20 and M-3(c).

Under AA No. 3829, the Owner/Applicant is proposing to rezone the subject property to allow limited heavy industrial, general industrial, and light manufacturing uses as listed in Zoning Ordinance Section 845.1, 844.1, 843.1 (Attachment B, Exhibit 6). The subject property is outside of the City of Fresno's (City) Sphere of Influence and the City did not provide comments. The Owner/Applicant will be required to obtain will-serve letters for each phase of development and annex to the Malaga County Water District for water and sanitary sewer service.

### Analysis

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The proposed M-3(c) District is a compatible zoning for lands designated General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan. Therefore, the proposed M-3 Zoning District for the subject parcel would be consistent with the General Plan.

On December 12, 2019, the Planning Commission considered the rezoning. After receiving the Department of Public Works and Planning staff presentation and considering public testimony from the Owner/Applicant's representative and members of the community both in support and opposition, and one letter of opposition (provided as Advance Agenda Item Material), the Commission voted unanimously in favor of forwarding to your Board a recommendation to adopt the MND prepared for the request and recommending approval of the proposed rezoning subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listed in the Staff Report (Attachment B).

At the Planning Commission Hearing, the Owner/Applicant's representative and two members of the public spoke in favor of the rezoning, two individuals spoke in opposition to the rezoning, and one letter of opposition was received by the Commission. Speakers in favor of the AA No. 3829 described the need for industrial development, which supports economic development and job creation. Speakers in opposition had concerns about the impact of industrial development in the nearby community of Malaga and concerns about the adequacy of the IS related to cumulative impacts and discussion of potential uses in the M-3 Zone District. The IS is included as Attachment B, Exhibit 7. Additional information regarding the letter of opposition and IS No. 7449 was routed to your Board as Advance Agenda Material on January 6, 2020.

If your Board determines that the proposed rezoning is consistent with the County's General Plan and the Roosevelt Community Plan, an approval motion would be appropriate. Your Board would state in its motion that your Board is:

- Adopting the MND prepared for IS No. 7449; and
- Approving the Ordinance pertaining to AA No. 3829, rezoning a 42.6-acre parcel with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District] to the M-3(c) (Heavy Industrial, Conditional) Zone District.

The proposed MND prepared for IS No. 7449 is included as Attachment C.

In addition, Department staff recommends inclusion of an additional Condition of Approval requiring the following:

- The Owner/Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of IS No. 7449 and AA No. 3829 and provide security in the amount of \$150,000 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. Staff will return to your Board for execution of the agreement.

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

REFERENCE MATERIAL:

Board Agenda Item No. 16 - July 13, 2004  
April 29, 1980  
June 8, 1960

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C  
Ordinance  
On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa