

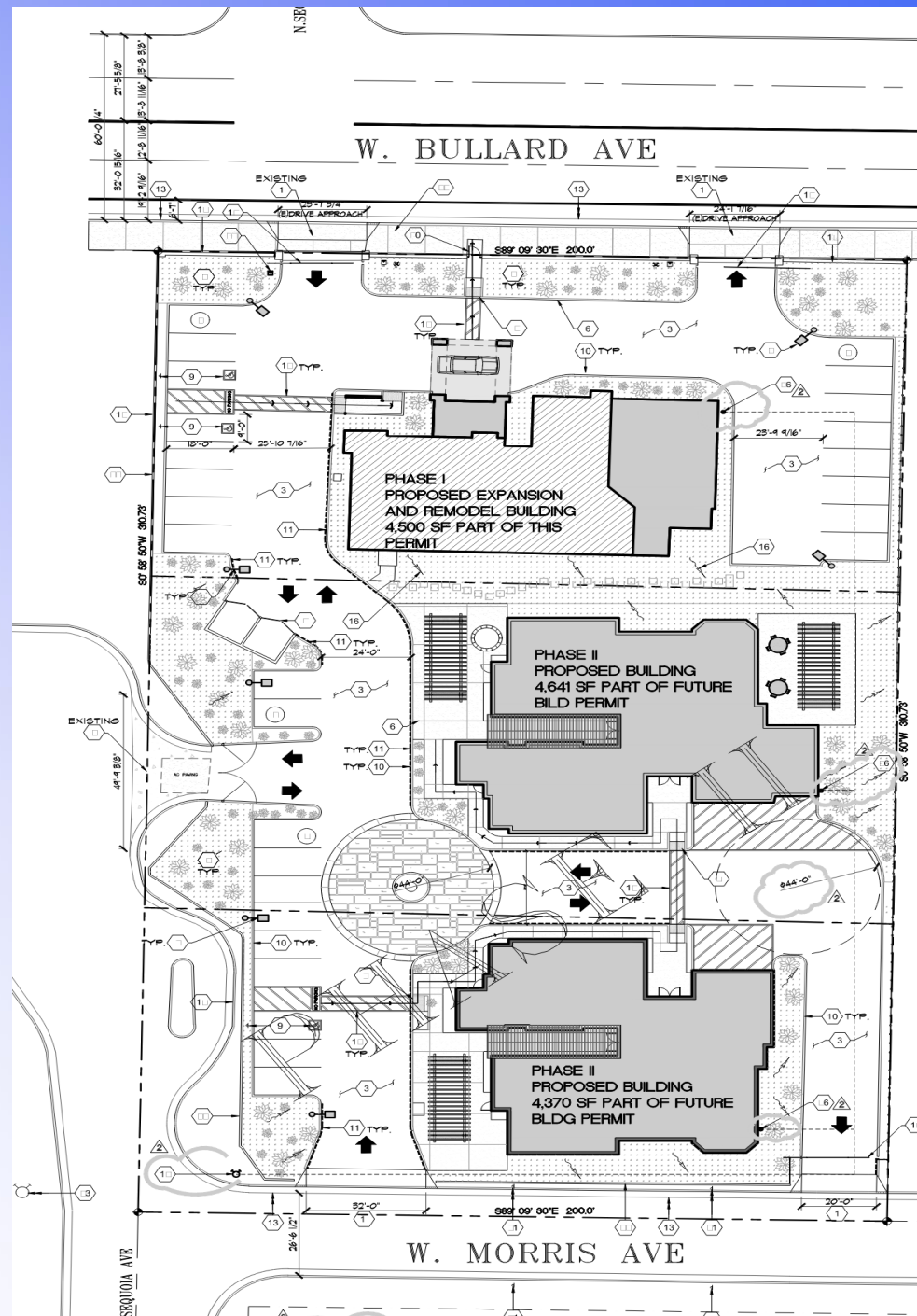
## **Exhibit R - Presentation**

**CONSIDERATION OF  
CONDITIONAL USE PERMIT APPLICATION NO. P22-03146  
AND  
RELATED ENVIRONMENTAL FINDING FOR  
EA NO. P22-03146**

Filed by  
Cesar Rodriguez of CR Consulting Group Inc, on behalf of Jason Andrade of  
Infinite Living.

# RECAP

- The project proposes a congregate living health facility through the remodel of an existing single-family home, and the construction of two additional buildings as part of a future phase of development.
- **June 2, 2023:** Planning Director approved project.
- **June 5 & 14, 2023:** Director's decision was appealed.
- **July 19, 2023:** Appeal considered by Planning Commission.
  - Item continued to allow for an additional neighborhood meeting.
- **August 23, 2023:** Neighborhood meeting held by applicant.
  - Fourteen (14) members of the public attended.
  - Summary available as **Exhibit N**.
- **September 6, 2023:** Planning Commission denied the appeal and upheld the approval, on condition that the scope of the project is reduced by reducing the total number of buildings from 3 to 2.



# STAFF RECCOMENDATION

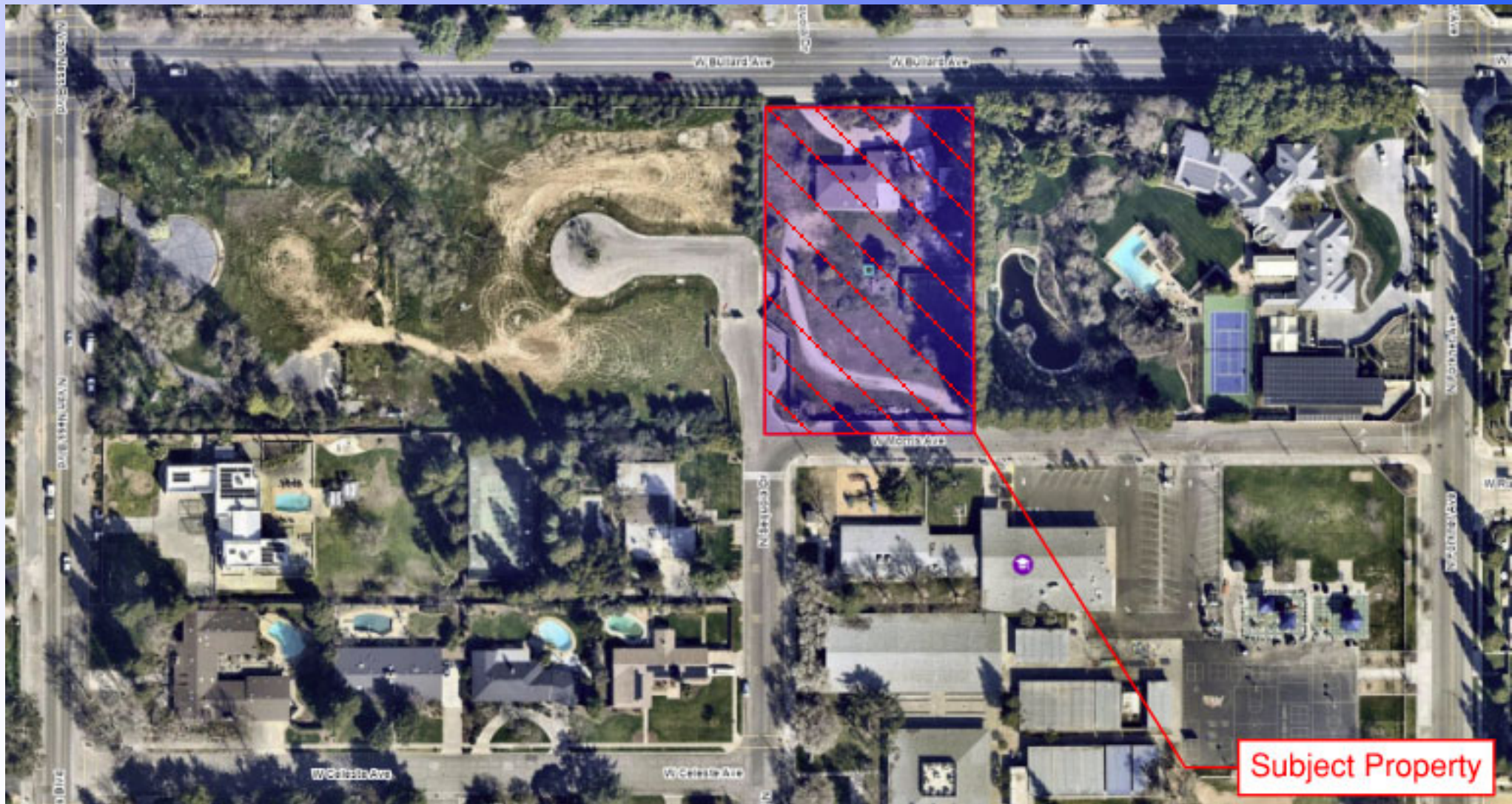
1. **DENY** the appeal and **UPHOLD** action of the Planning Commission and Planning and Development Department Director to approve Environmental Assessment P22-03146, dated July 19, 2023, a determination of Categorical Exemption, Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines; and,

2. **DENY** the appeal and **UPHOLD** the action of the Planning Commission and Planning and Development Department Director to approve Conditional Use Permit Application P22-03146, authorizing the adaptive reuse of an existing residence to be used as a new residential respiratory care facility (congregate living health facility), subject to compliance with the Conditions of Approval dated September 6, 2023.

If the City Council decides to uphold the appeal and deny the request to develop the proposed use, the Council must find that there is insufficient evidence in the administrative record that the findings required by FMC § 15-5306 cannot be made and amend the required findings accordingly.



# VICINITY MAP



# Use Classification Analysis

## ➤ State Law Requirements:

- Per Cal Health and Safety Section 1250 (i) (1), a Congregate Living Health Facility (CLHF) is **defined as a residential home**, and include: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified as: (2) (a) Services for persons who are mentally alert, persons with physical disabilities, who may be ventilator dependent; (b) Services for persons who have a diagnosis of terminal illness, or, a diagnosis of a life-threatening illness, or both; or (c) services for persons who are catastrophically and severely disabled.
- Per that section, a **congregate living health facility shall have a noninstitutional, homelike environment.**
- Per Cal Health and Safety Section 1267.16 (c), a CLHF **shall be subject to the conditional use permit requirements of the city or county in which it is located.**

## ➤ Fresno Municipal Code

- While classification for “Residential Care Facility” per the Fresno Municipal Code states that services provided are primarily non-medical care, a CLHF can provide a range of other services such as supportive care, pharmacy, dietary, social or recreational needs.
- The FMC classification also includes hospices, nursing homes, and convalescent facilities, which are uses that could also provide medical care and which are uses similar to the proposed use.