



# County of Fresno

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2281 Tulare Street  
Fresno, California  
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## Legislation Details (With Text)

**File #:** 19-0320

**On agenda:** 5/7/2019

**Final action:** 5/7/2019

**Enactment date:**

**Enactment #:** Ordinance No. R-485-3827

**Title:** Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7402, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3827; find that proposed rezone of one acre from R-2 Zone District to R-P(c) Zone District is consistent with General Plan, including the Housing Element, and Biola Community Plan. Although proposed rezone will reduce inventory of land identified in Housing Element for development of housing for very low and low income by one acre, proposal meets Findings A and B of Government Code, Sections 65863(b)(1); approve Ordinance pertaining to Amendment Application No. 3827 thereby rezoning subject one-acre site from R-2 to R-P(c) Zone District limited to existing residential buildings; one-family, two-family, and multiple-family dwellings; ground floor only medical, dental, or professional office, and signs as requested by Applicant; and designate County Counsel to prepare fair and adequate summary of proposed Ordinance, and direct Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b)(1), subject property is located on south side of Shaw Avenue on southeast corner of its intersection with Third Street, in unincorporated community of Biola

**Attachments:** 1. Agenda Item, 2. Attachment A - C, 3. Ordinance No. R-485-3827, 4. Ordinance Summary, 5. Additional Information, 6. Master

Date	Ver.	Action By	Action	Result
5/7/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** May 7, 2019

**TO:** Board of Supervisors

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

**SUBJECT:** Initial Study Application No. 7402 and Amendment Application No. 3827 (Applicant: Central Valley Medical Services, LLC/Xin Ling Lao)

### RECOMMENDED ACTION(S):

- 1. Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7402, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3827; and**
- 2. Find that the proposed rezone of one acre from R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Zone District to R-P(c) (Residential and Professional Office, Conditional) Zone District is consistent with the General Plan, including the Housing Element, and the Biola Community Plan. Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for very low and low income by one acre, the proposal meets Findings A and B of Government Code, Sections 65863(b)(1).**

3. **Approve Ordinance pertaining to Amendment Application No. 3827 thereby rezoning the subject one-acre site from R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) to R-P(c) (Residential and Professional Office, Conditional) Zone District limited to existing residential buildings; one-family, two-family, and multiple-family dwellings; ground floor only medical, dental, or professional office, and signs as requested by the Applicant; and**
4. **Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance, and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

**The subject property is located on the south side of Shaw Avenue on the southeast corner of its intersection with Third Street, in the unincorporated community of Biola (APN: 016-480-30).**

This item comes before your Board with a unanimous recommendation for approval from the Planning Commission (9 to 0) and requires final action from the Board of Supervisors as required by the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's Action is included in Attachment A. This item pertains to a location in District 1.

#### ALTERNATIVE ACTION(S):

If your Board determines that the proposed Amendment Application No. 3827 to re-designate one parcel totaling one acre from the R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) to the R-P(c) (Residential and Professional Office, Conditional) Zone District is not consistent with the County-adopted Biola Community Plan or the County's General Plan Vision Statement, Goals, and Policies, a motion to deny the Amendment Application would be appropriate.

#### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Applicant has paid land use processing fees in the amount of \$10,929.

#### DISCUSSION:

A rezoning (Amendment Application) is a legislative action requiring final approval and final action by your Board for the adoption of the Mitigated Negative Declaration (MND) prepared for Initial Study Application No. 7402 filed concurrently with the rezoning, Amendment Application No. 3827. If approved, the rezoning will become effective 30 days after adoption.

On March 7, 2019, the Planning Commission considered the rezoning. After receiving the Department of Public Works and Planning staff presentation and considering public testimony from the Applicant's representative, the Commission voted unanimously in favor of forwarding to the Board of Supervisors a recommendation to adopt the MND prepared for the request and recommending approval of the proposed rezoning, subject to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes listed in the Staff Report (Attachment B). Staff noted there were no other individuals present offering testimony in favor or in opposition to the rezoning.

If your Board determines that the proposed rezoning is consistent with the County's General Plan, including the Housing Element and the Biola Community Plan, an approval motion would be appropriate. Your Board would state in its motion that your Board is:

- adopting the MND prepared for Initial Study No. 7402, finding that the proposed rezone could reduce the inventory of land identified in the Housing Element for the development of low-income housing by

one acre, and stating that the proposal meets Findings A and B of Government Code, Sections 65863 (b)(1) which read as follows:

- (A) The reduction is consistent with the adopted general plan, including the housing element.
  - (B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.
- approving the Ordinance pertaining to Amendment Application No. 3827, rezoning the subject one acre site from the R-2 to the R-P(c) Zone District, limited to existing residential buildings, one-family, two-family, and multiple-family dwellings, ground floor only medical, dental, or professional office, and signs.

The proposed MND prepared for Initial Study No. 7402 is included as Attachment C .

If your Board determines that the proposed rezoning is not consistent with the County's General Plan, denial of the application would then be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C  
Ordinance  
On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa