



Inter Office Memo

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

DATE: October 24, 2024
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13065 – TEXT AMENDMENT NO. 387 AND ENVIRONMENTAL REVIEW NO. 8654

APPLICANT: Bill Stonehouse and Angela Paul

REQUEST: Amend Section 822.3.050 (H1.a and H1.b) of the Fresno County Zoning Ordinance relating to prohibitions on solid walls, fences and hedges within the front yard setback for Rural Residential (RR) properties fronting the segment of Sunnyside Avenue between E. Nees and E. Shepherd Avenues.

LOCATION: The area affected by this ordinance amendment consist of properties located along North Sunnyside Avenue, situated between East Shepherd Avenue and Nees Avenue, approximately 650 feet from the City of Clovis. (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing on October 24, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Zante and seconded by Commissioner Chatha to recommend that the Board of Supervisors approve Amendment to Text No. 387 with additional text modifications as recommended by staff.

RESOLUTION NO. 13065

This motion was passed on the following vote:

VOTING:	Yes:	Commissioners Zante, Chatha, Abrahamian, Arabian, Borchardt, Carver, Hill, Quist, and Whelan
	No:	None
	Absent:	None
	Abstain:	None

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

By: 
 Chris W. Motta, Manager
Development Services and Capital Projects Division

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Attachments

EXHIBIT A

Amendment to Text No. 387,
Environmental Review No. 8654

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 24, 2024 and heard a summary presentation by staff.
- Presenters: The applicants and the applicant's representative agreed with Staff's recommendation and described the need for this change along Sunnyside Avenue due to:
- Safety concerns of the homes in this area because of vehicle collisions and incidents of damage done to properties.
 - Growing urban development and aesthetic changes to the area in recent years which have created issues for the residents of the neighborhood.
 - The request aligns with the City of Clovis' Dry Creek Preserve Master Plan wall and fencing requirements.
- Others: Two additional residents of the area spoke in support of the application reiterating the safety concerns presented by the applicants and stating their own incidents of damage to their properties.
- Correspondence: A written description and pictures were presented to the Planning Commission in support of the application from the applicants. No letters of opposition were received for this application.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 October 24, 2024

SUBJECT: Amendment to Text Application No. 387

Amend Section 822.3.050 (H1.a and H1.b) of the Fresno County Zoning Ordinance relating to prohibitions on solid walls, fences and hedges within the front yard setback for Rural Residential (RR) properties fronting the segment of Sunnyside Avenue between E. Nees and E. Shepherd Avenues:

APPLICANTS: Bill Stonehouse and Angela Paul

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Amendment to Text Application No. 387 with modifications; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

EXHIBITS:

1. Applicant's proposed language with justification
2. Location Map
3. Proposed Amendment to Zoning Ordinance with staff recommended modifications

ENVIRONMENTAL ANALYSIS:

It has been determined, pursuant to Section 15061.b.3 (common sense exemption) of the State of California Environmental Quality Act Guidelines (CEQA) that this proposal will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 140 property owners within 600 feet of the impacted area, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comments were received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

Adoption of a Zoning Ordinance Text Amendment is a legislative act requiring final action by the Board of Supervisors. The Planning Commission's action is advisory to the Board. The Board is anticipated to hear this matter at a later date should the Commission recommend approval or if the Commission's action is appealed. The Amendment, upon adoption by the Board, would become effective 30 days later.

BACKGROUND INFORMATION:

On August 19, 2024, the Applicants submitted the subject Amendment to Text to amend Section 822.3.050 (H1.a and H1.b); Permitted Fences, Hedges, and Walls (of the Fresno County Zoning Ordinance) to include verbiage relating to prohibitions of fences, hedges and walls for properties fronting N. Sunnyside Avenue between E. Nees and E. Shepherd Avenues.

ANALYSIS/DISCUSSION:

Specific language proposed by the Applicant for the text amendment is included as Exhibit 1. of this report. Staff's recommended modifications are included as Exhibit 3. The scope of the proposed amendment is limited to Rural Residential fence standards within a specified one-mile stretch of properties fronting Sunnyside Avenue between E. Shepherd and E. Nees Avenues. The current fence provisions permit fences with a maximum height of seven feet in the front yard setback when not located in a corner cut off area, and when the fence has no less than 70 percent of the vertical surface open to permit the transmission of light, air, and vision. When said fence encloses the main access to the residence, a minimum four foot wide opening or gate is required.

The Applicants, representing properties abutting this segment of Sunnyside Avenue, have cited a number of concerns to support the text amendment, particularly for solid block walls. These points are included in Exhibit 1. In summary those concerns are, historical changes in development patterns to the area since the 1970's, Sunnyside's narrow width compared to its collector designation, a lack of traffic signals and speed control, and traffic using this segment as a "short-cut" to access State Route 168. The proponents have previously indicated that the current standards would prohibit solid masonry walls, which are desired both for safety and to reduce traffic noise.

These provisions will allow all homes in the designated area to have the increased fence height and may allow six (6) property owners who currently have non-conforming walls to retain them. The current violations for unpermitted walls within this area will not abate these violations if the non-conforming walls, fences, hedges, and gates are within the required right-of-way area.

Staff notes that there is significant urban growth occurring within the vicinity of the subject area. From January to June of this year, the intersection of Sunnyside Avenue and Shepherd Avenue

was closed due to the approved widening of Shepherd Avenue and underground utility work for an approved housing project. When fully complete it will add 600 homes just north of the subject area on Sunnyside Avenue between Shepherd and Perrin Avenues. City of Clovis subdivisions on E. Sunnyside to the south of E. Nees Avenue, as well as subdivisions on Clovis and Fowler Avenues, incorporate solid fencing or block walls. It is acknowledged, though these street segments are widened, and a sidewalk and landscaping buffer provided additional offset between the walls and the right-of-way. These walls abut rear or side yards and not front yards.

It is noted that the subject area is located within the City of Clovis Sphere of Influence and per the Dry Creek Preserve Master Plan. Per 8.1.1.10 "Individual parcel fencing of any type is permitted upon Rural Residential parcels up to a maximum height of seven (7) feet." The Applicant's proposal is within these requirements as their request is up to seven (7) feet in height.

Per the Dry Creek Preserve Master Plan the ultimate configuration of N. Sunnyside Avenue includes the planned right-of-way of 60 feet total, 30 feet each side to the centerline and is classified as a Collector Street. This 60-foot ultimate width is narrower than the County's designation of a Collector with an ultimate right-of-way width of 80-84 feet. The current condition of this segment of Sunnyside Avenue is adequate for the average daily traffic volumes. The current Annual Average Daily Trips (AADT) for this segment of Sunnyside Avenue based on traffic counts taken in December of 2023 by the County of Fresno, indicated a current average AADT count of 2,866 ADT. The existing roadway as configured has an ultimate capacity of 10,000 AADT, and once developed to full design for a collector designation the street would have a capacity for 13,000 AADT.

While staff is supportive of the text amendment to address the unique impacts of traffic and urbanization in this area, staff also recommends the following additional modifications to ensure safety and line of site:

- To ensure visibility all solid walls and fences shall adhere to the corner cutoff provisions for both driveways and street corners as provided for in Section 822.3.100.E.
- Gates shall be inset a minimum of 20 feet from the ultimate right-of-way to ensure vehicles leaving the roadway to enter a property do not obstruct traffic.

These recommended modifications have been incorporated into Exhibit 3.

REVIEWING AGENCIES/DEPARTMENTS:

This proposal has been routed to several County Departments, including the Fresno County Fire Protection District and the City of Clovis. Staff did not receive any concern or objection County Staff during the routing process.

The City of Clovis provided comments and expressed concern with structures being placed within the ultimate planned right-of-way. As previously stated, any current violations for unpermitted walls within this area will not abate these violations if the non-conforming walls, fences, hedges, and gates are within the required right-of-way area. In addition, the County will prohibit the installation of any future fences, hedges and wall from the ultimate right-of-way. The City of Clovis also expressed concern with visual obstructions within the line of sight from a driveway to a roadway which may hinder a driver's ability to see oncoming traffic. The City recommends visibility be maintained along Sunnyside Avenue by limiting placement of solid fencing, walls or hedge material for a depth of ten (10) feet as measured from the ultimate

planned right-of-way. As previously stated, the County recommends an additional modification to ensure visibility, all solid walls and fences shall adhere to the corner cutoff provisions for both driveways and street corners as provided for in Section 822.3.100.E.

No other comments, concerns or objections were expressed by reviewing Agencies and Departments.

CONCLUSION:

Staff recommends approval of the Applicant's requested amendment to Sections 822.3.050 (H1.a and H1.b) with modifications recommended by Staff to address public Safety as shown in Exhibit 3.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend to the Board of Supervisors Approval of Amendment to Text No. 387 with modifications recommended by staff as shown in Exhibit 3; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

Alternative Motion (Denial Action)

- Deny Amendment to Text No. 387, stating basis for denial; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for denial to the Board of Supervisors.

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**Amendment to Zoning Ordinance Section 822.3.050 (H.1A and B)
Rural Residential Zone Fence Requirements
Permitted Fences, Hedges, and Walls**

Rural Residential Zone Fence Requirements: (Suggested Text Changes)

1. Permitted Fences, Hedges, and Walls.

- a. Fences, hedges, and walls not greater than (7) feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines. (except in the Sunnyside Corridor located north of Nees Ave. and south of Shepard Ave. where (7) seven-foot-tall fences, hedges, and walls are allowed along the front property line)
- b. No fence, wall or hedge over four (4) feet in height shall be permitted in any required front yard, or in the required side yard on the street side of the reversed corner lot. However, fences not greater than (7) feet in height shall be allowed in the above referenced yard areas when not located in a corner cut off area, and when the fence has not less than 70 percent of the vertical surface open to permit the transmission of light, air, and vision (except along the Sunnyside Corridor where 7-foot solid fences, hedges, and walls are allowed without any of the vertical surface open to permit the transmission of light, air, and vision). When said fence encloses the main access to the residence, a minimum four-foot-wide opening or gate is required.


Subject: Text Amendment: "Sunnyside Corridor"

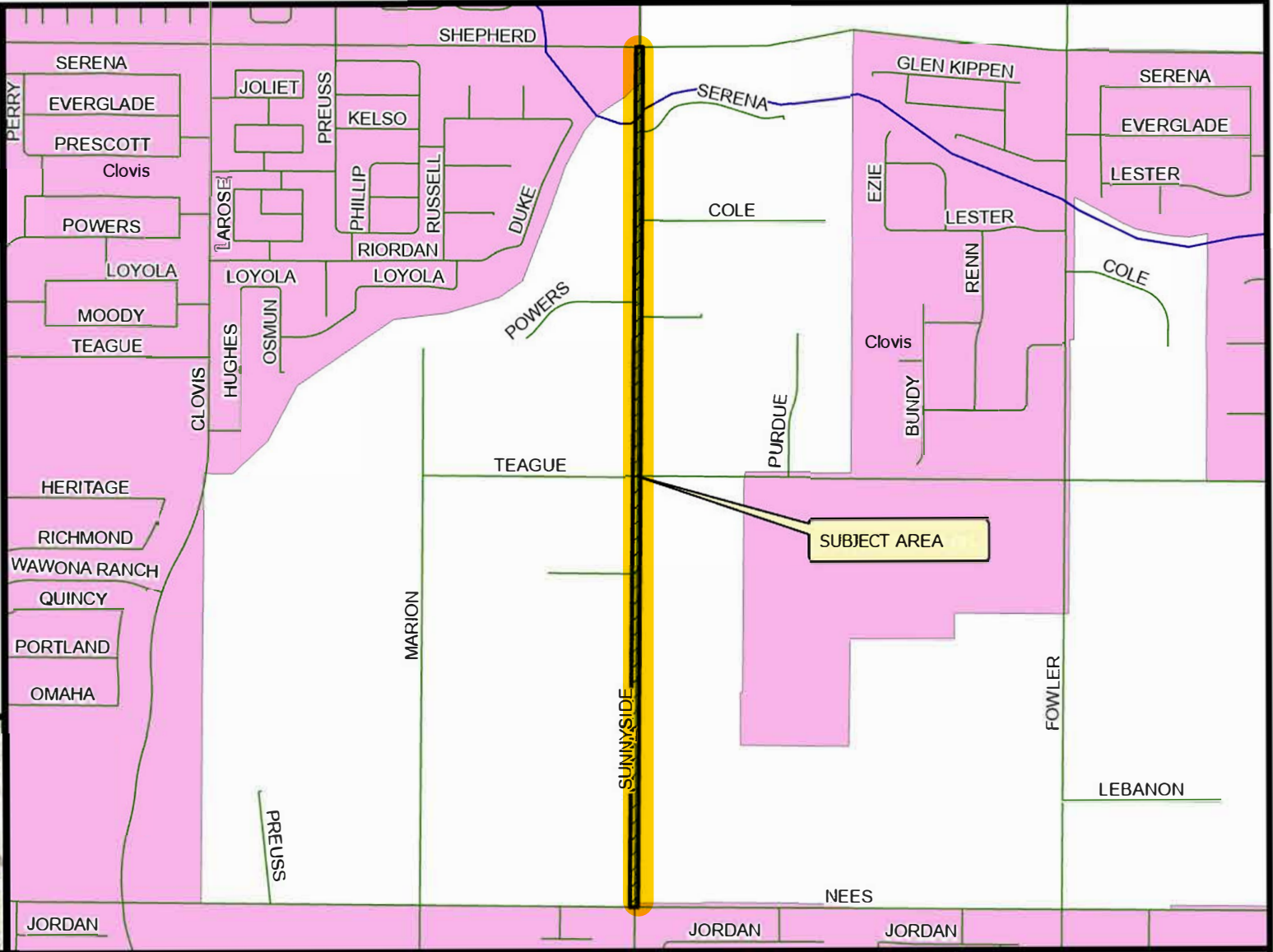
The following points are supportive of a modification Section 822.3.050.H to provide for solid block walls up to 7 feet in height within the Rural Residential Zone District. These points are not in any specific order and if need be can be presented to the Fresno County planning Commission and Board of Supervisors:

1. When this corridor and surrounding was zoned "RR" by the County of Fresno in the late 1970's, Freeway 168 did not exist and the Sphere of Influence for the City of Clovis did not extend north of Shephard Ave. Land use decisions subsequent to the placement of the zoning have been made by the City of Clovis, the County of Fresno and LAFCO that have changed the "Character" of the surrounding area from "rural" to "suburban".
2. Sunnyside Ave. is classified as a collector street but is built to a much narrower (local) standard.
3. Sunnyside Ave. is not controlled by lights or stop signs between Shephard Ave. and Nees Ave., a distance of one mile. As a result, traffic speeds are very fast for such a narrow street.
4. Much of the traffic, (both AM and PM) "Peak Hour" is accessing Highway 168. Sunnyside has become a "fast shortcut" to get to the freeway in the morning and to get home in the evening.
5. There are approximately 40 parcels that either front or side onto Sunnyside Ave., between Shephard and Nees. The parcels range in size from 1.99 acres to 10 acres.
6. The approximate 40 parcels are affected by the increased traffic noise and speed and with additional growth planned to the north, will continue to be impacted for years to come.
7. One solution to protect the existing residents from the negative impacts along the Sunnyside Corridor would be to allow the installation of solid masonry wall along the front property line with a maximum of 7 feet high. (see suggested text changes)
8. There are 6 properties with "Non-Conforming" walls along the "Sunnyside Corridor" today. The owners of these properties realize the "status" and would like to retain the walls. (see attached photos)
9. The applicants are interested in retaining the semi-rural character of the Sunnyside Ave. Corridor and believe that this modification to text of the "RR" Zone District would provide a viable option for property owners experiencing negative impacts associated with increased volume and speed of vehicular traffic.

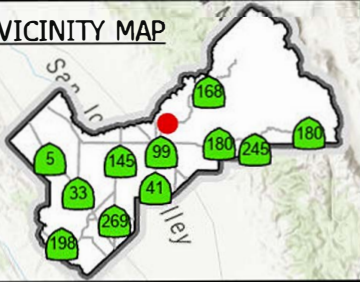
EXHIBIT 2

Legend

-  Subject Property
-  Clovis



VICINITY MAP



LOCATION MAP

AT 387

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 8/7/2024

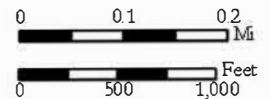


EXHIBIT 2

EXHIBIT 3

**Amendment to Article 3, Chapter 822.3, Section 822.3.050.H
Rural Residential Zone Fence Requirements**

H. Rural Residential Zone Fence Requirements.

1. Permitted Fences, Hedges, and Walls.

- a. Fences, hedges and walls, not greater than seven (7) feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines.
- b. No fence, wall or hedge over four (4) feet in height shall be permitted in any required front yard, or in the required side yard on the street side of a reversed corner lot except for the following:
 - (1) ~~However, fences~~ Fences not greater than seven (7) feet in height shall be allowed in the above referenced yard areas when not located in a corner cut off area, and when the fence has not less than 70 percent of the vertical surface open to permit the transmission of light, air, and vision. When said fence encloses the main access to the residence, a minimum four foot wide opening or gate is required;
 - (2) For those properties fronting N. Sunnyside Avenue located north of Nees Avenue and south of Shepherd Avenue seven (7) foot high solid fences or walls shall be permitted within the front yard setback that meet the provisions below.
 - To ensure visibility all solid walls and fences shall adhere to the corner cutoff provisions for both driveways and street corners as provided for in Section 822.3.100.E.
 - Gates shall be inset a minimum of 18 feet from the ultimate right-of-way to ensure vehicles leaving the roadway to enter a property do not obstruct traffic.
 - All solid walls and fences shall be constructed outside the ultimate right-of-way.
- c. Fences, walls, lighting, or other associated appurtenances over seven (7) feet in height to enclose/illuminate tennis courts or other game areas shall be permitted to the rear of the required front yard subject to a Director Review and Approval (see DRA Chapter 846.5). See setback requirements for areas constructed specifically for tennis courts and game areas in Table No. 2-5 of Article 2, Chapter 810.2.