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Title: Consideration of Annexation Application No. ANX-17-004, Pre-zone Application No. R-17-008, Conditional Use Permit Application No. C-17-062 and related Environmental Assessment No. ANX-17-004/R-17-008/C-16-062, filed by Bill Robinson of Sol Development, on behalf of Mari Zakaryan. These applications pertain to approximately 2.38 acres of property located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues (Council District 6).

1. RECOMMEND APPROVAL (to the City Council) of the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report, which was prepared for purposes of the proposed project and dated August 18, 2017.
2. RECOMMEND APPROVAL (to the City Council) of Pre-zone Application No. R-17-008 to pre-zone the property from the Fresno County RR (Rural Residential) zone district to the City of Fresno RS-3 (Single Family Residential, Low Density) zone district; subject to the findings included within the staff report.
3. RECOMMEND APPROVAL (to the City Council) of 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; subject to the findings included within the staff report.
4. RECOMMEND APPROVAL (to the City Council) of Conditional Use Permit Application No. C-17-062, which proposes the construction of a 27 bedroom residential care facility on the 2.38 acre project site; subject to the Conditions of Approval dated November 15, 2017 and the findings included within the staff report.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. 2015 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 November 15, 2017, 11. Environmental Assessment No. ANX-17-004/R-17-008/C-17-062

Date	Ver.	Action By	Action	Result
11/15/2017	1	Planning Commission	approved	Pass

REPORT TO THE PLANNING COMMISSION

November 15, 2017

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

THROUGH: MIKE SANCHEZ, Assistant Director

Development and Resource Management Department

THROUGH: WILL TACKETT, Supervising Planner
Development and Resource Management Department

BY: CHRIS LANG, Planner II
Development and Resource Management Department

SUBJECT

Consideration of Annexation Application No. ANX-17-004, Pre-zone Application No. R-17-008, Conditional Use Permit Application No. C-17-062 and related Environmental Assessment No. ANX-17-004/R-17-008/C-16-062, filed by Bill Robinson of Sol Development, on behalf of Mari Zakaryan. These applications pertain to approximately 2.38 acres of property located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues (Council District 6).

1. RECOMMEND APPROVAL (to the City Council) of the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report, which was prepared for purposes of the proposed project and dated August 18, 2017.
2. RECOMMEND APPROVAL (to the City Council) of Pre-zone Application No. R-17-008 to pre-zone the property from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno RS-3 (*Single Family Residential, Low Density*) zone district; subject to the findings included within the staff report.
3. RECOMMEND APPROVAL (to the City Council) of 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; subject to the findings included within the staff report.
4. RECOMMEND APPROVAL (to the City Council) of Conditional Use Permit Application No. C-17-062, which proposes the construction of a 27 bedroom residential care facility on the 2.38 acre project site; subject to the Conditions of Approval dated November 15, 2017 and the findings included within the staff report.

EXECUTIVE SUMMARY

Bill Robinson of Sol Development, on behalf of Mary Zakaryan, 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 2.38 acres of property located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues. The applicant proposes the construction of a 28,202 square foot senior residential care facility with 25 bedrooms, a full kitchen, 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*) zone district; 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.

ENVIRONMENTAL FINDING

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 August 18, 2017 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Bill Robinson of Sol Development on behalf of Mari 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 2.38 acres of property located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues. The subject property is a portion of unincorporated land in the County of Fresno which is a County island; surrounded predominantly by property previously annexed to the City of Fresno boundaries. This property comprises a portion of the last remnant peninsula of the County island, north of East Alluvial Avenue, which has not been annexed. Adjacent uses to the north and west have been developed with single family residences (Tract 5067 recorded in 2004). Properties to the south and east of the subject property are developed with rural residences and located in the same County of

Fresno island as the subject property. These properties are not included in the annexation boundary.

Rezone 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*) zone district 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).

Conditional Use Permit Application No. C-17-062 requests authorization to develop the subject 2.38 acre parcel with a 28,202 square foot senior residential care facility. The building will be a 27 bedroom home containing a full kitchen, living, dining, activity and laundry rooms. 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 limited medical custodial care to persons 60 years and over. Staffing will be provided as required by applicable regulatory agencies. 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 obtaining a Conditional Use Permit.

The single story structure has been designed to be architecturally compatible with the surrounding neighborhood, with facades designed to be the same size and scale of existing 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.

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 portion of the subject property proposed for development. 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.

Council District Plan Implementation Committee

The District 6 Plan Implementation Committee is currently inactive.

Public Input

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 1000 feet of the subject property. The property owners of the two parcels to the east of the subject site contacted the City and requested to be excluded from the annexation and pre-zone boundary (these parcels are located in the same county island as the project site and were included in the initial annexation and pre-zone application). On October 19, 2017 staff met with the property owners and subsequently removed the subject properties from the annexation and pre-zone boundaries. Concerns were also raised regarding impacts of the proposed use on adjacent properties, and staff has revised the project conditions of approval to include additional conditions, such as supplemental landscaping, increased wall height and limitations on delivery hours in order to alleviate those concerns.

Staff met with the property owners again on October 27, 2017 to address concerns. On November 6, 2017 staff met with the project applicant and adjoining neighbors in efforts to resolve earlier concerns regarding the project. These concerns focused on impacts to residents such as traffic, noise, safety, interface issues, annexation and public improvements.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Woodward Park Community Plan; its compatibility with surrounding uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Annexation Application No. ANX-17-004, Pre-zone Application No. R-17-008 and Conditional Use Permit Application No. C-17-062 are appropriate for the project site; and, that all criteria identified within Articles 53, 58 and 61 of Chapter 15 of the Fresno Municipal Code have been met.

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: 2015 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 November 15, 2017; including memoranda from responsible or commenting agencies.
- Exhibit K: Environmental Assessment No. ANX-17-004/R-17-008/C-17-062, Finding of Conformity dated August 18, 2017