



Inter Office Memo

**ATTENTION: FOR FINAL ACTION OR
MODIFICATION TO OR ADDITION OF
CONDITIONS, SEE FINAL BOARD OF
SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: September 12, 2019
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12796 - INITIAL STUDY APPLICATION NO. 7517, GENERAL PLAN AMENDMENT APPLICATION NO. 556, and AMENDMENT APPLICATION NO. 3833

APPLICANT/
OWNER:

Higton Investment Group

REQUEST:

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).

PLANNING COMMISSION ACTION:

At its hearing of September 12, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).


A motion was made by Chairman Abrahamian and seconded by Commissioner Ede to recommend to the Board of Supervisors adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7517 and recommend approval of General Plan Amendment Application No. 556 and Amendment Application No. 3833, finding the proposed rezone is consistent with the Fresno County General Plan, subject to the Conditions listed in Exhibit B; with the inclusion of two Conditions limiting

the number of units on the subject property to three and requiring that all zoning and building code violations be corrected prior to occupancy of Units 2 and 3.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Ede, Chatha, Delahay, Hill, Lawson and Vallis
	No:	None
	Absent:	Commissioners Burgess and Eubanks
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
William M. Kettler, Manager
Development Services and Capital Projects Division

WMK:ksn
G:\4360Devs&Pln\ADMIN\BOARD\Board Items\2010-2019\2019\12-10-19\GPA 556 and AA 3833\AA 3833, GPA 556, VA 4057 Resolution (Attachment A).docx

Attachments

EXHIBIT A

Initial Study Application No. 7517
General Plan Amendment Application No. 556
Amendment Application No. 3833

Staff: The Fresno County Planning Commission considered the Staff Report dated September 12, 2019, and heard a summary presentation by staff.

Applicant: The Applicant did not concur with the Staff Report and staff's recommendation. He described the project and offered the following information to clarify the intended use:

- We are a small investment group; we purchased the subject property with three residential units as a rental to make return on our investment; a neighbor filed a complaint with the County in 2018 after we put up a 'For Rent' sign.
- The original house, with detached garage, was built in the 1940s; the second house was built in 1967; the previous property owner made all the structural modifications.
- The Federal Housing Authority (FHA) certified all three units for Section 8 housing on June 2018; our renting of the units will help reduce the housing crises in California.
- A covenant requiring removal of the first unit from the property upon completion of the second unit was not recorded by the previous property owner.
- Staff recommend rezoning of the property to rectify the violation and be able to keep the two units in the rear of the property; we will bring all units up to current Building Code standards.

Others: One individual presented information in support of the application indicating that the property is subject to adverse possession law and should be allowed to remain as is. The individual stated that this property has been in its current condition for over 50 years.

Three individuals presented information in opposition to the application stating that the proposal to allow multiple-family residential units is undesirable for the neighborhood, which is currently developed with single-family homes. This proposal will encourage others to rezone their undeveloped parcels for multi-family residential uses.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application. Staff received one letter of opposition after the Planning Commission concluded its hearing.

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.				

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.
5.	No more than three dwelling units shall be allowed on the property with R-2 (c) Zoning (added by the Planning Commission action September 12, 2019).
6.	Prior to occupancy granted for residential Unit 2 and 3, all permits must be approved, all Zoning and Building Code violations must be addressed, and all buildings must be up to the codes (added by the Planning Commission action September 12, 2019).

*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.



County of Fresno
Board of Supervisors
Minute Order

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December 10, 2019

Present: 5 - Chairman Nathan Magsig, Supervisor Brian Pacheco, Supervisor Sal Quintero, Vice Chairman Buddy Mendes, and Supervisor Steve Brandau

Agenda No. 13.

Public Works & Planning

File ID: 19-1275

Re: Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7517, including the Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 556 and Amendment Application No. 3833; Adopt Resolution approving General Plan Amendment Application No. 556 amending the County-adopted Roosevelt Community Plan by re-designating a 0.34-acre parcel from Low-Density Residential to Medium-High Density Residential as the Second General Plan Amendment of the Agriculture and Land Use Element of the Fresno County General Plan for 2019; Approve Ordinance pertaining to Amendment Application No. 3833 thereby rezoning the subject 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 R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District conditionally limited to the uses permitted in the R-1 Zone District (Section 827.1-A.) and one-family or multiple-family dwellings (Section 827.1-D) limited to a maximum of three units; and, Designate County Counsel to prepare a fair and adequate summary of the proposed ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1). The subject parcel is located on the northeast corner of N. Fine and E. Washington Avenues in a County island in the City of Fresno (4955 E. Washington Avenue) (APN 462-132-10)

A MOTION WAS MADE BY SUPERVISOR QUINTERO, SECONDED BY SUPERVISOR BRANDAU, TO ACT ON THE MATTER AS FOLLOWS: 1) ADOPTED THE MITIGATED NEGATIVE DECLARATION PREPARED FOR INITIAL STUDY APPLICATION NO. 7517; 2) ADOPTED A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. 556 TO RE-DESIGNATE A 0.34-ACRE PARCEL FROM LOW-DENSITY RESIDENTIAL TO MEDIUM-HIGH DENSITY RESIDENTIAL AS THE SECOND GENERAL PLAN CYCLE OF 2019; 3) APPROVED THE ORDINANCE PERTAINING TO AMENDMENT APPLICATION NO. 3833, REZONING THE SUBJECT 0.34-ACRE SITE FROM THE R-1-B(NB) TO THE R-2(NB)(C) ZONE DISTRICT TO ALLOW THOSE USES PERMITTED IN THE R-1 ZONE DISTRICT (SECTION 827.1-A.) AND ONE- OR MULTIPLE-FAMILY DWELLINGS (SECTION 827.1-D); 4) DESIGNATED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY OF THE PROPOSED ORDINANCE AND DIRECT THE CLERK OF THE BOARD TO POST AND PUBLISH THE REQUIRED SUMMARY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 25124(B)(1), AND; 5) THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF INITIAL STUDY APPLICATION NO. 7517 AND AMENDMENT APPLICATION NO. 3833 AND PROVIDE SECURITY IN THE AMOUNT OF \$100,000 FOR ANY SUCH LEGAL COSTS INCURRED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 3 - Pacheco, Quintero, and Brandau

Noes: 2 - Magsig, and Mendes

Resolution No. 19-458, Ordinance No. R-488-3833