



Board Agenda Item 14

DATE: October 22, 2024

TO: Board of Supervisors

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

SUBJECT: Initial Study No. 8389 and Amendment Application No. 3856 (Applicant: Lauren Burgess)

RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3856 based on Initial Study No. 8389; and**
- 2. Find that the proposed rezone of the subject 2.15-acre parcel from the existing dual zoned M-3(c) (General Industrial, Conditional) and C-M(c) (Commercial and Light Manufacturing, Conditional) to a single zoning of C-M(c) (Commercial and Light Manufacturing, Conditional) Zone District with a new list of limited uses applicable to the entire property is consistent with the County's General Plan and County-adopted Roosevelt Community Plan; and**
- 3. Adopt an ordinance pertaining to Amendment Application No. 3856 thereby rezoning the subject 2.15-acres site from the dual zoned M-3(c) (General Industrial, Conditional) and C-M(c) (Commercial and Light Manufacturing, Conditional) to a single zoning of C-M(c) (Commercial and Light Manufacturing, Conditional) Zone District; and**
- 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(a)**

The subject parcel is located on the southwest corner of E. Central Avenue and S. Peach Avenue, approximately 1.05-miles south from the City of Fresno (APN: 331-090-92) (3967 E. Central Avenue) (Sup. Dist. 4).

This item comes before your Board with a recommendation for approval from the Planning Commission (seven to zero; two Commissioners absent) and pursuant to the provisions of the Fresno County Zoning Ordinance, legislative items require final action from your Board which includes the associated Mitigated Negative Declaration (MND) prepared for the project based on Initial Study (IS) No. 8389. 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 proposal to rezone the subject 2.15-acre parcel from the dual zoned M-3(c) (General Industrial, Conditional) and C-M(c) (Commercial and Light Manufacturing, Conditional) Zone

Districts to a single zoning of C-M(c) (Commercial and Light Manufacturing, Conditional) is not consistent with the County-adopted Roosevelt Community Plan or the County's General Plan Vision Statement, Goals and Policies, 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 land use processing fees in the amount of \$10,860.

DISCUSSION:

The application request involves rezoning of the property from the dual zoned M-3(c) (General Industrial, Conditional) and C-M(c) (Commercial and Light Manufacturing, Conditional) to a single zoning of C-M(c) (Commercial and Light Manufacturing, Conditional). Previously, the portion of the property zoned C-M(c) was limited to one by-right use of a motorcycle shop. The new proposed list of five uses will be applicable to the entire property including the area previously zoned C-M(c), a motorcycle shop is no longer operating on the site and will no longer be an allowed use. A list of the five uses that will be allowed by-right in this C-M(c) Zone District is included as Attachment C.

On June 27, 2024, the Planning Commission considered Amendment Application (AA) No. 3856 and IS No. 8389. 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 in favor of forwarding to your Board a recommendation to adopt the MND prepared for the project and recommending approval of the proposed AA No. 3856 subject to the Mitigation Measures, Conditions of Approval, and Project Notes included as Exhibit B of Attachment A. Staff notes that 17 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. 3856, it would be appropriate to make a motion finding that the rezoning is consistent with the General Plan and County-adopted Roosevelt Community Plan, and adopt the Mitigated Negative Declaration (Attachment D), prepared based on Initial Study No. 8389, adopt the proposed Ordinance, and direct County Counsel to prepare a summary of the proposed Ordinance.

Staff recommends that should your Board approve the request, the following indemnification condition be included in your motion:

The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its adoption of the Mitigated Negative Declaration for the project based on IS No. 8389 and approval of AA No. 3856, 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.

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 would be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan and the County-adopted Roosevelt Community Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D

Ordinance
On file with Clerk - Ordinance Summary

CAO ANALYST:

Salvador Espino