



Board Agenda Item 6

DATE: August 23, 2022

TO: Board of Supervisors

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

SUBJECT: Amendment to Text of the Zoning Ordinance No. 383 and Environmental Review No. 8236 (Applicant: County of Fresno)

RECOMMENDED ACTION(S):

- 1. Approve Amendment to Text Application No. 383 and adopt Ordinance amending various sections of the Fresno County Zoning Ordinance to modify Section 855-O.4 of the Ordinance related to Reasonable Accommodations, Section 855-P related to Density Bonus, and Sections 827, 828, 829, 832, and 836 related to Supportive Housing to bring the Ordinance in compliance with state law; and**
- 2. Determine that Recommended Action is exempt from the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption with the Fresno County Clerk's Office; and**
- 3. 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 California Government Code, Section 25124(b)(1).**

This item comes before your Board with a unanimous recommendation for approval from the Planning Commission (6 to 0, with two Commissioners absent and one Commission vacancy) to bring the Ordinance in compliance with changes to state law. The proposed amendments require final approval by your Board per the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's action is included as Attachment A. The June 23, 2022, Planning Commission Staff Report is included as Attachment B. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed amendments to the County Zoning Ordinance are not adequate, your Board may continue the actions with direction to the Department of Public Works and Planning staff as to the necessary revisions to the proposed amendments. As an additional alternative, your Board may also reject Amendment to Text Application No. 383.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Cost for the preparation of the amendments and this agenda item is a Net County Cost accounted for within the Department of Public Works and Planning Org 4360 FY 2021-22 Adopted Budget.

DISCUSSION:

Amendment to the Ordinance is a legislative action requiring final approval by your Board. If approved, the amendments would become effective 30 days after the adoption date.

Background

Department staff is engaged in the Review and Revision of the County's General Plan and the comprehensive update of the Ordinance while concurrently working on amending certain elements of the General Plan and certain sections of the Ordinance to bring these documents into compliance with state law.

On May 17, 2022, your Board approved Ordinance Amendment No. 381 modifying the text of the Ordinance related to employee and farmworker housing to meet the requirements of State law. Prior to that action, in November of 2020, your Board approved General Plan Amendment No. 563 amending the Agriculture and Land Use Element of the General Plan to increase the density for specific residential land use designations and specific commercial designations that allow multi-family residential to increase the residential density to a maximum of 20 units per acre and approved Amendment to Text No. 380 amending sections of the Zoning Ordinance related to Single Room Occupancy, Density Bonus, Emergency Shelters and Reasonable Accommodations.

Proposed Amendments

Attachment C of the agenda item provides details on the proposed amendments to various sections of the Ordinance. A summary of the proposed amendments is listed below:

- Deleting subsection 855-O.4 titled "Reasonable Accommodation" in its entirety and replacing it with a newer version to be in compliant with recent changes made to the provisions of the California Code of Regulations which require local governments to grant reasonable accommodations to provide access to housing for individuals with a disability. Neither the state law or the proposed ordinance will require the County to make reasonable accommodation that (1) imposes an undue financial or administrative burden on the County, (2) requires fundamental alterations to County policies, practices, or procedures, or (3) results in a direct and significant threat to health or safety or substantial physical damage to the property of others.
- Amending sections 827, 828, 829, 832 and 836 for the Low-Density Multiple Family Residential, Medium Density Multiple Family Residential, High Density Multiple Family Residential, Administrative and Professional Office, and the Central Trading districts to add supportive housing, as defined in Government Code Section 65650, as a by-right use.
- Amending subsection 855-P titled "Density Bonus" as follows:
 - Amending subsection 855-P.2.a increasing bonus for low-income households to 24%.
 - Amending subsection 855-P.2.a.(2) to allow additional 3% density bonus for very-low income housing developments if 5% of units are for very low-income households.
 - Amending subsection 855-P.2.a.(4) to allow additional 3% density bonus for moderate-income unit development if 10% of units in a common interest development are for moderate-income households.
 - Subsection 855-P.3.a.(2) which currently requires that the applicant show that a waiver or modification of development standards is necessary to make the housing units economically

feasible, is being deleted.

- Amending subsection 855-P.3.b to allow two incentives or concessions for a project that includes at least 17% of the total units for lower income households in a common interest development.
- Amending subsection 855-P.3.b to allow three incentives or concessions for a project that includes at least 24% of the total units for lower income households.
- Amending subsection 855-P.3.b to allow four incentives or concessions for a project that 100% of all units are for lower income household or when up to 20% of units are for moderate income household.
- Amending subsection 855-P.3.b to allow one incentive or concession for projects that include 20% of total units for lower income students.
- Amending subsection 855-P.3.b to allow a density bonus equal to 20% of the total number of units when 10% of the total dwelling units are for transitional youth, disabled veterans, or homeless persons.
- Amending subsection 855-P.4.b to limit vehicle parking ration that do not exceed the one and one-half onsite parking space for two to three bedroom units.
- Amending subsection 855-P.4 to allow a development that includes at least 20% low-income units or at least 11% very low-income units, is located within one-half mile of a major transit stop, the County shall not impose a vehicular parking ratio, inclusive of parking for persons with guests, that exceeds 0.5 space per unit.
- Amending subsection 855-P.4 to limit parking space to 0.5 space per bedroom if a development includes at least 40% moderate-income units and is located within one-half mile of a major transit stop.

Planning Commission Proceedings

The Planning Commission considered the proposed amendments at a public hearing held on June 23, 2022. Following Department staff's presentation and public hearing, the Planning Commission on a unanimous vote of the Commissioners present (6 to 0, with two Commissioners absent and one Commission vacancy) recommended that your Board approve Amendment to Ordinance No. 383 including exempting the Ordinance amendments from the California Environmental Quality Act (CEQA).

Conclusion

The proposed amendments to the Ordinance discussed in this staff report and shown in detail in Attachment C will bring the Ordinance in compliance with state law. Therefore, staff recommends that your Board approve the proposed Ordinance amendments including exempting the Ordinance from CEQA as stated under the recommended action of the staff report.

REFERENCE MATERIAL:

BAI #12, May 17, 2022

BAI #14, November 24, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C

On file with Clerk - Ordinance

On file with Clerk - Summary of Ordinance

CAO ANALYST:

Salvador Espino