



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 1C November 18, 2021

SUBJECT: **Second One-Year Time Extension: Initial Study Application No. 7384
Director Review and Approval Application No. 4522 and Variance Application No. 4050**

Approval of second one-year time extension for Director Review and Approval No. 4522 which permits the construct of a 500,000-gallon water storage tank with booster pumps at the existing well site on a 0.45-acre parcel in the R-1 (Single-Family Residential) Zone District. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the Biola Community Services District, and replace all existing water meters throughout the District. And a second one-year time extension for Variance Application No. 4050 which permits a Variance to allow the installation of 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

LOCATION: The project site is located on the north side of W F Street, at its intersection with N Third Street, within the unincorporated community of Biola (APN 016-265-10T) (Sup. Dist. 1). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384 and act on Director Review and Approval Application No. 4522 and Variance Application No. 4050 with Findings and Conditions.

Applicant: **Biola Community Services District**

STAFF CONTACT: **Elliot Racusin, Planner
(559) 600-4245**

**David Randall, Senior Planner
(559) 600-4052**

RECOMMENDATION:

- Approve a second one-year Time Extension for Director Review and Approval No. 4522 and Variance No. 4050; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

- A. Mitigation Monitoring and Reporting Program (MMRP)
 1. Location Map
 2. Existing Zone Map
 3. Existing Land Use Map
 4. Planning Commission Resolution and Staff Report Dated (November 19th, 2020)
 5. Variance Time Extension Request Letter

ENVIRONMENTAL ANALYSIS:

The proposed project has not changed since approval and adoption of the mitigated negative declaration (Exhibit A) and is only waiting on funding to act on the approval. There is no new information or project impacts to warrant reevaluating the environmental impacts.

Therefore, it has been determined pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines that the proposed time extension does not require new or supplemental environmental review.

PUBLIC NOTICE:

Notices were sent to 75 property owners within 600 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The decision of the Planning Commission on a Time extension for a Director Review and Approval Application (DRA) and/or a Variance Application (VA) is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The zoning at the project site was initially confirmed as A-1 (General Agricultural). This designation was amended on October 18, 1977, by way of Amendment Application No. 2971. This rezoning was proposed to bring the community of Biola into consistency with its Community Plan, which was adopted on February 18, 1976.

The Applicant indicated that this site was the location of the original business office for the Biola

Community Services District, until the building was destroyed by fire in 1988. A community well was established on the site in 1977, with the current well and pressure tank installed in 2005.

Director Review and Approval No. 4522 and Variance No. 4050 were approved by the Planning commission on August 23, 2018, and effective September 7th (after the 15-day appeal period). The applicant applied within the two-year time limit for a one-year time extension (August 28, 2020) which was approved November 19th, 2020.

The applicant applied within the year time limit for a second one-year time extension (August 7th, 2021). Attached is a copy of the Planning Commission Resolution No.12858 documenting the Conditions imposed on the approved project.

DISCUSSION:

Approval of a Time Extension request for Director Review and Approval No. 4522 and Variance Application No. 4050 is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the one-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission Jurisdiction in evaluation this request is limited to determining that the environmental documents are still appropriate and whether the Applicant should be granted an additional year to exercise the Director Review and Approval and Variance as previously approved.

According to the Applicant's request letter (Exhibit 5), additional time is needed to acquire funding for the proposed project. The Applicant has noted that the State Water Board has approved the environmental review and are awaiting final review for the funding agreement.

In as much as the funding of public projects are often not in control of an applicant that must comply with a granting agency processes; it is reasonable to find that this delay was beyond the control of the applicant, as they cannot control the timing of State Water Board's award of the grant funds. The applicant could not have acquired the funds until the Commission's approval of the project and environmental documents were approved.

PUBLIC COMMENT: None

CONCLUSION:

Staff recommends that the first one-year Time Extension for Director Review and Approval No. 4522 and Variance Application No. 4050 should be approved based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to September 7, 2022.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve the second one-year Time Extension for Director Review and Approval No. 4522 and Variance Application No. 4050; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Alternative Motion (denial action)

- Move to deny the second one-year Time Extension request for Director Review and Approval No. 4522 and Variance Application No. 4050 (state reason for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.