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**Title:** HEARING to consider Annexation Application No. ANX-17-004, Pre-zone Application No. R-17-008, and related Environmental Assessment No. ANX-17-004/R-17-008/C-17-062, filed by Bill Robinson of Sol Development, on behalf of Mari Zakaryan. These applications pertain to approximately 7.80 acres of properties located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues (Council District 6).

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015, which was prepared for purposes of the proposed project and dated March 29, 2018.
2. BILL (For introduction and adoption) - Approving Pre-zone Application No. R-17-008 to pre-zone the properties from RR (Rural Residential - Fresno County) zone district to the City of Fresno RS -3 (Single Family Residential, Low Density) and RS-5 (Single-Family Residential, Medium Density) zone districts.
3. RESOLUTION - Approving Annexation Application No. ANX-17-004 to initiate annexation proceedings for detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
4. APPROVE Conditional Use Permit Application No. C-17-062 authorizing the phased construction of a 56,324 square foot residential care facility to be developed on the western 4.76 acres of the annexation area with 78 bedrooms, kitchens, living, dining, activity and laundry rooms.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map, 2. Aerial Photograph, 3. Public Hearing Notice Mailing List Vicinity Map, 4. Fresno General Plan Planned Land Use Map, 5. Proposed Pre-zone Exhibit, 6. Proposed Annexation Boundary, 7. Project Information Tables, 8. Site Plan for C-17-062, 9. Fresno Municipal Code Findings, 10. Conditions of Approval for C-17-062 dated April 18, 2018, 11. Environmental Assessment No. ANX-17-004/R-17-008/C-17-062, 12. Master Application, 13. Operational Statement, 14. Planning Commission Resolution No. 13531 (R-17-008), 15. Planning Commission Resolution No. 13532 (ANX-17-004), 16. Planning Commission Resolution No. 13533 (C-17-062), 17. CC Ordinance Bill Pre-zone Appl R-17-008, 18. CC Reso Annex Appli No ANX-17-004

Date	Ver.	Action By	Action	Result
5/24/2018	2	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**May 24, 2018**

**FROM:** JENNIFER K. CLARK, Director  
Development and Resource Management Department

**THROUGH:** MIKE SANCHEZ, Assistant Director  
Development and Resource Management Department

**THROUGH:** RALPH KACHADOURIAN, Supervising Planner  
Development Services Division

**BY:** CHRIS LANG, Planner II  
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## **SUBJECT**

HEARING to consider Annexation Application No. ANX-17-004, Pre-zone Application No. R-17-008, and related Environmental Assessment No. ANX-17-004/R-17-008/C-17-062, filed by Bill Robinson of Sol Development, on behalf of Mari Zakaryan. These applications pertain to approximately 7.80 acres of properties located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues (Council District 6).

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015, which was prepared for purposes of the proposed project and dated March 29, 2018.
2. BILL (For introduction and adoption) - Approving Pre-zone Application No. R-17-008 to pre-zone the properties from RR (Rural Residential - Fresno County) zone district to the City of Fresno RS-3 (*Single Family Residential, Low Density*) and RS-5 (*Single-Family Residential, Medium Density*) zone districts.
3. RESOLUTION - Approving Annexation Application No. ANX-17-004 to initiate annexation proceedings for detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
4. APPROVE Conditional Use Permit Application No. C-17-062 authorizing the phased construction of a 56,324 square foot residential care facility to be developed on the western 4.76 acres of the annexation area with 78 bedrooms, kitchens, living, dining, activity and laundry rooms.

## **RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for the annexation and pre-zone, dated March 29, 2018 for purposes of the proposed project.
2. APPROVE Pre-zone Application No. R-17-008 to pre-zone the property from RR (*Rural Residential - Fresno County*) zone district to the City of Fresno RS-3 (*Single Family Residential, Low Density*) and RS-5 (*Single-Family Residential, Medium Density*) zone districts.
3. APPROVE Annexation Application No. ANX-17-004 to initiate annexation proceedings for detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.
4. APPROVE Conditional Use Permit Application No. C-17-062 authorizing the phased construction of a 56,324 square foot residential care facility to be developed on the western

4.76 acres of the annexation area with 78 bedrooms, kitchens, living, dining, activity and laundry rooms.

## **EXECUTIVE SUMMARY**

Bill Robinson of Sol Development, on behalf of Mary Zakaryan of Heritage Crossing Fresno, Inc., has filed Annexation Application No. ANX-17-004, Pre-zone Application No. R-17-008 and Conditional Use Permit Application No. C-17-062 pertaining to approximately 7.80 acres of property located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues. The applicant proposes the phased construction of a 56,324 square foot residential care facility on 4.76-acres with 78 bedrooms, kitchens, living, dining, activity and laundry rooms; pre-zoning from the County of Fresno RR (*Rural Residential*) zone district to the City of Fresno RS-3 (*Single Family Residential, Low Density*) and RS-5 (*Single Family Residential, Medium Density*) zone districts; and detachment from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

The subject property is located within the boundaries of the Fresno General Plan and Woodward Park Community Plan.

## **BACKGROUND**

### **Fresno City Planning Commission Action**

The subject applications were considered by the Fresno City Planning Commission at its meeting on April 18, 2018. After hearing testimony from city staff and the applicant, the Planning Commission voted to recommend approval of the proposed applications by a vote of 6 to 0.

### **Pre-zone, Annexation and Conditional Use Permit Applications**

The site can be described as a county island as it is unincorporated land in the County of Fresno, but is predominantly surrounded by the City of Fresno boundaries. Adjacent uses to the north and west have been developed with single family residences (Tract 5067 recorded in 2004). Properties to the east of the subject property are developed with multiple family residential and commercial uses. Properties to the south are developed with rural residences and located in the same County of Fresno island as the subject property, however are not included in the annexation boundary.

Pre-zone Application No. R-17-008 proposes to pre-zone the subject property from the Fresno County RR (*Rural residential*) zone district to the City of Fresno RS-3 (*Single Family Residential, Low Density*) and RS-5 (*Single Family Residential, Medium Density*) zone districts for purposes of facilitating annexation to the City of Fresno. Actions related to the annexation of the subject property to the City of Fresno and reorganization, including detachment from the Fresno County Fire Protection District and the Kings River Conservation District fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

Pre-zone Application No. R-17-008 and Annexation Application No. ANX-17-004 were previously considered by the Planning Commission, however the two eastern parcels included in the project boundary were removed from the application prior to the hearing at the request of the neighboring property owners. The Planning Commission recommended approval of the pre-zone and annexation of the westernmost parcel to the City Council, although at the request of the applicant, the project

was referred back to staff prior to the council hearing. The applicant has since revised the proposed project and now requests that all properties that were a part of the original pre-zone and annexation applications be considered by the Planning Commission.

Conditional Use Permit Application No. C-17-062 requests authorization to develop the western 4.76 acres of the annexation area with a 56,324 square foot single-story residential care facility. The construction will be phased and will ultimately provide 78 bedrooms total. The first phase will consist of a 16,509 square foot structure containing 24 bedrooms, while the second and third phases will provide an additional 30 bedrooms and 24 bedrooms respectively. The homes will provide a full kitchen, living, dining, activity and laundry rooms, as well as offices and a chapel. Typical residents will be adults who cannot or choose to not live independently; nursing care, housekeeping and meals will be provided. The facility will operate as a "Residential Care Facility for the Elderly" under State of California Living Health Facility and County of Fresno Health Department licenses, and will operate 24 hours a day, seven days a week providing non-medical care to persons 60 years and over.

Staffing will be as required by applicable regulatory agencies. The Phase I and III buildings will have a maximum of six staff/professionals during a shift. The Phase II shift will provide a maximum of seven staff/professionals during a shift. Medical personnel will meet all applicable federal and state requirements including licensing, qualifications, coverage ratios, etc. The homes are not for those persons adjudicated or referred by a court of law or with psychological disorders or criminal histories. Pursuant to Table 15-902 of the Fresno Municipal Code (FMC), development of a residential care facility in the RS-3 (*Single Family Residential, Low Density*) zone district is permitted, subject to approval of a Conditional Use Permit.

The single story structures have been designed to be architecturally compatible with the surrounding neighborhood, with facades designed to be the same size and scale of surrounding single family residential properties. Building setbacks meet the requirements of the FMC, and all required setbacks will be landscaped. Additionally, a six-foot high block wall is proposed surrounding the entire property in order to mitigate any potential negative effects to surrounding properties. A minor deviation has been granted for the property to allow the construction of a 6'-8" block wall along parking areas bordering residential properties.

The initial application submitted to the Development and Resource Management Department requested authorization to amend the Fresno General Plan planned land use from the Low Density Residential to Medium Density Residential designation for the subject parcel. It was determined however that Residential Care facilities are not subject to density requirements by the FMC, and a plan amendment was not necessary for the proposed project.

### **Land Use Plans and Policies**

As proposed, the project would be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form:

Goal No. 7 of the Fresno General Plan encourages the City to provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.

Goal No. 8 of the Fresno General Plan encourages the development of Complete Neighborhoods

and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

The proposed annexation is part of a County island bordered by the incorporated City of Fresno boundary, and is surrounded by residential uses. The proposed Single Family Residential zone district, once developed, will provide diverse housing opportunities and additional employment opportunities. Future development will be required to provide all necessary amenities to promote urban residential uses and create complete neighborhoods.

Policies LU-1-e and LU-1-g recommend that annexations to the City conform to the General Plan Land Use Designations and maintain the City's current Sphere of Influence (SOI) Boundaries without additional expansion.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas, defined as being within the City on December 31, 2012.

Similarly, supporting Objective LU-2 of the General Plan calls for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

The proposed project and subject site are identified as a County island in Figure IM-2 of the General Plan. Therefore, this project is an infill development, given that the subject property is completely surrounded by developed land within the incorporated boundary of the City of Fresno, which was annexed prior to December 31, 2012.

The Fresno General Plan also provides that recommendations for annexations into the City will comply with the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno (MOU). Whatever method is ultimately adopted, the City should implement an easy-to-track, objective, transparent measurement that can be used to determine the appropriate timing for allowing development in areas subject to the restrictions enumerated in the MOU for new growth. The City will use strategic phasing to achieve the overall goals of the plan, as opposed to annual limits of some sort that place unrealistic controls on the local market. For this purpose, the Implementation element of the General Plan includes Strategic Sequencing of Development.

The proposed annexation is consistent with the adopted sphere of influence and does not conflict with the goals and/or policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The proposal is consistent with the City General and Community plans, including adopted goals and policies. Additionally, the proposal will reduce the size of an existing county island.

Furthermore, as referenced herein above, the subject properties proposed for annexation will be compliant with the MOU standards for annexation by meeting the minimum requirements for consideration under the provisions for existing substantial development and the creation of logical boundaries. Finally, the proposal for annexation is presumed to comply with all standards for annexation as it removes a portion of an unincorporated island and substantially surrounded area. Future development of property proposed to be annexed will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan and Woodward Park Community Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and, (4) to not conflict with any public interests in the subject property or adjacent lands.

## **Public Resources**

Evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the surrounding area to serve existing development within the vicinity as well as future development on the subject properties. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs. The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and mitigation measures of the related Master Environmental Impact Report and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Development and Resource Management Department when a submittal for building plan review is made as required by the California Building Code.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the subject annexation boundary encompasses lands within the FMFCD and will be served by the District's Storm Drainage and Flood Control Master Plan.

## **Circulation Element Plan Policies and Major Street System Traffic Capacity**

The Fresno General Plan designates East Alluvial Avenue as a collector street. The developer of this project will be required to dedicate and construct improvements along the major street frontage with future development.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related

impacts for the proposed project and has determined the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to City requirements. These requirements generally include: (1) Major street dedication; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

### **Notice of City Council Hearing**

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 1000 feet of the subject property.

### **ENVIRONMENTAL FINDINGS**

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report (MEIR) SCH No. 2012111015, which was prepared for the Fresno General Plan and adopted by the Fresno City Council on December 18, 2014. Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

With mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete

has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section. A public notice for the Environmental Assessment Application No. ANX-17-004/R-17-008/C-17-062 was published on March 29, 2018 with no comments or appeals received to date.

## **LOCAL PREFERENCE**

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Research Management Department.

### **Attachments:**

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph
- Exhibit C: Public Hearing Notice Mailing List Vicinity Map
- Exhibit D: Fresno General Plan Planned Land Use Map
- Exhibit E: Proposed Pre-zone Exhibit
- Exhibit F: Proposed Annexation Boundary
- Exhibit G: Project Information Tables
- Exhibit H: Site Plan for C-17-062
- Exhibit I: Fresno Municipal Code Findings
- Exhibit J: Conditions of Approval for C-17-062 dated April 18, 2018
- Exhibit K: Environmental Assessment No. ANX-17-004/R-17-008/C-17-062
- Exhibit L: Master Application
- Exhibit M: Operational Statement
- Exhibit N: Planning Commission Resolution No. 13531 (R-17-008)
- Exhibit O: Planning Commission Resolution No. 13532 (ANX-17-004)
- Exhibit P: Planning Commission Resolution No. 13533 (C-17-062)
- Exhibit Q: City Council Ordinance Bill for Pre-zone Application No. R-17-008
- Exhibit R: City Council Resolution for Annexation Application No. ANX-17-004