



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 September 12, 2019

SUBJECT: Initial Study Application No. 7517, General Plan Amendment No. 556, Amendment Application No. 3833

Amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.) and one-family or multiple-family dwellings (Section 827.1-D).

LOCATION: The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (4955 E. Washington Avenue) (SUP. DIST. 3) (APN 462-132-10).

**OWNER/
APPLICANT:** Higton Investment Group

STAFF CONTACT: Ejaz Ahmad, Planner
Initial Study/Amendment Application Information
(559) 600-4204

Anthony Lee, Planner
General Plan Amendment Application Information
(559) 600-9613

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RECOMMENDATION:

- Deny General Plan Amendment Application No. 556 and concurrent Amendment Application No. 3833; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed Under the Current R-1-B(nb) (Single-Family Residential, Neighborhood Beautification Overlay) Zoning
6. Use Allowed Under the Proposed R-2(nb)(c) (Low-Density Multiple-Family Residential, Neighborhood Beautification Overlay, Conditional) Zoning with the Approval of Amendment Application No. 3833
7. Summary of Initial Study Application No. 7517
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Low-Density Residential in the County-adopted Roosevelt Community Plan	Medium-High-Density Residential in the County-adopted Roosevelt Community Plan
Zoning	R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District	R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District
Parcel Size	0.34-acre (15,098 square feet)	No change
Project Site	Three dwelling units	None. Future development on the property includes: <ul style="list-style-type: none"> • Those uses permitted in the R-1 Zone District (Section 827.1-A) • One-family or multiple-family dwellings (Section 827.1-D)
Structural Improvements	Three dwelling units with related improvements	None

Criteria	Existing	Proposed
Nearest Residence	38 feet to the east	No change
Surrounding Development	Single-family residences	No change
Operational Features	Multiple dwelling units	<p>Amend the County-adopted Roosevelt Community Plan to:</p> <ul style="list-style-type: none"> • Change the land use designation of a 0.34-acre parcel from Low-Density Residential to Medium-High-Density Residential • Rezone the said parcel from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District • Allow those uses permitted in the R-1 Zone District (Section 827.1-A), and one-family or multiple-family dwellings (Section 827.1-D)
Lighting	Residential	No change

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	<p>R-1-B(nb) Zone District:</p> <p>Front: 35 feet Side: 10 feet Street Side: 20 feet Rear: 20 feet</p>	<p>R-2(nb)(c) Zone District:</p> <p>Front: 20 feet Side: 5 feet Street Side: 10 feet Rear: 20 feet</p>	<p>Yes, upon:</p> <ul style="list-style-type: none"> • Removing the existing carports located within the property setbacks • Removing the northerly most wall of Dwelling Unit B out of 8-foot-wide utility easement

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
			<ul style="list-style-type: none"> Approval of Site Plan Review to authorize portions of Dwelling Unit B & C encroachment into 20-foot rear-yard setback
Parking	One parking space in a garage or carport for every dwelling unit	One parking space in a garage or carport for every dwelling unit	Zoning Department determination required for the existing multiple dwelling units
Lot Coverage	Maximum 35 percent of the total lot area	Maximum 50 percent of the total lot area	Yes, approximately 28 percent of the total lot area covered by the existing dwelling units and related improvements
Separation Between Buildings	Six feet (minimum)	Six feet (minimum)	Zoning/Building Section determination required for the existing multiple dwelling units
Wall Requirements	Up to 6 feet on all rear and side property lines	Up to 6 feet on all rear and side property lines	Yes. There is a masonry wall on the side property line and slatted chain-link fencing on the rear property line.
Septic Replacement Area	100 percent for the existing system	No change. The existing dwelling units are connected to the City of Fresno sewer system.	N/A. The existing dwelling units are connected to the City of Fresno sewer system.
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change. The existing improvements are connected to the City of Fresno water system.	N/A. The existing dwelling units are connected to the City of Fresno water system.

Circulation and Traffic

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Washington Avenue; Good condition	No change
		Fine Avenue; Good condition	No change
Direct Access to Public Road	Yes	Washington Avenue; Good condition	No change
		Fine Avenue; Good condition	No change
Road ADT		200 (Washington Avenue) 200 (Fine Avenue)	No change No change
Road Classification		Local Road (Washington Avenue) Local Road (Fine Avenue)	No change No change
Road Width		30-foot right-of-way north of the centerline of Washington Avenue 30-foot right-of-way east of the centerline of Fine Avenue	No additional right-of-way required for either street
Road Surface		Asphalt concrete paved	Residential
Traffic Trips		Unknown	Unknown
Traffic Impact Study (TIS) Prepared	No	Insignificant traffic volume	The subject proposal involves no new development. The County Design Division, the Road Maintenance & Operations Division, and the City of Fresno expressed no concerns with the project related to traffic.
Road Improvements Required		Washington Avenue; Good condition	No improvements required

		Existing Conditions	Proposed Operation
		Fine Avenue; Good condition	No improvements required

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	14,520 square feet	Single-family residence	R-1-B	60 feet
South	14,520 square feet	Single-family residence	R-1-B	84 feet
East	14,520 square feet	Single-family residence	R-1-B	38 feet
West	14,520 square feet	Single-family residence	R-1-B	78 feet

EXISTING VIOLATION (YES/NO) AND NATURE OF VIOLATION: Yes. Zoning Violation Case No. 18-101815 and 18-100585. See **BACKGROUND INFORMATION** for details.

ENVIRONMENTAL ANALYSIS:

Initial Study Application No. 7517 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: August 9, 2019.

PUBLIC NOTICE:

Notices were sent to 91 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Note that should this item be recommended for approval by the Planning Commission, a subsequent hearing date before the Board of Supervisors (BOS) will be scheduled as close to the Commission’s action as practical to make the final decision on the General Plan Amendment and rezoning request. Information for that hearing will be provided under separate notice. Once scheduled, a separate notice of that hearing will be provided to the Applicant, surrounding property owners and other interested parties.

PROCEDURAL CONSIDERATIONS:

A General Plan Amendment and rezoning (Amendment Application) are legislative acts requiring Board of Supervisors’ action. A decision by the Planning Commission in support of land use and zone amendment requests is an advisory action and requires an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a General Plan and zone amendment, however, is final unless appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

According to County zoning records, the subject 0.34-acre parcel and the surrounding parcels were zoned R-A (Single-Family Residential Agricultural District; 36,000 square-foot minimum parcel size) on June 10, 1941. Amendment Application No. 3148 (Ord. No. R-3148), approved on September 29, 1980, rezoned the subject parcel and other parcels in the area from the R-A Zone District to an R-1-B (Single-Family Residential, 12,500 minimum parcel size) Zone District. The parcel is currently zoned R-1-B.

The Applicant purchased the subject property in 2017. At the time of the purchase, there were three dwelling units on the property zoned for one dwelling unit. The Applicant proceeded to use the property for three (3) rentals when a neighbor filed a Violation Complaint against the owner for attempting to rent the units. The County received the complaint on January 19, 2018.

The Code Enforcement Unit of the Fresno County Department of Public Works and Planning inspected the property and discovered several items in violation of the Fresno County Zoning/ Building Codes. This included: 1) remodeling of structure(s) without permits, conversion of a garage to living quarters, installation of carports, and construction of additions without plans, permits, or inspections; and 2) maintaining multiple dwelling units on the property where expressly prohibited. A Notice of Violation (Case No. 18-101815) issued on March 9, 2018 informed the property owner (Higton Investment Group, LLC) that the property is in violation of the Fresno County Zoning/Building codes and what actions were necessary to abate the violations.

In order to rectify the violations, the Applicant chose to file the subject applications which propose to amend the County-adopted Roosevelt Community Plan by re-designating the subject 0.34-acre parcel from Low-Density Residential to a Medium-High-Density Residential designation, and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A), and one-family or multiple-family dwellings (Section 827.1-D).

Should the Planning Commission and Board of Supervisors approve the subject General Plan Amendment (GPA) and rezone requests, the Applicant may be allowed to retain the existing multiple dwelling units on the property provided building code violations are abated. Additionally, in accordance with County Ordinance Section 855.E.4, the Applicant would be required to file a Site Plan to allow for the existing Dwelling Units B & C to encroach into the 20-foot rear-yard setback. Denial of the subject GPA and rezone requests, however, would require the Applicant to remove all unpermitted unauthorized improvements from the property that are not allowed in the R-1-B Zone District and abate all building code violations.

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-F.13: County may permit land designated Low-Density Residential to develop to the next higher density when such development will not have an adverse impact on surrounding land uses subject to criteria a. and b. of the said Policy.	The subject proposal does not meet Criteria a. 1 & 2 to qualify for the corresponding Criteria b. 1.2.3. Regarding Criteria a. 1, the subject 0.34-acre property is designated as Low-Density Residential and is not contiguous to a higher

Relevant Policies:	Consistency/Considerations:
<p>a. The circumstances where more intensive development may be permitted include the following:</p> <p>1) Property, which is contiguous to a higher density residential or other intensive non-residential urban uses; 2). Property which has a shape or size that would make it difficult to be developed in a manner similar to other surrounding property having the same land use designation.</p> <p>b. If either of these circumstances exists, development of multiple-family and planned residential developments should be guided by the following criteria:</p> <p>1) The building height should not exceed the height of surrounding structures; 2) The site development of residential units or a residential complex should be compatible with existing and planned uses on adjacent properties; 3) Off-street parking should be sufficient for residents of the development and their guests, and should be designed to minimize the impact on neighboring development.</p>	<p>density residential such as Medium-Density Residential or Medium-High-Density Residential, or non-residential urban uses. Regarding Criteria a. 2, the parcel size or shape is not such that it would make the subject parcel difficult to develop in a manner which other surrounding properties could be developed. The parcel matches in size, shape and topography with the surrounding parcels developed with single-family residences.</p> <p>Regarding Criteria b, the site does not meet the circumstances of Criteria a.</p>
<p>General Plan Policy PF-E.6: The County shall require that drainage facilities shall be installed concurrently with and as a condition of development activity.</p>	<p>The project site is located in an established residential neighborhood and is provided with drainage facilities by the Fresno Metropolitan Flood Control District.</p>
<p>General Plan Policy PF-H.2: The County shall determine the need for fire protection services prior to the approval of development projects.</p>	<p>The project site lies within the jurisdiction of the City of Fresno Fire District. The City Fire District currently provides fire services to the property.</p>
<p>General Plan Policy LU-F.21: The County shall require community sewer and water services for urban residential development.</p>	<p>The project site is currently connected to the City of Fresno water and sewer services.</p>
<p>General Plan Policy PF-A.3: The County shall require new urban commercial and urban-density residential development to be served by community sewer, storm water, and water systems.</p>	<p>The project site is a developed with multiple dwellings. Water, sewer, and storm water services to the property are currently provided by the City of Fresno and Fresno Metropolitan Flood Control District.</p>
<p>General Plan Policy LU-G.7: Within the spheres of influence and two (2) miles beyond, the County shall promote</p>	<p>The project site is in a County island in the City of Fresno. The project was routed to the City for review and comments and possible</p>

Relevant Policies:	Consistency/Considerations:
<p>consultation between the cities and the County at the staff level in the early stages of preparing general plan amendments and other policy changes that may impact growth or the provision of urban services. Staff consultations, particularly concerning community plans, shall provide for meaningful participation in the policy formulation process and shall seek resolution of issues prior to presentation to the decision-making bodies.</p> <p>General Plan Policy LU-G.14: The County shall not approve any discretionary permit for new urban development within a City's sphere of Influence unless the development proposal has been first referred to the City for consideration of possible annexation pursuant to the provisions of any applicable city/county memorandum of understanding.</p>	<p>annexation. In response to Annexation Referral No. 1004 provided to the City of Fresno on July 31, 2018, the City decided not to annex the property at this time and allowed the County to process the subject applications. However, the City did express its opposition to the project due to the compatibility of the proposed land use designation with the land use designation in the City's General Plan.</p>

General Plan Amendment No. 556

The project involves amending the County-adopted Roosevelt Community Plan by re-designating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezoning the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A), and one-family or multiple-family dwellings (Section 827.1-D).

The subject parcel is located in a County island in the City of Fresno. The subject parcel and surrounding parcels within the County island are designated Low-Density Residential in the Roosevelt Community. Residential development on lands designated Low-Density Residential allows a density not to exceed one dwelling unit per 12,500 square feet. All surrounding parcels meet the density requirements, zoned R-1-B, and developed with single-family residences, except the subject parcel. The subject parcel is 15,098 square feet in size, zoned R-1-B, and developed with three dwelling units. The current number of the existing dwelling units are in conflict with the allowed density and zoning on the property. The subject GPA and zone amendment requests to allow the Medium-High-Density Residential designation and the corresponding R-2(nb)(c) zoning to make the existing improvements compatible with the proposed higher density and the higher zoning.

Parcels in the vicinity of the proposal, outside of the County island and within the City of Fresno, range from 7,150 square feet to 1.24 acres in size, are designated Medium-Low and Medium-Density Residential, zoned RS-4 and RS-5, and are developed with single-family residences. The nearest multi-family residential development (apartment complex) designated Medium-High-Density Residential and zoned RM-1 is approximately 1,017 feet to the southeast of the property.

As discussed above in General Plan Consistency/Considerations, the subject proposal does not meet County General Plan Policy LU-F.13. The policy states that land designated Low-Density

Residential is allowed to develop to the next higher density (Medium-Density or Medium-High-Density Residential) when such development will not have an adverse impact on surrounding land uses subject to Criteria a. and b. of the said Policy. The subject proposal does not meet Criteria a. and b to qualify for the corresponding Criteria 1.2.3. Regarding Criteria a., the subject property is not contiguous to higher density residential uses or non-residential urban uses. The property is surrounded by low-density residential uses. Regarding Criteria b., the parcel shape or size is not such that it prohibits the property from being developed in a manner similar to other surrounding properties. The subject parcel matches in size, shape and topography with the surrounding parcels developed with single-family residences.

As noted above, the subject property is located in a County island in the City of Fresno. The City's 2025 Fresno General Plan designates the property Medium-Low-Density Residential, which allows a maximum density of 6 units (7,260 square feet per unit) per acre. The proposed Medium-High-Density Residential permits a maximum density of 18 units (2,400 square feet per unit) per acre, which is in conflict with the City's General Plan designation for the property. Staff notes that concurrent R-2(c) zoning to allow for the existing multiple dwelling units on the property, or construction of up to a maximum of six dwelling units in the future, may create a situation in which an incompatible land use has a negative impact on single-family uses within the vicinity of the proposal. Potential negative impacts include higher traffic volume generated by multiple-family residential uses conflicting with traffic volume currently generated from surrounding single-family residential uses. Multiple dwelling units may also generate additional light and glare in the area. Furthermore, the project may also set a precedent for conversion of neighboring low-density residential parcels to higher density residential.

Pursuant to General Plan Policy LU-G.14 and the Memorandum of Understanding (MOU) between the County and City of Fresno, this project was referred to the City of Fresno for possible annexation. In a letter provided on August 13, 2018, the City decided not to annex the property at this time and released it to the County to process the subject applications. The City, however, went on record to express its opposition to the project, and stated that in the event the County does approve the subject GPA and zone amendment requests, the property shall connect to the City's sewer and water systems, and install curb and gutters according to City standards.

Based on the discussion above, the proposed General Plan Amendment and the accompanying zone change does not appear to be consistent with County General Plan Policy LU-F.13 and the City of Fresno General Plan land use designation for the property. Therefore, staff recommends denial of General Plan Amendment No. 556.

Amendment Application No. 3833

NOTE: Amendment Application No. 3833 has been concurrently submitted in conjunction with General Plan Amendment Application No. 556. The Planning Commission must first consider the issue of amending the General Plan before taking action on the subject rezone. If the Commission determines that the General Plan should not be amended, then the related Amendment Application cannot be approved. Action needs to be taken on all applications whether denied or recommended for approval.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject property is currently designated Low-Density Residential in the County-adopted Roosevelt Community Plan. The Zoning Compatibility Matrix for the Roosevelt Community Plan indicates that the proposed R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District is a compatible zoning for lands designated Medium-High-Density Residential.

The Initial Study (IS) prepared for the project identified potential aesthetic and cultural resources impacts for which Mitigation Measures are recommended. Aesthetic impacts will be mitigated with future development requiring hooded lighting to control light and glare from shining upon adjoining properties, and Cultural Resource impacts will be mitigated with the stopping of all ground-disturbing activities if cultural resources are unearthed during ground disturbance, and notifying appropriate authorities based on the find. Further, the proposal will adhere to the San Joaquin Valley Air Pollution Control District's regulatory measures related to air quality, Fresno County drainage ordinance, California Health and Safety Code for handling of hazardous materials, and the State's requirement regarding the provision of safe drinking water, which are included as Project Notes in Exhibit 1 of this Report.

General Plan Policy PF-E.6 requires that drainage facilities shall be installed concurrently with and as a condition of development activity. The property is located in an established residential neighborhood and provided with drainage services by the Fresno Metropolitan Flood Control District.

General Plan Policy PF-H.2 requires that the County shall determine the need for fire protection services prior to the approval of development projects. The property is located in an established residential area and provided with fire protection services by the City of Fresno Fire District.

General Plan Policy LU-F.21 requires that the County shall require community sewer and water services for urban residential development. The City of Fresno currently provides water and sewer services to the property.

General Plan Policy PF-A.3 requires that new urban commercial and urban-density residential development are to be served by community sewer, storm water, and water systems. The City of Fresno and Fresno Metropolitan Flood Control District currently provide water, sewer and storm drainage services to the property.

Consistency with the Housing Element

Per the Policy Planning Section of the Fresno County Department of Public Works and Planning, the subject 0.34-acre (15,098 square feet) parcel is not identified in the County's General Plan Housing Element Vacant Land Inventory. As such, the proposed project does not impact the Regional Housing Needs Allocation (RHNA), and no analysis regarding Consistency with the Housing Element of the General Plan is required for the project.

Tribal Consultation

Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria, providing them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b). None of the tribes expressed any concerns with the project or requested consultation.

In summary, if General Plan Amendment Application No. 556 is approved, the subject 0.34-acre property would be designated Medium-High-Density Residential. The Policies of the General Plan indicate that the proposed R-2(nb)(c) Zone District is a compatible zoning for land designated Medium-High-Density Residential. The proposal would meet the General Plan Policies discussed above regarding the provision of water, sewer, and storm drainage services to the parcel, as the property is currently connected to the City of Fresno water and sewer system and storm drainage services provided by the Fresno Metropolitan Flood Control District. Provisions of these services will continue to the

current residential development on the property or future uses allowed by the subject proposal. These requirements and others identified in this Report relating to aesthetics, cultural resources, hazards and hazardous materials will apply to the uses proposed by GPA and zoning amendment requests.

Recommended Conditions of Approval:

See Mitigation Measures, Recommended Conditions of Approval and Project Notes attached as Exhibit 1.

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: All building code violations on the property shall be abated.

Zoning Section of the Fresno County Department of Public Works and Planning: All structures mentioned in the Zoning Violation (Case No. 18-101815) shall be resolved. The unpermitted structures include the remodeled house, conversion of the garage into living space, carports, additions without permits, failure to vacate the home per the covenant, and multiple units on site without permits and inspections.

The aforementioned requirements have been included as Conditions of Approval.

Fresno Metropolitan Flood Control District: The subject site shall pay drainage fees at the time of the development based on the fees rates in effect at that time. The estimated tentative drainage fee is \$ 2,129.

City of Fresno Fire Department, Prevention and Technical Services Division: A scaled Site Plan showing the existing fire hydrants shall be submitted to the City Fire Department for review and approval.

City of Fresno Development and Resources Management Department: The project shall connect to the City of Fresno sewer and water services and shall install curbs and gutters in accordance with the City's development standards.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: A Site Plan Review shall be submitted in accordance with the provisions of Section 855.E.4. of the Fresno County Zoning Ordinance to allow for the encroachment of the existing buildings (Dwelling Unit B and C) into the rear-yard setback.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher may be required for all unpermitted work. If not already present, a 30-foot by 30-foot corner cutoff shall be provided at the intersection of Washington and Fine Avenues for sight distance purposes.

Fresno County Public Library: Upon construction and digging at the site, any archeological find shall not be disturbed.

The aforementioned requirements have been included as Mitigation Measures, Conditions of Approval and Project Notes.

City of Fresno Public Utilities Department; Fresno Irrigation District; Fresno County Sheriff; San Joaquin Valley Air Pollution Control District; Pacific Gas & Electric; Regional Water quality Control Board;

California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; Fresno County Department of Public Health, Environmental Health Division; and Water and Natural Resources Division, Design Division, Road Maintenance and Operations Division, and Building and Safety Sections of the Fresno County Department of Public Works and Planning: No concerns with the project.

Conclusion:

If the Planning Commission approves General Plan Amendment No. 556, staff believes the proposed R-2(nb)(c) zoning should be limited to the uses proposed under Amendment Application No. 3833, subject to the Mitigation Measures, Conditions of Approval and Notes in the Staff Report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Determine that the proposed General Plan Amendment to re-designate a 0.34-acre parcel from Low-Density Residential to Medium-High-Density Residential is inconsistent with the General Plan and the County-adopted Roosevelt Community Plan, and deny General Plan Amendment No. 556 and concurrent Amendment Application No. 3833; and
- Direct the Secretary to prepare a Resolution documenting the Commissions' action and forwarding the above recommendation to the Board of Supervisors.

Alternative Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7517; and
- Recommend that the Board of Supervisors approve General Plan Amendment No. 556 amending the County-adopted Roosevelt Community Plan by re-designating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential as the second General Plan Amendment in 2019 (state basis for approval); and
- Recommend that the Board of Supervisors find that the proposed rezone of a 0.34-acre parcel from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A) and one-family or multiple-family dwellings (Section 827.1-D) is consistent with the General Plan and the Roosevelt Community Plan (state basis for consistency); and
- Direct the Secretary to prepare a Resolution to forward General Plan Amendment No 556 and Amendment Application No. 3833 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

Mitigation Measures, Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:ksn

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7517
General Plan Amendment Application No. 556; Amendment Application (AA) No. 3833
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets. .	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As noted
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities related to this project, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ PW&P	As noted
Conditions of Approval					
1.	Uses permitted "by right" shall be limited to the following uses listed in SECTION 827.1 – USES PERMITTED of the County Ordinance: A. Those uses permitted in the R-1 District, Section 826.1 shall apply. B. One-family or multiple-family dwellings. When more than one (1) single-family residence is placed on a lot, the provisions of Section 827.6 shall apply.				
2.	All building code violations on the property shall be abated. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning for detail.				
3.	All structures mentioned in the Zoning Violation (Case No. 18-101815) must be resolved. The unpermitted structures include a remodeled house, conversion of a garage into living space, carports, additions without permits, failure to vacate the home per the covenant, and multiple units on site without permits and inspections.				

EXHIBIT 1

4.	The project site shall connect to the City of Fresno sewer and water services and install curbs and gutters according to the City of Fresno standards.
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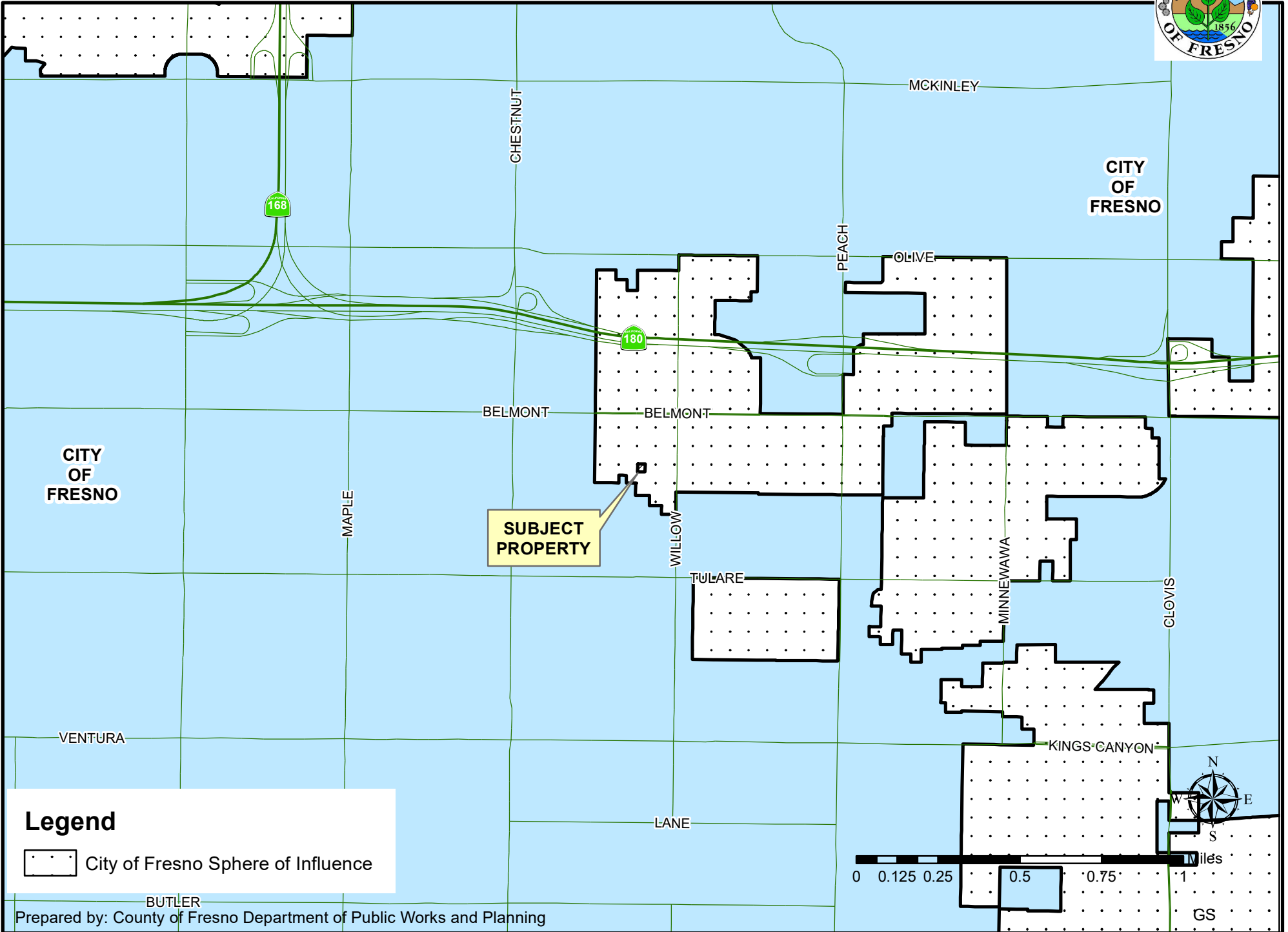
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
 Conditions of Approval reference recommended Conditions for the project.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	A Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 855.E.4. of the Fresno County Zoning Ordinance to allow for the encroachment of the existing buildings (Dwelling Unit B and C) into the rear-yard setback.
2.	The project shall pay drainage fees to the Fresno Metropolitan Flood Control District at the time of the development, based on the fee rates in effect at that time. The estimated tentative drainage fee is \$ 2,129.
3.	A scaled site plan showing existing fire hydrants shall be submitted to the City of Fresno Fire Department, Prevention and Technical Services Division for review and approval.
4.	A Grading Permit or Voucher shall be secured for all unpermitted work, and a 30-foot by 30-foot corner cutoff at the intersection of Washington and Fine Avenues shall be provided for sight distance purposes.


EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3833 - See GPA 556\SR\AA 3833 GPA 556 MMRP (Ex 1).docx

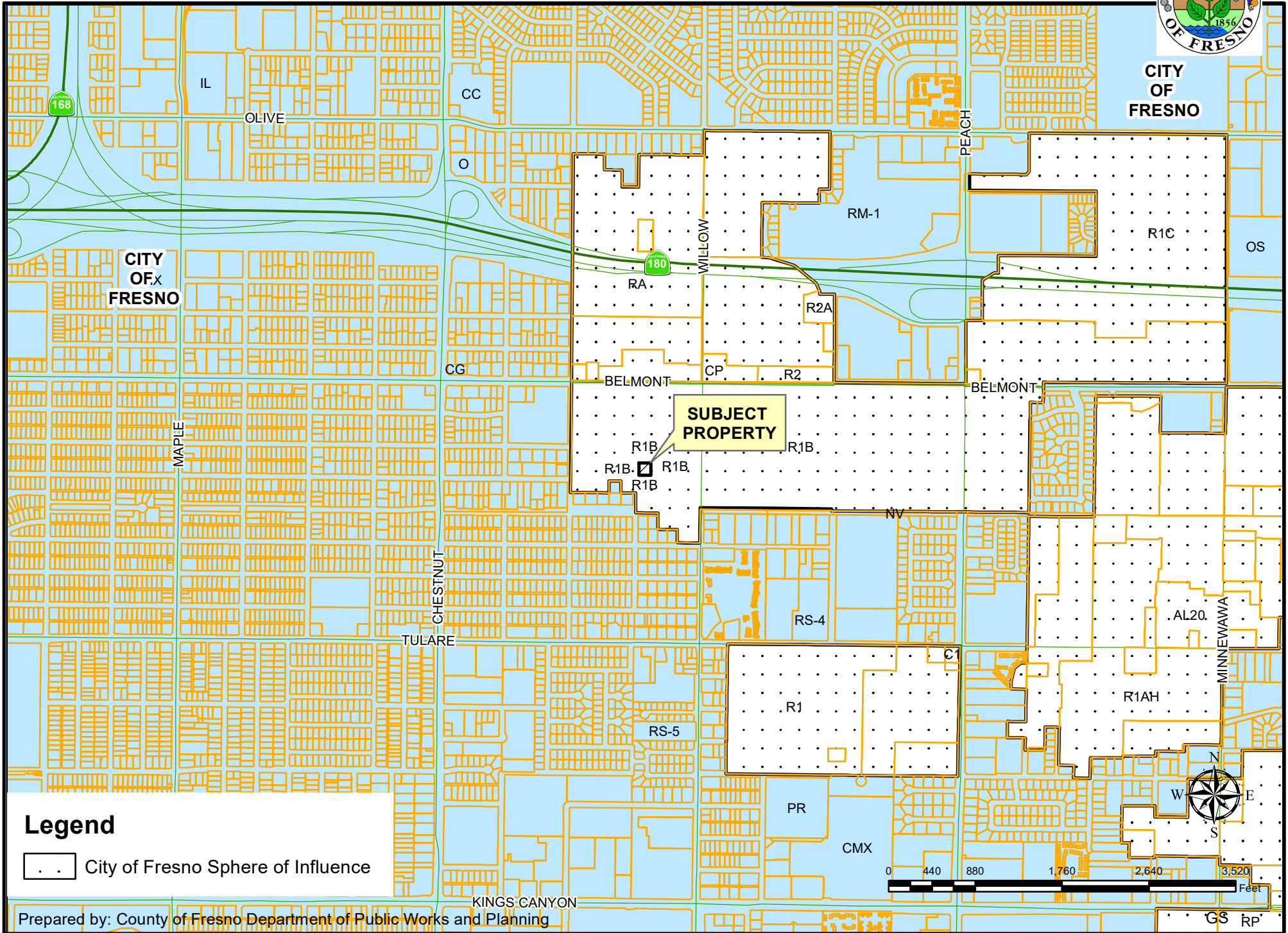
LOCATION MAP




Legend

 City of Fresno Sphere of Influence

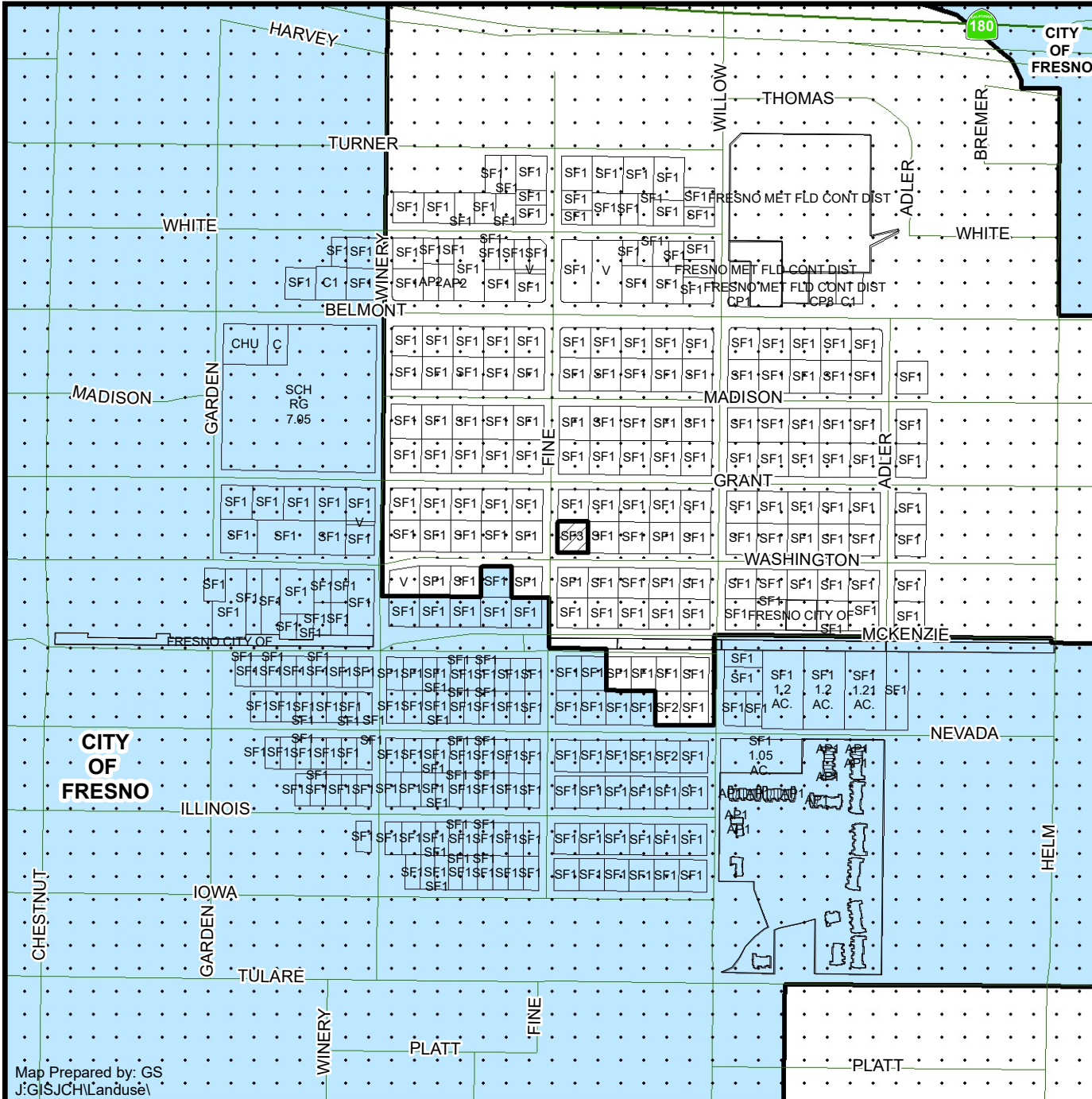
EXISTING ZONING MAP



Legend



 City of Fresno Sphere of Influence

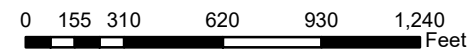
EXISTING LAND USE MAP



LEGEND	
RG	RESIDENTIAL GROUP FACIL
AP1	APARTMENT
C	COMMERCIAL
C#	COMMERCIAL
CHU	CHURCH
CP#	OFFICE COMM./PROF
SCH	SCHOOL
SF#	SINGLE FAMILY RESIDENCE
V	VACANT

Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
J:GJSJCHL and use1

SECTION 824

"R-1-B" - SINGLE FAMILY RESIDENTIAL DISTRICT

The "R-1-B" District is intended to provide for the development of single family residential homes at urban standards on lots not less than twelve thousand five hundred (12,500) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

(Amended by Ord. 490.66 adopted 2-2-71)

SECTION 824.1 - USES PERMITTED

The following uses shall be permitted in the "R-1-B" District. All uses shall be subject to the Property Development Standards in Section 824.5.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garage.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.

(Amended by Ord. T-288 adopted 2-25-86)

- F. House trailer parking subject to the provisions of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.

(Added by Ord. 490.39 adopted 12-5-76)

- H. Day nursery - small

(Added by Ord. 490.188 adopted 10-29-79)

EXHIBIT 6

Uses Allowed Under R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District

Uses permitted “by right” shall be limited to those listed in SECTION 827.1 – USES PERMITTED of the County Ordinance and are noted below:

- A. Those uses permitted in the R-1 District, Section 826.1 shall apply
- B. One-family or multiple family dwellings. When more than one (1) single family residence is placed on a lot, the provisions of Section 827.6 shall apply

SECTION 827

"R-2" AND "R-2-A" - LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICTS

The "R-2" and "R-2-A" Districts are intended to provide for the development of low density multiple family residential structures where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand six hundred (6,600) square feet in area.

The regulations for both districts are identical except that building heights are limited to a single story in the "R-2-A" District.

(Amended by Ord. 490.42 adopted 6-11-68)

SECTION 827.1 - USES PERMITTED

The following uses shall be permitted in the "R-2" and R-2-A" Districts subject to the Property Development Standards in Section 827.5 and those in Section 855.

(Amended by Ord. 490.42 adopted 6-11-68; Ord. 490.174 re-adopted 5-8-79)

A. Those uses permitted in the "R-1" District, Section 826.1 shall apply.

~~B. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business.~~

~~C. Food, drink and cigarette vending machines, providing the machines are located within the main structure and their use is intended primarily for persons resident upon the premises.~~

~~(Added by Ord. 490.29 adopted 9-27-66)~~

D. One-family or multiple family dwellings. When more than one (1) single family residence is placed on a lot, the provisions of Section 827.6 shall apply.

(Added by Ord. 490.39 adopted 12-5-67)

SECTION 826

"R-1" - SINGLE FAMILY RESIDENTIAL DISTRICT

The "R-1" District is intended to provide for the development of single family residential homes at urban standards on lots not less than six thousand (6,000) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

(Amended by Ord. 490.66 adopted 2-2-71)

SECTION 826.1 - USES PERMITTED

The following uses shall be permitted in the "R-1" District. All uses shall be subject to the Property Development Standards in Section 826.5.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garages.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of section 855-N.

(Amended by Ord. T-288 adopted 2-25-86)

- E. Signs, subject to the provisions of Section 826.5-K.
- F. House trailer parking, subject to the provision of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.

(Added by Ord. 490.39 adopted 12-5-67)

- H. Day nursery - small.

(Added by Ord. 490.188 adopted 10-29-79)



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Jason Higton on behalf of Higton Investment Group
- APPLICATION NOS.: Initial Study Application No. 7517, General Plan Amendment No. 556, Amendment Application No. 3833
- DESCRIPTION: Amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to the R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.), and one-family or multiple-family dwellings (Section 827.1-D).
- LOCATION: The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (SUP. DIST. 3) (4955 E. Washington Ave., Fresno) (APN 462-132-10).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The subject 0.34-acre project site, improved with multi-family residential units, is located in an established residential neighborhood served by public utilities and paved streets. The site is not located along a designated Scenic Highway, nor are there any identifiable scenic vistas or scenic resources in the vicinity. The subject proposal will not have an impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are

experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an established residential neighborhood in a County island in the City of Fresno. The site is developed with three residential units in the R-1-B Zone District and is designated Low-Density Residential in the County-adopted Roosevelt Community Plan, as are other properties in the vicinity. The R-1-B Zone District allows no more than one residential unit by right and one by discretionary land use approval.

Should this proposal be granted approval, all three residential units, along with related improvements, will remain on site while meeting R-2 property development standards for population density, building height and setbacks. The property could ultimately be developed with up to six residential units, as allowed by this conditional R-2 Zoning.

The existing improvements on the property meet building height and setbacks required of the R-2 Zone District. These improvements are single story and maintain the same height (up to 25 feet) as maintained by other single-family homes on neighboring parcels. The main dwelling unit (Unit A) on the property maintains a 35-foot setback from Washington Avenue. This setback is comparable to the average setback of 22 feet to 30 feet maintained by other properties along Washington Avenue, and appears cohesive with the aesthetics of the neighborhood.

The project site is located in an urbanized area within the City of Fresno. The project is not in conflict with the proposed R-2 zoning or any other regulation governing scenic quality.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Future redevelopment of the site in the R-2 Zone District may result in the creation of new sources of light and glare in the area, which could affect the surrounding residential development. To reduce such impacts, a Mitigation Measure would require that all outdoor lighting be hooded and directed downward to not shine toward adjacent property and public streets.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not a farmland and not subject to a Williamson Act Contract. The site is currently zoned R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size) and developed with multi-family dwelling units. Approval of the subject proposal will make the existing use be consistent with population density and other property development standards allowed by the R-2 Zone District. As the existing improvements match in design, construction and building height with other residential dwellings in the vicinity, no significant changes to the character and environment of the area development will occur from this proposal.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District expressed no concerns with the project. The existing or future residential uses on the property will not affect the air quality or expose sensitive receptors to substantial pollutant concentrations.

D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The project will not emit any odor to impact people in the area.

IV. BIOLOGICAL RESOURCES

Would the project:

A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project was routed to the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) for review and comments. No concerns were expressed by either agency. Given the subject property is pre-disturbed with the

existing residential uses and is located in an urbanized area comprised of residential uses, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) federally-protected wetlands as defined by Section 404 of the Clean Water Act; and 4) the movement of any native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or native wildlife nursery site use.

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The proposal will not conflict with any biological resources related to a tree preservation policy or any adopted conservation plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located in an area of known archeological resources or historical activities. The site has been disturbed with the existing improvements related to multi-family residential units.

Both the Fresno County Historic Council (FCHC) and Table Mountain Rancheria (TMR), Tribal Government Office reviewed the proposal. The FCHC determined that the project would not affect any historic properties and TMR expressed no concerns with the proposal except that the tribe shall be notified in the unlikely event that cultural resources are identified on the property. The following Mitigation Measure will ensure that no resources are impacted.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activities related to this project, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during*

ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As this proposal involves no new development, the energy consumption of the onsite residential development will not change. In the event new development occurs on the property, it will either be single- or multi-family housing, and will be subject to the current California Building Codes.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
 - 2. Strong seismic ground shaking; or
 - 3. Seismic-related ground failure, including liquefaction; or
 - 4. Landslides?

FINDING: NO IMPACT:

The project is not located within a fault zone or area of known landslides and would not create a risk or expose people or structures to earthquake rupture, strong seismic ground shaking, seismic-related ground failure, liquefaction or landslides.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves no new development. In the event redevelopment occurs on the property, grading plans and grading permits will be required by the County of Fresno Department of Public Works and Planning to ensure that there is no substantial soil erosion or loss of topsoil.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in an area of expansive soils or steep slopes according to the Fresno County General Plan Background Report. All development on the property is subject to California Building Codes, soil testing, and engineered plans according to Fresno County policies.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: NO IMPACT:

The existing improvements on the property are connected to the City of Fresno sewer system, and any future improvements resulting from this proposal would require connecting as well. No impact to City services are expected from this proposal.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES. There are no unique geologic features on the subject property, which is flat and developed.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The project site is developed with multi-family residential units. The existing use will not change due to the rezone of the property from R-1-B to an R-2 Zone District.

Greenhouse gas emissions resulting from the increased population density that may occur in the future (up to six units allowed in the R-2 Zone District) would likely relate to the number of car trips resulting from the increased number of residents. However, the project site is not located in a fringe area of the City of Fresno, and increasing the density of housing in this location could have a positive impact on greenhouse gas emissions when considered cumulatively with new housing development trends.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: NO IMPACT:

The project does not involve transport, use, disposal, release, or handling of hazardous materials. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The project site is not a hazardous materials site and has been in residential use since 1942.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Though not located within an airport land use plan area, the project site is approximately 1.8 miles southeast of the Fresno-Yosemite International Airport. Given the distance, the site is not impacted by air traffic hazards.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is located in a County island in the City of Fresno. The area is not prone to wildland fire.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not violate any water quality standards or waste discharge requirements. The project site is connected to the City of Fresno community water and sewer systems and will continue receiving City services for the existing or the future development on the property in the R-2 Zone District.

The Regional Water Quality Control Board, Central Valley Region expressed no concerns regarding the project's impact on groundwater.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

No groundwater supplies will be impacted by this proposal. As noted above, the project site is connected to the City of Fresno community water system, and any increase in population density resulting from the proposed rezone will rely on City water. The City of Fresno Utility Department expressed no water-related concerns with the proposal.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site; or
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the United States Geological Survey Quad Maps, no natural drainage channels run adjacent to or through the subject property. No impact on water channels would occur.

Redevelopment of the property in the R-2 Zone District could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off in the form of drainage from grading activities. However, these effects are common and are not considered significant. The project would require adherence to the County Grading and Drainage Ordinance, Building Code, and permit requirements. Per the Development Engineering Section of the Development Services Division comments on the project, a Project Note would require a grading permit/voucher for all unpermitted work related to existing improvements on the property.

The Fresno Metropolitan Flood Control District (FMFCD) reviewed of the proposal and indicated that the District's Master Plan can accommodate the uses proposed by the subject applications. To accommodate FMFCD comments on the project, a Project Note would require that a drainage fee shall be paid based on the fee rates in effect at the time of building entitlement of the site grading plan.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project site is not located in flood hazard, tsunami, or seiche zones. According to FEMA FIRM Panel 2130H, the parcel is not subject to flooding from the 100-year storm and is located in Zone X for 0.2 percent annual chance of rain.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan. The Water and Natural Resources Division of the Department of Public Works and Planning expressed no concerns related to this matter.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The proposal will not physically divide an established community. The project is located within the boundaries of the City of Fresno.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is located in a County island in the City of Fresno and is designated Low-Density Residential in the County-adopted Roosevelt Community Plan. This designation permits a maximum of 3.4 units (12,500 square feet per unit) per acre. The Medium-High-Density Residential designation proposed by this application permits a maximum of 18 units (2,400 square feet) per acre.

Per the City of Fresno Planning and Development Department review of the proposal, the City General Plan designates the site as Medium-Low-Density Residential planned land use, which permits a maximum density of 6 units (7,260 square feet per unit) per acre. The existing land uses would equate to 9 units (4,840 square feet per unit) per acre development. Pursuant to County General Plan Policy LU-G.7, the City did not require the property to be annexed with the City at this time, and allowed the County to process the subject General Plan and Rezone requests. However, the City did express its opposition to the proposal and offered Conditions of Approvals in the event the County approves the requests.

County General Plan Policy LU-F.13 may permit land designated Low- and Medium-Density Residential to develop to the next higher density when such development will not have an adverse impact on surrounding land uses subject to criteria a. and b. of the said Policy. The subject proposal does not meet those criteria. The subject property is not contiguous to a higher density residential, and the parcel shape or size does not make the site difficult to develop in a manner similar to other surrounding properties.

The subject proposal meets Policy LU-F.21 in that the project site is located in an urbanized area within City of Fresno and connected to the City's community sewer and water system. Policy PF-E.6 is met in that the project site is located in an established residential neighborhood and connected to the Fresno Metropolitan Flood Control District drainage facilities in the area. Policy PF-H.2 is met in that the site lies within the jurisdiction of the City Fire District and is connected to City fire protection services.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The project will not expose people to severe noise levels or create substantial increases in ambient noise levels. The Fresno County Department of Public Health, Environmental Health Division expressed no concerns related to noise.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately 1.8 miles southwest of the Fresno-Yosemite International Airport and is not exposed to air traffic hazards. The impacts would be less than significant.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Redevelopment of the site in the R-2 Zone District would add approximately 20 inhabitants (averaging four persons per household) to the area population. This addition is less than significant and not a substantial population growth in the area.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

No housing will be displaced. Approval of this proposal will allow the existing residential development to remain and additional housing to be built in the future.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: NO IMPACT:

Due to the property location in the City of Fresno, the City of Fresno Fire Department has jurisdiction over the project area. This application does not authorize any new development, but in the event of redevelopment, the City of Fresno Fire Department's plan review would ensure compliance with their plans and standards. The project routed to the City Fire Department for comments resulted in no concerns expressed by that agency.

- 2. Police protection?

FINDING: NO IMPACT:

The Fresno County Sheriff's office reviewed the subject proposal and expressed no concerns related to police protection.

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Increase in population due to multi-family residential development of the property could have a small impact on local schools and parks, but not enough to require the construction of new schools or parks to accommodate the growth. No concerns were expressed by any reviewing agency.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The increase in population due to multi-family residential development of the property is unlikely to affect the quality or use of public parks, or require additional recreational facilities to be constructed to accommodate this minor increase in the neighborhood's population.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no bicycle or pedestrian facilities in the neighborhood, but there is enough road right-of-way to accommodate such facilities in the future. Allowing multi-family

residential development (up to six residential units) on a 0.34-acre parcel will have a less than significant impact on the area's traffic circulation system.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

When compared to residential development that could occur in other parts of the County, increased housing density in the project area would result in fewer vehicle miles traveled due to its central location in the Fresno Metropolitan area. Given that, the increased housing resulting from this proposal would not conflict or be inconsistent with the above CEQA Guidelines.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves no new development. As such no impact to the current road access or road design would occur. Per the comments provided by the Development Engineering Section of the Department of Public Works and Planning, the project may require a 30-foot-by-30-foot corner cutoff at the intersection of Washington and Fine Avenues for site distance purposes.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project site fronts on Fine and Washington Avenues. These local roads provide adequate fire access during emergencies.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in

subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in a County island in the City of Fresno. The project site/area is not sensitive to archeological or historical resources. Local tribes (Santa Rosa Rancheria Tachi Yokut Tribe and Picayune Rancheria of the Chukchansi Indians) reviewed the proposal and expressed no concerns with the project. The comments provided by Table Mountain Rancheria are discussed and addressed in Section V., CULTURAL RESOURCES above.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY. Future development on the property may result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal will result in no impact on solid waste. There is no increase to solid waste already being generated by the multi-family residential units on the property. Solid waste generated by three additional units in the future (total six allowed by R-2 Zoning) would be minimal and the overall impact on the local landfill site will be less than significant.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

FINDING: NO IMPACT:

The project site is not located in a fire hazard area.

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is flat, developed, and not prone to landslide or drainage hazard.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community,

substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The project will have no impact on sensitive biological resources. Impacts on cultural resources will be addressed with the Mitigation Measures discussed in Section V. A. B. C. D. of this analysis.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The multi-family residential development resultant of the proposed R-2 Zoning will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Aesthetics and Cultural Resources. These impacts will be addressed with the Mitigation Measures discussed in Section I. C. and Section V. of this analysis.

- C. Have environmental effects, which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study (IS) No. 7517 prepared for General Plan Amendment Application No. 556 and Amendment Application No. 3833, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, noise, or wildfire.

Potential impacts related to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, public services, transportation, tribal cultural resources, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

EA:ksn

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7517	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Project Applicant/Sponsor (Name): John J. Shields	Project Title: General Plan Amendment (GPA) Application No. 556; Amendment Application (AA) No. 3833		
Project Description: Amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.) and one-family or multiple-family dwellings (Section 827.1-D). The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (4955 E. Washington Avenue, Fresno) (SUP. DIST. 3) (APN 462-132-10).			
Justification for Negative Declaration: Based upon the Initial Study (IS 7517) prepared for General Plan Amendment (GPA) Application No. 556 and Amendment Application (AA) No. 3833, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, noise, or wildfire. Potential impacts related to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, public services, transportation, tribal cultural resources, and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics and cultural resources have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 9, 2019		Review Date Deadline: Planning Commission – September 12, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Ejaz Ahmad	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**