



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

December 16, 2019

6:00 PM

Council Chamber

The City Council welcomes participation at Council Meetings. Members of the public may address the Council on any item of interest to the public that is scheduled on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic.

CALL TO ORDER

FLAG SALUTE - Councilmember Flores

ROLL CALL

Public Comments - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

ORDINANCES AND RESOLUTIONS - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

CONSENT CALENDAR - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

1. Administration - Approval - Minutes from the December 2, 2019 Council Meeting.
2. Administration - Adopt - **Ord. 19-19**, R2019-003, A request to approve a rezone from the R-1-7500 (Single Family Residential-7,500 Sq Ft) to the R-1-PRD (Single Family Planned Residential) Zone District. (Vote 5-0)

PUBLIC HEARINGS - A public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

3. Consider items associated with approximately 4.31-acres of property located at the northeast corner of Leonard and Barstow Avenues. BN 6120 LP, property owner; John A. Bonadelle, applicant; Lorren Smith, Harbour and Associates, representative.
 - a. Consider Introduction - Ord. 19-____, R2019-008, A request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District.
 - b. Consider Approval - Res. 19-____, TM6254, A request to approve a vesting tentative tract map for a 23-lot planned residential development.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

4. Consider items associated with approximately 5.7 acres of property located on the north side of Third Street at Veterans Memorial Parkway. City of Clovis, owner/applicant.
 - a. Consider Approval - Res. 19-____, A request to approve a site plan review for a proposed public facility, including a Senior Activity Center, Transit Facility, Health Care Clinic, and future Fresno County Library.
 - b. Consider Approval – Defer construction of a roundabout at the intersection of Third Street and Veterans Memorial Parkway that is projected to be necessary by the year 2039.
 - c. Consider Approval – Authorize staff and the City's contract design team to proceed with the preparation of construction documents and related bid documents.
 - d. Consider Approval – Consider update on naming of the project and establish "Clovis Landmark Square" as the official name.

Staff: Dave Merchen, City Planner

Recommendation: Approve

ADMINISTRATIVE ITEMS- Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

5. Consider Approval - Res. 19-____, A request to approve a resolution amending and renaming the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards.

Staff: Bryan Araki, Consulting Planner

Recommendation: Approve

6. Consider Adoption – Ord. 19-____, An Urgency Ordinance of The City Council of The City of Clovis Amending Provisions of Title 9 to the Clovis Municipal Code Relating to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, Review Procedures, and Making Related Findings.

Staff: Dave Merchen, City Planner

Recommendation: Approve

7. Consider Approval - Res. 19-____, Approving the Exception to the 180-Day Wait Period (Government Code Sections 7522.56 & 21224) Pertaining to the Hiring of Shelli Vinson as a contract extra-help Senior Fire Prevention Officer.

Staff: John Binaski, Fire Chief

Recommendation: Approve

8. Consider Approval – Second Amendment to City Manager Employment Agreement.

Staff: Shonna Halterman, General Services Director

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

Jan. 6, 2020 (Mon.)

Jan. 13, 2020 (Mon.)

Jan. 21, 2020 (Tue.)

CLOVIS CITY COUNCIL MEETING

December 2, 2019

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Bessinger
Flag Salute led by Councilmember Whalen

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen
Mayor Bessinger
Absent: None

PUBLIC COMMENTS 6:03 P.M.

None

CONSENT CALENDAR 6:05

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the November 18, 2019 Council Meeting.
2. Administration - Adopted - **Ord. 19-15**, An Ordinance of the City Council of the City of Clovis amending Sections 3.1.216(n), 4.5.1011, and 10.3.02, and adding Chapter 5.33, of the Clovis Municipal Code relating to vending on public sidewalks, pedestrian paths, and parks. (Vote: 5-0)
3. Administration - Adopted - **Ord. 19-17**, R2019-005, A request to approve a rezone of approximately 5 acres of property from the R-1-AH (Single family Residential – 18,000 Sq. Ft.) to the R-1-PRD (Single Family Planned Residential Development) Zone District. (Vote: 5-0)
4. Administration - Adopted - **Ord. 19-18**, R2019-006, A request to approve a rezone of approximately 37.39 acres of property from the R-1-AH (Single family Residential – 18,000 Sq. Ft.) to the R-1-PRD (Single Family Planned Residential Development) Zone District. (Vote: 5-0)
5. General Services - Received and Filed – 1st Quarter FY 2019-20 General Services Department Report
6. General Services – Approved – **Res. 19-153**, Amending the City’s FY 2019-20 Position Allocation Plan by adding one (1) Management Analyst Position within the Public Utilities Department.
7. Planning and Development Services Department - Approved - Final Acceptance for CIP 18-09, Ashcroft and Holland Alley.
8. Planning and Development Services – Approved - **Res. 19-154**, Final Map Tract 6186A, located at the southeast corner of Bullard Avenue and Leonard Avenue (Owner: Las Brisas Builders, Inc. and Developer: WC Clovis 6186, LLC.).
9. Planning and Development Services - Approved - **Res. 19-155**, Annexation of Proposed Tract 6186A, located at the southeast corner of Bullard Avenue and Leonard Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Owner: Las Brisas Builders, Inc. and Developer: WC Clovis 6186, LLC).

PRELIMINARY - SUBJECT TO APPROVAL

AGENDA ITEM NO. 1.

10. Planning and Development Services – Approved – **Res. 19-156**, Final Map Tract 6200, located at the northeast corner of Shepherd Avenue and Clovis Avenue (Lennar Homes of California, Inc.)
11. Planning and Development Services - Approved – **Res. 19-157**, Annexation of Proposed Tract 6200, located at the northeast corner of Shepherd Avenue and Clovis Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (Lennar Homes of California, Inc.).

PUBLIC HEARINGS

12. 6:06 - ADOPTED - **ORD. 19-16**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING CHAPTER 5.34, OF TITLE 5, TO THE CLOVIS MUNICIPAL CODE RELATING TO FOOD TRUCKS. (VOTE: 5-0) NOTING THE FOUR AMENDMENTS NOTED ABOVE AND SPECIFIC DIRECTION TO HAVE THIS ITEM PLACED ON THE REGULAR AGENDA FOR ADOPTION. (VOTE: 5-0)

Assistant City Manager John Holt presented a report on an ordinance of the City Council of the City Of Clovis adding Chapter 5.34, of Title 5, to the Clovis Municipal Code Relating to Food Trucks. This ordinance was introduced at the council meeting of November 18, 2019. It was approved by unanimous vote. Adoption of the ordinance would normally be placed on the consent calendar, but staff received direction from Council to have this item placed on the regular agenda due to changes that were made that evening. John Holt summarized the four changes made as follows:

1. Reword 5.34.04(a) – to read “Permit required. No Food Truck shall operate on private property without a Food Truck Permit issued to the property owner or a lessee. A Food Truck Permit shall be either a Temporary Use Permit for events less than thirty (30) continuous days or an Administrative Use Permit for all other situations.”

Clarified when a Temporary Use Permit would be required versus an Administrative Use Permit.

2. Reword 5.34.05(l) – “No Vending shall occur between the hours of 10:00 p.m. and 7:00 a.m. and no overnight parking shall be permitted. Through the Administrative Use Permit or Temporary Use Permit process, the Director may require shorter hours of operation or allow longer hours of operation depending on the type of vending and location.”

Allowed some discretion for the Director to amend shorter or longer hours during the permitting process.

3. Remove 5.34.07(b) – “Vendors shall obtain the consent of any restaurants operating on the same parcel of property.” And renumber as appropriate.”

Removed to eliminate requirement for approval of an area restaurant to allow food truck, and under 5.34.07(a) requires written permission from property owner.

4. Amend 5.34.07(b)(1) – to remove the word “paved” and reword as “Within a level parking area, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the Food Truck.”

Removed the word “paved” to allow operation on non-paved surface.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to adopt Ordinance 19-16, an ordinance of the City Council of the City Of Clovis adding Chapter 5.34, of Title 5, to the Clovis Municipal Code Relating to Food Trucks. Motion carried by unanimous vote.

- 13a. 6:10 - APPROVED - **RES. 19-158**, A REQUEST TO APPROVE AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR THE 2019 CITY OF CLOVIS DOG PARK MASTER PLAN, TO INCLUDE THE REQUIRED MITIGATION AND MONITORING REPORTING PROGRAM; AND **Item 13b** - APPROVED - **RES. 19-159**, A REQUEST TO APPROVE THE 2019 CITY OF CLOVIS DOG PARK MASTER PLAN

Management Analyst Claudia Casarez provided an update on actions associated with the review and approval of the 2019 City of Clovis Dog Park Master Plan in accordance with the California Environmental Quality Act. The development of a Citywide Dog Park Master Plan was found to be of high priority during the 2018 Parks Master Plan development process. Over the last year, staff, in collaboration with the plan consultant (O'Dell Engineering), has developed the Plan through a community-driven process. The Plan establishes best practice methodology, design standards, and planning recommendations for the long-term expansion of a dog park system in the City of Clovis. It also addresses funding, partnerships, and necessary revisions to City Code to allow for off-leash use of municipal parks. Three key locations within existing parks have been selected by the community, the consultant, and staff for potential development of Dog Parks: Sierra Bicentennial (which already has a temporary dog park in place), Letterman Park and Pasa Tiempo Park.

Adjourn - 6:20 p.m. Break for Tree Lighting Ceremony / Reconvene – 6:44

Joseph Flores, resident, commented on maintenance of the grass areas and rest period areas. Mike Cunningham, resident, commented on Dog Park, type of fencing, and options for fencing at other locations.

Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve an environmental finding of a Mitigated Negative Declaration for the 2019 City of Clovis Dog Park Master Plan, to include the required Mitigation and Monitoring Reporting Program. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve the 2019 City of Clovis Dog Park Master Plan. Motion carried by unanimous vote.

- 14a. 7:12 - APPROVED – WAIVE THE CITY’S FORMAL BIDDING REQUIREMENTS AND AUTHORIZE THE SOLE SOURCE PURCHASE OF TWO PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS FROM GOLDEN STATE FIRE APPARATUS IN SACRAMENTO, CA IN THE AMOUNT OF \$717,475.80 EACH FOR A TOTAL PURCHASE PRICE OF \$1,434,951.60; AND **ITEM 14b** - APPROVED – **RES. 19-160**, AMENDING THE PUBLIC UTILITIES DEPARTMENT BUDGET TO PROVIDE FUNDING FOR THE PURCHASE OF TWO PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS AND REQUIRED FIREFIGHTING EQUIPMENT, AUTHORIZE THE CITY MANAGER TO SIGN THE LEASE/PURCHASE AGREEMENT FOR ONE APPARATUS, AND THE RELATING FINANCING DOCUMENTS FOR ONE PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS AND EQUIPMENT; AND **ITEM 14c** - APPROVED – **RES. 19-161**, DECLARING THE CITY’S INTENT TO REIMBURSE EXPENDITURES RELATED TO THE PURCHASE OF A FIRE APPARATUS WITH PROCEEDS FROM THE LEASE/PURCHASE FINANCING.

Fire Chief John Binaski and Battalion Chief Jim Damico presented a report on various actions associated with the acquisition of Fire Apparatus. Staff requests City Council approve the sole source purchase of two 2020 Pierce Triple Combination Pumper Fire Apparatus as per the Clovis Fire Department’s apparatus specifications. This purchase would replace two frontline fire engines, placing the existing engines in reserve status for a minimum of 5 years, and eliminating the two oldest fire engines in the fleet. The two fire engines that will be removed from service were purchased in 1996 and 1998. One new fire engine will be placed in service at Fire Station 5 and funding will come from Developer Impact Fees. After a review of the past twenty years of Developer Impact Fees, it was recognized that a fire engine for this fire station was never purchased, but funds were collected for this purpose. The second fire engine will be placed in service at Fire Station 4 and funded with General Fund dollars. In order to allocate the cost of this engine over its useful life, lease/purchase financing is recommended for this purchase. The lease/purchase structure is also appropriate for this purchase due to the attractive interest rates available for tax-exempt financings. To attain the pre-payment discount pricing for the new fire engines, the City will purchase the fire engines and related equipment. Lease financing will then be obtained upon delivery of the new fire engines estimated to be in late summer 2020. Per IRS regulations, in order to pay the invoices prior to lease funding becoming available, the Council will need to approve an “Intent to Reimburse” Resolution to keep the tax-exempt status of the financing.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to waive the City’s formal bidding requirements and authorize the sole source purchase of two Pierce Triple Combination Pumper Fire Apparatus from Golden State Fire Apparatus in Sacramento, CA in the amount of \$717,475.80 each for a total purchase price of \$1,434,951.60. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a request to amend the Public Utilities Department budget to provide funding for the purchase of two Pierce Triple Combination Pumper Fire Apparatus and required firefighting equipment, authorize the City Manager to sign the Lease/Purchase agreement

for one apparatus, and the relating financing documents for one Pierce Triple Combination Pumper Fire Apparatus and equipment. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution declaring the City's intent to reimburse expenditures related to the purchase of a Fire Apparatus with proceeds from the lease/purchase financing. Motion carried by unanimous vote.

CITY MANAGER COMMENTS 7:29

City Manager Luke Serpa commented on the Holiday Management Party on Friday and Children's Electric Parade on Saturday.

COUNCIL COMMENTS 7:30

Councilmember Ashbeck commented on a recent visit to Hershey Pennsylvania and how much she enjoyed it. She also brought chocolate gifts for Council.

Councilmember Flores reported out on the recent adoption of the Groundwater Sustainability Plan for the North Kings Groundwater Sustainability Agency.

Mayor Bessinger reported out on a Council of Governments meeting last week and noted that they did not have a quorum.

CLOSED SESSION 7:33

- 15. Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

- 16. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Attorney, David J. Wolfe
Unrepresented Employee: City Manager

Mayor Bessinger adjourned the meeting of the Council to December 9, 2019

Meeting adjourned: 8:05 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 16, 2019

SUBJECT: Administration - Adopt - **Ord. 19-19**, R2019-003, A request to approve a rezone from the R-1-7500 (Single Family Residential-7,500 Sq Ft) to the R-1-PRD (Single Family Planned Residential) Zone District. (Vote 5-0)

This item was approved for introduction on December 9, 2019 with a unanimous vote.

Please direct questions to the City Manager's office at 559-324-2060.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 16, 2019

SUBJECT: Consider items associated with approximately 4.31-acres of property located at the northeast corner of Leonard and Barstow Avenues. BN 6120 LP, property owner; John A. Bonadelle, applicant; Lorren Smith, Harbour and Associates, representative.

- a. Consider Introduction - Ord. 19-___, R2019-008, A request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District.
- b. Consider Approval - Res. 19-___, TM6254, A request to approve a vesting tentative tract map for a 23-lot planned residential development.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

- ATTACHMENTS:
- 1. Conditions of Approval
 - 2. Draft Ordinance, R2019-003
 - 3. Draft Resolution, TM6254
 - 4. Proposed Development Standards
 - 5. Proposed TM6254
 - 6. Correspondence (Agencies, Departments, & Public Comments)
 - 7. Reduced Garage Size Justification
 - 8. Planning Commission Minutes, November 21, 2019

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend:

- For the City Council to approve the introduction of Ordinance 19-___ for Rezone R2019-008, a request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District, subject to the conditions of approval included in Attachment 1-A; and
- For the City Council to approve Resolution 19-___ for Vesting Tentative Tract Map TM6254, a request to approve a vesting tentative tract map for a 23-lot planned residential development, subject to the conditions of approval included in Attachment 1-B.

EXECUTIVE SUMMARY

The applicant is proposing a 23-lot single-family, non-gated planned residential development on approximately 4.31-acres of property located at the northeast corner of Barstow and Leonard Avenues as shown below in **Figure 1**. The Project would include construction of public streets, sidewalks, and landscaped areas. There is no homeowner’s association (HOA) proposed as part of the Project.

BACKGROUND

- General Plan Designation: Medium Density Residential
- Specific Plan Designation: Loma Vista Specific Plan
- Existing Zoning: R-1 (Single Family Residential Low Density)
- Lot Size: 4.31 acres (approximate)
- Current Land Use: Vacant/Undeveloped
- Adjacent Land Uses:
 - North: Medium Density Residential
 - South: Medium Density Residential
 - East: Low Density Residential
 - West: Low Density Residential
- Previous Entitlements: R2015-14 / TM6120

PROPOSAL AND ANALYSIS

The applicant’s proposal, which was presented to the Planning Commission on November 21, 2019, requests approval of R2019-008 and TM6254, to construct 23 single-family homes as part of a non-gated planned residential development. Each of the required entitlements is described in more detail within this report.

FIGURE 1
Project Location



History

The Project site was previously part of Rezone R2015-14, which was a request to prezone approximately 50 acres from the County AE-20 Zone District to the R-1 (Single Family Low Density) Zone District, and Tract Map 6120, which was a request to approve 187-lots for single-family residential. Both of these previous entitlements were approved by City Council on January 11, 2016. Under that approval, 16 lots were planned for the Project site in generally the same layout as being proposed under TM6254.

Rezone (R2019-008)

The applicant is requesting a rezone of the Project site from the R-1 (Single Family Residential Low Density) to the R-1-PRD (Single Family Planned Residential Development) Zone District, which allows for flexibility from development standards otherwise required under single-family residential zoning.

Planned Residential Developments are allowed under Chapter 9.66, Planned Development Permits, of the Clovis Municipal Code. The purpose of Planned Development Permits is to provide a method whereby land may be designed and developed by taking advantage of modern site planning techniques thereby resulting in more efficient use of land and a better living environment than is otherwise possible through strict application of the development standards. As part of the request, planned residential developments are required to provide amenities in proportion to the request.

In return for the reduced lot sizes, reduced setbacks, and increased lot coverage, the applicant proposes to provide a park bench, trash receptacle, and trail map kiosk along the Enterprise Canal, as well an enhanced landscape setback along Barstow Avenue.

Development Standards

The applicant has provided proposed development standards for individual lots, as included in **Attachment 4**, and summarized below.

Proposed Development Standards:

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	45 ft.
Minimum Lot Depth:	100 ft.
Maximum Lot Coverage:	50%
Maximum Height:	35 ft.
Minimum Front Setback:	18 ft. to garage 10 ft. to main structure 9 ft. to projections and/or patios
Minimum Side Setback:	5 ft. garage side / 4 ft. other side 10 ft. corner/reversed corner lots
Minimum Rear Yard Setback:	10 ft.
Fence Height:	6 ft. (minimum) to 8 ft. (maximum)
Accessory Structure Height:	12 ft. maximum

Parking and Driveways

The applicant’s proposed minimum interior dimensions of approximately 18 feet by 20 feet for garage space do not conform to the minimum requirements of the Planned Residential Development standards, which require 2-car garages to have an inside dimension of 20 feet by 20 feet. As such, staff has included a condition of approval requiring the 2-car garages to reflect this standard. However, parking standards may be reduced subject to Planning Commission and City Council approval should a finding be made that the reduced standards continue to meet the intent of the general Plan and Clovis Municipal Code. In addition to

providing 2-car garages, each unit would have a minimum driveway length of 18 feet from the back of the sidewalk, which would allow additional parking areas in the driveway.

While the allowance for a reduction in minimum garage dimensions is rare, the Planning Commission and City Council previously approved reduced garage sizes for TM6170 in 2017. The applicant for TM6170 is the same home builder that is working on the current proposal. In the 2017 approval, the reduced garage dimensions were supported based on findings that the development was gated, in-fill, and within walking distance to schools, commercial services, and employment. The applicant has provided a letter of justification for requesting reduced garage sizes, as well as exhibits of the proposed floor plans depicting the garages, included as **Attachment 7**.

During the November 21, 2019 Planning Commission hearing, the applicant requested support from the Commission to allow the reduction in garage size; however, while there was discussion in support for the reduced size garages, the Commission ultimately decided to require that garages maintain the minimum 20 ft. x 20 ft. garage standard for planned residential developments.

One of the reasons cited in support of reduced size garages included recognizing the constraints of smaller lots in order to achieve higher density housing and the ability to maximize living area by having reduced garage sizes. Nevertheless, it was ultimately decided that garages less than the required 20 ft. x 20 ft. are too small to adequately fit two relatively standard size vehicles and continue to maintaining the ability to get in and out of a vehicle.

Vesting Tentative Tract Map (TM6254)

As shown in **Attachment 5**, the applicant is requesting approval of TM6254 for 23-lots, as well as associated infrastructure such as a network of public streets and sidewalks throughout the site. The map is consistent with the requirements of the Subdivision Map Act.

Lot Sizes

The Project proposes 23-lots and two (2) outlots. The 23-lots for residential use would range in size from 4,567 square feet to 10,592 square feet, with an average lot size of approximately 5,811 square feet. Based on the size of the Project site at approximately 4.31 acres, the density would be approximately 5.34 dwelling units per acre, which would be consistent with the site's Medium Density Residential land use designation.

Circulation

The Project would be accessible from Barstow Avenue and will include 36-foot wide (curb-to-curb) public streets with standard city sidewalks. Pedestrian access to the adjacent Jefferson and Enterprise Canals would also be provided, as shown in **Attachment 5**.

The utilization of 36-foot wide curb-to-curb streets is consistent City policy providing the following standards are met:

- Are within 1,000 feet of a standard local street (40 feet or greater from curb-to-curb);
- Do not exceed 500 feet without a second point of access; and

- Serve low volume streets with less than 400 average daily trips (ADT) (an average home generates 10 ADT). This means it would be expected that a narrow street should not serve more than 40 homes.

The Project meets the above standards; therefore, the proposed street width is consistent with City policy.

Thematic

Branding of the Loma Vista Specific Plan with specific elements is essential to create a community and sense of place. The adopted plan seeks to establish a “Craftsman” theme throughout the plan area, utilizing natural materials such as cobblestones, rocks, brick, and wood-like elements in subdivision entries, monuments, surface treatments for pedestrian crossings, median surface treatments, walls, fences, and architectural elements. Thematic lighting, benches, trash receptacles, walkway treatment, and drinking fountains have also been established for the Loma Vista Specific Plan Area. Exact number and locations of these items, if applicable, shall be reviewed during the residential site plan review process.

Landscape Setbacks

As part of the Project, the applicant will be required to install landscaping throughout the site, including the front yards of the homes and other public spaces. A separate staff level review of landscape plans will ensure compliance with the City of Clovis Water Efficient Landscape Requirement, as well as placement and location of landscaping.

The Loma Vista Specific Plan adopted specific street section designs for each street. Leonard Avenue is proposed to have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback. Barstow Avenue is proposed to have a 10-foot landscape/pedestrian setback, with a 5-foot parkway and 5-foot sidewalk. The wall along the Leonard Avenue and Barstow Avenue frontages shall be a 6-foot masonry wall.

Specific locations and type of trees to be utilized along Leonard Avenue and Barstow Avenue shall be reviewed during the residential site plan review process.

Open Space and Trails

The Loma Vista Specific Plan identifies a parkway/trail system and bicycle trail along the Jefferson Canal and Enterprise Canal. The Jefferson Canal trail and undergrounding of the open channel was recently completed as part of the buildout of the neighborhood to the north; however, the applicant would be required to reimburse a fair share portion.

The applicant will also be required to contribute to the development of the trail system along the Enterprise Canal with this project.

Residential Site Plan Review

Should the City Council approve the Project, a subsequent residential site plan review will follow this application in order to allow staff to review and memorialize landscaping, open

spaces, architecture, and elevations, as well as to assure implementation of the design guidelines of the Loma Vista Specific Plan.

Community Facilities District

The fiscal analysis of the Southeast Urban Center Specific Plan (Loma Vista Specific Plan) identified possible long-term funding shortfalls in the City’s operating and maintenance costs. To address this issue, the City of Clovis is implementing a community facilities district. Community facilities districts (CFD’s) are a means of providing additional funding for the provision of public facilities and services for public safety, parks and recreation services, and other important municipal services in newly developing areas of the community where the City would not otherwise be able to afford to continue to provide an adequate level of service as the City continues to grow.

The use of CFD’s is fairly common among cities in California experiencing high rates of growth during this past decade, such as Clovis, due to significant losses of local revenue from tax shifts authorized by the State of California and the need to continue to provide an adequate level of service as growth occurs.

The Project site is already annexed into CFD 45.

Review and Comments by Agencies

The Project was distributed to all City Divisions as well as outside agencies, including CalTrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, and the State Department of Fish and Wildlife. Comments received are included in **Attachment 6** only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letter are placed in the administrative record and provided to the applicant for their records.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Planning Commission Hearing November 21, 2019

The Planning Commission considered the Project on Thursday, November 21, 2019. There were no members of the public who spoke during the public comment portion of the hearing. During the hearing, Commissioners deliberated on the applicant’s request for reduced garage sizes, inquired about accessible paths from the side of the homes where trash receptacles would be stored to the street, and the capability of electric vehicle (EV) connections. The draft minutes for the November 21, 2019 Planning Commission hearing are provided as **Attachment 8**.

With regards to the garage sizes, a more detailed discussion is provided earlier in the staff report. With respect to the accessible path from the side of the homes to the street, the Development Code does not currently require that there be a concrete pathway from the side of the home to the street for the purpose of placing trash receptacles out during trash pick-

up. Lastly, the homes will be EV capable which is consistent with current CALGreen building code standards.

California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Infill Development Projects). Under the Class 32 categorical exemption, projects that: (a) are consistent with the applicable land use designation, General Plan policies, and zoning; (b) are within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) are located on sites with no value as habitat for endangered, rare, or threatened species; (d) would not result in significant effects relating to traffic, noise, air quality, and water quality; and (e) is located on a site that can be adequately served by all utilities.

A Notice of Exemption has been completed during the preliminary review and is kept for public review with the project file during the processing of the project application. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in The Business Journal on Wednesday, December 4, 2019.

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

Policy 3.3 **Completion of Loma Vista.** The City prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.

Policy 3.5 **Fiscal sustainability.** The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.

Goal 5: A city with housing, employment, and lifestyle opportunities for all ages and incomes of residents.

Policy 5.1 **Housing variety in developments.** The Clovis General Plan has been planned to provide a variety of housing product types suitable to each stage of a person's life. Each development should contribute to a diversity of housing sizes and types within the standards appropriate to the land use designation. This policy does not apply to projects smaller than five acres.

Policy 5.3 **Innovative housing.** Encourage innovative housing product types, including multigenerational, cooperative, and variations on live-work housing.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Project will provide a diversity in housing types and a quality residential environment for this area. The Project does not substantially impact sewer, water and other public services and will contribute to their proportionate share of infrastructure and open space. The proposed vesting tentative tract map is consistent with the goals and policies of the General Plan, Loma Vista Specific Plan and Development Code. Staff therefore recommends that the Planning Commission approve R2019-008 and TM6254, subject to the conditions of approval in **Attachment 1**.

Rezone R2019-008

The findings to consider when making a decision on a rezone application include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

Vesting Tentative Tract Map TM6254

The findings to consider when making a decision on a tentative subdivision map application are as follows:

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;
2. The site is physically suitable for the type and proposed density of development;
3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;

5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and
8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.

In light of court decisions, it is appropriate for the City to make findings of consistency between the required dedications and the proposed development. Every dedication condition needs to be evaluated to confirm that there is a rough proportionality, or that a required degree of connection exists between the dedication imposed and the proposed development. The City of Clovis has made a finding that the dedication of property for this Project satisfies the development's proportionate contribution to the City's circulation system. The circulation system directly benefits the subject property by providing access and transportation routes that service the site.

ACTIONS FOLLOWING APPROVAL

The second reading of the Rezone Ordinance will be heard by the City Council at its next regular meeting and if approved, will go into effect 30 days from its passage and adoption.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by: City Manager *JH*

Conditions of Approval

ATTACHMENT 1

**ATTACHMENT 1-A
Conditions of Approval – R2019-008**

**Planning Division Comments
(Ricky Caperton, AICP, Senior Planner – 559-324-2347)**

1. Development of the single-family planned residential development shall be consistent with the General Plan Medium Density Designation (4.1 – 7.0 DU/Ac).
2. Rezone R2019-008 shall become effective only upon approval Vesting Tentative Tract Map TM6254.
3. Rezone R2019-008 approves an R-1-PRD (Single Family Planned Residential Development) Zone District.
4. As amenities for the Project, the developer shall include a bench and trash receptacle along the Enterprise Canal, as well as a trail map kiosk at the junction of the Jefferson and Enterprise Canals. Enhanced landscape setback shall occur along Barstow Avenue.
5. All transformers shall be located underground. Pad mounted transformers may be considered through approval of a separate administrative use permit.
6. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
7. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
8. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in Section 9.24.100 of the Clovis Municipal Code.

**ATTACHMENT 1-B
Conditions of Approval –TM6254**

Planning Division Comments
(Ricky Caperton, AICP, Senior Planner – 559-324-2347)

- 9. The maximum lot coverage for Vesting Tentative Tract Map TM6254 is 50 percent (50%).
- 10. Except as modified through the development standards identified in **Attachment 4** of the accompanying staff report, the Project is subject to the development standards of the Loma Vista Specific Plan.
- 11. TM6254 is approved per the **Attachment 5** of the accompanying staff report.
- 12. Development Standards for TM6254 shall be per the Residential Development Standards per **Attachment 4**, and as follows:

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	45 ft.
Minimum Lot Depth:	100 ft.
Maximum Lot Coverage:	50%
Maximum Height:	35 ft.
Minimum Front Setback:	18 ft. to garage 10 ft. to main structure 9 ft. to projections and/or patios
Minimum Side Setback:	5 ft. garage side / 4 ft. other side 10 ft. corner/reversed corner lots
Minimum Rear Yard Setback:	10 ft. (Lots 32, 33, 101, and 102)
Fence Height:	6 ft. (minimum) to 8 ft. (maximum)
Accessory Structure Height:	12 ft. maximum
- 13. Garages shall be a minimum dimension of 20' x 20' (interior clear).
- 14. This Project requires the submittal and approval of a residential site plan review. Specific color and materials of the models, walls, landscaping, and fencing will be evaluated.
- 15. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
- 16. The developer shall construct a minimum six-foot high masonry wall along the length of the property lines.
- 17. Pedestrian access shall be provided from the TM6254 to the adjacent Jefferson and Enterprise Canals.

18. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
19. The applicant shall relay all conditions of approval for Vesting Tentative Tract Map TM6254 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
20. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
21. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
22. All landscaping shall conform to the City of Clovis Water Efficient Landscape Ordinance.
23. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code.
24. All transformers for this subdivision can be located above ground subject to review and approval of the required landscape screening material. Landscaping shall be reviewed through the residential site plan review process. Transformers shall not be placed in public space.
25. Leonard Avenue shall have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback.
26. Barstow Avenue shall have a 10-foot landscape/pedestrian setback, with a 5-foot sidewalk, and 5-foot landscape setback.
27. The developer shall enter into a Covenant Agreement regarding a "right to farm," for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
28. The implementation of the "Craftsman" thematic elements, residential design guidelines and standards, design of landscaped areas and of walls and fences and street improvements, shall be reviewed during a residential site plan review application to be submitted for approval prior to the plan check phase. Homes shall be provided with porches or courtyards and setback garages as required by the Loma Vista Specific Plan.

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

29. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
30. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1
31. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
32. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
33. **Residential Fire Hydrant:** The applicant shall install one (1), 4 ½” x 2 ½” approved Residential Type fire hydrant(s) and “Blue Dot” hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
34. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Division Representative – 324-2363)

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

35. The conditions of this tract map are written under the assumption that all dedications and improvements have been completed by the adjacent Tract Map 6120 and Tract Map 6181 developments, and that these dedications and improvements have been accepted by the City. Additional conditions shall be required at the discretion of the City Engineer, if the improvements and dedications by Tract Map 6120 and Tract Map 6181 have not been accepted by the City.

36. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
37. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 18-61 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.
38. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
39. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division (1) digital copy to the City in PDF format of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City, and prior to granting of final occupancy or final acceptance, the applicant shall provide (1) digital copy to the City in PDF format.

General Provisions

40. The applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
41. Jefferson Canal – The Applicant shall contribute ½ (one-half) the cost of piping the canal between Leonard Avenue and the Enterprise Canal.
42. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.

43. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the "Developer Reimbursement Procedures" a copy of which may be obtained at the City Engineer's Office.
44. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
45. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
46. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
47. The applicant shall provide and pay for all geotechnical services per City policy.
48. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
49. All existing overhead and new utility facilities located on-site, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
50. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
51. The applicant shall contact and address Caltrans requirements. The applicant shall be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

Dedications and Street Improvements

52. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match

existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.

- a. Barstow Avenue – Along frontage, dedicate to provide right-of-way acquisition for 30' (exist varies) north of centerline and 16' (exist varies) south centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping and irrigation, 30' (18' north + 12' south) permanent paving, 3' paved swale, and transitional paving as needed.
 - b. Leonard Avenue – Along frontage, dedicate to provide right-of-way acquisition for 60' (exist 32) east of centerline, and improve with sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement.
 - c. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed.
 - d. Cul-De-Sacs - Dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
 - e. The applicant shall design for a traffic signal at Leonard and Barstow Avenues in its ultimate location. The applicant shall be required to install the traffic signal improvements on the northwest and northeast corners of the intersection.
 - f. The applicant shall relinquish all access to Leonard Avenue.
 - g. Enterprise Canal – Between Jefferson Canal and Barstow Avenue, dedicate pedestrian/bike trail west of the canal right of way, and improve with asphalt concrete trail, paseo lights, landscape and irrigation facilities, as approved by the City Engineer.
 - h. Jefferson Canal – Dedicate pedestrian/bike trail south of the canal right of way, and improve with landscape and irrigation facilities, as approved by the City Engineer.
53. The applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
54. The applicant shall not install any fences, temporary or permanent in public right-of-way.
55. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the

City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.

56. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
57. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.

Sewer

58. The applicant shall identify and abandon all septic systems to City standards.
59. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
 - a. Barstow Avenue – install 8" main along frontage between Leonard and tract entrance.
 - b. Interior Streets – install 8" mains.
60. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
61. All existing sewer services that will not be used with this development shall be abandoned by cutting and capping the service at the right-of-way line.
62. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

63. The applicant shall identify and abandon all water wells to City standards.
64. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the

size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.

a. Interior Streets – install 8" mains.

65. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.

66. All existing water services that will not be used with this development shall be abandoned by closing the service's corporation stop and creating a physical separation between the corporation stop and the service.

67. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.

68. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Recycled Water

69. The applicant shall install recycled water mains of the sizes and in the locations indicated below. The recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and may require appropriate calculations.

a. Leonard Avenue, Barstow Avenue and Trails – install mains as necessary to serve the corresponding landscaping irrigation.

Grading and Drainage

70. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm

water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.

71. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.

72. The owner of the property on which the temporary basin(s) are located shall backfilled said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.

73. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

Irrigation and Landscaping Facilities

74. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the Jefferson Trail, the Enterprise Trail, and the landscape strips along Leonard and Barstow Avenues.

75. All landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the landscape

improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of the landscape improvements . The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.

76. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The assessment for each lot shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$431.00, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
77. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
78. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
79. The applicant shall indicate on construction drawings the depth, location and type of material of any existing Fresno Irrigation District's irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.
80. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis, if the property has not already been removed from FID and transferred to the City. The applicant shall execute a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.

81. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
82. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant shall be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

Miscellaneous

83. The applicant shall install street lights along the major streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment.
84. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/the applicant and approved by City prior to installation. Within five days

after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

85. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.

86. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

Fresno Irrigation District

(Chris Lundeen, FID Representative – 233-7161 ext. 7410)

87. The Applicant shall refer to the attached Fresno Irrigation District correspondence. If the list is not attached, please contact the FID for the list of requirements.

County of Fresno Health Department Conditions

(Kevin Tsuda, County of Fresno Health Department Representative – 600-3271)

88. The Applicant shall refer to the attached Fresno County Health Department correspondence. If the list is not attached, please contact the Health Department for the list of requirements.

Caltrans

(Jamaica Gentry, Caltrans Representative – 488-7307)

89. The Applicant shall refer to the attached Caltrans correspondence. If the list is not attached, please contact the Caltrans for the list of requirements.

Clovis Unified School District

(Michael Johnston, CUSD Representative – 327-9000)

90. The Applicant shall refer to the attached CUSD correspondence. If the list is not attached, please contact the CUSD for the list of requirements.

San Joaquin Valley Air Pollution Control District

(Carol Flores, SJVAPCD Representative – 230-5935)

91. The Applicant shall refer to the attached SJVAPCD correspondence. If the list is not attached, please contact the SJVAPCD for the list of requirements.

Fresno Metropolitan Flood Control District

(Robert Villalobos or Michael Maxwell, FMFCD Representative – 456-3292)

92. The Applicant shall refer to the attached FMFCD correspondence. If the list is not attached, please contact the FMFCD for the list of requirements.

**DRAFT ORDINANCE
R2019-008**

DRAFT
ORDINANCE 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 9.080.020 OF CHAPTER 2 AND 9.86.010 OF CHAPTER 6 OF TITLE 9 OF THE CLOVIS MUNICIPAL CODE RELATING TO THE REQUEST TO APPROVE A REZONE OF APPROXIMATELY 4.31 ACRES FROM THE R-1 (SINGLE FAMILY RESIDENTIAL LOW DENSITY) TO THE R-1-PRD (SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT) ZONE DISTRICT FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF BARSTOW AND LEONARD AVENUES AND FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

LEGAL DESCRIPTION:

See the Attachment "A"

WHEREAS, BN 6120 LP, 7030 North Fruit Avenue, Suite 101, Fresno, CA 93711, has applied for a Rezone R2019-008; and

WHEREAS, this is a request to rezone approximately 4.31 acres from the R-1 (Single-Family Residential Low Density Residential) to the R-1-PRD (Single Family Planned Residential Development) Zone District for property located on the northeast corner of Barstow and Leonard Avenues; and

WHEREAS, the Planning Commission held a noticed Public Hearing on November 21, 2019, to consider the Project Approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council approve Rezone R2019-003 subject to associated conditions of approval listed as Attachment "B"; and

WHEREAS, the Planning Commission's recommendations were forwarded to the City Council for consideration; and

WHEREAS, the City published Notice of a City Council Public Hearing for December 16, 2019, to consider Rezone R2019-008. A copy of the Notice was mailed to interested parties within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council held a noticed public hearing on December 16, 2019, to consider the approval of Rezone R2019-008; and

WHEREAS, the City Council does approve a Class 32 Categorical Exemption pursuant to CEQA guidelines; and

WHEREAS, on December 16, 2019, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Rezone R2019-008, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Rezone R2019-008, or otherwise commented on the Project

The City Council of the City of Clovis does ordain as follows:

Section 1: FINDINGS. The Council finds as follows:

1. The proposed amendment is consistent with goals, policies, and actions of the General Plan,
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested designations and anticipated land uses/ projects.
4. The City Council does approve a Mitigated Negative Declaration for the project pursuant to CEQA guidelines.

Section 2: The Official Map of the City is amended in accordance with Sections 9.08.020 and 9.86.010 of the Clovis Municipal Code by reclassification of certain land in the City of Clovis, County of Fresno, State of California, to wit:

From classification R-1 to classification R-1-PRD

The properties so reclassified is located on the northeast corner of Barstow and Leonard Avenues in the City of Clovis, County of Fresno, California, and is more particularly described as shown in "Attachment A."

Section 3 This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

Section 4: The record of proceedings is contained in the Planning and Development Services Department, located at 1033 Fifth Street, Clovis, California 93612, and the custodian of records is the City Planner.

APPROVED: December 16, 2019

Mayor
* * * *

City Clerk
* * * *

The foregoing Ordinance was introduced and read at a regular meeting of the December 16, 2019, and was adopted at a regular meeting of said Council held by the following vote, to wit:

AGENDA ITEM NO. 3.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

City Clerk

**ATTACHMENT A
Legal Description**

Real property in the City of Clovis, County of Fresno, State of California, described as follows:

PARCEL 3 OF PARCEL MAP NO. 3473, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 25 OF PARCEL MAPS AT PAGES 79 AND 80, FRESNO COUNTY RECORDS AND ALL THAT PORTION OF PARCEL 4 OF PARCEL MAP NO. 3012, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 22 OF PARCEL MAPS AT PAGE 43, FRESNO COUNTY RECORDS, LYING NORTHERLY OF THE CENTERLINE OF THE ENTERPRISE CANAL, BEING PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, SAID CENTERLINE OF THE ENTERPRISE CANAL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12, SAID POINT BE NORTH 0°20'28" EAST, 867.47 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 12; THENCE SOUTH 49°01'39" WEST, 261.16 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 500.00 FEET; THENCE SOUTHWESTERLY, 164.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°47'39"; THENCE SOUTH 67°49'18" WEST, 97.88 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 200.00 FEET; THENCE SOUTHWESTERLY, 79.41 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°44'57"; THENCE SOUTH 45°04'21" WEST, 167.54 FEET; THENCE SOUTH 51°16'38" WEST, 56.84 FEET; THENCE SOUTH 60°13'48" WEST, 128.34 FEET; THENCE SOUTH 57°58'08" WEST, 206.01 FEET; THENCE SOUTH 58°36'44" WEST, 133.37 FEET; THENCE SOUTH 60°24'12" WEST, 190.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 310.00 FEET; THENCE SOUTHWESTERLY, 109.29 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°12'00" TO THE INTERSECTION OF SAID CURVE WITH THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, SAID WEST LINE ALSO BEING THE WEST LINE OF PARCEL 4 OF SAID PARCEL MAP NO. 3012 AND THE WEST TERMINUS OF THE DESCRIPTION OF SAID CENTERLINE.

EXCEPTING THEREFROM ALL THAT PORTION OF PARCEL 3 OF SAID PARCEL MAP NO. 3473, CONVEYED TO THE CITY OF CLOVIS, A CALIFORNIA MUNICIPAL CORPORATION BY THE GRANT DEED RECORDED NOVEMBER 7, 2013 AS DOCUMENT NO. 2013-0154621, OFFICIAL RECORDS FRESNO COUNTY.

FOR THE PURPOSE OF THIS DESCRIPTION THE WEST LINE OF PARCEL 3 OF SAID PARCEL MAP NO. 3473 IS A LINE TAKEN TO BE THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 AND THE SOUTH LINE OF SAID PARCEL 3 IS A LINE TAKEN TO BE THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12.

THIS LEGAL DESCRIPTION IS PURSUANT TO APPROVED LOT LINE ADJUSTMENT AS SHOWN ON GRANT DEED RECORDED NOVEMBER 6, 2015, AS DOCUMENT NO. 0143267, OFFICIAL RECORDS OF FRESNO COUNTY RECORDS. AGENDA ITEM NO. 3.

EXCEPTING THEREFROM ALL OF THAT PORTION LYING WITHIN THE BOUNDARIES OF TRACT NO. 6120, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 87 OF PLATS AT PAGES 83 THROUGH 86, IN THE FRESNO COUNTY RECORDERS OFFICE.

SAID LEGAL IS ALSO KNOWN AS THE REMAINDER PARCEL OF TRACT NO. 6120, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 87 OF PLATS AT PAGES 83 THROUGH 86, IN THE FRESNO COUNTY RECORDERS OFFICE.

APN: 554-030-49-S (NEW APN'S NOT YET ASSESSED)

Planning Division Comments
(Ricky Caperton, AICP, Senior Planner – 559-324-2347)

Rezone 2019-008 Conditions of Approval

1. Development of the single-family planned residential development shall be consistent with the General Plan Medium Density Designation (4.1 – 7.0 DU/Ac).
2. Rezone R2019-008 shall become effective only upon approval Vesting Tentative Tract Map TM6254.
3. Rezone R2019-008 approves an R-1-PRD (Single Family Planned Residential Development) Zone District.
4. As amenities for the Project, the developer shall include a bench and trash receptacle along the Enterprise Canal, as well as a trail map kiosk at the junction of the Jefferson and Enterprise Canals. Enhanced landscape setback shall occur along Barstow Avenue.
5. All transformers shall be located underground. Pad mounted transformers may be considered through approval of a separate administrative use permit.
6. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
7. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
8. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in Section 9.24.100 of the Clovis Municipal Code.

Vesting Tentative Tract Map TM6254

9. The maximum lot coverage for Vesting Tentative Tract Map TM6254 is 50 percent (50%).
10. Except as modified through the development standards identified in **Attachment 4** of the accompanying staff report, the Project is subject to the development standards of the Loma Vista Specific Plan.
11. TM6254 is approved per the **Attachment 5** of the accompanying staff report.
12. Development Standards for TM6254 shall be per the Residential Development Standards per **Attachment 4**, and as follows:

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	45 ft.
Minimum Lot Depth:	100 ft.
Maximum Lot Coverage:	50%
Maximum Height:	35 ft.
Minimum Front Setback:	18 ft. to garage

	10 ft. to main structure
	9 ft. to projections and/or patios
Minimum Side Setback:	5 ft. garage side / 4 ft. other side
	10 ft. corner/reversed corner lots
Minimum Rear Yard Setback:	10 ft. (Lots 32, 33, 101, and 102)
Fence Height:	6 ft. (minimum) to 8 ft. (maximum)
Accessory Structure Height:	12 ft. maximum

- 13. Garages shall be a minimum dimension of 20' x 20' (interior clear).
- 14. This Project requires the submittal and approval of a residential site plan review. Specific color and materials of the models, walls, landscaping, and fencing will be evaluated.
- 15. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
- 16. The developer shall construct a minimum six-foot high masonry wall along the length of the property lines.
- 17. Pedestrian access shall be provided from the TM6254 to the adjacent Jefferson and Enterprise Canals.
- 18. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
- 19. The applicant shall relay all conditions of approval for Vesting Tentative Tract Map TM6254 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
- 20. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
- 21. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
- 22. All landscaping shall conform to the City of Clovis Water Efficient Landscape Ordinance.
- 23. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code.
- 24. All transformers for this subdivision can be located above ground subject to review and approval of the required landscape screening material. Landscaping shall be reviewed through the residential site plan review process. Transformers shall not be placed in public space.
- 25. Leonard Avenue shall have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback.
- 26. Barstow Avenue shall have a 10-foot landscape/pedestrian setback, with a 5-foot sidewalk, and 5-foot landscape setback.

27. The developer shall enter into a Covenant Agreement regarding a “right property owners. Such agreement shall be disclosed to all future home buyers” AGENDA ITEM NO. 3.
28. The implementation of the “Craftsman” thematic elements, residential design guidelines and standards, design of landscaped areas and of walls and fences and street improvements, shall be reviewed during a residential site plan review application to be submitted for approval prior to the plan check phase. Homes shall be provided with porches or courtyards and setback garages as required by the Loma Vista Specific Plan.

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

29. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
30. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1
31. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
32. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
33. **Residential Fire Hydrant:** The applicant shall install one (1), 4 ½” x 2 ½” approved Residential Type fire hydrant(s) and “Blue Dot” hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
34. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Division Representative – 324-2363)

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

35. The conditions of this tract map are written under the assumption that all dedications and improvements have been completed by the adjacent Tract Map 6120 and Tract Map 6181 developments, and that these dedications and improvements have been accepted by the City. Additional conditions shall be required at the discretion of the City Engineer, if the improvements and dedications by Tract Map 6120 and Tract Map 6181 have not been accepted by the City.
36. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis

Engineering Division, and should include, but not be limited to, final tract map closure calculations, current preliminary title report, legal descriptions and dedications.

37. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 18-61 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.
38. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
39. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division (1) digital copy to the City in PDF format of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City, and prior to granting of final occupancy or final acceptance, the applicant shall provide (1) digital copy to the City in PDF format.

General Provisions

40. The applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
41. Jefferson Canal – The Applicant shall contribute ½ (one-half) the cost of piping the canal between Leonard Avenue and the Enterprise Canal.
42. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the “date of approval” as indicated on the “Acknowledgment of Acceptance of Conditions” form.
43. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the “Developer Reimbursement Procedures” a copy of which may be obtained at the City Engineer’s Office.
44. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
45. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.

- 46. The applicant shall submit a soils report or a waiver of soils report to the City Division for approval by the City Engineer.
- 47. The applicant shall provide and pay for all geotechnical services per City policy.
- 48. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
- 49. All existing overhead and new utility facilities located on-site, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
- 50. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
- 51. The applicant shall contact and address Caltrans requirements. The applicant shall be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

Dedications and Street Improvements

- 52. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
 - a. Barstow Avenue – Along frontage, dedicate to provide right-of-way acquisition for 30' (exist varies) north of centerline and 16' (exist varies) south centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping and irrigation, 30' (18' north + 12' south) permanent paving, 3' paved swale, and transitional paving as needed.
 - b. Leonard Avenue – Along frontage, dedicate to provide right-of-way acquisition for 60' (exist 32) east of centerline, and improve with sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement.
 - c. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed.
 - d. Cul-De-Sacs - Dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.

- e. The applicant shall design for a traffic signal at Leonard and Barstow Avenue location. The applicant shall be required to install the traffic signal northwest and northeast corners of the intersection.
 - f. The applicant shall relinquish all access to Leonard Avenue.
 - g. Enterprise Canal – Between Jefferson Canal and Barstow Avenue, dedicate pedestrian/bike trail west of the canal right of way, and improve with asphalt concrete trail, paseo lights, landscape and irrigation facilities, as approved by the City Engineer.
 - h. Jefferson Canal – Dedicate pedestrian/bike trail south of the canal right of way, and improve with landscape and irrigation facilities, as approved by the City Engineer.
53. The applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
54. The applicant shall not install any fences, temporary or permanent in public right-of-way.
55. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
56. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
57. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.

Sewer

58. The applicant shall identify and abandon all septic systems to City standards.
59. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
- a. Barstow Avenue – install 8" main along frontage between Leonard and tract entrance.
 - b. Interior Streets – install 8" mains.
60. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
61. All existing sewer services that will not be used with this development shall be abandoned by cutting and capping the service at the right-of-way line.

62. The applicant shall notify all property owners annexed to the City and along sewer main will be constructed to determine if they wish to be connected to sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

63. The applicant shall identify and abandon all water wells to City standards.

64. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.

a. Interior Streets – install 8" mains.

65. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.

66. All existing water services that will not be used with this development shall be abandoned by closing the service's corporation stop and creating a physical separation between the corporation stop and the service.

67. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.

68. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Recycled Water

69. The applicant shall install recycled water mains of the sizes and in the locations indicated below. The recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and may require appropriate calculations.

a. Leonard Avenue, Barstow Avenue and Trails – install mains as necessary to serve the corresponding landscaping irrigation.

Grading and Drainage

70. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) to determine all applicable requirements, pay all applicable fees required, obtain any required NPDES permits, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.
71. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.
72. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.
73. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

Irrigation and Landscaping Facilities

74. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the Jefferson Trail, the Enterprise Trail, and the landscape strips along Leonard and Barstow Avenues.
75. All landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the landscape improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of the landscape improvements. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.
76. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election shall be required for

establishment of the initial assessment. The assessment for each lot shall be submitted to the City for the tax year following the recordation of the final map. The estimate per average sized lot is \$431.00, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.

77. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
78. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
79. The applicant shall indicate on construction drawings the depth, location and type of material of any existing Fresno Irrigation District's irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.
80. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis, if the property has not already been removed from FID and transferred to the City. The applicant shall execute a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.
81. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
82. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant shall be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

- 83. The applicant shall install street lights along the major streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment.

- 84. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/the applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

- 85. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.

- 86. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

Fresno Irrigation District

(Chris Lundeen, FID Representative – 233-7161 ext. 7410)

- 87. The Applicant shall refer to the attached Fresno Irrigation District correspondence. If the list is not attached, please contact the FID for the list of requirements.

County of Fresno Health Department Conditions

(Kevin Tsuda, County of Fresno Health Department Representative – 600-3271)

- 88. The Applicant shall refer to the attached Fresno County Health Department correspondence. If the list is not attached, please contact the Health Department for the list of requirements.

Caltrans

(Jamaica Gentry, Caltrans Representative – 488-7307)

- 89. The Applicant shall refer to the attached Caltrans correspondence. If the list is not attached, please contact the Caltrans for the list of requirements.

(Michael Johnston, CUSD Representative – 327-9000)

AGENDA ITEM NO. 3.

90. The Applicant shall refer to the attached CUSD correspondence. If the list is not attached, please contact the CUSD for the list of requirements.

San Joaquin Valley Air Pollution Control District

(Carol Flores, SJVAPCD Representative – 230-5935)

91. The Applicant shall refer to the attached SJVAPCD correspondence. If the list is not attached, please contact the SJVAPCD for the list of requirements.

Fresno Metropolitan Flood Control District

(Robert Villalobos or Michael Maxwell, FMFCD Representative – 456-3292)

92. The Applicant shall refer to the attached FMFCD correspondence. If the list is not attached, please contact the FMFCD for the list of requirements.

**DRAFT RESOLUTION
TM6254**

ATTACHMENT 3

**DRAFT
RESOLUTION 19-_____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A VESTING TENTATIVE TRACT MAP FOR A 23-LOT PLANNED RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 4.31 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF BARSTOW AND LEONARD AVENUES AND FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

WHEREAS, BN 6120 LP, 7030 North Fruit Avenue, Suite 101, Fresno, CA 93711, has applied for a Rezone R2019-008; and

WHEREAS, Vesting Tentative Tract Map TM6254, was filed on September 27, 2019, and was presented to the Clovis Planning Commission on November 21, 2019 for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2, of the Municipal Code and the City of Clovis; and

WHEREAS, a public notice was sent out to area residents within 600 feet of said property boundaries ten days prior to said Planning Commission hearing; and

WHEREAS, a duly noticed hearing was held on December 16, 2019; and

WHEREAS, the City Council has given careful consideration to this map on December 16, 2019, and does adopt a Class 32 Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, this Council finds and determines that approval of said map should be conditioned on all conditions recommended by the City staff, as set forth in Attachment "A" which is on file with the City Clerk's office; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. The proposed map is consistent with applicable general and specific plans;
- b. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- c. The site is physically suitable for the type of development;
- d. The site is physically suitable for the proposed density of development;
- e. The design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

- f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems; and
- g. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through the use of property within the proposed subdivision.
- h. The dedication toward public right-of-way is proportionate to the development being requested.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 16, 2019 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

ATTACHMENT A
Conditions of Approval

Planning Division Comments

(Ricky Caperton, AICP, Senior Planner – 559-324-2347)

Rezone R2019-008

1. Development of the single-family planned residential development shall be consistent with the General Plan Medium Density Designation (4.1 – 7.0 DU/Ac).
2. Rezone R2019-008 shall become effective only upon approval Vesting Tentative Tract Map TM6254.
3. Rezone R2019-008 approves an R-1-PRD (Single Family Planned Residential Development) Zone District.
4. As amenities for the Project, the developer shall include a bench and trash receptacle along the Enterprise Canal, as well as a trail map kiosk at the junction of the Jefferson and Enterprise Canals. Enhanced landscape setback shall occur along Barstow Avenue.
5. All transformers shall be located underground. Pad mounted transformers may be considered through approval of a separate administrative use permit.
6. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
7. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
8. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in Section 9.24.100 of the Clovis Municipal Code.

Vesting Tentative Tract Map TM6254

9. The maximum lot coverage for Vesting Tentative Tract Map TM6254 is 50 percent (50%).

- 10. Except as modified through the development standards identified in **Attachment 4** of the accompanying staff report, the Project is subject to the development standards of the Loma Vista Specific Plan.
- 11. TM6254 is approved per the **Attachment 5** of the accompanying staff report.

- 12. Development Standards for TM6254 shall be per the Residential Development Standards per **Attachment 4**, and as follows:

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	45 ft.
Minimum Lot Depth:	100 ft.
Maximum Lot Coverage:	50%
Maximum Height:	35 ft.
Minimum Front Setback:	18 ft. to garage 10 ft. to main structure 9 ft. to projections and/or patios
Minimum Side Setback:	5 ft. garage side / 4 ft. other side 10 ft. corner/reversed corner lots
Minimum Rear Yard Setback:	10 ft. (Lots 32, 33, 101, and 102)
Fence Height:	6 ft. (minimum) to 8 ft. (maximum)
Accessory Structure Height:	12 ft. maximum

- 13. Garages shall be a minimum dimension of 20' x 20' (interior clear).

- 14. This Project requires the submittal and approval of a residential site plan review. Specific color and materials of the models, walls, landscaping, and fencing will be evaluated.

- 15. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.

- 16. The developer shall construct a minimum six-foot high masonry wall along the length of the property lines.

- 17. Pedestrian access shall be provided from the TM6254 to the adjacent Jefferson and Enterprise Canals.

18. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
19. The applicant shall relay all conditions of approval for Vesting Tentative Tract Map TM6254 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
20. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
21. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
22. All landscaping shall conform to the City of Clovis Water Efficient Landscape Ordinance.
23. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code.
24. All transformers for this subdivision can be located above ground subject to review and approval of the required landscape screening material. Landscaping shall be reviewed through the residential site plan review process. Transformers shall not be placed in public space.
25. Leonard Avenue shall have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback.
26. Barstow Avenue shall have a 10-foot landscape/pedestrian setback, with a 5-foot sidewalk, and 5-foot landscape setback.
27. The developer shall enter into a Covenant Agreement regarding a "right to farm," for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
28. The implementation of the "Craftsman" thematic elements, residential design guidelines and standards, design of landscaped areas and of walls and fences and

street improvements, shall be reviewed during a residential site plan review application to be submitted for approval prior to the plan check phase. Homes shall be provided with porches or courtyards and setback garages as required by the Loma Vista Specific Plan.

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

- 29. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).

- 30. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1

- 31. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.

- 32. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.

- 33. **Residential Fire Hydrant:** The applicant shall install one (1), 4 ½” x 2 ½” approved Residential Type fire hydrant(s) and “Blue Dot” hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.

- 34. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Division Representative – 324-2363)

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

35. The conditions of this tract map are written under the assumption that all dedications and improvements have been completed by the adjacent Tract Map 6120 and Tract Map 6181 developments, and that these dedications and improvements have been accepted by the City. Additional conditions shall be required at the discretion of the City Engineer, if the improvements and dedications by Tract Map 6120 and Tract Map 6181 have not been accepted by the City.
36. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
37. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 18-61 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.
38. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
39. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division (1) digital copy to the City in PDF format of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City, and prior to granting of final occupancy or final acceptance, the applicant shall provide (1) digital copy to the City in PDF format.

General Provisions

40. The applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
41. Jefferson Canal – The Applicant shall contribute ½ (one-half) the cost of piping the canal between Leonard Avenue and the Enterprise Canal.
42. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the “date of approval” as indicated on the “Acknowledgment of Acceptance of Conditions” form.
43. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the “Developer Reimbursement Procedures” a copy of which may be obtained at the City Engineer’s Office.
44. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
45. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
46. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
47. The applicant shall provide and pay for all geotechnical services per City policy.
48. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.

49. All existing overhead and new utility facilities located on-site, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
50. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
51. The applicant shall contact and address Caltrans requirements. The applicant shall be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

Dedications and Street Improvements

52. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
 - a. Barstow Avenue – Along frontage, dedicate to provide right-of-way acquisition for 30' (exist varies) north of centerline and 16' (exist varies) south centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping and irrigation, 30' (18' north + 12' south) permanent paving, 3' paved swale, and transitional paving as needed.
 - b. Leonard Avenue – Along frontage, dedicate to provide right-of-way acquisition for 60' (exist 32) east of centerline, and improve with sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement.
 - c. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed.
 - d. Cul-De-Sacs - Dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.

- e. The applicant shall design for a traffic signal at Leonard and Barstow Avenues in its ultimate location. The applicant shall be required to install the traffic signal improvements on the northwest and northeast corners of the intersection.
 - f. The applicant shall relinquish all access to Leonard Avenue.
 - g. Enterprise Canal – Between Jefferson Canal and Barstow Avenue, dedicate pedestrian/bike trail west of the canal right of way, and improve with asphalt concrete trail, paseo lights, landscape and irrigation facilities, as approved by the City Engineer.
 - h. Jefferson Canal – Dedicate pedestrian/bike trail south of the canal right of way, and improve with landscape and irrigation facilities, as approved by the City Engineer.
53. The applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
54. The applicant shall not install any fences, temporary or permanent in public right-of-way.
55. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
56. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
57. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.

Sewer

58. The applicant shall identify and abandon all septic systems to City standards.
59. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
- a. Barstow Avenue – install 8" main along frontage between Leonard and tract entrance.
 - b. Interior Streets – install 8" mains.
60. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
61. All existing sewer services that will not be used with this development shall be abandoned by cutting and capping the service at the right-of-way line.
62. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

63. The applicant shall identify and abandon all water wells to City standards.
64. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
- a. Interior Streets – install 8" mains.

65. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.
66. All existing water services that will not be used with this development shall be abandoned by closing the service's corporation stop and creating a physical separation between the corporation stop and the service.
67. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
68. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Recycled Water

69. The applicant shall install recycled water mains of the sizes and in the locations indicated below. The recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and may require appropriate calculations.
- a. Leonard Avenue, Barstow Avenue and Trails – install mains as necessary to serve the corresponding landscaping irrigation.

Grading and Drainage

70. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.

71. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.
72. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.
73. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

Irrigation and Landscaping Facilities

74. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the Jefferson Trail, the Enterprise Trail, and the landscape strips along Leonard and Barstow Avenues.

75. All landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the landscape improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of the landscape improvements. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.
76. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The assessment for each lot shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$431.00, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
77. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
78. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
79. The applicant shall indicate on construction drawings the depth, location and type of material of any existing Fresno Irrigation District's irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.

80. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis, if the property has not already been removed from FID and transferred to the City. The applicant shall execute a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.
81. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
82. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant shall be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

Miscellaneous

83. The applicant shall install street lights along the major streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment.
84. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section

corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/the applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

- 85. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.
- 86. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

Fresno Irrigation District

(Chris Lundeen, FID Representative – 233-7161 ext. 7410)

- 87. The Applicant shall refer to the attached Fresno Irrigation District correspondence. If the list is not attached, please contact the FID for the list of requirements.

County of Fresno Health Department Conditions

(Kevin Tsuda, County of Fresno Health Department Representative – 600-3271)

- 88. The Applicant shall refer to the attached Fresno County Health Department correspondence. If the list is not attached, please contact the Health Department for the list of requirements.

Caltrans

(Jamaica Gentry, Caltrans Representative – 488-7307)

- 89. The Applicant shall refer to the attached Caltrans correspondence. If the list is not attached, please contact the Caltrans for the list of requirements.

Clovis Unified School District

(Michael Johnston, CUSD Representative – 327-9000)

90. The Applicant shall refer to the attached CUSD correspondence. If the list is not attached, please contact the CUSD for the list of requirements.

San Joaquin Valley Air Pollution Control District

(Carol Flores, SJVAPCD Representative – 230-5935)

91. The Applicant shall refer to the attached SJVAPCD correspondence. If the list is not attached, please contact the SJVAPCD for the list of requirements.

Fresno Metropolitan Flood Control District

(Robert Villalobos or Michael Maxwell, FMFCD Representative – 456-3292)

92. The Applicant shall refer to the attached FMFCD correspondence. If the list is not attached, please contact the FMFCD for the list of requirements.

PROPOSED DEVELOPMENT STANDARDS

ATTACHMENT 4

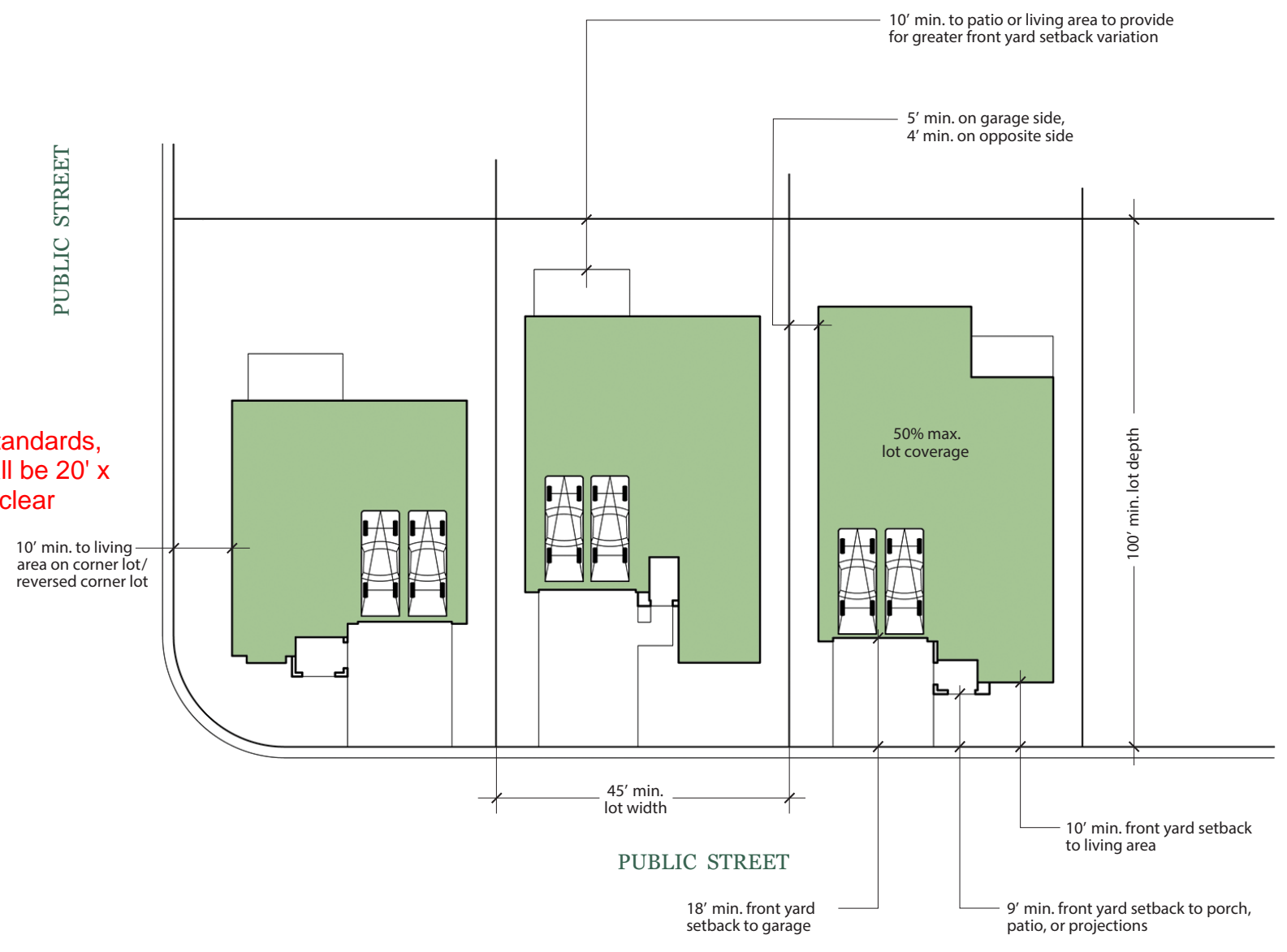
TRACT 6254

Residential Land Use Development Standards

TRACT 6254 – NWC BARSTOW & LEONARD

LAND USE		DEVELOPMENT STANDARDS	
SINGLE-FAMILY RESIDENTIAL		STANDARD	NOTES
DESIGNATION			
Zone District	R-1-PRD		
GP Density Range	4.1 - 7.0 du/ac		Medium Density Residential
Dwelling Units	23		Lots @ 45' x 100' min.
BUILDING INTENSITY			
Minimum Lot Area	4,500 sqft		
Minimum Lot Width	45'		
Minimum Lot Depth	100'		
Maximum Height	35'		
Curved/Cul-de-sac	25' min		For street frontage
Corner/Reversed Corner	50' min		Lot width
BUILDING SETBACKS		All setbacks measured from PL.	
Front Yard (Local)	18' min/10' min/9' min	To garage/To living area/To projections and/or porch/patio	
Side Yard	5' min/4' min	5' min garage side/4' min opposite side	
Corner/Reversed Corner	10' min	To living area	
Rear Yard	10' min		
GARAGES/STREETS/PARKING			
Garages	2-car	17'-9" x 19'-10" min	
Streets (Public)	50' wide		
On-Street Parking	Yes		
ACCESSORY USES		General list of requirements and restrictions.	
Walls/Fences	6' min - 8' high max		
Trellises	12' high max		
Pools and Spas	5' min	Water portion to rear and side PLs. Pool and spa may not be located in front yard.	
Equipment	Pool, spa, and fountain equipment is allowed in side yard setback.		
Covered Structures	12' high max	Covered structures and building additions are allowed subject to review by the City of Clovis, provided that lot coverage standards are not exceeded and that a rear yard encroachment permit is obtained if encroachment into rear yard occurs.	
Accessory Buildings			

Per PRD standards, garage shall be 20' x 20' interior clear



The imagery conveys samples of the architectural character intended for these neighborhoods.

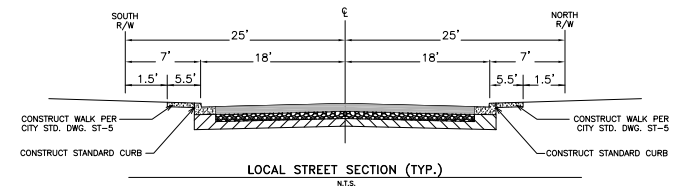
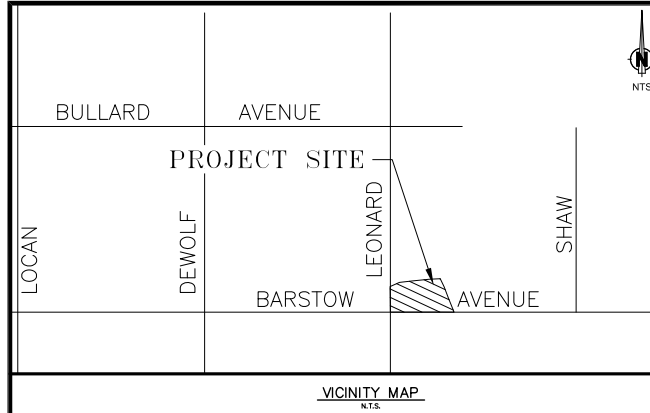
NOT TO SCALE

PROPOSED TM6254

ATTACHMENT 5

TRACT NO. 6254

A PLANNED DEVELOPMENT
IN THE CITY OF CLOVIS
FRESNO COUNTY, CALIFORNIA



LEGAL DESCRIPTION:

PARCEL 3 OF PARCEL MAP NO. 3473, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 25 OF PARCEL MAPS AT PAGES 79 AND 80, FRESNO COUNTY RECORDS AND ALL THAT PORTION OF PARCEL 4 OF PARCEL MAP NO. 3012, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 22 OF PARCEL MAPS AT PAGE 43, FRESNO COUNTY RECORDS, LYING NORTHERLY OF THE CENTERLINE OF THE ENTERPRISE CANAL, BEING PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, SAID CENTERLINE OF THE ENTERPRISE CANAL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12, SAID POINT BEING NORTH 0°20'28" EAST, 867.47 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 12; THENCE SOUTH 49°01'39" WEST, 261.16 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 500.00 FEET; THENCE SOUTHWESTERLY, 164.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18° 47'39"; THENCE SOUTH 67°49'18" WEST, 97.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 200.00 FEET; THENCE SOUTHWESTERLY, 79.41 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 44'57"; THENCE SOUTH 45°04'21" WEST, 167.54 FEET; THENCE SOUTH 51°16'38" WEST, 56.84 FEET; THENCE SOUTH 60°13'48" WEST, 128.34 FEET; THENCE SOUTH 57°56'08" WEST, 206.01 FEET; THENCE SOUTH 58°36'44" WEST, 133.37 FEET; THENCE SOUTH 60°24'12" WEST, 150.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 310.00 FEET; THENCE SOUTHWESTERLY, 109.29 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20° 12'00" TO THE INTERSECTION OF SAID CURVE WITH THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, SAID WEST LINE ALSO BEING THE WEST LINE OF PARCEL 4 OF SAID PARCEL MAP NO. 3012 AND THE WEST TERMINUS OF THE DESCRIPTION OF SAID CENTERLINE.

EXCEPTING THEREFROM ALL THAT PORTION OF PARCEL 3 OF SAID PARCEL MAP NO. 3473, CONVEYED TO THE CITY OF CLOVIS, A CALIFORNIA MUNICIPAL CORPORATION BY THE GRANT DEED RECORDED NOVEMBER 7, 2013 AS DOCUMENT NO. 2013-0154621, OFFICIAL RECORDS FRESNO COUNTY.

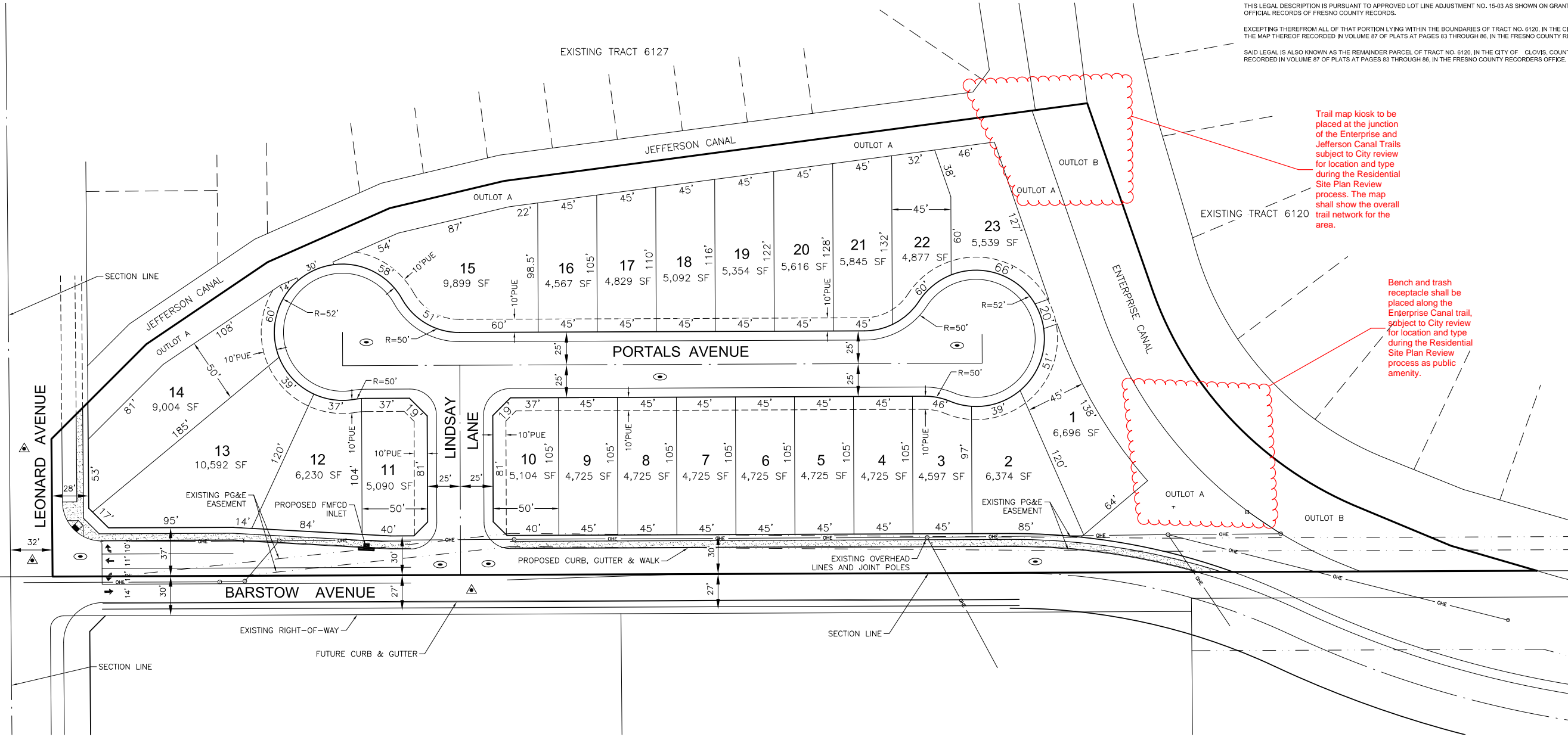
FOR THE PURPOSE OF THIS DESCRIPTION THE WEST LINE OF PARCEL 3 OF SAID PARCEL MAP NO. 3473 IS A LINE TAKEN TO BE THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 AND THE SOUTH LINE OF SAID PARCEL 3 IS A LINE TAKEN TO BE THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12.

THIS LEGAL DESCRIPTION IS PURSUANT TO APPROVED LOT LINE ADJUSTMENT NO. 15-03 AS SHOWN ON GRANT DEED RECORDED NOVEMBER 6, 2015, AS DOCUMENT NO. 2015-0143267, OFFICIAL RECORDS OF FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM ALL OF THAT PORTION LYING WITHIN THE BOUNDARIES OF TRACT NO. 6120, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 87 OF PLATS AT PAGES 83 THROUGH 86, IN THE FRESNO COUNTY RECORDERS OFFICE.

SAID LEGAL IS ALSO KNOWN AS THE REMAINDER PARCEL OF TRACT NO. 6120, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 87 OF PLATS AT PAGES 83 THROUGH 86, IN THE FRESNO COUNTY RECORDERS OFFICE.

- EXISTING BUILDINGS
EXISTING BUILDINGS TO BE REMOVED
- EXISTING TREES
EXISTING TREES TO BE REMOVED
- EXISTING USE
VACANT
- EXISTING ZONING
R-1
- PROPOSED ZONING
R-1-PRD
- PROPOSED USE
SINGLE FAMILY RESIDENTIAL SUBDIVISION
- SOURCE OF WATER
CITY OF CLOVIS
- SOURCE OF SEWAGE DISPOSAL
CITY OF CLOVIS
- SOURCE OF WASTE DISPOSAL
CITY OF CLOVIS
- SOURCE OF ELECTRICITY
PG&E
- SOURCE OF GAS
PG&E
- SOURCE OF CABLE T.V.
COMCAST
- SOURCE OF TELEPHONE
AT&T
- ASSESSOR'S PARCEL NUMBER
554-03-495
- SITE AREA
5.95 AC., GROSS
5.29 AC., NET (NET AREA IS GROSS AREA MINUS THE PROPOSED LEONARD & BARSTOW RIGHT-OF-WAYS)
- NUMBER OF LOTS
23 + 2 OUTLOTS
- DENSITY
4.35 UNITS PER ACRE
- AVERAGE LOT SIZE
5,811 SF
- OUTLOT SCHEDULE
 - OUTLOT A IS TO BE DEDICATED IN FEE TO THE CITY OF CLOVIS FOR PUBLIC USE
 - OUTLOT B IS TO BE GRANTED IN FEE TO THE FRESNO IRRIGATION DISTRICT FOR CANAL PURPOSES



Trail map kiosk to be placed at the junction of the Enterprise and Jefferson Canal Trails subject to City review for location and type during the Residential Site Plan Review process. The map shall show the overall trail network for the area.

Bench and trash receptacle shall be placed along the Enterprise Canal trail, subject to City review for location and type during the Residential Site Plan Review process as public amenity.

- LEGEND:**
- INDICATES STREETS PREVIOUSLY DEDICATED FOR PUBLIC USE
 - PUBLIC STREET EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
 - PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE

- NOTES:**
1. THIS AREA IS SUBJECT TO FLOODZONE X (MINIMAL FLOOD HAZARD).
 2. ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE CITY OF CLOVIS TO CITY STANDARDS, AND SHALL INCLUDE SANITARY SEWER, DOMESTIC WATER, GAS, AND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, PERMANENT STREET PAVEMENT STREET LIGHTS, ETC.
 3. THERE SHALL BE NO GRADE DIFFERENTIALS OF GREATER THAN 6" WITHIN THE UNLESS APPROVED BY THE CITY OF CLOVIS DEVELOPMENT.

OWNER:
BN 6120 LP
7030 N. FRUIT AVE #101
FRESNO, CA 93711

TENTATIVE SUBDIVISION MAP

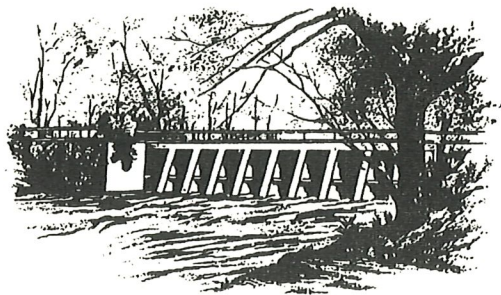
SUBDIVIDER
BONADELLE NEIGHBORHOODS
7030 NORTH FRUIT AVENUE #101
FRESNO, CA 93711
554-33-9700

Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7689 • e-mail: h&a@harbourandassociates.com

DATE: 9-16-19	SCALE: 1"=40'	DRAWN BY: KPA	REVISIONS	SHEET NO.
				1 OF 1

CORRESPONDENCE

ATTACHMENT 6



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF

AGENDA ITEM NO. 3.

FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

October 15, 2019

George Gonzalez
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Rezone Application No. R2019-008
N/E Barstow and Leonard avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Rezone Application No. R2019-009 for which the applicant requests to approve a rezone of approximately 4.31 acres of land from the R-1 Zone District to R-1-PRD Zone District, APN: 554-030-49. This request is being processed concurrently with Tentative Tract Map TM6254. FID has the following comment:

1. FID previously reviewed and comments on the subject property on April 1, 2019 as Development Review Committee Application No. 2019-13. Those comments and conditions still apply and a copy has been attached for your reference.

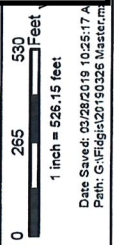
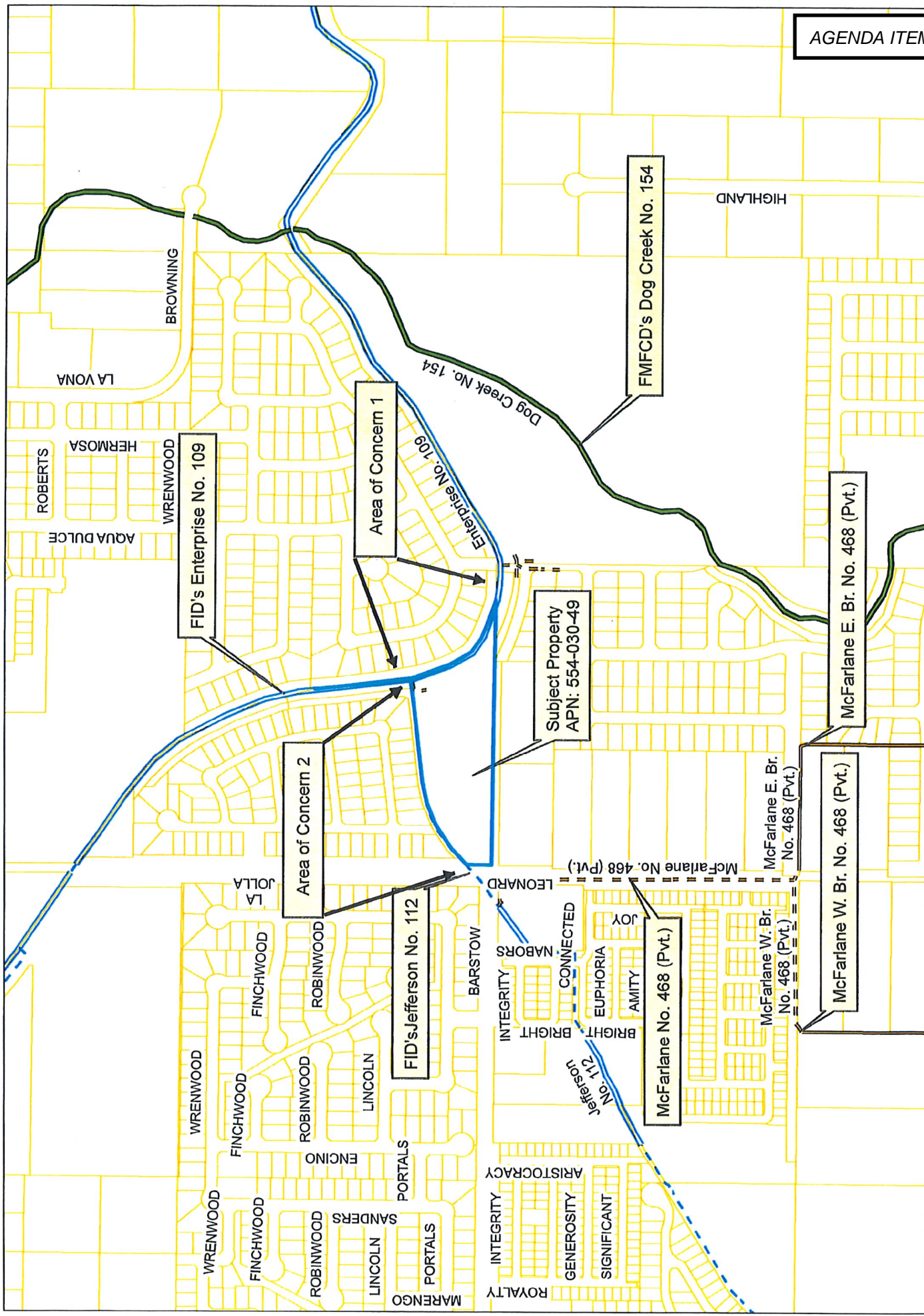
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment

G:\Agencies\Clovis\Rezone\R2019-008.doc



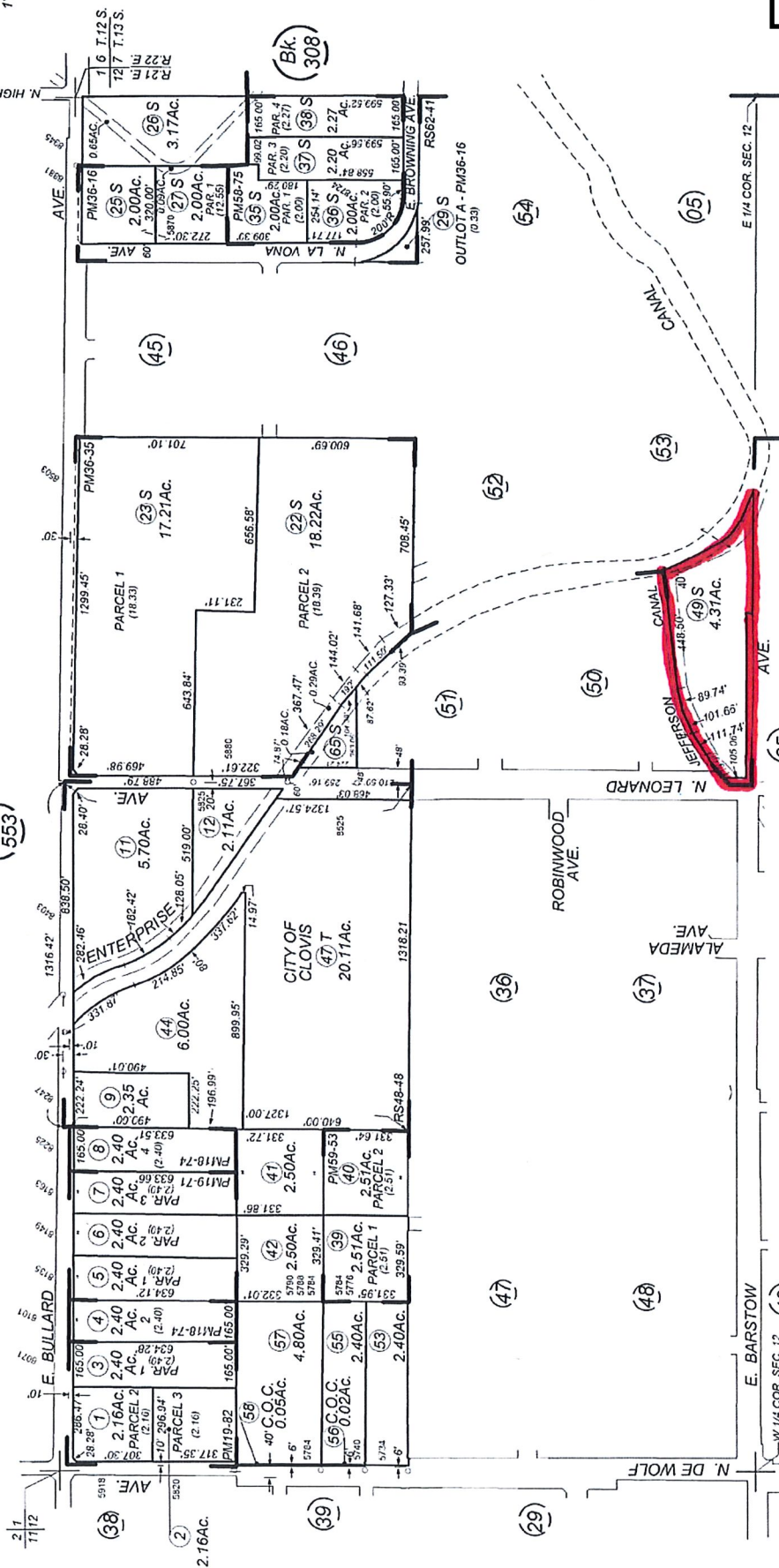
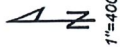
- Legend**
- Parcel
 - Stream Group
 - Other-Creek/River
 - Other-Pipeline
 - Abandoned Canal
 - FID Canal
 - Private Canal
 - FID Boundary
 - Railroad
 - Streets & Hwys
 - FMFCD Acquired Basins
 - FMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

SUBDIVIDED POR. SEC. 12, T.13 S., R.21 E. M.D.B. & M.

Tax Rate Area
 1-120 76-045
 1-167 76-052
 1-168

-NOTE-
 This map is for Assessment purposes only
 It is not to be construed as portraying legal
 ownership or divisions of land for purposes
 of zoning or subdivision law.



AGENDA ITEM NO. 3.

Parcel Map No. 2841 - Bk. 18, Pg. 74
 Parcel Map No. 3004 - Bk. 19, Pg. 71
 Parcel Map No. 3005 - Bk. 19, Pg. 82
 Parcel Map No. 4128 - Bk. 36, Pgs. 16 & 17
 Parcel Map No. 5728 - Bk. 36, Pg. 35
 Parcel Map No. 7676 - Bk. 59, Pg. 53
 Record of Survey - Bk. 48, Pgs. 48-49
 Record of Survey - Bk. 62, Pg. 41
 Parcel Map No. 7707 - Bk. 58, Pgs. 74-75

Assessor's Map Bk. 554
 County of Fresno, Calif

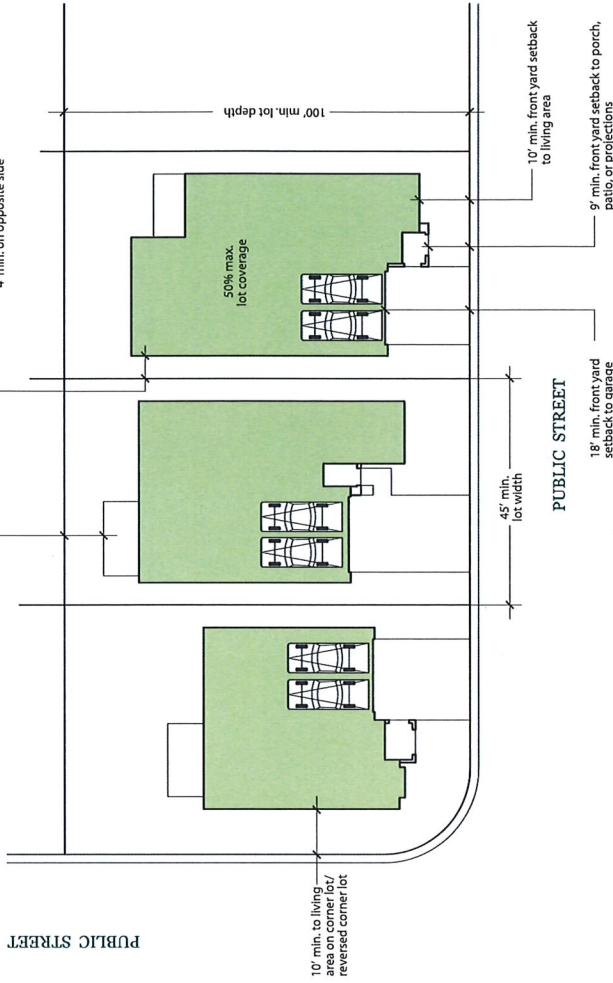
Note - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

5/21/2019

TRACT 6254

Residential Land Use Development Standards

LAND USE		DEVELOPMENT STANDARDS	
DESIGNATION	STANDARD	NOTES	
SINGLE-FAMILY RESIDENTIAL			
DESIGNATION			
Zone District	R-1-PRD		
GP Density Range	4.1 - 7.0 du/acre	Medium Density Residential	
Dwelling Units	23	Lots @ 45' x 100' min.	
BUILDING INTENSITY			
Minimum Lot Area	4,500-sqft		
Minimum Lot Width	45'		
Minimum Lot Depth	100'		
Maximum Height	35'		
Curved/Cut-de-sac Corner/Reversed Corner	25' min 50' min	For street frontage Lot width	
BUILDING SETBACKS			
Front Yard (Local)	18' min/10' min/9' min	All setbacks measured from PL. To garage/To living area/To projections and/or porch/patio	
Side Yard	5' min/4' min	5' min garage side/4' min opposite side	
Corner/Reversed Corner	10' min	To living area	
Rear Yard	10' min		
GARAGES/STREETS/PARKING			
Garages	2-car	18'x20' min	
Streets (Public)	50' wide		
On-Street Parking	Yes		
ACCESSORY USES			
Walls/Fences	6' min - 8' high max		
Trellises	12' high max		
Pools and Spas	5' min		
Equipment	Pool, spa, and fountain equipment is allowed in side yard setback.		
Covered Structures	12' high max		
Accessory Buildings			
General list of requirements and restrictions.			
Water portion to rear and side P.L.s. Pool and spa may not be located in front yard.			
Covered structures and building additions are allowed subject to reverse side setbacks. It is provided that lot use standards are not exceeded and that a rear yard encroachment permit is obtained if encroachment into rear yard occurs.			



The Imagery conveys samples of the architectural character intended for these neighborhoods.



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF

FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

April 1, 2019

Ms. Courtney Thongsavath
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

RE: Development Review Committee Application No. 2019-13
N/E Barstow and Leonard avenues

Dear Ms. Thongsavath:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2019-13 for which the applicant proposes the construction of 23 single family home residential subdivision, APN: 554-030-49. FID has the following comments:

Summary of Requirements:

- Varying Width Grant Deed.
- Canal Bank Improvements.
- Channel Improvements.
- Existing Encroachments removed and/or relocated.
- Existing Abandoned Facilities removed.
- Review and Approval of all Plans.
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

Area of Concern 1

1. FID's Enterprise No. 109 runs northwesterly, traverses eastern side of the subject property and crosses Leonard Avenue approximately 600 feet northwest of the subject property, as shown on the attached FID exhibit map and will be impacted by the proposed development. Should this project include any street and or utility improvements along Barstow Avenue, Leonard Avenue, or in the vicinity of this canal, FID requires it review and approve all plans.
2. Records indicate FID has the following Grant Deeds recorded on April 20, 2018 as Document No. 2018-0046404, Official Records of Fresno County, and July 30, 2018 as Document No. 2018-0090711, Official Records of Fresno County. Records do not show recorded Deed(s) or easements for the entire portion of this canal, however, FID does

Courtney Thongsavath
Re: DRC 2019-13
April 1, 2019
Page 2 of 7

own an easement and the width is as shown on FID's attached Standard Detail Page No. P-03 – P-05 and 1-01.

3. FID requires that, within the limits of the proposed project [and its remainder], the landowner grant perpetual and exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width of canal, 2) height of canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.
4. FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has a minimum of 20-foot wide right-of-way along the top of bank to be built out full width, clear of obstructions, structures, vegetation, etc. to provide clear passage and full width at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take, but there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing plans, the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal. The canal right-of-way line should be consistent with adjacent properties so long as the 20 feet minimum width and right-of-way requirements are met.
5. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, depth and size, fees, etc.
6. Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Enterprise Canal, FID requires the developer to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of the development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for the canal, FID will require the following minimum conditions:
 - a. Channel Stabilization: The proposed plan does not indicate any improvements to the Canal. If the Developer is not willing to concrete line the Canal or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:
 - i. Surrounding Development – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water.
 - ii. Freeboard – FID typically requires between 1.0 to 1.5 feet of freeboard. Because the Canal is used to route stormwaters, and is one of the larger

Courtney Thongsavath
 Re: DRC 2019-13
 April 1, 2019
 Page 3 of 7

canals used to convey the stormwater, FID will require a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards.

- iii. Maintenance – this reach of Canal does have a history of high loads of sediment deposits which requires periodic dredging. FID will typically dredge the Canal and deposit the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. This reach of Canal also has volumes of trash, debris, that are deposited into/upon the Canal. FID's crews will typically remove the trash at the bridge crossings at Aqua Dulce Avenue, Leonard Avenue, and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the Developer and/or City require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City and/or Developer will be responsible to fund the "higher level" of maintenance.

b. Drive banks/maintenance roads and encroachments (both banks):

- i. All drive banks must be sloped a minimum of 2%, maximum of 4% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
- ii. Any drainage systems or swales proposed must be located outside FID's property/easement.
- iii. Drive banks shall be built out to the required freeboard and elevation for the full width of the required Canal right-of-way width.
- iv. All drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression. Re grind/repurposed aggregate base will not be permitted. Submittals will be required prior to issuance of permits.
- v. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.

- 7. Trail - It is FID's understanding that a trail is master-planned along the Enterprise Canal bank. As with other developments with trails proposed along the canals, FID will not allow the trail to encroach/overlap FID's canal easement. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:

Courtney Thongsavath
 Re: DRC 2019-13
 April 1, 2019
 Page 4 of 7

- a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements. Trees will need to be planted so as to not encroach once fully matured.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.
 - e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, trail landscaping, and the adjacent development.
8. A Trail fence between Trail and Canal is required unless an agreement is in place between City of Clovis and FID.
 9. If a fence will be installed between the development and open canal, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.
 10. Construction within the Enterprise Canal will only be allowed/permitted on or near (above or below) FID's facilities outside of the irrigation season. The allowable construction period occurs generally during the months of November, December, but is subject to change depending on hydrological conditions. The Enterprise Canal typically conveys water 11 months out of the year.

Area of Concern 2

1. FID's Jefferson No. 112 runs southwesterly, crosses Leonard Avenue approximately 20 feet west of the subject property, as shown on the attached FID exhibit map, and will be impacted by future development. Records indicate FID has a 20 feet wide exclusive easement recorded on April 21, 2017 as Document No. 20170049600, Official Records of Fresno County and a 20 feet wide exclusive easement recorded May 17, 2017 as Document No. 20170060728, Official Records of Fresno County.
2. The attached plans for the Jefferson No. 112 indicates the pipeline was installed in 2018 (1-year-old) as 48 inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) which currently meets FID standards for developed (residential, industrial, commercial) parcels or urban areas.
3. FID requires its easements be shown on all maps and plans with proper recording information, and that FID be made a party to signing the final map.
4. FID requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including, but not limited to, Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.

Courtney Thongsavath
 Re: DRC 2019-13
 April 1, 2019
 Page 5 of 7

5. FID does not allow FID owned property or easements to be in common use with public utility easements but in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement. No trees however will be allowed within FID owned property or easements.
6. Canal Access – FID required drive access to the Jefferson No. 112 from Leonard Avenue. A drive approach was not accommodated by previous developments. In order to access and maintenance this facility, FID requires a 35 feet wide drive approach wide enough to accommodate FID's equipment.

General Comments

1. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
4. Trees will not be permitted within FID's property/easement areas.
5. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.
6. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.
7. FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and right-of-ways, but will in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement.
8. Footings of retaining walls shall not encroach onto FID property/easement areas.
9. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.

Courtney Thongsavath
Re: DRC 2019-13
April 1, 2019
Page 6 of 7

10. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.
11. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping or was fallowed with little to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
12. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
13. For informational purposes, a privately owned canal known as McFarlane No. 468 runs southerly along the west side of Leonard Avenue, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate this line is active and will need to be treated as such. FID can supply the City with a list of known users upon request.
14. For informational purposes, a privately owned canal known as McFarlane W. Br. No. 468 runs westerly along the south side San Jose Avenue, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate this line is active and will need to be treated as such. FID can supply the City with a list of known users upon request.
15. For informational purposes, a privately owned canal known as McFarlane E. Br. No. 468 runs southerly, crosses Leonard Avenue approximately 1,300 feet south of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate this line is active and will need to be treated as such. FID can supply the City with a list of known users upon request.
16. For informational purposes, Fresno Metropolitan Flood Control District's Dog Creek No. 154 runs southerly approximately 800 feet east of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this facility. Should any improvements be necessary in the vicinity of the crossing, the applicant should contact FMFCD to discuss any necessary improvements to their facility.

Courtney Thongsavath
Re: DRC 2019-13
April 1, 2019
Page 7 of 7

17. The above comments are not to be construed as the only requests FID will have regarding the proposed bridge crossing project. FID reserves the right to make additional comments and requests on other aspects of the development as necessary as the project progresses and more details becomes available.

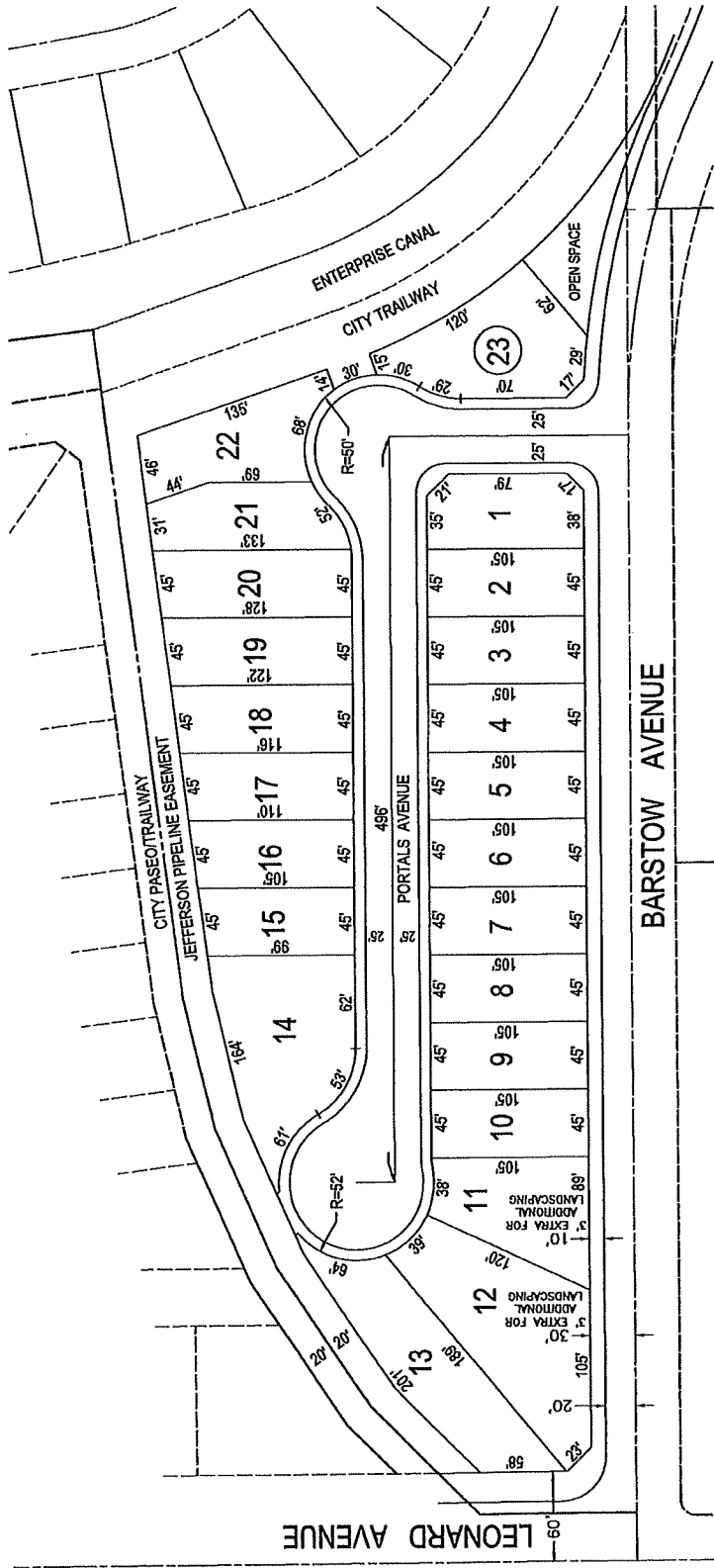
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



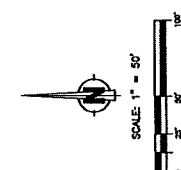
Laurence Kimura, P.E.
Chief Engineer

Attachment



DENSITY
 3.52 ACRES NET (EXCLUDES CANAL AND STREETS)
 5.86 UNITS PER ACRE

ZONING
 EXISTING: R-1
 PROPOSED: R-1-FRD



Hubbair & Associates
 Civil Engineers
 302 Dole Avenue, Suite 300 - Clark, California 92412
 (951) 257-1011 • Fax (951) 257-1088 • e-mail: hubbair@hubbair.com



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.434
210.45 "6254"
310. "DO"

October 16, 2019

Mr. George Gonzalez, MPA, Associate Planner
City of Clovis
Department of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez,

Rezone Application No. R2019-008
Drainage Area "DO"

The proposed rezone lies within the District's Drainage Area "DO". Based on information submitted at this time, the District's system can accommodate the proposed rezone. The existing Master Plan system has been designed for runoff from a Medium Density Residential land use at this location. Lot coverage must be provided to the District prior to submittal of improvement plans for this project. Should the density of the project be commensurate with a density higher than the system design, mitigation may be required.

Please contact us if you need further information at (559) 456-3292.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Maxwell".

Michael Maxwell
Engineering Technician III

MM/lrl/dm

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

AGENDA ITEM NO. 3.

0.45

Page 1 of 5

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

JOHN BONADELLE, BN 6120 LP
7030 N. FRUIT AVE., SUITE 101
FRESNO, CA 93711

PROJECT NO: **6254**

ADDRESS: **NEC LEONARD AND BARSTOW AVE.**

APN: **554-030-49S**

SENT: *10/21/19*

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
DO	\$69,654.00	NOR Review	\$240.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$671.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review		For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$69,654.00		Total Service Charge: \$911.00		

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/29/20 based on the site plan submitted to the District on 9/24/19 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

CL TRACT No. 6254

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 3.

Page 2 of 5

CL TRACT No. 6254

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. a. Drainage from the site shall
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.
 None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Drainage Report (to be submitted with tentative map)
 Other
 None Required

4. Availability of drainage facilities:
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
 d. See Exhibit No. 2.

5. The proposed development:
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 Does not appear to be located within a flood prone area.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 3.

Page 3 of 5

CL TRACT No. 6254

6. ___ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.
7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.



Peter Sanchez
District Engineer



Michael Maxwell
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 5

AGENDA ITEM NO. 3.

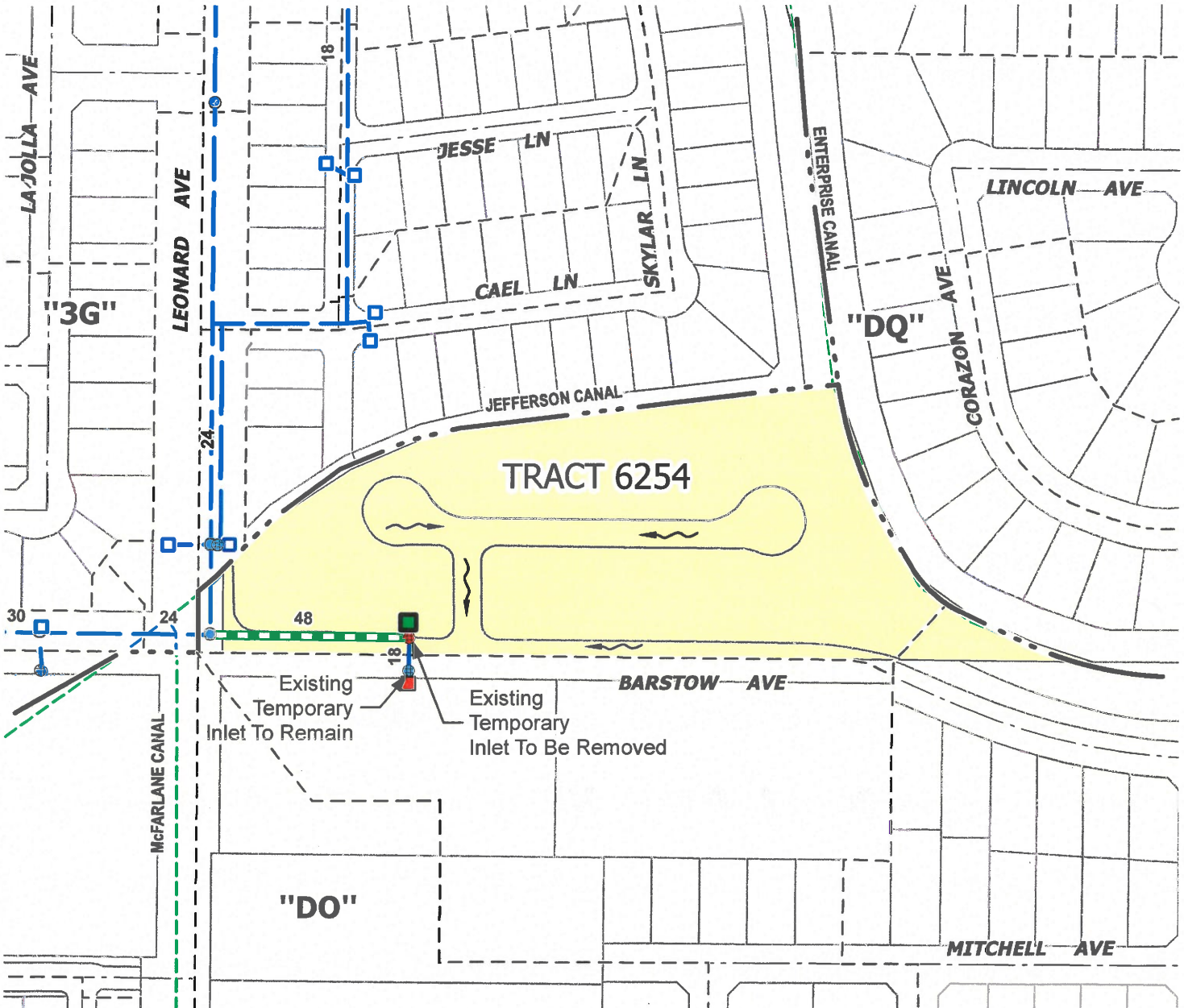
CC:

HARBOUR & ASSOCIATES

389 CLOVIS AVE., SUITE 300

CLOVIS, CA 93611

CL TRACT No. 6254



LEGEND

- Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Inlet
- Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Existing FID Facilities
- Drainage Area Boundary
- Inlet Boundary
- Direction Of Drainage



1" = 200'

TRACT 6254
DRAINAGE AREA "DO"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City/County or District.

Drainage from the site shall be directed as shown on Exhibit No. 1. The construction of the "Non-Master Plan Facilities" will provide temporary drainage service to Tract 6254. If these facilities are not constructed, the District recommends temporary facilities until permanent service is available.

The developer shall be required to mitigate the impacts of increased runoff to the Drainage Area "3G" system by designing the "Non-Master Plan Facilities" such that the Drainage Area "3G" system is not impacted in the ten-year storm event. The developer shall submit a drainage report and calculations confirming there is adequate storage capacity in the "Non-Master Plan" drainage pipeline to produce zero-effect to the Drainage Area "3G" system in the ten-year event. The preliminary study completed by the District indicates the Non-Master Planned pipeline should include 280' of 48" pipeline.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.

Development No. Tract 6254

George Gonzalez

From: MCJUNKIN, GENEVA H <gr7434@att.com>
Sent: Wednesday, October 09, 2019 11:21 AM
To: Joyce Roach
Cc: George Gonzalez; Ricky Caperton
Subject: RE: Request for Comments for R2019-008, TM6254

Good morning,

AT&T has no comments at this time. My Engineer is working with Bonadelle on this tract.

From: Joyce Roach <joycer@ci.clovis.ca.us>
Sent: Wednesday, October 9, 2019 8:38 AM
To: Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Bernard Jimenez <Bjimenez@co.fresno.ca.us>; WELDON, BRIAN D <bw1987@att.com>; Bryan Araki <BryanA@ci.clovis.ca.us>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Chris Motta <cmotta@co.fresno.ca.us>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Christina Monfette <cmonfette@co.fresno.ca.us>; Curt Fleming <curtf@ci.clovis.ca.us>; Curtis Shurtliff <curtiss@ci.clovis.ca.us>; Dave Fey <dfey@co.fresno.ca.us>; Dave Padilla <dave.padilla@dot.ca.gov>; SCOTT, DAVID L <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Deep Sidhu <SSidhu@co.fresno.ca.us>; Denise Wade <denisew@fresnofloodcontrol.org>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Dwight Kroll <DwightK@ci.clovis.ca.us>; Eric Zetz <ericz@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; MCJUNKIN, GENEVA H <gr7434@att.com>; George Gonzalez <georgeg@ci.clovis.ca.us>; George Uc <guc@co.fresno.ca.us>; Georgia Stewart <Georgia.Stewart@valleyair.org>; Gerald Conley <geraldc@ci.clovis.ca.us>; Glenn Allen <glallen@co.fresno.ca.us>; Guillermo Vieyra <guillermov@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jeff Heindinger <jwhb@pge.com>; John Willow <JohnWi@ci.clovis.ca.us>; Jose Sandoval <joses@ci.clovis.ca.us>; Juan Lara <jlara@co.fresno.ca.us>; Katy Benham <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Kevin Tsuda <KTsuda@co.fresno.ca.us>; Lily Cha <lilyc@ci.clovis.ca.us>; Luke Serpa <lukes@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Nadia Lopez <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Rebecca Lucas <rebeccal@ci.clovis.ca.us>; Rick Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD <CEQA@valleyair.org>; Stephanie Andersen <StephanieA@ci.clovis.ca.us>; Steven Rhodes <SRhodes@co.fresno.ca.us>; Tiffany Ljuba <tiffanyl@ci.clovis.ca.us>; Trina Vietty <trinav@ci.clovis.ca.us>; Wildlife CEQA <R4CEQA@wildlife.ca.gov>
Cc: George Gonzalez <georgeg@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>; Ricky Caperton

<rcaperton@ci.clovis.ca.us>

Subject: RE: Request for Comments for R2019-008, TM6254

AGENDA ITEM NO. 3.

Good morning,

This is a courtesy reminder that comments for this project are due on October 15th. If you have comments on this project and have not yet submitted them, please submit them by end-of-business next Tuesday. If you have already sent them or have none regarding this project, please ignore this email.

Have a good day.



Joyce Roach | Planning Assistant

City of Clovis | Planning Division
p. 559.324.2341 | f. 559.324.2844
joycer@cityofclovis.com

From: Joyce Roach

Sent: Tuesday, September 24, 2019 1:29 PM

To: Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Bernard Jimenez <Bjimenez@co.fresno.ca.us>; Brian Weldon <bw1987@att.com>; Bryan Araki <BryanA@ci.clovis.ca.us>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Chris Motta <cmotta@co.fresno.ca.us>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Christina Monfette <cmonfette@co.fresno.ca.us>; Curt Fleming <curtf@ci.clovis.ca.us>; Curtis Shurtliff <curtiss@ci.clovis.ca.us>; Dave Fey <dfey@co.fresno.ca.us>; Dave Padilla <dave.padilla@dot.ca.gov>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Deep Sidhu <SSidhu@co.fresno.ca.us>; Denise Wade <denisew@fresnofloodcontrol.org>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Dwight Kroll <DwightK@ci.clovis.ca.us>; Eric Zetz <ericz@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; Geneva H. McJunkin <gr7434@att.com>; George Gonzalez <georgeg@ci.clovis.ca.us>; George Uc <guc@co.fresno.ca.us>; Georgia Stewart <Georgia.Stewart@valleyair.org>; Gerald Conley <geraldc@ci.clovis.ca.us>; Glenn Allen <glallen@co.fresno.ca.us>; Guillermo Vieyra <guillermov@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jeff Heindinger <jwhb@pge.com>; John Willow <JohnWi@ci.clovis.ca.us>; Jose Sandoval <joses@ci.clovis.ca.us>; Juan Lara <jlara@co.fresno.ca.us>; Katy Benham <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Kevin Tsuda <KTsuda@co.fresno.ca.us>; Lily Cha <lilyc@ci.clovis.ca.us>; Luke Serpa <lukes@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Nadia Lopez <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Rebecca Lucas <rebeccal@ci.clovis.ca.us>; Rick Fultz <ricketf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD

<CEQA@valleyair.org>; Stephanie Andersen <StephanieA@ci.clovis.ca.us>; Steven Rhodes <SRhodes@co.fresno.ca.us>; Tiffany Ljuba <tiffanyl@ci.clovis.ca.us>; Trina Vietty <trina@ci.clovis.ca.us>; Wildlife CEQA <R4CEQA@wildlife.ca.gov>

AGENDA ITEM NO. 3.

Cc: George Gonzalez <georgeg@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>
Subject: Request for Comments for R2019-008, TM6254

Good afternoon,

Please see the attached requests for comments for Rezone R2019-008 and Tentative Tract Map TM6254.

Thank you, and have a good day.



Joyce Roach | Planning Assistant

City of Clovis | Planning Division
1033 Fifth Street, Clovis, CA 93612
p. 559.324.2341 | f. 559.324.2844
joycer@cityofclovis.com



September 27, 2019

LU0020224
2604

George Gonzalez, Associate Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Ms. Cha:

PROJECT NUMBER: R2019-008, TM6254

R2019-008, A request to approve a rezone of approximately 4.31 acres of land from the R-1 Zone District to the R-1-PRD Zone District. **TM6254**, A request to approve a vesting tentative tract map for a 23-lot single-family planned residential development for land located at the northeast corner of Barstow and Leonard Avenues. BN 6120 LP, owner/applicant; Harbour & Associates, representative.

APN: 554-030-49 ZONING: R-1-PRD ADDRESS: NEC of Barstow & Leonard Avenues

Recommended Conditions of Approval:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents and tenants to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

Promotion, preservation and protection of the community's health

1221 Fulton Street /P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

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REVIEWED BY:

Kevin Tsuda

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-33271

KT

cc: Steven Rhodes- Environmental Health Division (CT. 59.12)
John Bonadelle- Applicant (jab@bonadelle.com)



County of Fresno

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

October 15, 2019

George Gonzalez
City of Clovis Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

SUBJECT: City of Clovis Rezone Application No. 2019-008 and Tract Map No. 6254

Dear Mr. Gonzalez:

The County of Fresno appreciates the opportunity to review and comment on Rezone Application No. 2019-008 and Tract Map No. 6254. Rezone Application No. 2019-008 (R2019-008) is requesting to rezone approximately 4.31 acres of land from the R-1 (Single-Family Residential) Zone District to an R-1-PRD (Single-Family Planned Residential Development) Zone District. Tract Map Application No. 6254 is proposing a 23-lot single-family planned residential development on approximately 4.31 acres of land.

The Department of Public Health, Environmental Health Division has provided comments on the subject applications and they have been enclosed for your review.

If you have any questions, you may e-mail me at TKobayashi@FresnoCountyCA.gov or contact me at (559) 600-4224.

Sincerely,

Thomas Kobayashi, Planner
Development Services and Capital Projects Division

TK
G:\4360Devs&Pln\PROJSEC\PROJDOCS\Environmental\OAR\City of Clovis\R2019-008, TM6254\R2019-008 and TM6254 Comment Letter.docx

Enclosure

cc. Steven E. White, Director
Bernard Jimenez, Assistant Director
John R. Thompson, Assistant Director
William M. Kettler, Development Services and Capital Projects Division
Chris Motta, Development Services and Capital Projects Division



September 27, 2019

George González
Planning and Development Services Dept.
1033 Fifth St.
Clovis, CA 93612

SUBJECT: TM 6254, R2019-008
Northeast corner of Barstow and Leonard Avenues

Dear Mr. González:

The purpose of this letter is to provide school district information relative to the above-referenced development and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the developer/owner and the State Department of Real Estate.

1. Elementary School Information:

- (a) The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: Cedarwood Elementary School
Address: 2851 Palo Alto Ave Clovis CA 93611-6831
Telephone: (559) 327-6000
Capacity: 750
Enrollment: 724 (CBEDS enrollment 2018-19 school year)

- (b) Because of projected growth in the District and the District's plans for construction of new school facilities, it is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the school listed above, and (2) students residing in the project area may attend more than one elementary school within the District during their elementary school years.

Governing Board
Christopher Casado
Steven G. Fogg, M.D.
Susan K. Hatmaker
Ginny L. Hovseplan
Elizabeth J. Sandoval
Tiffany Stoker Madsen

Administration
Elmear O'Farrell, Ed.D.
Superintendent
Don Ulrich, Ed.D.
Deputy Superintendent
Norm Anderson
Associate Superintendent
Barry S. Jager, Jr.
Associate Superintendent
Michael Johnston
Associate Superintendent

George González
September 27, 2019
Page 2

2. Intermediate School Information:

School Name: *Clark Intermediate*
Address: *902 5th St Clovis CA 93612-1399*
Telephone: *(559) 327-1500*
Capacity: *1500*
Enrollment: *1552 (CBEDS enrollment 2018-19 school year)*

3. High School Information:

School Name: *Clovis High School*
Address: *1055 Fowler Ave Clovis CA 93611-2099*
Telephone: *(559) 327-1000*
Capacity: *3000*
Enrollment: *2738 (CBEDS enrollment 2018-19 school year)*

4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
5. The District currently levies a school facilities fee of \$5.15 per square foot (as of July 1, 2019) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact me if you have any questions regarding this letter.

Sincerely,



Michael Johnston
Associate Superintendent
Administrative Services

Joyce Roach

From: Gentry, Jamaica@DOT <Jamaica.Gentry@dot.ca.gov>
Sent: Friday, September 27, 2019 2:49 PM
To: George Gonzalez
Cc: Joyce Roach; Navarro, Michael@DOT
Subject: Caltrans comments for R2019-008, TM6254
Attachments: R2019-008, DISTFRM.PDF; TM6254, Tentative Map.pdf

Good Afternoon George,

Thank you for providing Caltrans the opportunity to review the proposed planned residential development at the northeast corner of Barstow and Leonard Avenues (#R2019-008, TM6254). The project is consistent with the City’s General Plan, and since the housing density remains unchanged despite the Rezone, Caltrans has no comment. We do recommend the City consider ease of access to the canals surrounding the development, from within the subdivision.

Best Regards,
Jamaica Gentry
Associate Transportation Planner
Caltrans – District 6
P: (559) 488-7307

From: Navarro, Michael@DOT
Sent: Tuesday, September 24, 2019 1:36 PM
To: Gentry, Jamaica@DOT <Jamaica.Gentry@dot.ca.gov>
Subject: FW: Request for Comments for R2019-008, TM6254

Please review...thank you.

From: Joyce Roach <joycer@ci.clovis.ca.us>
Sent: Tuesday, September 24, 2019 1:29 PM
To: Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Bernard Jimenez <Bjimenez@co.fresno.ca.us>; Brian Weldon <bw1987@att.com>; Bryan Araki <BryanA@ci.clovis.ca.us>; Fischer, Chad@Waterboards <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Chris Motta <cmotta@co.fresno.ca.us>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Christina Monfette <cmonfette@co.fresno.ca.us>; Curt Fleming <curtf@ci.clovis.ca.us>; Curtis Shurtliff <curtiss@ci.clovis.ca.us>; Dave Fey <dfey@co.fresno.ca.us>; Padilla, Dave@DOT <dave.padilla@dot.ca.gov>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Deep Sidhu <SSidhu@co.fresno.ca.us>; Denise Wade <denisew@fresnofloodcontrol.org>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Dwight Kroll <DwightK@ci.clovis.ca.us>; Eric Zetz <ericz@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; Geneva H. McJunkin <gr7434@att.com>; George Gonzalez <georgeg@ci.clovis.ca.us>; George Uc <guc@co.fresno.ca.us>; Georgia Stewart

<Georgia.Stewart@valleyair.org>; Gerald Conley <geraldc@ci.clovis.ca.us>; Glenn Allen <glalle>; Guillermo Vieyra <guillermov@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jeff Heidinger <jwhb@pge.com>; John Willow <JohnWi@ci.clovis.ca.us>; Jose Sandoval <joses@ci.clovis.ca.us>; Juan Lara <jlara@co.fresno.ca.us>; Katy Benham <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Kevin Tsuda <KTsuda@co.fresno.ca.us>; Lily Cha <lilyc@ci.clovis.ca.us>; Luke Serpa <lukes@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Navarro, Michael@DOT <michael.navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Nadia Lopez <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Rebecca Lucas <rebeccal@ci.clovis.ca.us>; Rick Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD <CEQA@valleyair.org>; Stephanie Andersen <StephanieA@ci.clovis.ca.us>; Steven Rhodes <SRhodes@co.fresno.ca.us>; Tiffany Ljuba <tiffanyl@ci.clovis.ca.us>; Trina Vietty <trina@ci.clovis.ca.us>; R4 CEQA Program <R4CEQA@wildlife.ca.gov>

Cc: George Gonzalez <georgeg@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>

Subject: Request for Comments for R2019-008, TM6254

Good afternoon,

Please see the attached requests for comments for Rezone R2019-008 and Tentative Tract Map TM6254.

Thank you, and have a good day.



Joyce Roach | Planning Assistant

City of Clovis | Planning Division
1033 Fifth Street, Clovis, CA 93612
p. 559.324.2341 | f. 559.324.2844
joycer@cityofclovis.com



CITY OF CLOVIS FIRE DEPARTMENT

1233 Fifth Street, Clovis, CA 93612 · (559) 324-2200

AGENDA ITEM NO. 3.



TM 6254 COMMENTS
Bonadelle
NEC Barstow and Leonard

Fire Department Comments on Plans: All Fire Department comments shall be on approved plans.

Roads / Access

Street Width: Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).

Street Width for Single Family Residences: Shall comply with Clovis Fire Standard #1.1

Temporary Street Signs: The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.

All Weather Access & Water Supply: The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.

Water Systems

Residential Fire Hydrant: The applicant shall install 1 4 ½” x 2 ½” approved Residential Type fire hydrant(s) and “Blue Dot” hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.

Plan Check Comments by:

Gary Sawhill
Deputy Fire Marshal
(559) 324-2224
sawhill@cityofclovis.com

From: Matt Smith <MattS@woodsidehomes.com>
Sent: Thursday, November 21, 2019 2:26 PM
To: Ricky Caperton
Cc: Dwight Kroll; George Gonzalez; David Merchen; Sean Smith; Mike Harrison
Subject: Woodside Homes- Comments to Tract 6254

Hello Ricky,

Woodside Homes wants to ensure that this project will reimburse half of the associated canal undergrounding and related engineering costs to Woodside Homes, prior to this map being placed on the consent calendar for final map approval. This has been the commitment of City Engineering to Woodside Homes, and we just want to make that this takes place. Will you confirm that this will occur?

Thank you-

Matt

Matt Smith, DRE #02031520
Land Acquisition Manager

Woodside Homes
9 River Park Place East, Suite 430
Fresno, CA 93720

(D) 559-437-5007
(C) 559-320-6775

Reduced Garage Size Justification

ATTACHMENT 7



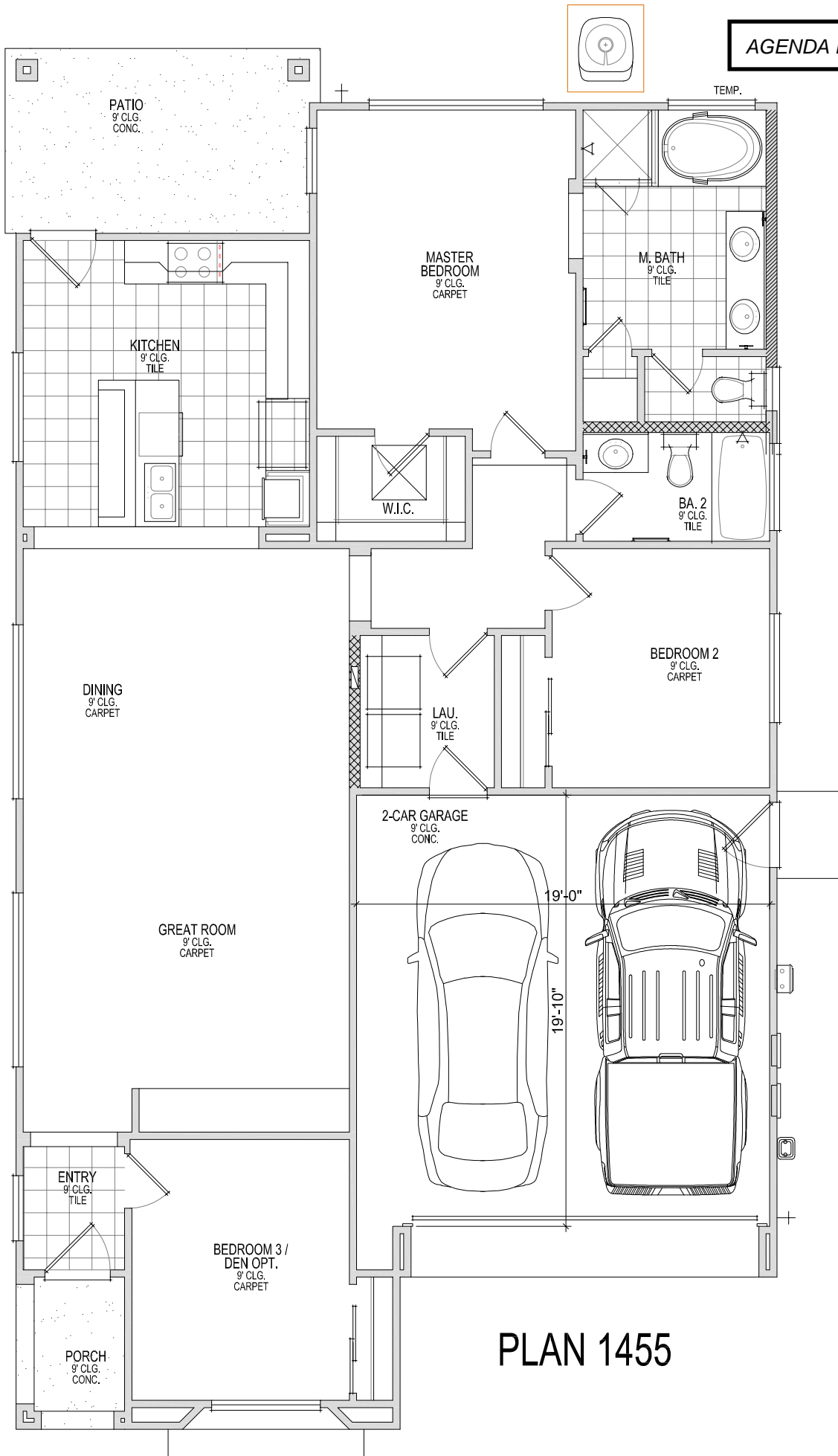
November 14th, 2019

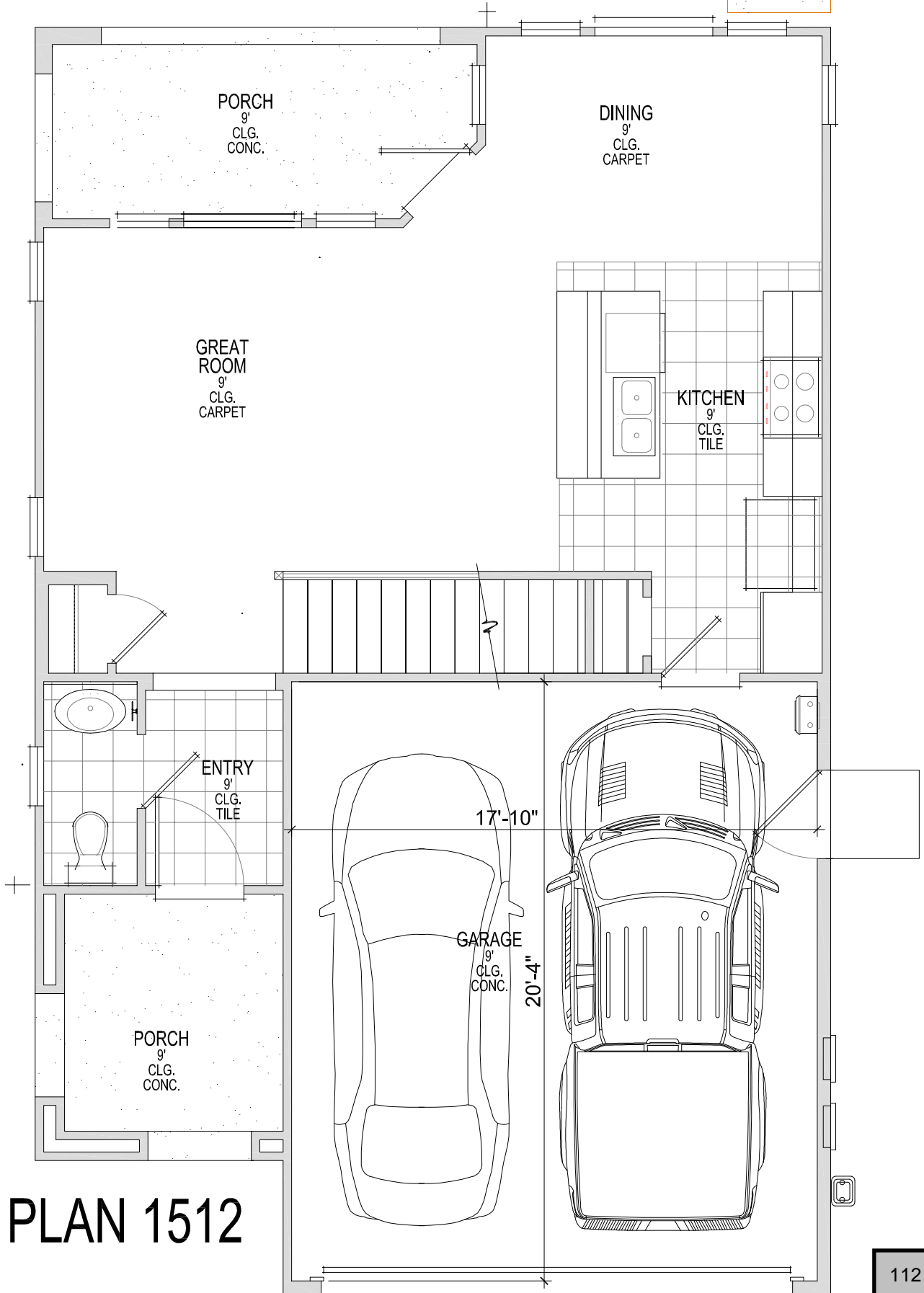
Tract 6254 Justification for Reduced Garage Dimensions

1. Tract 6254 is designed to attract the first time move up home buyer moving into Clovis or the senior home buyer looking to downsize. The price points of this tract are intended to be a price segment below Bonadelle Neighborhood's Clovis move – up buyer communities: The Grove 1 ,2 & 3 (Tracts 5950, 6082 & 6120). First time move – up home buyers do not traditionally have the discretionary income or need to own two large SUVs or trucks in their household. The reduced garage dimensions for this product comfortably fit a truck and sedan (see attached exhibits), which is a more likely combination of vehicles owned by home owners in this community.
2. Tract 6254 has standard length driveways and standard street widths. In the unlikely event there were three vehicles owned by a household in this tract, the standard driveway lengths will keep on street parking and street congestion to a minimum.
3. Bonadelle Neighborhoods' Tract 6170 was given reduced garage dimensions by the City of Clovis. Bonadelle Neighborhoods intends to market and sell two of the floor plans from Tract 6170 within Tract 6254. The attached photo taken recently from Tract 6170 shows street congestion is at a minimum despite the reduced garage dimensions.
4. The floor plans proposed for Tract 6254 are home plans being currently built by Bonadelle Neighborhoods in multiple municipalities throughout the Central Valley. These home plans have been well received by the home buying market and the reduced garage dimensions have not been a complaint by home buyers.
5. On smaller lots, such as Tract 6254, smaller dimension garage spaces enhance the streetscape scene by showcasing more living space on the front elevations as opposed to a 20' x 20' garage space. The applicant can enhance living space elevations easier with architectural pop outs, balconies, etc. versus an oversized garage door.
6. As the city of Clovis continues to diversify its' housing product mix and focus on offering higher densities and more affordable housing, issues like this demonstrate that the development code should not be viewed as a "one size fits all". 20' x 20' garage dimensions appeal to the multiple move up buyer segment purchasing homes from the mid \$300's and upwards on 6,000 + square foot lots. A 20' x 20' garage dimension is not a priority amenity desired by home buyers seeking their first or second home within Clovis or looking to downsize.
7. Tract 6254 is one of the few remaining parcels within this portion of the Loma Vista specific plan. It is adjacent to an interconnected trail system and is within close proximity to future retail. The pedestrian friendly nature of this tract's location may reduce the need for home buyers in this tract to own multiple vehicles.
8. Tract 6254 is a relatively small 23 lot tract. The applicant will reconsider moving forward with the project if the applicant is forced to redesign its' product for only 23 units. It does not fit the applicant's production home business model to redesign product for this few of units.

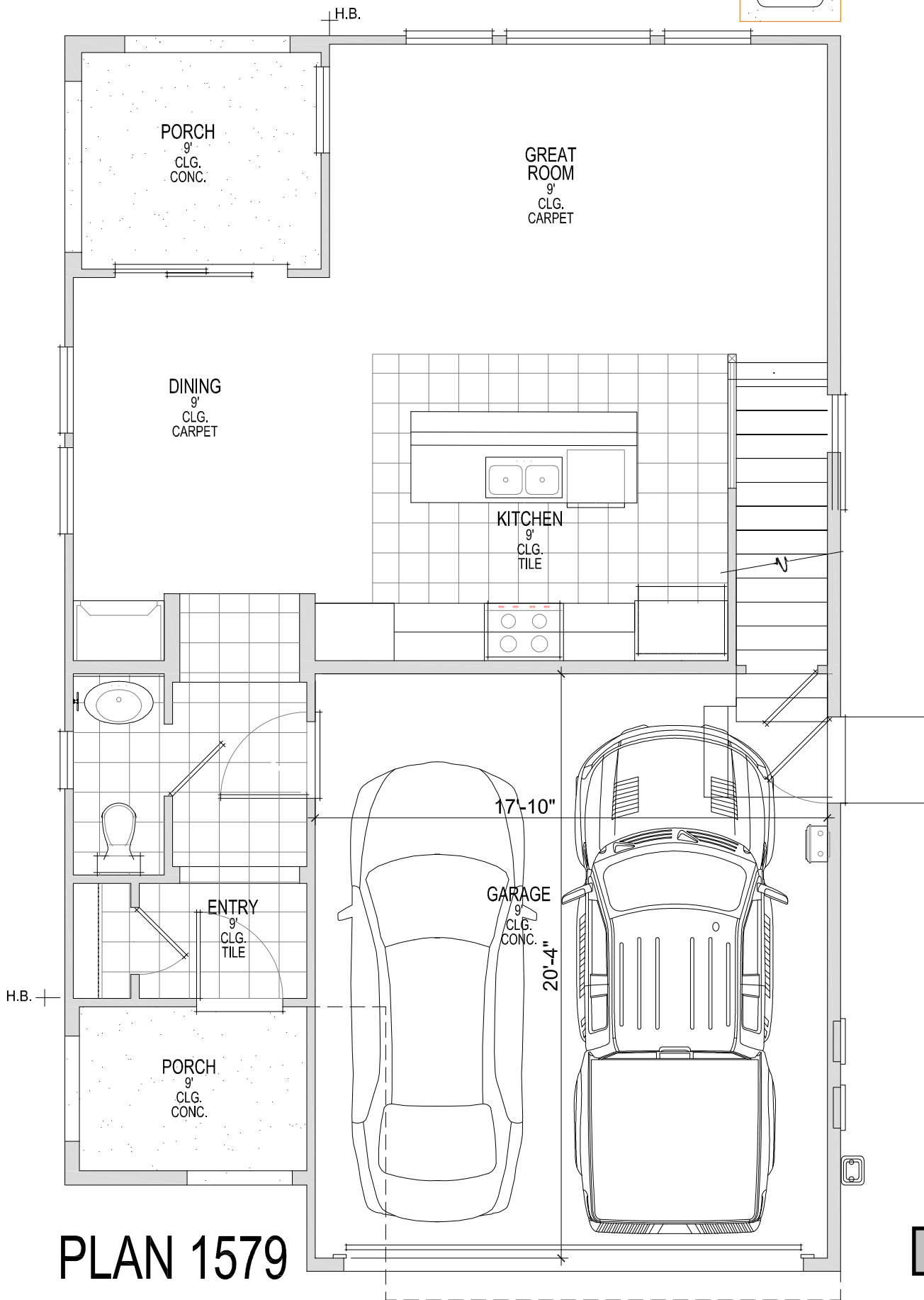
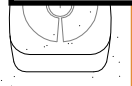
TM6170 Photo



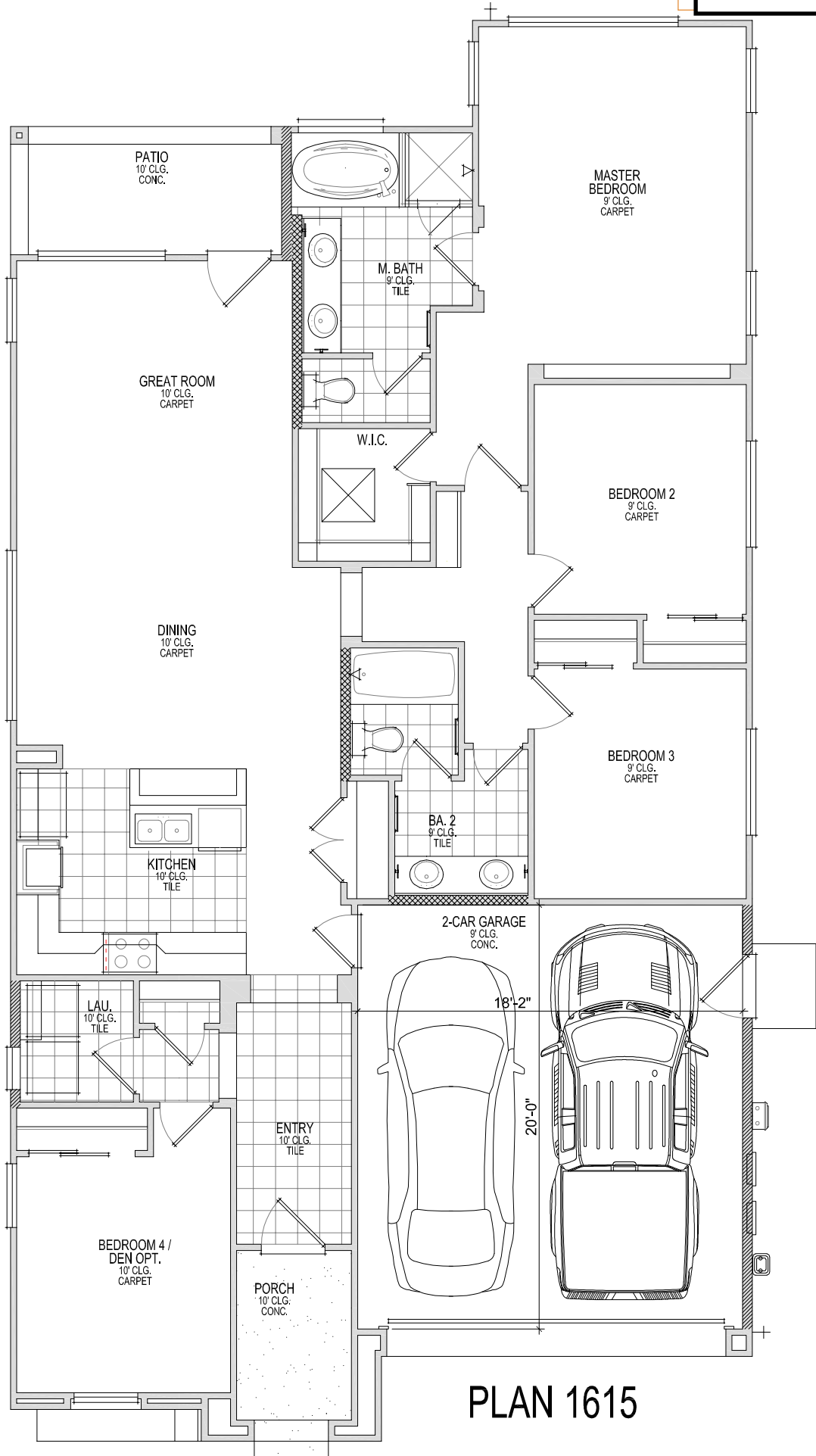




PLAN 1512



PLAN 1579



PLAN 1615

Planning Commission Minutes
November 21, 2019

ATTACHMENT 8

CLOVIS PLANNING COMMISSION MINUTES
November 21, 2019

A regular meeting of the Clovis Planning Commission was called to order at 6:00 p.m. by Chair Hatcher in the Clovis Council Chamber.

Flag salute led by Chair Hatcher

Present: Commissioners Antuna, Bedsted, Cunningham, Hinkle, Chair Hatcher

Absent: None

Staff: David Merchen, City Planner
Orlando Ramirez, Deputy City Planner
Ricky Caperton, Senior Planner
George Gonzalez, Associate Planner
Maria Spera, Planning Technician II
Ryder Dilley, Planning Intern
Sean Smith, Supervising Civil Engineer
Michael Linden, Assistant City Attorney

MINUTES

1. The Commission approved the October 24, 2019, minutes by a vote of 5-0.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez informed that, due to project scheduling changes, a special Planning Commission meeting in December has become unnecessary.

PLANNING COMMISSION MEMBERS COMMENTS

None.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider approval, **TM6023**, A request to approve a one-year extension to an approved vesting tentative tract map for property located on the south side of Ashlan Avenue, between Highland and Thompson Avenues. Wilson Homes, owner/applicant; Harbour & Associates, representative.

Planning Technician II Maria Spera presented the staff report.

At this point, the Chair opened the floor to the applicant.

Lorren Smith of Harbour & Associates, 389 Clovis Avenue, offered to answer any questions.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

Commissioner Hinkle sought and received confirmation that the only action on this item is to approve an extension to a map that has already been reviewed and approved.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Bedsted to approve an extension to TM6023. The motion was approved by a vote of 5-0.

3. Consider approval Res. 19-52, **CUP2019-016**, A request to approve a conditional use permit for 24-hour operation of an existing fitness facility (Crunch Fitness) on approximately 2.20 acres of property located at 284 West Shaw Avenue. 284 W Shaw LLC, property owner; Crunch Fitness (Shaw Fitness Investment Group LLC), Ray Chung, applicant; Joe Wilson, Venture Fit, representative.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Cunningham sought and received confirmation that the only thing before the Commission for review is the proposed extension of hours.

Commissioner Hinkle sought and received confirmation that the storage containers near the front of the property will be removed within the next few weeks.

At this point, the Chair opened the floor to the applicant.

Raymond Chung representing Crunch Fitness provided background on the project.

Commissioner Hinkle inquired as to whether the applicant intends to leave the trailer in front, in the parking lot. Mr. Chung responded in the negative, providing details.

Commissioner Hinkle inquired as to whether the door on the east side of the building could remain closed during the night hours to avoid disturbing the residences south of the site. Mr. Chung informed that the only doors to be open to the public for access will be the front doors.

Commissioner Antuna sought and received confirmation that the sole purpose is seeking the twenty-four hour operation is to remain competitive with the gym facility down the street. Mr. Chung provided a detailed explanation.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

Greg Brown of Brown & Associates Clovis, which owns the properties to the west of the site, spoke against the project as lacking the opportunity to air their opinion on the use, compatibility with the neighboring uses, and parking. He also challenged the validity of the reciprocal access agreement, and feels that this use creates a burden on their tenants.

David Brown of Brown & Associates Clovis stated that they want to protect their tenants and their associated parking. They are willing to work with the applicant but are also willing to tow cars in order to ensure their tenants have a fair chance to park.

At this point, the Chair reopened the floor to the applicant.

Mr. Chung rebutted that while parking is a potential issue down the road, it is a twenty-four hour use conditional use permit that is up for consideration. The two issues have no bearing on each other, and there will be no injurious traffic from 12:00 a.m. to 5:00 a.m. He concluded by requesting that the commissioners make their decision based on the merits of what the applicant is attempting to accomplish rather than distractions.

At this point, the Chair closed the public portion.

Commissioner Hinkle informed that the only issue before the Commission for this site is the conditional use permit and that it is a common practice for businesses to seek to change their hours after opening for business. There is nothing the Planning Commission can do regarding anything other than the time element, the subject of their decision this evening, and so he recommended that the Browns continue to work with staff on their issues.

Chair Hatcher reiterated that the Browns should continue to work with staff, as what has been done in the past is done. She sees no potential issues with the additional hours and therefore has no problem voting in favor of this project.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve CUP2019-016. The motion was approved by a vote of 5-0.

4. Consider approval Res. 19-53, **CUP2019-015**, A request for the approval of a conditional use permit to amend the adopted use schedule to the Planned Commercial Center (P-C-C) Zone District for the Sierra Pavilions Shopping Center to allow an indoor amusement center use. A specific location is proposed in Building "G" at 1175 Shaw Avenue Unit 101. Clovis 1A, LLC, owner; M and M Indoor Playground, applicant and representative.

Planning Intern Ryder Dilley presented the staff report.

At this point, the Chair opened the floor to the applicant.

Manpreet Sandhu of M and M Indoor Playground provided background on the project.

Commissioner Hinkle suggested an expansion of the proposed hours of operation in the event that the applicant later chooses to open at an earlier hour than currently intended. This modification to the motion can be done to save the applicant time and money in such a case. Ms. Sandhu responded that though she does not believe any parents would choose to come in earlier than 9:00 a.m., she is open to this modification.

Commissioner Bedsted sought clarification as the report in the agenda packet stated that the use is proposed for children seven years of age and under, yet in her statements the applicant stated they would be serving children five years old and under. Ms. Sandhu explained that though they would be open for children seven years old and younger, they expect the majority of the children attracted to the types of toys they order to be five years old and under.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

Chair Hatcher sought and received confirmation that staff had no issue with amending the proposed operational hours.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Bedsted to approve CUP2019-015 with an amendment to operational hours. The motion was approved by a vote of 5-0.

5. Consider items associated with approximately 3.53 acres of land located on the west side of Clovis Avenue, north of the Palo Alto Avenue alignment. Swedish Inn, LLC, owner; RED INC Architects, applicant/representative.
 - a. Consider Approval, Res. 19-54, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone Amendment R2004-036A3, pursuant to CEQA guidelines.

- b. Consider Approval, Res. 19-55, **R2004-036A3**, A request to approve a modification to the master site plan and an amendment to the general development plan standards of the P-C-C (Planned Commercial Center) Zone District to allow buildings not to exceed five (5) stories or sixty-three (63') feet in height within 3.53 acres of land located on the west side of Clovis Avenue, north of the Palo Alto Avenue alignment and recommending adoption of a mitigated negative declaration for R2004-036A3.

Associate Planner George Gonzalez presented the staff report.

Commissioner Cunningham inquired as to the meaning of the term 'lithic debitage' used in the Initial Study attachment. Associate Planner Gonzalez explained that the term was used in the submitted cultural study, providing his understanding of the term based on study.

Commissioner Cunningham stated that this is the fifth hotel project he has seen recently seeking to exceed the development code's height requirements. In addition, in his research, he has found the maximum height to be set at thirty-five feet, not fifty, and inquired as to where that maximum came from. Associate Planner Gonzalez explained that the fifty-foot maximum height is part of the development standards adopted specifically for this center.

Commissioner Cunningham followed up with an inquiry as to whether this standard is present in the development code. Associate Planner Gonzalez responded in the negative, explaining that it is only in the City Council-approved development standards for this center, providing details.

Commissioner Cunningham expressed difficulty with the apparent dichotomy of having a maximum height that is not actually a maximum, as well as his discomfort with five hotels wanting to exceed this standard and the extent to which this proposal seeks to exceed the height standard. He presumed that staff had informed the applicant of the height standard. Associate Planner Gonzalez assured that the applicant is aware of the development standards, as staff provided them. He also informed that staff is planning the next development code update, and that this concern is one of the line items for consideration.

Commissioner Cunningham expressed appreciation for that, then stated that this is the same answer to his concerns as from September and requested an absolute date for this update in order for him to look more favorably on this request. Deputy City Planner Ramirez responded that staff is still compiling information on this and other items for consideration, and that staff expects to bring the development code update to the Planning Commission most likely in the spring.

Commissioner Cunningham inquired as to how many hotel projects will be presented to them between now and then. Deputy City Planner responded that such depends on market demand.

Commissioner Hinkle inquired as to whether there would be any improvements required for the parking lot used by the school district. Deputy City Planner Ramirez provided details.

Commissioner Hinkle followed up with an inquiry as to whether there would also be access to properties to south, or if such is conceptual for down-the-road development. Associate Planner

Gonzalez responded that such would not come in with this project but that it is indeed conceptually planned for the future, referring to the proposed master site plan exhibit.

Commissioner Hinkle informed that he finds such access to be important due to all of the activities in Clovis. He depicted a scenario whereby friends got rooms in different hotels, pointing out that to get together they would need access across the properties. Therefore, he views it as a high consideration and wants to make sure there will be access north-to-south with future developments. Deputy City Planner Ramirez confirmed that it will be a requirement, providing details.

Commissioner Bedsted inquired as to the status of the architectural concept, as he saw in the report that staff attempted to propose alternatives. He stated that it read like staff conceded to the applicant's design due to the developer wanting to keep their own contemporary design. He is concerned about the long-term effect of this, not wanting to see a smattering of different developments that are not tied together except through color scheme. Associate Planner Gonzalez responded that such is not something staff wants to see happen, which is why he mentioned in the report that he is requesting elevation modifications. Staff's intent is to continue working with the applicant on this and won't concede and accept only color changes, even though it may stall the project in the site plan review stage. Deputy City Planner Ramirez further explained that the site plan review process is a protection mechanism to allow us to work on compatibility through a variety of elements. Staff understands the constraints the franchisee is under, as this is an issue not only with hotels but with fast food restaurants and other similar uses. However, staff has been very successful working with these corporations in order to tie in projects to other projects instead of appearing to be standalone.

Commissioner Bedsted stated that the City has done a good job historically in trying to blend such projects in with their surrounding developments; however, there are some that do not blend quite so well, leading him to want to place his concern on the record. He expressed understanding that there need to be concessions on both sides and encouraged the applicant to continue working with staff towards an outcome that will serve both sides.

Commissioner Hinkle sought confirmation that the temporary pond in the northern parcel of the proposed project will be filled in for a parking area. Supervising Civil Engineer Sean Smith responded that it will be at least partially filled in, providing some details.

At this point, the Chair opened the floor to the applicant.

David Burkett of RED INC Architects provided background on the project and offered to answer questions.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

Commissioner Antuna expressed concurrence with the concerns regarding both height and design compatibility. Though she understands Hilton's intention, she is concerned regarding the longevity of the design's appeal as the target customers get older. In addition, though the City wants to allow for expressions of design and innovation, much time and effort was put into the master plan and how it would shape this area's development. She is specifically concerned with the height and the design's fit into future development around it.

Commissioner Hinkle informed that he has an acquaintance who has likely built more hotels than anyone else in the Fresno. From his experience through this acquaintance and his understanding of this type of hotel and the activities in Clovis, he believes that this type of hotel will always have a younger age group to draw customers from. In addition, most people spend little time actually in hotels, and therefore he does not see any problem being caused in the future by the design. As for the height, he would be more concerned with it if this location was in downtown Clovis. The Golden Triangle, as this area has been called, has been planned for this type of development for years and the Planning Commission approved a center to the east which will complement this project. Between all of this and the answers provided by staff, he is fully in favor of this project.

Commissioner Cunningham expressed appreciation for Commissioner Hinkle's comments and specified that he has no issue with this particular project in terms of the type of facility being proposed. His main concern is with the height. His research has shown that thirty-five feet is the maximum height for all development in the City. Though he understands that the development code allows the Planning Commission to modify height on a specific basis and they have done so in the past, it has been his experience that each successive hotel making such a request has asked for greater and greater height over the maximum allowance. He appreciates staff assuring that they will look into a change, but this does not necessarily mean that a change will happen. In his opinion, the Planning Commission is the wrong venue to modify the development code. He has nothing against Tru by Hilton but will vote against this project.

Commissioner Bedsted stated that his feelings are similar to those of his fellow commissioners. He too sees a trend of request before the Planning Commission to approve variances to height requirements. In this instance, however, the proposed location being in the back of the development and adjacent to the highway reduces the strength of his concern regarding the proposed height. On the other hand, he is concerned regarding the possibility of this project standing out, and in a way that may or may not be good, if the color schema and architectural design are not handled well in the site plan review. Therefore, he is cautiously optimistic in moving forward.

Commissioner Hinkle stated that the Hyatt Place hotel on Highway 41 is similar in design to this proposal that blends in with its area. As a member of the Clovis Tourist Advisory Committee, this is what is needed and matched the direction Clovis is going. This proposal both fits in the Golden Triangle Center and serves the City's need due to future events.

Commissioner Antuna clarified that she also believes more hotels are needed, but rather that she is unsure she completely supports this particular proposal.

City Planner David Merchen clarified that when this property was zoned Planned Commercial Center, standards such as allowed uses and a fifty-foot maximum height were established and adopted with City Council approval as part of the zoning element. Due to this, the development code does allow a fifty-foot height for this property. This request is to amend these standards to allow a sixty-three feet building instead of fifty feet, and since it would technically change the zoning element, it will have to go before the City Council for approval or denial. The question of whether or not to increase the height standards for hotels will be taken up as part of the ordinance adjustment process. However, the current ordinance allows discretion through conditional use permits or rezone amendments for the very reasons the topic came up this evening. Staff leans towards maintaining this flexibility for location-dependent compatibility considerations.

Commissioner Cunningham expressed both his appreciation for City Planner Merchen's comments and his belief that his argument has been misunderstood. He has an issue with requests to exceed height maximums, having seen five such during his office term; these requests just happen to have all come from hotel projects. He is not against discretion being allowed for applicants to exceed set height maximums; he simply believes that the current setup, with the decision being in the hands of the Planning Commission, is not the proper way to handle it.

Commissioner Hinkle clarified that this request is to exceed the applicable maximum height standard by thirteen feet, not by twenty-three feet as Commissioner Cunningham had stated.

Chair Hatcher expressed agreement with some of the previously stated concerns regarding height standards. However, in her opinion this is a prime location for this type of product, and therefore she does not have a problem with the proposed height in this case. Though the proposal is aesthetically unusual, this is not always a bad thing; however, there will need to be a lot of give-and-take in the site plan review to ensure that this does not stand out in a bad way. Other than that, she has no problem voting to move forward on this project.

At this point, a motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve a finding of a Mitigated Negative Declaration for R2004-036A3. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve R2004-036A3. The motion was denied by a vote of 2-3.

At this point, a discussion took place regarding procedure for failed motions, followed by a discussion regarding the nature and content of the follow-up motion.

At this point, an amended motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve R2004-036A3 with direction to provide architectural elements that are compatible with area developments. The motion was approved by a vote of 4-1.

6. Consider items associated with approximately 4.31 acres of property located at the northeast corner of Leonard and Barstow Avenues. BN6120 LP, property owner; John A. Bonadelle, applicant; Lorren Smith, Harbour & Associates, representative.

- a. Consider Approval, Res. 19-56, **R2019-008**, A request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District.
- b. Consider Approval, Res. 19-57, **TM6254**, A request to approve a vesting tentative tract map for a 23-lot planned residential development.

Senior Planner Ricky Caperton presented the staff report.

At this point, the Chair opened the floor to the applicant.

John Bonadelle Jr. provided background on the project and requested an amendment to the condition of approval regarding garage sizes.

Commissioner Hinkle inquired as to the distance between the driver's side of the pickup truck and the garage wall in the provided picture. Mr. Bonadelle Jr. responded that it is approximately nine feet.

Commissioner Hinkle informed that he had parked a pickup truck next to a Kia and took measurements based on the proposed reduced garage sizes, and he found the space too small to exit the vehicles in the proposed smaller garages. He had opposed the smaller garages when they were initially approved as a test and remains opposed to them now after seeing them in reality. Mr. Bonadelle Jr. responded that he drives through developments after building them, and he has seen many buyers have their children exit the backseat of cars in the driveways and enter the house through the front door. In addition, TM6170, in which Bonadelle was allowed to experiment with these garage sizes, sold out and there was no negative feedback regarding garage sizes in customer surveys. The same is true for a similar 150-unit product in Merced. They would change garage sizes if they were an impediment to success, but maximizing the entryways and bedrooms is successful for them.

Commissioner Hinkle expressed appreciation for the explanation but does not believe this reflects reality. The reason the children get out in the driveway is because they cannot exit in the garage. He himself and people he has talked to believe this is a bad move, as in the winter during bad weather people prefer to exit cars in the garage. Though the Planning Commission allowed the smaller garage sizes to be tested, he does not believe that there should be deviation from the standard garage size.

Commissioner Cunningham sought and received confirmation that TM6170, in which the aforementioned pickup truck picture was taken, is a Planned Residential Development with a homeowners' association, then stated that the HOA is likely the reason there are no cars pictured on the street. He expressed concurrence with Commissioner Hinkle as the standard for garage size. In discussions with staff regarding this issue, he found staff to be comfortable with the standard size, and so he is as well. Mr. Bonadelle Jr. responded that the HOA referred to does allow street-side parking for two-to-three days, and that the lack of congestion demonstrates that younger buyers have either one car only, or two smaller cars.

Commissioner Cunningham expressed appreciation for the explanation and assured that he is not trying to set himself up as an adversary. He stated that the time the picture is taken also affects what will be present. The standard garage size exists for a reason and he likes it.

Commissioner Hinkle informed that he had driven through the Elevations project just west of the subject site and had seen many cars parked along the streets, which he believes will happen to this development as well with smaller garage sizes. Mr. Bonadelle Jr. responded that the Elevations development has only five-foot driveways and this project has standard driveways.

Commissioner Hinkle expressed that he understands that distinction, but that there is another project in Loma Vista that has full size driveways and yet there are still cars parked in the streets. Multiple generations and multiple families are living in the same houses today, especially in houses of lower market value, rather than just a single person. If garage amenities are eliminated, then there will be more overflow into streets.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

At this point, the Chair reopened the floor to the applicant.

Mr. Bonadelle Sr. expressed respect for and understanding of the commissioners' opinions, then explained that building on higher density small lots brings affordability and it is difficult to design a product that all will be proud of twenty years in the future. He explained that customers place more value in living space and front yard space, and that a wider garage reduces curb appeal. Finally, this property is oddly shaped, which results in huge, useless side yards if the lots are bigger.

At this point, the Chair closed the public portion.

Commissioner Hinkle inquired as to whether the City requires builders to provide paved walkways from the driveway to the side gate, as this is an issue that has been brought up during several project reviews. This is a concern to him because as he drives around, he sees totes in front yards because of the difficulty in moving them to the backyard over landscaping. Deputy City Planner Ramirez responded that though it has been discussed, it has not yet been implemented.

Commissioner Cunningham inquired as to whether there will be electric vehicle charging stations inside the garages, due to recent legislation. Mr. Bonadelle Sr. responded that such are standard, and that if he could trade the cement walkway Commissioner Hinkle desired for the garage size he wants, he is willing to bargain.

Commissioner Antuna expressed her appreciation for the proposed product, as there needs to be new ways to bring affordable homes to the City. She expressed her admiration for the product as beautiful, well-developed, and affordable for young people so they are not being priced out

of the City. The Commission wants a multigenerational city, wants homes built that are both affordable and needed, and younger buyers do not yet need larger homes and garages. Giving up eighteen inches is a small price to pay for such, and so she is absolutely in support of this product.

Commissioner Cunningham stated that it would actually be three feet given up on some models, and that as the developer needs flexibility they cannot restrict those models down to two or three only. The only way he can vote in favor of these reduced garage sizes is if they are labelled as 'experimental' and a paved walkway is added. Mr. Bonadelle Sr. agreed to this.

Chair Hatcher expressed that though this is a nice product and there will only be twenty-three units, she does not believe she is willing to give up so much on the garages. She herself does not have one and therefore finds having one very desirable, yet she would not want one which will force her children to exit the vehicle in the driveway. Though she is aware that some people will not object to that, she does not want to set a precedent that could turn into a 'slippery slope,' in which developers build smaller and smaller garages. Therefore, she will vote for the standard garage size, as the conditions of approval are currently written. In addition, on a personal note, she does not believe that trading during Planning Commission is a good idea and is in fact another 'slippery slope.'

Commissioner Antuna expressed appreciation for Mr. Bonadelle's earlier comments regarding being less vehicle-centered. The vision of the City for the future is to emphasize walkability and bike friendliness. This product lends to that vision and to the accompanying idea that a family does not have to own two cars.

Commissioner Bedsted endorsed Commissioner Antuna's comments. Though he prefers larger garages and side yards, he understands that the Planning Commission, staff, and the developers are creating an environment not only for people like him but also for people who have just one car. He also expressed that there is some 'buyer beware' here, as if someone buys a home with a smaller garage, then they will have to live with the consequences of that decision. He has mixed feelings on this project, as he personally sees many smaller cars more prevalent nowadays, so a smaller garage may be more palatable. On the other hand, he is wrestling with precedent. In conclusion, he expressed agreement with Chair Hatcher's caution regarding slippery slopes and urged the Commission to proceed with caution.

At this point a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to approve R2019-008. The motion was approved by a vote of 4-1.

At this point a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to approve TM6254. The motion was approved by a vote of 4-1.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 7:55 P.M. UNTIL the Planning Commission meeting on December 19, 2019.

Amy Hatcher, Chair



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 16, 2019

SUBJECT: Consider items associated with approximately 5.7 acres of property located on the north side of Third Street at Veterans Memorial Parkway. City of Clovis, owner/applicant.

- a. Consider Approval - Res. 19-____, A request to approve a site plan review for a proposed public facility, including a Senior Activity Center, Transit Facility, Health Care Clinic, and future Fresno County Library.
- b. Consider Approval – Defer construction of a roundabout at the intersection of Third Street and Veterans Memorial Parkway that is projected to be necessary by the year 2039.
- c. Consider Approval – Authorize staff and the City’s contract design team to proceed with the preparation of construction documents and related bid documents.
- d. Consider Approval – Consider update on naming of the project and establish “Clovis Landmark Square” as the official name.

Staff: Dave Merchen, City Planner

Recommendation: Approve

- ATTACHMENTS:
1. Conditions of Approval
 2. Draft Resolution
 3. Planning Commission Minutes
 4. Site Plan
 5. Floor Plans
 6. Exterior Elevation Renderings
 7. Value Engineering Schedule

CONFLICT OF INTEREST

Mayor Pro Tem Flores owns property within 500 feet of subject property and, pursuant to the law, must abstain from participation and decision regarding this item.

RECOMMENDATION

Staff recommends that the City Council take the following actions in support of the proposed project:

- Adopt a resolution approving Site Plan Review 2018-02, subject to the conditions of approval identified in Attachment 1;
- Defer construction of the roundabout planned at the intersection of Third Street and Veterans Memorial Parkway until traffic conditions require its installation;
- Authorize staff and the City’s design team to proceed with the preparation of construction plans and related bid documents;
- Establish “Clovis Landmark Square” as the official name of the Project.

EXECUTIVE SUMMARY

The City of Clovis is proposing the development of the “Landmark Commons” project, an expansion of the Clovis Civic Center to the property on the north side of Third Street at its intersection with Veterans Memorial Parkway. The project includes the development of a new Senior Activities Center and Health Care Clinic (the “Senior Center”), Transit Facility, and a building pad that will accommodate a new Fresno County Library in the future. The Library building will be developed by the County independently, with a separate site plan review scheduled for consideration in early 2020.

In February of 2019, the City Council approved Phase 1 of Landmark Commons, authorizing the construction of various infrastructure improvements, including a roundabout at the intersection of Third Street and Veterans Memorial Parkway. Staff is now recommending that the Council consider deferring the construction of the roundabout until traffic conditions necessitate its construction. This will streamline the development of Landmark Commons, while allowing the associated capital improvement dollars to be reapplied to street projects that address more immediate needs.

Updated cost estimates and funding sources are included for the Council’s consideration, along with a recommendation from the naming committee to formally establish “Clovis Landmark Square” as the project name moving forward. If the Council takes the recommended actions in support of the project, staff will work with the contract design team to complete the construction documents and make the project bid-ready during the spring of 2020.

BACKGROUND

In January of 2015, the City of Clovis purchased 5.7 acres of property located at the intersection of Veterans Memorial Parkway and Third Street in Old Town Clovis. The site was purchased for the development of the Landmark Commons project, including a new Senior Center, Transit Facility, and Fresno County Library. Relocation of existing

businesses and demolition were completed in the summer of 2015. A focused environmental impact report (EIR) for the project was certified by the City Council in July of 2018, and schematic design drawings for the site and buildings were completed in late 2018. On December 17, 2018, the City Council approved the schematic design and development budget for the project, and authorized staff to proceed with completing the final design process for the project.

The development of the project site requires the completion of the site plan review process, including review by the Planning Commission and final approval by the City Council. The Planning Commission conducted a public hearing and recommended approval of the project in January of 2019. The Council then considered the site plan review for the first time on February 11, 2019. During that meeting, representatives for the neighboring property owner (Debenedetto) expressed concerns regarding the absence of a street connection to Clovis Avenue at Second Street and asked that they be allowed to prepare a new traffic study to further analyze the issue. The Council concurred with that request and held off on approving site and building layouts until a final determination could be reached on the matter. Only off-site improvements, described as Phase 1 of the site plan review, were approved by Council.

While the Debenedetto representative indicated that preparing the new traffic study would take about eight weeks, nearly six months passed before the study was delivered to staff in August of 2019. During this time, work on the site plan and design documents was placed on hold. In October of 2019, after reviewing the traffic study prepared by the neighboring owner, the City Council concurred with staff that a street connection at Second Street should not be incorporated into the site layout. With this determination, staff scheduled Phase 2 of the site plan review (site buildings and layouts, etc.) for final City Council consideration.

Together with the site plan review, this report provides updates and recommendations for several project elements that have changed since the project was last reviewed by the Council, including the budget and development timeline. The discussion that follows is organized into five sections as outlined below.

- A. Site Plan Review 2018-02
- B. Off-site Improvements and Roundabout Deferral
- C. Updated Project Budget
- D. Development Timeline
- E. Discussion on Project Naming

A. Site Plan Review 2018-02

The site plan review under consideration proposes to memorialize site and building details for the proposed Senior Center, Transit Facility, and a future pad for a new Fresno County Library. A separate site plan review application has been submitted by Fresno County and is currently under review by staff. The tentative schedule for the Library site plan review includes consideration by the Planning Commission in January, 2020 and City Council in February, 2020.

The Senior Center is proposed within a 29,275 square foot building at the southwest corner of the site. The Old Town Trail runs directly along the west side of the Senior Center and Third Street runs along its south side. The proposed building includes a large multi-purpose space with a built-in stage, a kitchen, flexible programming areas for activities such as art and billiards, classroom space, offices and employee areas, and various support areas (storage, restrooms, etc.). St. Agnes Medical Center is planning to locate a 4,000 square foot Health Care Clinic within the Senior Center under a lease agreement with the City, taking access to the building from a separate entrance. The City will construct the shell space for the Clinic, and St. Agnes Medical Center will be responsible for all tenant improvements.

The Transit Facility is approximately 7,290 square feet and sits on the southeast corner of the site. This facility would provide administrative offices for staff as well as a transit stop, break area, and conference services for the transit operations. The County Library pad is located on the northwest corner of the site adjacent to the Old Town Trail. The County pad is approximately 47,000 square feet.

Land Use Summary

- General Plan Designation: Mixed Use
- Specific Plan Designation: Central Clovis Specific Plan (Mixed Use PA9)
- Existing Zoning: Mixed Use
- Lot Size: Approximately 5.7 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Construction Yard
 - South: Parking and Clovis Veterans Memorial District
 - East: Single and Multiple-Family Residential
 - West: Clovis Veterans Memorial District Facilities
- Previous Entitlements: R2018-14 (Mixed Use)

Circulation and Access

An entrance on Third Street provides the predominant vehicle access for the Project. The main drive enters the site at the Veterans Memorial Parkway alignment and divides the Senior Center to the west and Transit Facility to the east. The existing alley on the east side of the site will provide a secondary vehicle access with Osmun Avenue at the northeast corner of the site providing a third. The Library will be located on the northwest corner of the site with the Debenedetto property just to its north. Pedestrians have access around the site from Third Street, Osmun Avenue and the Old Town Trail. Pedestrians will traverse through the site through a series of accessible paths around buildings and along parking areas, including a raised sidewalk that leads directly from the Senior Center to the Library.

Parking

Parking for the three buildings will be located within the interior of the site. Approximately 187 stalls are proposed including 37 accessible stalls. The available on-site parking satisfies

parking needs for the planned uses. Additional capacity is available as on-street parking and in the public parking areas located throughout Old Town.

View Corridor

Landmark Commons takes its design direction from a Master Development Plan approved by the City Council in February, 2019 for Planning Area #9 of the Central Clovis Specific Plan. The Master Development Plan places particular importance on maintaining view corridors from the major streets around the periphery of the property into the site. Such corridors are important for the public in identifying uses within this otherwise “embedded” property.

The intersection of Third Street and Veterans Memorial Parkway will function as the primary point of access to Landmark Commons and will be a visual anchor point for the proposed public facilities and future private development anticipated to the north. The view corridor to the north of the intersection is “picture-framed” between the Senior Activities Center and Transit Center, allowing visual access to both the Library planned at the north end of the Landmark Commons and the Debenedetto property beyond.

Architectural Design

The project is located on the site of Clovis Lumber adjacent to the former railway. The elevations were developed by Paul Halajian Architects to emphasize the history of the site, utilizing delicate wood structural members, with wood and metal siding (see Figure 1). The barn shaped core of the Senior Center pays respect to the former Clovis Lumber building. The metal roof material from Clovis Lumber is being repurposed as the exterior siding for both the senior and transit buildings.

The unique architecture proposed for the Senior Center and Transit Facility come at a higher cost than would a generic, institutional design. Projected construction costs continue to stretch the project budget, as discussed in more detail in Section C of this analysis. While several alternatives that would have reduced or eliminated the unique design features were evaluated, staff believes that the proposed architecture brings lasting value to the community and is appropriate as a public investment. No significant changes to the design are recommended unless the Council reaches a conclusion that insufficient funding is available to develop the preferred design.

Community Outreach Meeting

Community input was invited throughout the initial project planning phase, including several community meetings and discussions with individual stakeholders. Specific feedback regarding the proposed site plan was solicited in advance of the initial Planning Commission meeting where the project was considered. Staff held a public outreach meeting on Thursday, January 10, 2019, to allow the surrounding property owners as well as interested community members to view and comment on the Project. Approximately 30 people attended as well as City and County staff. Comments during the meeting revolved around traffic and noise impacts, parking, sidewalks on Third Street, and pedestrian access.



FIGURE 1 – SENIOR SERVICES ACTIVITY CENTER - SOUTH ELEVATION

Planning Commission Comments

The Planning Commission considered the site plan review at its January 24, 2019 meeting. Mr. Kurt Vote, representative for the Debenedetto family, spoke in favor of the relocation of the Senior Center, Transit Facility, and Library. However, he also expressed opposition to the recommended site plan due to cited conflicts with the land swap agreement between the City and the Debenedetto family (lack of Second Street access and open view corridor from Veterans Memorial Parkway). Ms. Cora Shipley also spoke, citing concerns with the lack of Second Street access as well as the roundabout. Ms. Shipley asked to consider an alternative to the roundabout.

After testimony, the Planning Commission stated that they understood the challenges with traffic and recognized that the recommended site plan and traffic plan were the best options, therefore approving the SPR2018-02, by a vote of 4-0-1 with Chair Hatcher absent.

California Environmental Quality Act (CEQA)

This project was evaluated under a Focused Environmental Impact Report (EIR) certified by the City Council on July 9, 2018 (State Clearinghouse Certification No. 2017041010). No major revisions will be required with the adopted Focused EIR to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182, no further environmental review is required for this project. The Focused EIR can be viewed at the following link: <https://cityofclovis.com/planning-and-development/planning/ceqa/>.

The City published a notice of this public hearing in *The Business Journal* on December 4, 2019.

B. Off-site Improvements and Roundabout Deferral

Off-site work required in conjunction with the proposed project includes the construction of street frontage improvements at Third Street, trail improvements, sewer and water lines, storm drains, street lighting, curbs, gutters, and sidewalks. The construction of a roundabout was identified as a mitigation measure to reduce future traffic congestion at the Third Street and Veterans Memorial Parkway intersection. The Council authorized staff to proceed with construction of the roundabout and other off-site improvements in February of 2019.

The EIR prepared for Landmark Commons identified the roundabout as a mitigation measure for future traffic impacts that are likely to occur by the year 2039. It is not clear precisely when or if those impacts will actually occur. The following discussion regarding the timing of the roundabout is included in the Draft EIR (Page 2-6):

“The roundabout may be installed at the time of project construction or may be deferred until the intersection is observed operating at an unacceptable Level of Service D or lower or there is an increase in the average delay if already operating at an unacceptable Level of Service.”

Staff is recommending that the Council consider deferring construction of the roundabout until traffic conditions necessitate its construction. Deferring this improvement will avoid construction conflicts with neighboring properties and school traffic, and provide additional flexibility for the construction of on-site improvements near the project entrance at Third Street.

If the Council accepts staff’s recommendation to defer the roundabout, a less intensive set of interim street frontage improvements will be constructed. These would include curb and gutter, curb ramps, sidewalks, and drive approaches. Overall off-site improvement costs will drop from approximately \$624,000 to \$203,000. Interim improvements will be designed to accommodate a future roundabout to the extent feasible, and staff will seek to complete the process of purchasing small amounts of right of way from the Veterans Memorial District to accommodate the ultimate configuration. Certain interim improvements installed along the Third Street frontage will conflict with the roundabout design when it is eventually constructed, and they will need to be demolished. Those improvements have a present day value of approximately \$73,000.

C. Landmark Commons Development Budget

Design Development Cost Estimates

Cost estimates for capital improvement projects are typically prepared at each phase of the design process, beginning with planning level assumptions that are used to develop an initial budget. Progressively more detailed estimates are completed by the engineer or architect as the project transitions through the schematic design, design development, and construction document phases. The project had completed the schematic design process in December, 2018 when the last detailed estimate was reviewed by the Council. At that time, overall development costs were estimated to be approximately \$18,800,000. The project

has now completed the design development phase; projected costs have increased to approximately \$21,900,000, as summarized in Table 1 below.

Analysis of Estimated Costs

After receiving the first draft of the design development estimate from the project architect during the spring of 2019, staff had significant concerns regarding inconsistencies between those figures and the earlier cost estimates from December of 2018. Staff recommended and the Council agreed with bringing in a third party construction management firm to evaluate the cost estimates. The project architect also engaged a separate cost estimating firm to review the numbers. Eventually, experts for the two firms agreed on estimates of total building cost (Line 2 in Table 1 below) that were within 1% of each other. The building cost figures included in Table 1 are those provided by the City’s independent firm, Vanir Construction Management.

Table 1 – Estimated Project Development Costs					
Cost Type		Senior Center	Transit Facility	Library	Total
1	Architecture	578,796	260,580	66,494	905,870
2	Building Cost	10,953,407	3,743,254		14,696,661
3	Transit Shelter		300,000		300,000
4	FF&E	377,700	109,200		486,900
5	On-Site Improv.	974,217	586,768	2,008,971	3,569,956
6	Off-Sites	55,397	33,366	114,237	203,000
7	Consultant/CM	272,178	163,932	53,890	490,000
8	Permits	50,000	20,000		70,000
9	Impact Fees	71,921	43,318	99,805	215,044
10	5% Contingency	618,036	238,629	106,160	962,826
11	TOTAL COST	13,951,652	5,499,046	2,449,558	21,900,256

Escalation of Costs (Inflation) and Contingencies

After comparing the December, 2018 estimates to the current estimates, staff identified that the earlier figures provided by the project architect did not include an escalation factor to account for cost increases due to inflation. The architect confirmed this fact and noted that the incorporation of an escalation factor increased costs approximately 0.42%, or more than \$60,000, each month. The current estimates reflect escalation to the mid-point of construction, which represents a conventional approach to anticipating the cost of inflation. Additional unforeseen delays will directly impact the cost of developing the project.

Contingency factors are typically incorporated into cost estimates to account for various unknowns. At this stage of the design process, the estimates reflect a 5% design contingency for the buildings and on-site improvements, acknowledging the potential for cost increases to occur as detailed design decisions are made in the process of completing

the final construction documents. Staff recommends that an additional 5% bid and construction contingency be incorporated into the estimates to allow the budget to absorb bids that are higher than anticipated and cover contract change orders after construction has commenced. This contingency is shown in Table 1 as item 10.

Project Funding and Annual Revenue

The project costs described above are partially offset by revenues the City has developed in relation to the site. Saint Agnes Medical Center has signed an agreement to lease a portion of the Senior Center for a minimum of 5 years with additional 5 year terms at market rate if desired by both parties. The San Joaquin College of Law has signed an agreement to lease the existing Senior Center after the City moves into the new building. The agreement calls for the City to receive payments for a 20-year period and provides an option to purchase for appraised value. These public-private partnerships provide critical revenue to the project. In addition, the City has been able to set aside general government facilities funds, library development impact fees, highway relinquishment funds, transit-related grants, and Measure C grants for transit and trail related improvements to offset project costs. Remaining costs will need to be funded through a bond, internal borrowing, or other debt mechanism. Revenues and project funding are outlined in Table 2 below.

Table 2 – Project Revenues					
Revenue Category	Senior Center	Transit	Library	Total	
Initial Revenues Applied Against Development Cost					
12	Library Impact Fees			1,880,000	1,880,000
13	Gov't Facility Funds	3,858,000			3,858,000
14	TOD Grants	250,000	300,000		550,000
15	Transit Grant		1,854,259		1,854,259
16	Relinq. Funds (168)	100,000			100,000
17	Gap - Borrowing	9,743,652	3,344,787	569,558	13,657,997
18	Total Revenues	13,951,652	5,499,046	2,449,558	21,900,256
19	Debt Service	730,774	250,859	42,717	1,024,350
Annual Revenues					
20	Saint Agnes	100,000			
21	San Joaquin Law	90,000			
22	Transit Fund		250,859		250,859
23	Library Impact Fee			42,717	42,717
24	Total Annual Rev.	190,000	250,859	42,717	483,576
25	General Fund Debt Service (Based on a 20 Year Bond)				540,774

The project expenses and related revenue result in an estimated General Fund annual obligation of \$540,774 for 20 years. This represents an increase of approximately

\$131,000 over the General Fund obligation presented to the Council in December of 2018. In addition, it is expected that the transition from the existing Senior Center to the newer, larger facility will increase annual operating costs by approximately \$90,000. In the most recent five-year forecast, \$500,000 was used as the amount of resources to be provided to the project from the General Fund. Staff has reviewed the General Fund and determined the \$630,774 expense is manageable. Staff and the Friends of the Clovis Senior Center have been working to conduct a fundraising campaign to reduce the need for bond funds. Staff will continue to seek ways to reduce costs for the project and future operating expenses.

Cost Reduction Strategies

In addition to engaging an external firm to prepare an independent cost estimate, staff evaluated a series of alternatives to reduce the project cost. These included converting the project to utilize a modular construction strategy relying on factory built modules, eliminating the unique architectural features of the proposed buildings, reducing the building sizes, and phasing project construction. A detailed value engineering process was also conducted involving staff, the project architect, and the City’s external construction management firm. The conclusions reached through these efforts indicate that significant cost savings are unlikely to be achieved without reductions to the Senior Center square footage. Some savings could occur if the unique architectural features of the proposed buildings were eliminated. However, drastic changes would be required and redesign and escalation costs would absorb much of the cost reductions. The architecture would necessarily become more generic and the relationship between the building style and the site’s history would be lost.

Based on the estimated development costs and projected General Fund debt obligation, staff is not recommending changes to the proposed buildings or other project features at this time. However, it is recommended that several items identified through the value engineering process be incorporated into the future bid documents as additive or deductive alternates. These items are described in Attachment 7. This strategy would provide the City with additional flexibility to award the project and begin construction if bids come in higher than expected.

D. Development Timeline

The design team has produced a timeline, as shown below, for the delivery of the on-site and off-site improvements, the Senior Center and the Transit Facility.

- Construction Docs Completed Spring 2020
- Bid and Award Summer 2020
- Construction Begins Summer/Fall 2020 (52 weeks)
- Construction Completed Fall 2021

The County has not determined a timeline for construction of the Library at this time. However, staff will continue to work cooperatively with the County to coordinate work where possible.

E. Naming Discussion on “Landmark Commons”

During several previous discussions regarding the project, the City Council heard concerns from various individuals regarding the naming of the project area as “Landmark Commons”. On February 11, 2019, when the City Council specifically considered assigning a project name, several commenters spoke on the issue and a lengthy discussion occurred. It was the consensus of Council to delay the naming of “Landmark Commons” and have staff work with a committee to further evaluate the name and return to Council at a future date.

Various names were presented for discussion as well as the overall desire to have the name reflect the history of the site. Some names discussed were:

- Clovis Commons at the Lumber Yard
- Clovis Landmark Square
- Landmark Commons at the Lumber Yard
- Landmark District instead of Commons (well received by most of the group)
- Cross Cut Commons
- Lumber Yard District
- Clovis Flume Commons or include Flume

Over the last several months, staff has continued to work with an informal naming committee to try and achieve consensus on an appropriate name for the project area. Community members who had expressed interest in the topic include Carole Lester, Arakel Arisian, Susan Frantzich, Carol Linenbach, Tom Wright, Mike DeBenedetto, Vincent Richiutti, Mark Keppler, John Wright, Ron Sunquist, and Thomas Kassahum. After speaking with most of the members of this informal group in November and December of 2019, staff believes that is a general consensus that the name “Clovis Landmark Square” should be approved for the project. Staff concurs with this consensus and recommends that the Council establish Clovis Landmark Square as the official name.

FISCAL IMPACT

The overall project budget is supported by the financial partnerships and grants that have been developed and is within the availability of General Fund revenues. It is expected the overall project will cost approximately \$21,900,000. The General Fund portion of this is \$13,951,652, with a portion of the expense being offset by ongoing revenues from St. Agnes Medical Center leasing a portion of the Senior Center and the San Joaquin School of Law leasing the existing Senior Center. A budget amendment will be required before awarding construction contracts and will be brought to City Council for consideration.

REASON FOR RECOMMENDATION

The Project is consistent with the Clovis General Plan, Development Code and Central Clovis Specific Plan, and provides the community with expanded services for the Senior Center, Transit Facility, St. Agnes Medical Clinic, and the County Library. Development of the site also moves toward completion of underutilized property within the Old Town area. Staff therefore recommends that the City Council approve Site Plan Review SPR2018-02, subject to the conditions of approval listed as Attachment 1, authorize the deferral of the roundabout, authorize staff to move forward with the preparation of construction documents, and proceed with official naming of the project as “Clovis Landmark Square”.

ACTIONS FOLLOWING APPROVAL

The project will undergo the final design and bidding process. The item will return to the City Council to amend the budget and award the construction contract, targeted for spring of 2020.

Prepared by: Dave Merchen, City Planner

Reviewed by: City Manager *JH*

SPR2018-02 – CONDITIONS OF APPROVAL

PLANNING DIVISION CONDITIONS

(Dave Merchen, Division Representative - 324-2346)

Items required prior to issuance of building permits shall be delivered to the appropriate department at least two weeks prior to the anticipated date the permit is needed. This will allow staff sufficient time to review and approve the materials.

1. These conditions and enclosed "Acceptance of Site Plan" shall be included in the stamped permits sets.
2. The Project shall sign and return the "Acceptance of Site Plan" within thirty (30) days of the date of approval of site plan review. **THE PROJECT OR ANY OTHER AGGRIEVED PERSON MAY FILE AN APPEAL OF THE SITE PLAN WITHIN FIFTEEN (15) DAYS OF THE APPROVAL DATE.** Unless a written appeal is requested, or the Planning Director grants an extension in writing of the time to sign the Acceptance of Site Plan, failure to comply with this condition will result in immediate termination of this Site Plan Review at the end of the 30-day period. (Clovis Municipal Code (CMC) § 9.56.070).
3. This Site Plan Review is granted as per the conditions of Attachment 1. Site layout, exterior elevation plan, design and finish materials, shall be those stamped as "approved" and available for review in the Planning Division. Any corrections indicated in red shall indicate approved changes under this application. (per CMC §9.56.050).
4. All plans submitted for building permits shall be consistent with this Site Plan Review. (per CMC §9.56.010).
5. The pad space identified for the future library will be processed through a separate site plan review amendment.

Signage

6. All proposed construction announcement sign uses to conform to the Municipal Sign Ordinance.
7. All exterior signs and/or signs on the inside of the building which are intended to be viewed from the outside shall require separate sign permits prior to installation.
8. Temporary signs shall be limited to building mounted banners and posters not to exceed in size the total allowable permanent sign area for the lease space. Such signs may be used in conjunction with an event or sale, and may be displayed for a maximum of fourteen days, and shall be limited to one such display three separate times a year. A minimum of five days shall separate temporary display periods. Temporary displays shall not list individual products and/or prices and will require written notification to the Planning Department prior to display.

9. A new business may display “Grand Opening” signs per the Clovis Zone Ordinance, one time for a maximum period of thirty days. Grand opening displays require written notification to the Planning Department prior to display.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

10. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department. If ground-mounted, applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any roof-mounted equipment placements shall be completely screened from view (with exception from State Route 168) and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall-mounted equipment shall be painted to match the exterior wall.
11. Roof access ladders shall be located within the interior of the buildings per Planning Division Standards.
12. Fire sprinkler risers shall be located within the interior of the building or located out of public view per Planning Division Standards.

Building Colors, Materials Considerations

13. Building Elevations are approved as per Attachment “F”, stamped as approved and available for review in the Planning Division. Modifications to the elevations shall require Director Review through an amended site plan review process.

Lighting Considerations

14. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
15. A representative of the Project shall contact the Planning Department when all site lighting is operational. At this time, additional light screening may be required.

Parking

16. All parking and loading areas shall be marked and striped to City standards.
17. Parking spaces shall be marked and striped per City standards.
18. Parking spaces for the disabled shall be provided in compliance with the Clovis adopted standards.
19. Trees, shrubs, light poles, fire hydrants and similar objects placed in the two-foot bumper overhang area shall be placed as not to cause interference with the vehicles per Planning Division Standards.
20. The Project shall provide an accessible pedestrian path from the City sidewalk to the front door of the buildings per adopted Accessible Path Requirements.

21. Provide bicycle parking/storage facilities in compliance with the California Green Code and Clovis Active Transportation Plan.

Landscape Setbacks

22. Setbacks shall be provided per the Central Clovis Specific Plan.

Landscape/Non-Landscape Lot Coverage and Treatments

23. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements.

24. Required setbacks shall be completely landscaped and shall not be used for parking bumper overhang area. If the Project wishes to utilize a 2 foot bumper overhang, landscaping shall be adjusted to comply with applicable Planning Division Standards.

Fencing

25. Any fencing viewable from the public right-of-way shall be decorative and shall require review and approval from the City Planner.

FIRE DEPARTMENT CONDITIONS

(Gary Sawhill Department Representative - 324-2224)

26. Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.

27. All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')

28. Alley shall be marked NO PARKING FIRE LANE per Std. #1.1.

29. The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.

30. Walking access is required to reach building openings within two-hundred feet (200') of a paved surface designed to fire apparatus use. Required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment. Gates shall be a minimum of four feet (4') in width if they are used in the walking access path. Gates that are locked and are required for building access shall have a fire/police padlock or approved lock box with gate keys installed for access.

- 31. Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.
- 32. The project shall install one (1) 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #7. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site.
- 33. The Project shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.
- 34. The Project shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4') from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, porches. A Fire Department permit is required for an automatic fire sprinkler installation.
- 35. The Fire Department Connection to the automatic fire sprinkler system shall be reviewed and approved by the Clovis Fire Department before installation.
- 36. Prior to installation, the Project shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Installation shall be done by a California Licensed contractor. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests. NOTE – When a fire pump is required by the overhead system demand, the FDC shall be connected on the discharge side of the fire pump.

CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS
(Michael Johnston, Representative – 559-327-9000)

- 37. The Project shall refer to the attached CUSD requirements. If the list is not attached, please contact the District office for the list.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS
(Robert Villalobos, FMFCD Representative - 456-3292)

- 38. The Project shall refer to the attached FMFCD requirements. If the list is not

attached, please contact the District for the list of requirements

FRESNO IRRIGATION DISTRICT CONDITIONS
(Chris Lundeen, FID Representative – 233-7161 ext. 7410)

39.The Project shall refer to the attached FID requirements. If the list is not attached, please contact the District for the list of requirements.

FRESNO COUNTY HEALTH CONDITIONS
(Kevin Tsuda, County Representative –600-3271)

40.The Project shall refer to the attached Fresno County Health requirements. If the list is not attached, please contact the District for the list of requirements.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS
(Sean Smith, Engineering Division Representative – 324-2363)
(Paul Armendariz, Public Utilities Representative – 324-2394)
*** (see attached estimated fees)***

Maps and Plans

41. The Project shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.

42. Prior to the initial submittal of the improvement plans, a representative of the Project shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).

43. Prior to granting of final occupancy or final acceptance, the Project shall submit to the City of Clovis Engineering Division one (1) digital copy in PDF format of construction plans revised to reflect all field revisions and marked "AS-BUILT."

General Provisions

44. The Project shall pay all applicable development fees prior to the issuing of a building permit. A preliminary estimate of fees for the County Library is \$67,182.04 and the estimate of fees for the Senior Center and Transit Center is \$95,107. A breakdown of this estimate is attached to these conditions for your

information. Additional fees may be assessed and must be paid prior to issuance of subsequent development permits. NOTE: The fees given at this time are an estimate calculated using rates currently in effect. These rates are subject to change without notice and the actual amount due shall be calculated using fee rates in effect at the time of payment. Additional fees payable to the City or other agencies (FMFCD) may become due as supplemental information regarding the project is received by the City.

45. Applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests must be filed in accordance with the provisions of the California Government Code and must be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
46. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the "Developer Reimbursement Procedures"; a copy of which may be obtained at the City Engineer's Office.
47. The Project shall obtain encroachment permits from the City of Clovis for work performed within the City's right-of-way and easements.
48. The Project shall install all off-site improvements within the public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement approval. Applicant shall provide and pay for any compaction tests required by the City of Clovis in the course of construction.
49. The Project shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the Project to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the Project has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
50. The Project shall contact and address all requirements of the United States Postal Service - Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.

51. Any new utility facilities located within the street right-of-way along the streets adjacent to this development or on-site shall be underground.
52. The Project shall contact and address Caltrans' requirements.
53. The Project shall contact the Fresno County Department of Public Works (FCDPW) and pay all applicable fees required.

Dedications and Street Improvements

54. The Project shall provide right-of-way acquisition, free and clear of all encumbrances and/or improve to City standards the following streets. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The Project engineer shall be responsible for verifying the type, location, and grades of existing improvements.
 - a. Construct a roundabout at intersection of Third Street and Veterans Parkway, including landscaping and irrigation improvements. Realign trail crossing west of roundabout. Realign curb, gutter, and sidewalk at corners and transitions into roundabout to accommodate the ultimate design. Dedicate and improve the roundabout to Federal Highway Administration guidelines.
 - b. If the roundabout described item 54a above is deferred beyond the opening day improvements for the Project, construct new drive approach at Third Street Project entry to City standards and install sidewalks along Project frontage to match existing alignments.
 - c. Remove and replace unused drive approach and replace with curb gutter and sidewalks.
 - d. Hughes-Osmun Alley, between Third Street and just south of Osmun Circle, improve the alley including drive approach and valley gutter to City standards.
 - e. Construct sidewalk to City standards from the east edge of the project to a point approximately 175 to the east, where existing sidewalk exists.
 - f. Remove and replace existing curb located east of the Hughes-Osmun alley, from the alley drive approach to the existing driveway serving 831 Third Street.
55. The Project shall provide a dedication for a 10' public utility easement along all frontages.

- 56. For new onsite ADA paths of travel that connect to the City sidewalk, the Project shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
- 57. The Project shall remove and repair all damaged or broken concrete improvements as necessary.
- 58. Applicant shall provide preliminary title report for the subject property(ies).
- 59. The Project shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The Project shall pay such estimated costs as soon as they are determined by the City.
- 60. The Project shall provide to the City for recording a reciprocal access agreement to maintain and provide vehicular, pedestrian and public access, prior to obtaining building permits.

Sewer

- 61. The Project shall identify and abandon all septic systems to City standards.
- 62. The Project shall install sewer lateral or laterals for the development site and connect to City mains.

Water

- 63. The Project shall identify and abandon all water wells to City standards.
- 64. The Project shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
- 65. Onsite looped water mains - install 8" mains.
- 66. The Project shall provide dedication of a 15' wide utility easement for all on-site water mains, including fire hydrants, blow-offs, and meter boxes.
- 67. The Project shall install a City standard water service of the necessary size for the development site and connect to City mains. Water services shall be

grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.

Grading and Drainage

68. The Project shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by the FMFCD prior to the release of any development permits.
69. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered Civil Engineer.

Irrigation and Landscaping Facilities

70. The Project shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits. If a FID or private irrigation line is to be abandoned, the Project shall provide waivers from all downstream users.
71. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the Project shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The Project shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The Project shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The Project shall provide waivers

from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.

72. The Project shall provide for recording a landscape and irrigation perpetual maintenance covenant for landscaping installed in the public right-of-way behind the curb, including easements, that will not be maintained by the Clovis Landscape Maintenance District. The recordable covenant must be submitted to, checked and approved prior to approval of the improvement plans or the release of any development permits.
73. The Project shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.

Miscellaneous

74. The Project shall construct one (1) City of Clovis standard Type V trash enclosure (M-2 and M-3) for the Library, one (1) City of Clovis standard Type V trash enclosure (M-2 and M-3) for the Senior Center and one (1) City of Clovis standard Type IV trash enclosure (M-2 and M-3) for the transit office including solid metal gates. Grease barrel enclosures shall be required for all grease producing businesses. The Project shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
75. The trash enclosure shall be used only for trash and recycling bins. The Project is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
76. The Project shall provide location and dimension of above ground utility boxes and risers with the location approved by the City.
77. The Project shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. The Project shall require the surveyor/civil engineer for the development to notify, in writing, the City Engineer of any existing section corner, property corner or reference monuments damaged by the construction of improvements performed as part of the development. The Project shall have

all such monuments reset. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting or replacement of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer certifying that the final monuments have been set and that he has filed with the County Recorder all appropriate records of survey or corner records.

- 78. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
- 79. All conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy.

DRAFT
RESOLUTION 19-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A SITE PLAN REVIEW FOR A NEW PUBLIC FACILITY LOCATED NEAR ON THE NORTH SIDE OF THIRD STREET AT VETERANS PARKWAY AND CONFIRMING ENVIRONMENTAL FINDINGS

WHEREAS, City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a Site Plan Review SPR2018-02; and

WHEREAS, this is a request to approve a site plan review for a new public facility including the Senior Services Activity Center, Transit Center, St. Agnes Medical Clinic, and future pad for the County Library, for property on the north side of Third Street at Veterans Parkway in the City of Clovis, County of Fresno; and

WHEREAS, on January 24, 2019, the Planning Commission considered SPR2018-02; and

WHEREAS, the Planning Commission recommended that Council approve SPR2018-02; and

WHEREAS, the Planning Commission’s recommendations were forwarded to the City Council for consideration; and

WHEREAS, on February 11, 2019, after conducting a public hearing, the City Council authorized Phase 1 of SPR2018-02 to proceed, comprised of the off-site improvements required to serve the Project; and

WHEREAS, work necessary to allow the consideration of Phase 2, the on-site improvements, of SPR2018-02 has been completed; and

WHEREAS, a public notice was published in the Business Journal on December 4, 2019; and

WHEREAS, a public notice was mailed to area property owners within 600 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, the City Council does find that SPR2018-02, is in substantial compliance with the environmental impact report adopted by Council on July 9, 2018; and

WHEREAS, the City Council held a noticed public hearing on December 16, 2019, to consider the approval of SPR2018-02; and

WHEREAS, on December 16, 2019, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to SPR2018-02, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed SPR2018-02, or otherwise commented on the Project; and

NOW, THEREFORE, the City Council of the City of Clovis makes the following findings and resolves as follows:

1. The use is allowed within the subject zoning district;
2. The Project is in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning

- district, including prescribed development standards and applicable codes, policies and guidelines established by resolution of the Council;
- 3. The Project is in compliance with all other applicable provisions of the Clovis Municipal Code;
- 4. The Project is consistent with the General Plan and any applicable specific plan;
- 5. The Project was evaluated under a Focused Environmental Impact Report adopted and certified by the City Council on July 9, 2018, (State Clearinghouse Certification No. 2017041010). No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council approves SPR2018-02, subject to the attached conditions labeled Attachment "1."

* * * * *

The foregoing resolution was introduced and adopted by the Clovis City Council at its regular meeting on December 16, 2019, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: December 16, 2019

Mayor

City Clerk

CLOVIS PLANNING COMMISSION MINUTES
January 24, 2019

1. Consider approval Res. 19-06, **SPR2018-02**, A request to approve a site plan review for a proposed public facility, including a senior activity center, transit facility, health care clinic, and future pad for Fresno County Library on property located on the north side of Third Street at Veteran's Parkway. City of Clovis, owner/applicant.

City Planner Bryan Araki presented the staff report.

Chair Pro Tem Hinkle remarked that the proposed roundabout is comparable in size to those at the River Park Shopping Center

At this point, the Chair opened the floor to the applicant.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

Kurt Vote of 265 E. River Park Circle, Suite #310, Fresno, spoke on behalf of the DeBenedetto family

At this point, the Chair closed the public portion.

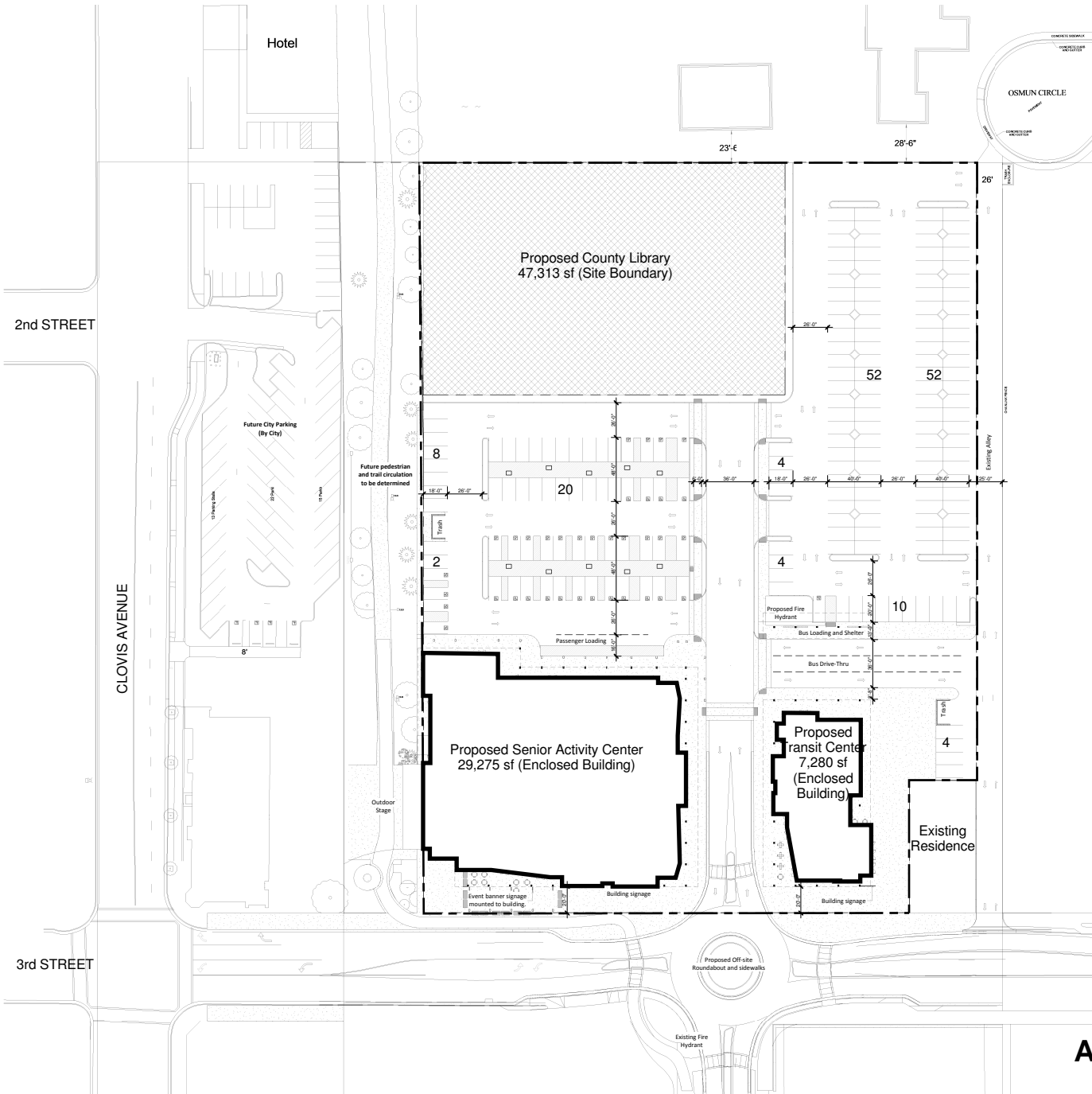
At this point a motion was made by Commissioner Bedsted and seconded by Commissioner Antuna to approve SPR2018-02. The motion was approved by a vote of 4-0-1.



PAUL HALAJIAN ARCHITECTS
 389 Clovis Ave, Suite 200
 Clovis, CA 93612-1185
 T: 559.297.7900 F: 559.297.7950
 www.halajianarch.com



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ATTACHMENT 4

PROJECT:
City of Clovis
Senior Center and Transit Center
 Enter address here
SHEET: Overall Site Plan

DRAWING SET INFORMATION:

6/26/2018	Entitlement Submission
-----------	------------------------

REVISIONS:

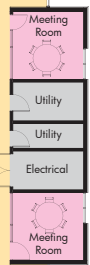
PROJECT NUMBER:
2016-39

SHEET NUMBER:
A100

AGENDA ITEM NO. 4. CENTER



- Multi-Purpose
- Activity Space
- Lobby Area
- Collaboration
- Office
- Kitchen
- Restroom
- Circulation
- Service
- Tenant Space

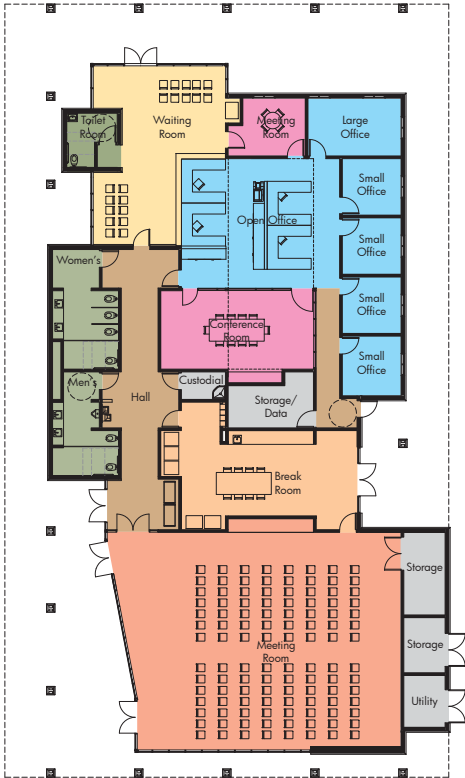


ATTACHMENT 5

AGENDA ITEM NO. 4.

TRANSIT CENT

Floor Plan



- Meeting Room
- Waiting Area
- Collaboration
- Office
- Break Room
- Restroom
- Circulation
- Service

AGENDA ITEM NO. 4.



ATTACHMENT 6



PH

PAUL HALAJIAN ARCHITECTS

AGENDA ITEM NO. 4.



LANDMARK
COMMONS



PAUL HALAJIAN
ARCHITECTS

AGENDA ITEM NO. 4.



LANDMARK
COMMONS

PH

PAUL HALAJIAN
ARCHITECTS

AGENDA ITEM NO. 4.



AGENDA ITEM NO. 4.



Value Engineering Items

Item No.	VE Item	Potential Savings	Comments
VALUE ENGINEERING ITEMS TENTATIVELY RECOMMENDED AS ADDITIVE OR DEDUCTIVE ALTERNATES (To Be Determined During Preparation of Construction Documents)			
1	Reduce Generator output	(\$120,000)	Reduce size of generator to support minimal lighting throughout the Senior Center, full capacity to run kitchen equipment, some outlets and HVAC. Includes all wiring transfer switch and other equipment necessary to run the generator. This item can be an Add Alternate.
9	Reduce Windows 30% on the East and South Store Fronts	(\$260,000)	Removal of windows and resplace with wall If provided enough information in the bid docs, this item can be an Add Alternate. The reduction would be apprx.
10	Reduction of Glass throughout and replace with Solar Tubes	(\$160,000)	Adjustment to #9, adds solar tubes after windows removed. This item can be an Add Alternate with enough information provided in the bid docs.
11	Remove exposed wood roof framing and replace with acoustic tile	(\$40,000)	This item can be an Add Alternate.
14	Remove operable partician wall between yoga & classroom spaces	(\$65,000)	This item can be an Add Alternate
15	Remove operable shtters in Billiards room	(\$35,000)	This item can be an Add Alternate
16	Remove platform seating in Billiards room	(\$5,000)	There is not much savings and suggest leaving this item in the contract. Staff to advise.
18	Removal of decorative elements on Third & Veterans Street	(\$40,000)	Reduction of landscaping by 30%. This item can be an Add Alternate
VALUE ENGINEERING ITEMS CONSIDERED BUT NOT RECOMMENDED FOR INCLUSION			
2	Remove North/East Overhang	(\$58,000)	Removal of overhang location shown on 11/19/19 meeting minutes. This item can be an Add Alternate
3	Remove Three Towers	(\$118,000)	Removal of three towers - see meeting minutes. This item cannot be an Add Alternate
4	Removal of tall tower at MPR	(\$97,000)	Removal of the tall tower at the MPR - see meeting minutes
5	Reduction of Vertical size and inverted/reverse roofline	(\$68,000)	Removal of sloped roofing per meeting minutes. This item cannot be an Add Alternate
6	Reduce Square Footage of Sr. Center by 20%, Transit Center by 15% and Site work by 5%		By reducing the square footage in the space noted, the project can be reduced by approx. \$3 million.
7	Replace CM walls around MPR with less expensive material	(\$28,000)	In order to keep your STC rating, a more expensive wall system would need to be constructed. Therefore, little savings is seen by changing the material type. This item cannot be an Add Alternate.
8	Remove 4,000sf of Tenant Space	(\$800,000)	Removal of space can produce between \$800K to \$1 million savings This item can be an Add Alternate
12	Replace wood wall finish with cement plaster	(\$90,000)	This item can be an Add Alternate, however due to the amount of details required it might not be feasible. PHA to advise.
13	Remove Sun Shades at South Overhand	(\$38,000)	This item can be an Add Alternate



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 16, 2019

SUBJECT: Consider Approval - Res. 19-____, A request to approve a resolution amending and renaming the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards.

Staff: Bryan Araki, Consulting Planner
Recommendation: Approve

ATTACHMENTS: 1. Draft Resolution
 2. 1992 Multiple-Family Residential Design Guidelines
 3. Draft Multiple-Family Residential Design Standards

CONFLICT OF INTEREST
 None

RECOMMENDATION
 For the City Council to approve a resolution amending and renaming the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards.

EXECUTIVE SUMMARY
 Staff requests that the Council approve an amendment to the 1992 Multiple-Family Residential Design Guidelines in response to recent State legislation requiring cities to streamline the review process for multiple-family projects utilizing objective design standards.

Currently, the City relies on the site plan review process for multiple-family projects while referencing the 1992 Multiple-Family Residential Design Guidelines (see Attachment 1). Staff is proposing revisions to the 1992 Multiple-Family Design Guidelines and renaming as the Multiple-Family Residential Design Standards in an effort to create “objective standards.” In a separate action, staff is also requesting an ordinance amendment in an effort to create an independent process for multiple-family projects.

Several modifications were necessary to amend the 1992 Multiple-Family Residential Design Guidelines to create objective standards. The revised and reorganized Multiple-Family Residential Design Standards have incorporated excerpts from the Development Code with

deleted text related to Director, City Engineer, and City Planner discretion. The results are standards that can be used to evaluate projects objectively in a timely manner. Additionally, the Multiple-Family Residential Design Standards will provide applicants with clear direction when designing projects for City review (see Attachment 2).

BACKGROUND

The State of California approved several bills related to housing, including the recently adopted Senate Bill (SB) 330, known as the Housing Crisis Act of 2019, which is aimed at increasing housing production. A portion of SB330 focuses on objective design standards in regard to streamlined review for residential projects. Staff is therefore proposing to amend the 1992 Multiple-Family Residential Design Guidelines in response to SB330. With the creation and implementation of the proposed objective design standards, the process of reviewing multiple-family projects will be more efficient.

In order for the new objective design standards to be utilized, the City is independently requesting an urgency ordinance to add a new process to implement the objective standards. Council will consider an urgency ordinance upon approval of the Multiple-Family Residential Design Standards which adds a ministerial Residential Development Review process to the Development Code. Projects seeking a variance to the standards may apply through a discretionary process already in place such as a variance or planned residential development.

The process of evaluating projects through objective standards described in SB330 also pertains to single-family and mixed-use development. Therefore, staff will follow up with single-family and mixed-use design standards as well as the accompanying ordinance amendment in the near future. Staff expects that the proposed Multiple-Family Residential Design Standards will require corrections and amendments over the next several years in response to new legislation, interpretation, and case law.

FISCAL IMPACT

None

REASON FOR RECOMMENDATION

The proposed amendment to the Multiple-Family Residential Design Standards is necessary to provide a streamlined review process for multiple-family residential projects as well as a guiding document for applicants submitting plans for review.

ACTIONS FOLLOWING APPROVAL

None

Prepared by: Bryan Araki, Consulting Planner

Reviewed by: City Manager *JH*

RESOLUTION

ATTACHMENT 1

RESOLUTION 19-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AMENDING AND RENAMING THE 1992 MULTIPLE-FAMILY RESIDENTIAL DESIGN
GUIDELINES AS THE MULTIPLE-FAMILY RESIDENTIAL DESIGN STANDARDS

WHEREAS, on December 16, 2019, staff requested that the City Council approve an amendment to the 1992 Multiple-Family Residential Design Guidelines; and

WHEREAS, the proposed request amends and renames the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards in an effort to provide objective standards for streamlined review of new multiple-family residential developments; and

WHEREAS, the City published a legal notice on December 4, 2019, in the Business Journal; and

WHEREAS, a duly noticed hearing was held on December 16, 2019; and

WHEREAS, on December 16, 2019, the City Council considered oral and written reports from the City staff as well as other documents contained in the record of proceedings.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves an amendment and renaming of the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards attached as Attachment "A."

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 16, 2019, by the following vote, to wit.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DATED: December 16, 2019

Mayor

City Clerk

Multiple Family Residential Design Standards

APPLICABILITY

The Multiple-Family Design Standards shall apply to all projects of two or more attached residential units. This document is intended to provide an objective design review process for all multiple-family and RHNA projects and provide guidance for applicants during the design process.

All multiple-family projects shall comply with the Clovis Development Code. The Multiple-Family Design Standards serve as minimum requirements for multiple-family residential development. These standards will be mandatory for all qualifying residential projects. For any project seeking exceptions to these standards or any of the City's applicable design standards, the City's existing discretionary process is available.

STANDARDS

Building Setbacks and Separations

- A. Buildings setbacks shall be per the Development Code (Section 9.10.030, Table 2-3).
- B. Buildings shall be separated from each other and other structures per Clovis Fire Standards and California Building Codes.

Driveways and Site Access

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained as follows:

- A. Number of driveways.
 - 1. A minimum of two (2) driveway access points shall be required for each parcel two (2) acres or more in size.
- B. Distance from street corners.
 - 1. Driveways to parking areas that take their access from arterials or collectors shall be located a minimum of two hundred fifty feet (250') from the nearest arterial or collector intersection, as measured from the closest curb return to the closest side of the driveway approach. Where such configuration is not practical, or where reciprocal access to, or shared access with adjacent properties, is not possible due to lot dimensions or other constraints, project applicants will be required to demonstrate that placing access points closer to intersections will not negatively impact the intersection operation or impede traffic flow on the adjacent streets by using appropriate project mitigations.
- C. Driveway width and length.
 - 1. Two (2) way aisles. Two (2) way drive aisles within parking areas shall be a minimum of twenty-six feet (26') in width for general circulation and aisles required for fire access per the Clovis Fire Standards.
 - 2. One-way aisles. One-way aisles shall be a minimum of seventeen feet (17') in width unless required for fire access, in which case the minimum width shall be subject to the Clovis Fire Standards.
 - 3. Parking aisles. Aisles that provide access primarily to parking stalls, and are not required for fire access, shall be twenty-six feet (26') in width.
 - 4. Maximum driveway width. The maximum driveway width shall be thirty-six feet (36'), exclusive of the area provided for a median divider. However, in no case shall the driveway width exceed thirty percent (30%) of the total curb face of the subject parcel, except for cul-de-sac lots or lots of unusual configuration.

- 5. Driveway Length. The length of a driveway apron in front of a garage door shall be either eighteen (18) feet or more, or eight (8) feet or less.
- D. Clearance from obstruction. The nearest edge of a driveway apron or curb return shall be at least three feet (3') from the nearest alley or adjacent property line and eight feet (8') from the nearest street right-of-way, and at least five feet (5') from the nearest centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facilities. Driveways shall have a minimum overhead clearance of fourteen feet (14') in height, except within a parking structure which may be reduced to seven feet (7').
- E. Traffic safety visibility area. Structures or landscaping over thirty-six inches (36") in height shall not be allowed within a traffic safety sight distance area formed by the intersection of public rights-of-way, driveways, or alleys.

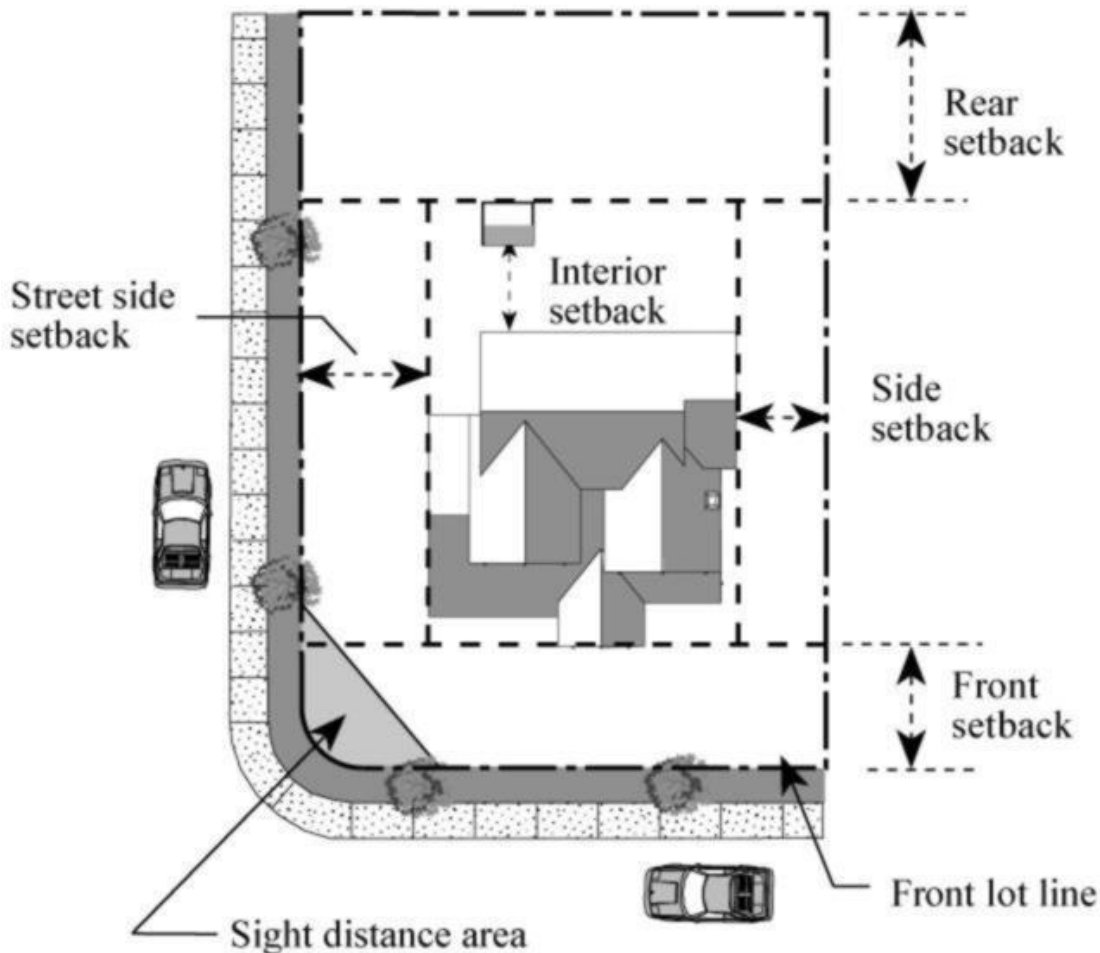


FIGURE 1
TRAFFIC SAFETY VISIBILITY AREA (CORNER CUTOFF)

Parking

A. General Parking Requirements

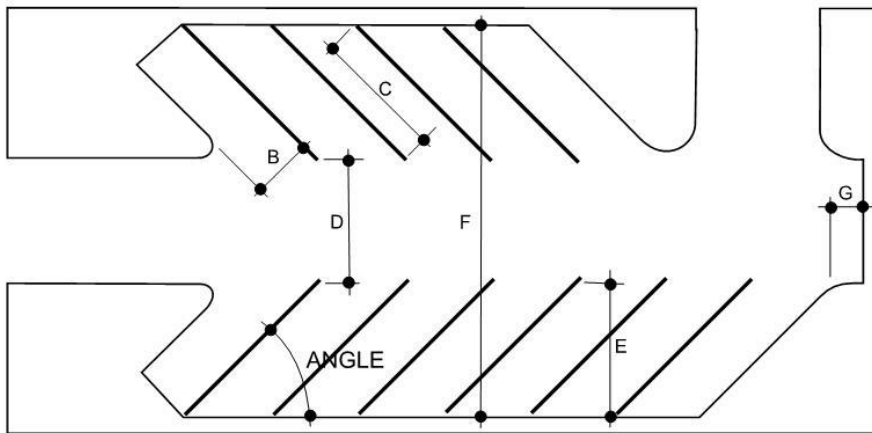
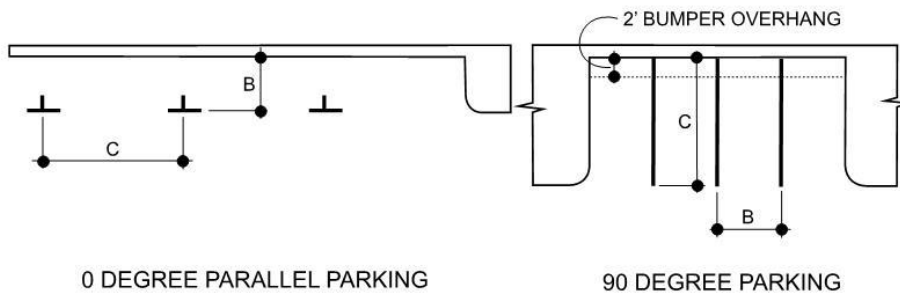
- 1. All required parking for the development shall be located on the parcel which they serve. Parking may be located on a contiguous parcel, however the overall density of all parcels shall remain consistent and within the range designated by the General Plan.

2. The number of parking stalls shall be designed and constructed per Section 9.32.040, Table 3-12, of the Development Code.
 3. Accessible Parking shall be provided per California Building Code.
 4. Parking stalls shall be marked and striped per City Standards.
 5. Assigned garages and carports shall be no further than 100 feet from the unit they serve.
 6. Individual parking wheels stops are prohibited except where required per Americans with Disabilities Act.
- B. Parking space and lot dimensions.
1. Minimum dimensions. The minimum standard open parking space dimensions shall be nine (9) feet wide by twenty (20) feet long with up to a two-foot (2') overhang.
 2. Parallel space dimensions. Parallel parking spaces shall be a minimum of eight feet (8'), six inches (6") wide by twenty-two feet (22') long.
 3. Minimum vertical clearance. Every parking space shall maintain a vertical height clearance of at least seven (7) feet or as otherwise required by California Building Code and Americans with Disabilities Act (ADA).
 4. Diagonal space dimensions. These shall be in accordance with Figure 2.
 5. Parking structures. The minimum standards for parking spaces and aisle dimensions in a parking structure shall be per Clovis' adopted Parking Garage Standards.
 6. Garages. Each residential garage space shall have a minimum inside dimension of ten feet (10') by twenty (20) feet or nineteen (19) feet by twenty (20) feet in the case of a two (2) car garage.
 7. Carports. Parking spaces under carports shall conform to the garage space standards. The stall size may be reduced to open space standards where a cantilevered post design is used. The posts on the cantilevered design shall be placed at the front two-thirds of the stall.
 8. Garage Door Openers. Garages with parking aprons of less than 18' shall have automatic garage door openers.
- C. Parking Lot Shading
1. Parking areas shall be shaded per Section 9.32.070.H.7.b, of the Development Code.



City of Clovis

Multiple Family Residential Surface Parking Design Standards



DIAGONAL PARKING

ANGLE	B (Open)	B (Covered)	C	D	E	F	G
0	8'-6"	8'-6"	22'	15'	8'-6"	32'	0'
45	9'-0"	9'-6"	*20'	14'	21'	56'	5'
60	9'-0"	9'-6"	*20'	17'	22'	61'	5'
90	9'-0"	10'-0"	*20'	26'	20'	66'	3'

* PARKING STALLS MAY BE REDUCED TO A DEPTH OF 18 FEET WITH A TWO-FOOT BUMPER OVERHANG INTO A NON-REQUIRED LANDSCAPED AREA OR WALKWAY.

TRAFFIC AISLES INDICATED ARE FOR ONE-WAY TRAFFIC. ALL TWO-WAY TRAFFIC AISLES TO BE A MINIMUM OF 26 FEET WIDE. FIRE DEPARTMENT MAY REQUIRE ADDITIONAL WIDTH.

August 1, 2010

**FIGURE 2
PARKING LOT DESIGN STANDARDS**

Pedestrian Access

- A. Pedestrian access shall be provided to each unit to, and from a public sidewalk, between units and open spaces, community areas, and service areas such as the trash enclosures.
- B. Where a project is fenced around the perimeter, the development shall include a pedestrian gate every 200 feet along the street, including a pedestrian path to the City sidewalk.

Open Space and Landscaping

- A. Open Space, There shall be a minimum of 260 square feet of private and/or common open space area for each dwelling unit. The minimum dimension for ground level private open space shall be 10 feet. For balcony space, the minimum dimension shall be 6 feet.
- B. Children's Play Area, Development of 25 or more dwelling unit shall provide common space including at least one children's play area. Such play area shall include:
 - a. Minimum dimension of fifteen feet in any direction and a minimum of 600 square feet.
 - b. Contain play equipment, including equipment designed for ages five and younger.
 - c. Be visible from multiple dwelling units.
 - d. Be protected from adjacent streets and parking areas with a fence or other barrier of not less than four feet in height.

Fencing

- A. Perimeter Fence. Perimeter fencing along streets shall be constructed from decorative tubular steel, masonry, concrete, and stucco or similar. Wood and chain link shall not be used.
- B. Fencing adjacent to single-family residential shall be of masonry or concrete and a minimum of six-foot in height from the highest side (measured from finished grade or parking surface, whichever is higher).
- C. Private yard fence.

Bicycle Parking

- A. Bicycle Parking. The project shall provide bicycle parking per the California Building Code.

Site Lighting

- A. Site Lighting. Site lighting shall be a maximum of twelve (12) feet in height and directed away from adjacent properties and streets. Lighting shall be hooded and/or screened to prevent direct view of the light source from adjacent residential properties and center of adjacent streets (at eye level).
- B. Pedestrian Walkways. Security lighting shall be provided along walkways per Clovis Police Department standards. Pedestrian lighting shall no exceed eight (8) feet in height, and shall be hooded and/or screened to prevent direct view of the light source from adjacent residential properties.
- C. Carports. Lighting under carports shall be designed to prevent direct light and glare to adjacent residential properties.
- D. Shielding. On-site lighting shall be hooded and/or screened to prevent direct view of the light source from adjacent residential properties and center of adjacent streets (at eye level).

Building Facades and Finish Materials

- A. Building Height
 - 1. Overall building heights shall be consistent with the underlying zone district.
- B. Facade Articulation
 - 1. Buildings containing three or more units in a row shall incorporate at least one of the following for all elevations.

- a. A least one architectural projection per unit. Such projection must project at least two feet from the major wall plane and shall be between four feet and 16 feet in width and extend the full height of the related floor level.
 - b. A change in wall plane of at least three feet (twelve feet wide min.) every two units.
- C. Roof Articulation
 - 1. Roofs shall utilized pitched forms with a minimum slope of 4:12. Roof pitch which is concealed from the public view or public right of way is not subject to a minimum slope.
 - 2. No more than two single-story inline units, or four two-story inline units, or eight clustered two-story units shall be covered by a single-unarticulated roof. Roof articulation may be achieved by changes in plane of no less than two feet six inches and/or the use of traditional roof forms such as gables, hips, and dormers.
- D. Vertical Articulation for Tall Buildings
 - 1. Building of more than four stories, upper and lower stories shall be distinguished by incorporating one of more of the following features. These features may be applied to the transitions between floors, except where otherwise specified.
 - a. A change in materials, along with a change in plane at least one inch in depth at the transition between two materials.
 - b. A horizontal design feature such as a belt course or belly band.
 - c. A base treatment at the ground floor consisting of a material distinct from the remainder of the façade and projecting at least one inch from the wall surface of the remainder of the building.
 - d. Setting back the top floor(s) of the building at least five feet from the lower floor.
- E. Roof Materials
 - 1. Roof material shall consist of tile, metal, fiberglass, or composite material representing wood or tile. Composite fiberglass shall a minimum of 30 year.
- F. Exterior Materials
 - 1. Exterior materials should relate to each other in traditional and logical form. For example, heavier materials should support lighter materials such as rock forms on the bottom supporting lighter materials above such as stucco or cementitious wood siding. Building facades shall incorporate details such as window trim, recessed windows, cornices, belt courses, coins, or other design elements.
 - 2. Exterior elevations shall utilize durable materials such as stucco, concrete siding, rock, metal. Wood siding such as T-1-11 and wood fire board shall be avoided.
- G. Exterior Colors
 - 1. Building of three or more inline units shall utilize at least three (3) colors but not more than five (5) colors on the front elevations.
- H. Windows
 - 1. Windows on the second story and above, adjacent to single-family shall be obscure, frosted or oriented to prevent direct view in or out.
 - 2. Windows shall be framed and trimmed with contrasting colors and architectural details
- C. Doors
 - 1. Front entry doors shall have architectural details. Plain slab doors shall not be used.
- D. Gutters and Downspouts
 - 1.
- E. Carports
 - 1. Carports shall be complimentary to the main buildings utilizing similar colors. Carport posts shall be constructed with metal, concrete, masonry, or cementitious wood materials. Wood and non-painted metal posts are prohibited.

- F. Garages
 1. Garages shall be architecturally integrated, utilizing the same building, forms, materials, and colors as the main buildings.
 2. Garages of three or more spaces in a row shall include at least one projection per space. Such projection shall be a minimum of two feet from the main plane of the garage face.
- G. Accessory Structures
 1. Accessory structures shall be architecturally integrated, utilizing the same building, forms, materials, and colors as the main buildings.

Utilities

- A. HVAC Units. HVAC units shall be ground mounted or screened with a permanent structure using the same materials as the main exterior materials, when roof mounted. HVAC equipment shall not be placed in or on the front and/or street corner sides on the buildings.

Grading

- A. Retaining Walls at property lines shall be masonry if he grade difference exceeds 12”.

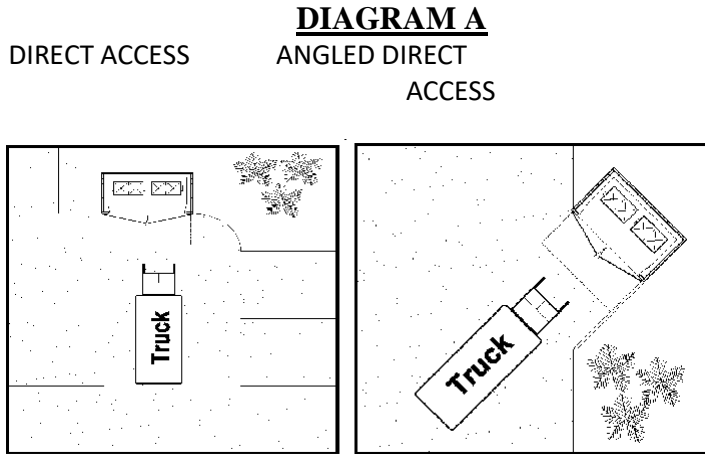
Solid Waste and Recycle Collection

Intent

Utility facilities are often overlooked in the design of projects. The handling of these components of a project make a significant difference in their visual appearance and their use. They shall be functionally and conveniently placed without detracting from the project or assuming greater prominence than is necessary. As an example, trash enclosure, if not properly located, can detract from an otherwise nicely-designed project. These are details important in their aggregate to creating quality of living environments.

- A. Trash Enclosure
 1. Trash Enclosures shall be constructed according to City of Clovis Standard Drawing M-2 and M-3 and in accordance with Municipal Code Sections 6.3.19 and 9.24.110.
 2. Trash enclosures should not be intrusive. Their locations should be chosen to prevent the intrusion of noise, odor, insects, and dust into living areas.
 3. Trash enclosures shall be constructed to allow walk-in access, and shall be located a maximum of 150 feet from the farthest door).
 4. They shall be located where service vehicles have direct access to them without having to back up. Direct access means the collection truck can drive directly at the bin and insert the forks into the sides of the bin without having to get out of the truck to move the bin (See Diagram A).
 5. One yard of trash bin capacity shall be provided for every four residential units.
 6. Applicant will be required to meet the state mandated waste diversion goal (recycling) to divert at least 50 percent of non-hazardous solid waste, including food and compostable material but not construction and demolition material and debris, annually.
 7. Applicant should provide a minimum Type III Trash Enclosure with the capacity to serve the development and satisfy state mandated recycling requirements. Below lists the capacity of each allowed trash enclosure. See City of Clovis Standard Drawing M-2 and M-3 and list below.
 - a. Type III (9 yards/pickup) Capacity 3 – 3 yard bins
 - b. Type IV (12 yards/pickup) Capacity 4 – 3 yard bins

- c. Type V (18 yards/pickup) Capacity 6 – 3 yard bins



B. Signs

- 1. Signs shall be designed and constructed per Section 9.34.120 of the Development Code.

C. Grading, Utilities, and Offsite Construction

- 1. All projects will be required to submit a soils report or a waiver of soils report to the City of Clovis Engineering Division in support of the design of the structural section for the public roadways.
- 2. All projects will be required to contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.

D. Dedications and Street Improvements

- 1. All projects will be required to provide right-of-way on adjacent streets as necessary to conform to current governing planning documents, policies, and City Standards. All right-of-way provided shall be free and clear of all encumbrances.
- 2. All Projects will be required to provide for the acquisition of right-of-way as necessary to provide for transitions and to conform to the municipal code.
- 3. Projects will be required to construct street improvements in accordance with the City’s specific plans and shall match existing improvements. The project applicant’s engineer shall be responsible for verifying the type, location, and grades of existing improvements.
- 4. Gated Developments shall provide for ample vehicle stacking area outside the travel lanes of arterials, collectors, and other streets such that vehicles can wait as vehicles are accessing the control panel to open the security gates without traffic backing onto the street. Entries shall be designed to provide the ability to turn around to allow vehicles that cannot enter the complex to return to the street without backing the vehicle up. Provide the Solid Waste Division with remote controls that will allow access for all solid waste and recycling vehicles.
- 5. Interior Streets – Dedicate to provide for 50’ or 54’ of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5’ sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed. Sidewalk along sideyards shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
- 6. Entry feature streets with median islands shall have a minimum of 22’ wide travel lanes in each direction with parking or without parking.

7. Site design shall provide for free movement of traffic onto the site with no cross traffic or parking stalls within 100' of the major street face of curb. At grade drive approaches, deceleration lanes, and separate right turn lanes, rather than standard drive approaches can be used to help reduce the non-cross access depth.
8. Provide Temporary Turnabouts at the ends of all dead end streets that are to be extended in the future. Temporary turnabouts shall provide for a 48' radius dedication and installation of 45' of permanent/temporary paving plus 3' paved swale. Any lots that the temporary turnabout encroaches upon will not be able to be built upon until the street is extended and the temporary bulb and right-of-way can be abandoned.
9. Provide dedication for 10' public utility easements along all public street frontages. Alternative widths require written approved by the utilities companies.
10. Damaged or broken concrete improvements along the project frontage shall be removed and repaired to be compliant with City standards and ADA requirements prior to project completion.
11. Projects will be required to provide for reciprocal access to maintain and provide vehicular, pedestrian and public access, drainage, and utility connections in conformance with current governing planning documents and policies. Recorded agreements will be required to fulfill this requirement.

E. Sewer

1. All public sewer mains not located in otherwise dedicated rights-of-way shall be centered in a 15' wide public sewer easement. The easement area shall be located in drive aisles where it is easily accessible for City maintenance. Exceptions may be approved by the City Engineer.
2. Projects installing sewer infrastructure shall notify all property owners that have annexed to the City and are adjacent to the sewer to provide the owners an opportunity to connect in conformance to the municipal code. Property owners that choose to connect shall be responsible for sewer connection fees according to the municipal code and may work directly with the applicant to determine construction costs and location of services.

F. Water

1. Projects shall identify and abandon all water wells to City standards in conformance to the municipal code
2. All public water mains not located in otherwise dedicated rights-of-way shall be centered in a 15' wide public water easement. The easement area shall include water mains, hydrants, blow-offs, and water meters, and be located in drive aisles where it is easily accessible for City maintenance. Exceptions may be approved by the City Engineer.
3. Projects installing water infrastructure shall notify all property owners that have annexed to the City and are adjacent to the water to provide the owners an opportunity to connect in conformance to the municipal code. Property owners that choose to connect shall be responsible for water connection fees according to the municipal code and may work directly with the applicant to determine construction costs and location of services.

G. Grading and Drainage

1. All projects shall provide for permanent storm drainage facilities according to the requirements of the Fresno Metropolitan Flood Control District (FMFCD). Projects that generate more runoff than provided for by the FMFCD master plan will be required to provide mitigation to modify the project flow characteristics to conform to the master plan.
2. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and record a City prepared

covenant for maintenance by the property owner. The size and design shall be in accordance with the City standards based on design calculations and access requirements for maintenance. The property owner shall be responsible for periodic cleaning of toxic material for the life of the temporary basin, which is solely for the convenience of the project. The applicant shall provide a cash deposit for each basin to offset the City's cost of maintaining the basins based on size, depth, expected maintenance schedule by the City, etc. in case of default by the property owner. Notice will be given by the City when the temporary basin(s) are no longer needed. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled and place a lien on the property to cover the cost of the work, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.

H. Irrigation and Landscaping Facilities

1. All projects shall provide landscaping and irrigation as necessary to conform to current governing planning documents, policies, master plans, City Standards, and shall coordinate with existing improvements. Plans for landscaping and irrigation systems shall be prepared by an appropriately registered professional that include the verification of the size, location, and components of the existing improvements. Plans for publicly maintained systems shall consider expansion of the system where feasible to use the existing improvements as fully as possible. Plans shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. The landscape strip around a planned unit development may be maintained by a perpetual maintenance covenant.
2. All project park and landscape improvements shall be installed and accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the park improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of improvements for the park. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.
3. All projects shall record a City prepared covenant for annexation to the Landscape Maintenance District. The document shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or building permit approval. The covenant shall include acknowledgement and agreement by the property owner that such agreement serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The annual assessment is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The additional landscaping enhancements that exceed the City norms and are specific benefit to the property, if determined to be maintained by the Landscape Maintenance District, shall be maintained by an additional landscape maintenance assessment.
4. All projects shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be reviewed by the City to verify and address conflicts with other City facilities. Plans for these requirements and improvements shall be submitted to

and approved by FID prior to the release of any development permits or recording of the final tract map. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. The construction drawings shall indicate the depth, location and type of material of any existing irrigation lines, as well as their disposition (abandonment, repair, relocation, and/or piping). Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.

5. All projects with water allocations shall have it transferred to the City of Clovis prior to the beginning of construction or the recording of the final tract map, whichever occurs first. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis by executing a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.
6. All projects that install privately maintained landscaping and irrigation in public rights-of-way shall record a City prepared covenant for maintenance of the landscape and irrigation by the property owner. The document shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or building permit approval. The privately maintained landscape and irrigation will not be maintained by the Clovis Landscape Maintenance District and it shall not eliminate the obligation to annex the property to the Clovis Landscape Maintenance District.
7. All perimeter walls shall be installed on private property and maintained by the property owner. When adjacent to public rights-of-way, the applicant shall execute a City prepared perpetual maintenance covenant that is recordable on all properties having a perimeter wall. The covenant shall indicate the property owner is responsible for maintenance and shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or the release of any development permits.

I. Miscellaneous

1. All projects shall provide trash enclosures in conformance with State requirements, the City municipal code, and City standards. Accessibility to the trash enclosures shall be paved and available during City service hours on the day(s) of service. The trash enclosure shall be positioned to have front loading solid waste vehicle access without the need to backup. Trash enclosures shall be setback a minimum of 5' from all driveways and drive aisles to minimize the impact of gates left open and mitigate any visibility issues. The grading and slope concrete pad shall be designed to accommodate existing and planned adjacent improvements. The concrete pad shall be inspected by the City prior to pouring of concrete.
2. All projects shall execute a City prepared appurtenant agreement for reciprocal access across adjacent parcels, shared maintenance, and shared use of any joint trash enclosure. The covenant shall be executed by the property owners, notarized, submitted to and approved by

the City of Clovis City Engineer prior to final map approval or the release of any development permits.

3. All projects shall install street lights along the major streets and local streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment. All street lights on wood poles shall be replaced with street lights on metal poles to local utility provider's standards.
4. A deferment, modification, or waiver of any engineering conditions shall be considered by the City Engineer and will require their express written approval.
5. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer in order to provide adequate circulation and adequate utility services.

Public Safety

Refer to the adopted standards of the Police Department and Fire Department.

Business License

- A. A City of Clovis Business License is required for the operation of a multiple-family development.

**1992 MULTIPLE-FAMILY RESIDENTIAL
DESIGN GUIDELINES**

ATTACHMENT 2

RESOLUTION NO. 92-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING THE ADOPTION OF GUIDELINES FOR MULTIPLE FAMILY
RESIDENTIAL PROJECTS

WHEREAS, on September 4, 1990, the City Council did appoint an Advisory Committee to prepare development guidelines for Multiple Family Residential Development; and

WHEREAS, on April 29, 1992, the Advisory Committee did present its recommendation to the City Council and Planning Commission; and

WHEREAS, the Planning Commission by Resolution No. 92-50 did recommend approval of said guidelines; and

WHEREAS, on June 15, 1992, the City Council did hold a public hearing to consider adoption of development guidelines for Multiple Family Residential projects; and

WHEREAS, Council does find, the Multiple Family Residential Guidelines will provide a means of insuring that new multi-family residential development provide a high quality of living environment that is both durable and attractive to the community at large.

NOW, THEREFORE, BE IT RESOLVED that the City Council does adopt the attached Multiple Family Residential Design Guidelines. Said Multiple Family Residential Design Guidelines as attached and labeled Exhibit "A" shall become effective on June 15, 1992.

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 15, 1992, by the following vote to wit:

AYES: Councilmembers Armstrong, Bryant, Sorensen, Wynne, Mayor Lawson

NOES: None

ABSENT: None

DATED: June 15, 1992


Mayor

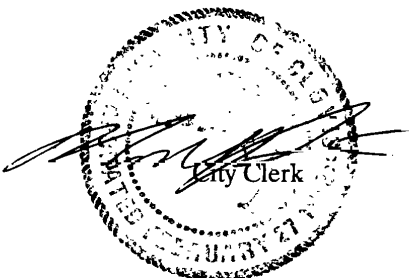

City Clerk

EXHIBIT "A"

**MULTIPLE FAMILY
RESIDENTIAL
DESIGN GUIDELINES**

Approved by the Clovis City Council on June 15, 1992
By Resolution 92-108

MULTI-FAMILY ADVISORY COMMITTEE

**Chairman - Bill Jirsa
Chairman Pro Tem - Gary Mason
Mr. John Bonadelle, Jr.
Mr. Terry Bradley
Mr. Scott Ellis, Jr.
Mr. Peter Herzog
Mr. Don Manley
Mr. Mike Nabors
Mr. Bob Neal
Mr. Douglas Urabe
Mr. Joe Walden**

CITY STAFF

**John R. Wright, Planning Director
Dwight Kroll, Senior Planner
Orlando Ramirez, Planning Technician I**

MULTIPLE FAMILY RESIDENTIAL DESIGN GUIDELINES

I. INTRODUCTION

These guidelines are the result of a recognition within the community that if additional multi-family units are to be built in the City, a specific set of guidelines is necessary to give the citizenry a level of comfort and assurance that these new units will be an enhancement to the community and their neighborhood, and so that those proposing to develop multi-family units will have a clear idea of the community's expectations.

These guidelines have been drafted in the expectation that their use will encourage creativity and result in a high level of multi-family residential design. Techniques and minimum standards for achieving quality are identified. It is recognized, however, that this or any set of guidelines does not encompass the full range of possibilities for excellence. For this reason, variation from individual guidelines may be considered when compensated by a related improvement which contributes to the excellence of the project. These guidelines are to be administered with professional judgment and involvement by those affected. To help in understanding and using individual guidelines, an "intent" statement has been placed at the beginning of each section. This statement is intended to help users understand the larger intent of the guidelines.

Special consideration will be given to projects which propose low and very low income units as defined by the City's Housing Element. Good design is not always a matter of "more expensive". In the consideration of projects with low income units in them, special consideration may be given to modifying or reducing requirements to help make such units possible. Project developers will, however, be required to demonstrate the specific correlation between the special waiver and the provision of affordability. Generally, where a density bonus is granted for a project, they will be expected to meet these guidelines.

For the purpose of this document the usage of the following language applies:

"May" or "Encourage" is intended to convey the ability to do something which is seen as desirable.

"Should" is intended to express a clear standard to be followed but allows a project developer the opportunity to offer an alternative solution which clearly achieves the intent of the guidelines.

"Shall" is intended to express an unalterable standard which is to be met in all projects.

II. FUNDAMENTAL DESIGN PRINCIPLES

There are two underlying principles to be considered when applying these Guidelines. Well-designed projects are not simply the application of a cookbook compliance with minimum standards. These fundamental principles are intended to give direction to those using the Guidelines.

1. It is the intent of the City to approve projects which integrate into the neighborhood in which they are built. Projects should fit into and enhance the neighborhood not be out of touch from their surroundings. This will, over time, help increase quality of living in neighborhoods.
2. It is further the intent of the City to approve projects in which an attractive and functional living environment is created for livability and resident satisfaction. This can occur through the development of attractive, well-designed buildings and structures, through landscaping and usable open space (both common and private), and through attractive yet functional pedestrian and vehicular circulation systems which serve but do not dominate the project.

III. DESIGN GUIDELINES

A. SITE AND BUILDING SETBACKS

DEFINITION

Site setbacks are separations between the perimeter property line of a project and buildings, parking, or open space within the project.

INTENT

The way in which multiple family projects fit into the surrounding area is in part related to the manner in which it continues the existing or proposed pattern of site setbacks. The integration of new residential buildings into the surroundings are among the foremost goals of these design guidelines. Setbacks serve to buffer adjacent uses, as well as protect site residents from the intrusion of adjacent street noise. Separations between buildings insure light and air to dwelling units and protect the privacy of their occupants. Setbacks are intended to create usable open space within multiple family developments.

GUIDELINE A1: MINIMUM SITE SETBACKS

~ Minimum site setback requirements from the exterior property are as set forth in the following table:

**MINIMUM PROJECT PERIMETER
 SETBACK REQUIREMENT (IN FEET)***

	Project Components							
	Single Story Apt.	Two Story** Apt.	Garage	Carport	Accessory Structure	Open Parking	Parking Circu. Drive	Private Open Space
Adjacent Uses								
Public Open Space	20ft	20ft	20ft	10ft	5ft	5ft	5ft	10ft
Single Family Yard	20	25	10	20	20	10	10	10
Multi-Family Residential	15	20	10	10	10	10	5	10
Parking Area	20	20	5	5	5	5	5	10
Non-Res. Building/Use	20	25	10	10	10	5	5	5
Public Street - Minor***	20	30	20	20	20	20	20	20
Public Street - Major***	30	35	20	25	30	20	20	20
Freeway	20	20	5	5	5	5	5	20

**In no case shall the perimeter setback requirement be less than that of any adjacent single family district which is in conformance with the City's General Plan.*

***Or greater*

****All setbacks shall be measured from the Right-Of-Way line. A minor street is a designated local street. Major streets include designated collectors, arterials and expressways.*

GUIDELINE A2: DISTANCE BETWEEN BUILDINGS

The minimum distances between buildings used for human habitation shall be as follows:

- a. Between one-story parallel buildings, front to front, twenty-five (25') feet. This distance shall be increased by five (5') feet for each story of each building in excess of one story;
- b. Between one-story parallel buildings, rear to rear or front to rear, twenty (20') feet. This distance shall be increased five (5') feet for each story of each building in excess of one story;
- c. Between side walls parallel with the front or rear walls of other buildings, fifteen (15') feet for one-story building. This distance shall be increased two and one-half (2-1/2') feet for each story of each building in excess of one story;
- d. Between one-story parallel buildings, side to side, ten (10') feet. This distance shall be increased two and one-half (2-1/2') feet for each story of each building in excess of one story;
- e. In order to provide for obliquely aligned buildings, the distances specified in subsections a, b, c, and d may be decreased by five (5') feet at one building corner if increased by an equal or greater distance at the outer corner; and
- f. In no event shall the minimum space between buildings be less than ten (10') feet.

GUIDELINE A3: MINOR ARCHITECTURAL PROJECTIONS

Minor architectural projections (eaves, fireplace chimneys, bay windows, wing walls etc.) may project into any setback or building separation by at most 2 feet.

GUIDELINE A4: INTERIOR USE SEPARATIONS

Within a multi-family project, the following use separations shall be maintained:

- Residential building faces with pedestrian entries from:
- 1. Parking areas, carports, parking drives..... 15 ft.
(landscape areas exclusive of walkways).
 - 2. Drives without parking..... 10 ft.
(This area should generally remain clear of stairways and patio. Some placement of these elements may be allowed).
- Residential building faces having garage entries from:
- 1. Drives.....0 ft.
- The required 9 net square feet of planter area may force a setback from the drive.

- Residential building faces having no entries from:
1. All parking areas, drives and sidewalks10 ft.
- Balconies or patios from:
1. Balconies or patios on other buildings20 ft.
 2. Windows of units in other buildings20 ft.
- When visibility is obstructed by other than landscaping, these separations do not apply.

B. DRIVEWAYS, ENTRANCE DRIVEWAYS AND PRIVATE STREETS

DEFINITION

Driveways are private roadways that provide vehicular circulation through a project and vehicular access to parking and dwelling units, but do not provide primary pedestrian access to units. Pedestrian access is typically provided from a separate pedestrian pathway system.

Entrance Driveways connect the on-site circulation system with the adjacent public street. They form the visual entry to the project, identify the site and direct traffic to the on-site circulative driveways.

Private Streets are generally limited to larger planned residential developments, but may be used to break up larger multi-family projects to better handle traffic volumes. Private streets function in much the same way as local public streets.

INTENT

Driveways are intended to be used primarily for vehicular circulation and access and should be visually distinct from streets. Driveways may be bordered by parking, but efforts should be made to avoid their being visually dominated by parked cars, garages or carports. Entries to units should not generally be from parking drives which would give the appearance of the "Motel Parking" concept.

GUIDELINE B1: DRIVEWAY WIDTH

Standard driveways with two way traffic should be at least 26 feet wide. This width shall be clear and unobstructed. An additional 8 feet per side shall be added where parallel parking is provided. Adequate turning radius shall be provided for emergency and service vehicles.

GUIDELINE B2: DRIVEWAY LENGTH

Long straight drives are not encouraged. Driveways should be broken by landscape elements and/or have a curving pattern.

GUIDELINE B3: PRIVATE STREETS

The minimum width for a private street shall be 26 feet without on-street parking when posted on both sides as an emergency access road (see B6). An additional 8 feet of width shall be added for each side of the street on which parking is allowed; i.e., 34 feet for parking on one side and 40 feet for parking on both sides. On-street parking on one side only of a private street shall be marked to clearly designate parking spaces. Adequate turning radius shall be maintained on private streets for emergency and service vehicles. Sidewalks should be provided on at least one side of private streets, unless pedestrian circulation does not need to use the street for movement within the project.

GUIDELINE B4: RELATIONSHIP TO OPEN SPACE

At least part of the common open space within a project should be accessible and visible from driveways or private streets.

GUIDELINE B5: ENTRY DRIVES

The design of entry drives shall include all of the following:

1. Should be at the same grade elevation as the adjacent public street and have standard curb returns.
2. A clear driveway depth of 40 feet onto the site should be provided, so that traffic can clear the public right-of-way before it must stop or make turning movements.
3. Projects shall have clear identification signing at the entrance which is integral with the architectural and landscaping theme of the site. Color spot planting, masonry elements or special architectural features are encouraged.
4. For security projects an on-site turnaround must be provided for vehicles outside of the security gate.
5. Entry drives should have sidewalks on at least one side to connect on-site pedestrian walks with the adjacent public sidewalk.
6. For large projects on major streets, transit facilities are encouraged.
7. At least part of the common open space within a project should be accessible and visible from the entry drive.

GUIDELINE B6: EMERGENCY VEHICLE ACCESS

The City has adopted an Emergency Access Ordinance designed to prohibit parking in areas where emergency equipment may be required to enter or exit. See Clovis Municipal Code Section 4-4.104.

C. PARKING, PARKING DRIVES, PARKING COURTS

DEFINITION

In higher density projects, there are three means of accommodating parking: Parking drives, parking courts, and garages within residential buildings.

Parking drives are driveways lined with parking spaces along significant portions of their length or which provide for on site circulation of vehicles.

Parking courts are of three types: (1) Small parking lots with carports or open parking; (2) dead-end areas which provide direct vehicular access to a small number of garages which may or may not be attached to residential buildings (with primary access occurring elsewhere); (3) areas around which both garages and living units cluster and which provide both primary pedestrian and vehicular access.

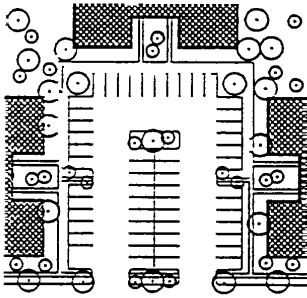


Fig. 1
Type 1 Parking Court

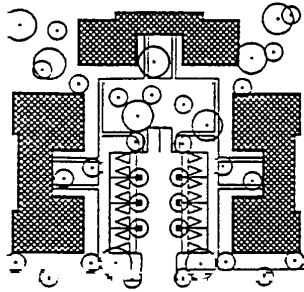


Fig. 2
Type 2 Parking Court

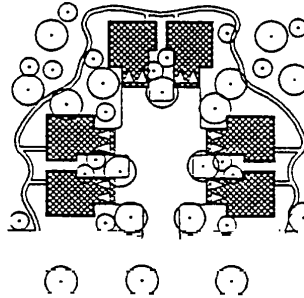


Fig. 3
Type 3 Parking Court

INTENT

Projects with either long parking drives or large parking aggregations are not desirable. When cost considerations preclude parking within residential buildings, combinations of partial and interrupted parking drives and small, dispersed parking courts are the desirable alternative.

Parking courts are a desirable alternative to parking drives. These guidelines encourage small discrete courts and discourage large parking lots which are not suitable for residential projects. For this reason the length and width of courts are limited. It is the intent of these guidelines to place parking reasonably convenient to each unit. Sites shall be designed so that on-street parking does not occur.

The sight of long lines of parked cars or blank garage doors unrelieved by planting areas and other types of screening is undesirable. The guidelines encourage parking in discrete bays, discourage long drives, and seek to give them a street-like character. When located on the periphery, parking drives isolate projects from their surroundings. Unless the new and existing adjacent uses are considered incompatible, the extent of perimeter parking drives should be minimized. Carports and detached garages should be designed as an integral part of the architecture of projects.

GUIDELINE C1: PARKING RATIOS

The number of parking spaces for new residential projects shall conform to the residential parking standards of the Clovis Municipal Code as follows:

<u>Unit Type</u>	<u>Minimum</u>	<u>Minimum</u>
~ Studio, 1 & 2 bedroom	1 covered*	1 open
~ 3 bedroom, plus units	1 covered*	2 open
~ Residential PUD	2 garage	1 open
~ Elderly units semi-dependent & dependent population	.5 spaces/unit	
~ Elderly units independent	1/unit plus 1/ employee	

* Garage or Carport

GUIDELINE C2: PARKING SPACE/AISLE DIMENSIONS

Parking aisles shall have a minimum width of 26 feet. When garages with tree pockets are utilized, a minimum aisle width of 30 feet should be used between parallel garage faces. The dimensions of parking spaces are regulated by the zoning code of the City of Clovis as follows:

Open and Guest Parking	9' x 18'*
Covered Parking	10'x 18'*
Garage dimensions inside	
single	10'x 20'
double	19'x 20'

* not including any landscape overhang

GUIDELINE C3: PARKING SPACES GENERAL

1. Parking spaces shall be provided with a concrete or equivalent curb at the end of the stall as a wheel stop. Cars will not be allowed to overhang required landscape areas due to the damage they cause.
2. Parking areas can be improved through the use of colored and textured paving material to visually break up asphalt areas.

3. Notwithstanding any specific standard of this document, it is the responsibility of each project to provide on site the parking space needed by the project.

GUIDELINE C4: PARKING DRIVES

In Parking Drives:

1. There should be no more than an average of 10 spaces of uninterrupted parking, whether in garages, carports, or open parking areas.
2. Each average of 10 spaces of parking should be separated from additional spaces by a landscaped bulb not less than 12 feet wide. Architectural elements, such as trellises, porches, or stairways, may extend into the landscaped bulbs.
3. When the average number of continuous parking spaces is reduced to seven, parking should be separated from additional spaces by a landscaped bulb one car space wide.

GUIDELINE C5: PARKING COURT WIDTH

A parking court of any length should consist of no more than 2 double-loaded parking aisles adjacent to each other. (Fig 4)

GUIDELINE C6: PARKING COURT LENGTH

In parking courts:

1. There should be no more than an average of 14 parking spaces. (Fig 5)
2. Each average of 14 spaces of parking should be separated from additional spaces by a landscape bulb at least 12 feet wide. (Fig 6)

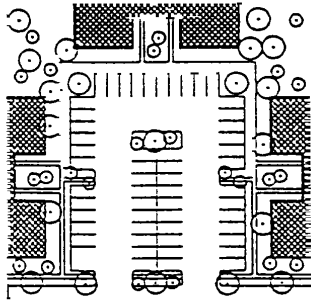


Fig. 4

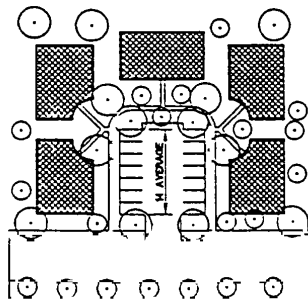


Fig. 5

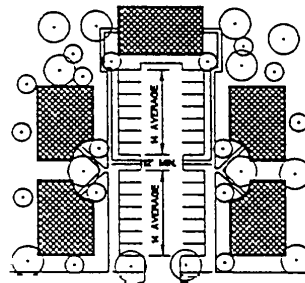


Fig. 6

GUIDELINE C7: PARKING COURT SEPARATIONS

Parking courts should be separated from each other by buildings or by a landscaped buffer not less than 30 feet wide.

GUIDELINE C8: PARKING COURT LANDSCAPING

Type 1 (Fig 1) and type 2 (Fig 2) parking courts shall be set back from adjacent streets by the front yard setback of the zone district. They should be set back from private drives or roads by the following:

1. For parking courts containing fewer than 18 cars, the width of the landscape buffer should be 10 feet.
2. For parking courts containing 18 or more cars, the width of the landscape buffer should be 20 feet.

GUIDELINE C9: ENTRY COURT LANDSCAPING

For each unit served by a type 3 (Fig 3) parking court, 200 square feet of landscaping should be provided in the court. (Fig 8)

GUIDELINE C10: LANDSCAPE BULB LOCATION

When required, landscape bulbs should be made to line up with common open space and walkways (all of which still may not average more than 10 spaces, ref C4).

GUIDELINE C11: PEDESTRIAN ACCESS

Landscape bulbs should, wherever possible, align with major building entrances to provide pedestrian access to building entrances from the parking court or drive. Bulbs that align with entrances should be at least twelve feet (12') wide and should include a pathway as well as a vertical landscape or architectural element, for example, a trellis or a tree. (Fig 9)

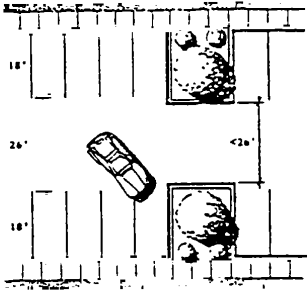


Fig. 7

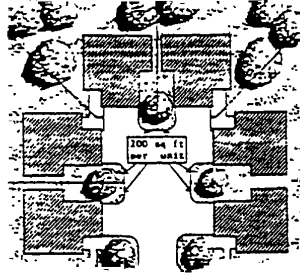


Fig. 8

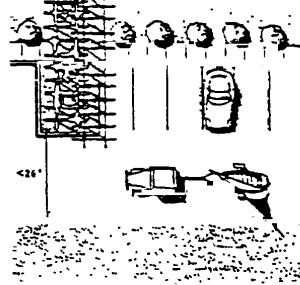


Fig. 9

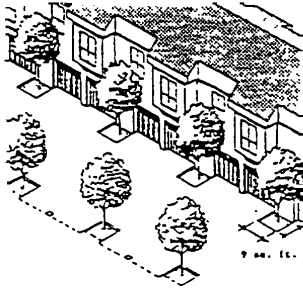


Fig. 10

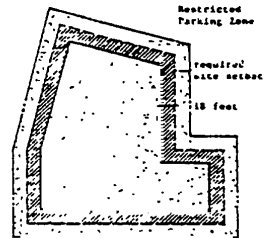


Fig. 11

GUIDELINE C12: REDUCED WIDTH AT LANDSCAPE BULBS

Where a parking drive or parking court is not required for fire access, a reduction in the width of the driveway between opposing landscape bulbs or between a landscape bulb and a landscape area may be considered for approval (Fig 7 & 9).

GUIDELINE C13: GARAGE ENCLOSURE

Individual parking spaces within residential buildings should be enclosed behind garage doors.

GUIDELINE C14: GARAGE FRONTAGE LANDSCAPING

Enclosed garages that front on parking drives should have tree pockets of not less than 9 net square feet in area between garage doors every 2 parking spaces (Fig 10). A minimum aisle width of 30 feet should be maintained between parallel garage fronts.

GUIDELINE C15: RESTRICTED PARKING ZONE

Every multi family project having more than twenty units shall have a restricted parking zone on all sides of the site. This zone commences at the required setback and extends 18 feet into the site. The percentage of the total area within this zone that may be devoted to parking, parking courts and all parking not within residential buildings should not exceed 50% (Fig 11).

GUIDELINE C16: DRIVEWAY APRON LENGTH

The length of a driveway apron in front of a garage door must be either 18 feet or more, or 10 feet or less, to adequately accommodate parking on the apron and discourage illegal parking.

GUIDELINE C17: AUTOMATIC OPENERS

Garages with parking aprons less than 18 feet in length shall have automatic garage door openers and/or sectional roll-up doors. (See C16)

GUIDELINE C18: PROTECTION FROM HEADLIGHTS

Living areas shall be screened such that automobile headlights from carports or open parking does not shine into the primary living areas of any dwelling unit.

GUIDELINE C19: GARAGES

Garages should be architecturally integrated with the project's design. Materials, colors and building scale should be consistent with the main buildings. Detached garages should be located no more than 100 feet from the units they serve. Additional personal storage space in the garage is encouraged, as is a separate pedestrian entrance door. Where garages are attached to the living unit, direct access between the garage and the unit is encouraged.

GUIDELINE C20: CARPORTS

Carports shall be designed to be complimentary with the architectural character of the project and should provide a level of detail and consistency with the principal structures. Large carport structures over six stalls are not desired. The color scheme, structure supports, roof covering and fascia should help enhance the overall project. Plain metal carports are not generally found to be acceptable. Carports should not generally be visible from the public street. All lighting should be integrated into the carport structure. No bare bulbs shall be permitted.

GUIDELINE C21: SCREENING FROM STREET

Parking areas adjacent to public streets shall be screened from view by a minimum three foot high earth berm, wall and/or landscape element.

GUIDELINE C22: PAVED SURFACE SHADING

50% of any paved surfaces shall be covered in shade in 15 years. Evergreen trees should be used to screen parking areas.

GUIDELINE C23: ON STREET PARKING

On-street parking shall not be used in meeting the requirement for parking. Projects shall be designed to make it unattractive for persons to use on-street parking rather than on-site parking. This can be done through a combination of unit orientation, grade separations, fences, walls or landscape barriers.

D. PLANTED AREAS

DEFINITION

All areas not covered by buildings, streets, drives, or hardscape are considered planted areas.

INTENT

Planted areas are used to frame, soften and enhance the quality of life, to buffer units from noise or undesirable views, to break up large expanses of parking, and to separate frontage roads within a project from public streets. To accomplish these design objectives, landscape elements need a vertical dimension. Trees and tall shrubs are needed in addition to grass and ground cover. Trees can also be used to provide shading and climatic cooling of nearby units.

GUIDELINE D1: BUILDER RESPONSIBILITY

Landscaping shall be provided by the builder in all planted areas, except within any rear yards or private patios when specifically approved. Developers should strive to exceed the minimum amount of required landscaping and should plant a variety of species appropriate to the valley climate.

GUIDELINE D2: SETBACK LANDSCAPING

Landscaping shall be provided by the builder in all setbacks between project walls and/or fences and the rights-of-way of public streets and sidewalks. This landscaping should be generous and should include trees and/or shrubs as well as ground cover.

GUIDELINE D3: STREET TREES AND LANDSCAPING

The builder must plant street trees of a species and size approved by the City along all public and private streets. There should be at least one tree for approximately every 25 feet of street frontage, depending on species, or at least one tree for each lot abutting the street. Areas not required for streets or sidewalks within the right-of-way should be landscaped.

GUIDELINE D4: OPEN SPACE SETBACK LANDSCAPING

Private rear yards, patios, and balconies shall be provided with an extra 10 to 20 feet of landscaped setback when adjacent to incompatible uses or close to existing decks or balconies. These extra setbacks are reflected in Guideline A1.

GUIDELINE D5: LANDSCAPE BULBS

Except where architectural elements extend into required landscape bulbs, each landscape bulb referred to in Guidelines C10, C11, and C12 should be planted with one or more trees, as well as ground cover. Shrubs may also be required. Trees and shrubs should be irrigated separately.

GUIDELINE D6: IRRIGATION

All trees and other landscaping shall be provided with automatic irrigation. Enclosed rear yard private open space should be provided with a hose bib and/or irrigation system. (See E7)

GUIDELINE D7: TREE PRESERVATION

Existing healthy major trees should be preserved and incorporated into the new project landscaping. Buildings should be located outside the drip line of major trees, and disturbance of roots and changes in ground elevation should be avoided.

GUIDELINE D8: MATERIAL SIZE

Plant sizes should generally be fifteen gallons for trees and one to five gallons for shrubs. No species shall be less than one gallon size. Larger specimen sizes are appropriate for accent plantings or where immediate effect is needed. It may sometimes be desirable to plant fast-growing species for temporary effect until slower growing permanent plantings have a chance to grow. Whenever possible, existing landscape elements should be retained and incorporated into the landscape design.

GUIDELINE D9: LANDSCAPE SCREENING

Heavy landscaping should be used to screen unattractive features such as electrical transformers, mechanical equipment, etc. To provide visual interest, more intense landscaping should be provided at the end of buildings where a lack of windows and door openings or other architectural features exist. This is particularly essential when buildings abut a street frontage and along the side and rear property lines.

GUIDELINE D10: FRONTAGE ROADS AND LANDSCAPING

Islands or medians that separate frontage roads from public streets shall be planted with trees and shrubs of sufficient density to form a solid screen at least 5 feet high and a continuous tree canopy.

E. COMMON AND PRIVATE OPEN SPACE

DEFINITION

Common open space is that outdoor space provided for the use and recreation of all residents of a project. Required common open space must be usable and only landscaped to enhance its use. Areas of decorative landscaping are not considered usable open space. Pools, tennis courts, etc. may be considered as usable common open space.

Private open space is that outdoor space provided only for the use of the residents of the living unit to which it is attached. Private open space can occur in the form of a rear yard, patio, balcony, and/or deck.

INTENT

Residents of multi-family housing projects should have access to usable open space, whether public or private, for recreation and social activities. The design and orientation of these areas should take advantage of available sunlight and should be sheltered from noise and traffic of adjacent streets or other incomparable uses.

Required open spaces should be conveniently located for the majority of units. Private open spaces should be contiguous to the units they serve, screened to provide privacy, and have usable dimensions. Projects accommodating children should have secure children's play areas that are visible from the units.

GUIDELINE E1: OPEN SPACE

There should be a minimum of 260 square feet of private and/or common open space area for every dwelling unit. Projects with fewer than 12 units need not have common open space, provided that each ground floor unit has at least 120 square feet of private open space. The minimum dimension for ground level private open space should be 10 feet. For balcony space the minimum dimension should be 6 feet.

GUIDELINE E2: CHARACTER OF FENCING

Individual unit patio or rear yard fences visible from a public street or a major project open space should not be good neighbor fencing. They should be architecturally consistent with the residential buildings and/or theme of the project.

GUIDELINE E3: HEIGHT OF FENCING

When the common open space is large and represents a major feature of the project, patio fences less than 6 feet are encouraged to permit private views of the common amenity.

GUIDELINE E4: PRIVATE OPEN SPACE SETBACKS

Minimum site setback requirements for required private open spaces from adjacent uses are as follows:

- | | | |
|----|---|---------|
| 1. | Public open spaces | 10 feet |
| 2. | Parking area and drives | 10 feet |
| 3. | Private streets | 15 feet |
| 4. | Balconies to other balconies
unless separated by a screen wall | 20 feet |

GUIDELINE E5: MINIMUM DIMENSIONS

No townhouse/apartment patio shall have a dimension smaller than 10 feet. No balcony shall have a dimension smaller than 6 feet.

GUIDELINE E6: RELATIONSHIP TO STREETS/DRIVES

Portions of a project's common open space should be visible from and extend out to streets and drives.

GUIDELINE E7: IRRIGATION/HOSE BIB

All rear yards, and patios over 100 square feet shall be provided with an irrigation system and/or a hose bib. Water service is required in all private yards and patios.

F. PEDESTRIAN WALKWAYS, BIKE AND TRANSIT FACILITIES

INTENT

A functional on-site circulation must address the needs of pedestrians and bicyclists. The circulation system should provide for access to and from parking areas, residential units, open space/recreation areas, accessory structures such as laundry rooms and mail boxes and the adjacent public street. A good site circulation system allows for convenient, comfortable, and safe movement of pedestrians and bicyclists.

GUIDELINE F1: PROJECT ENTRANCE

The location and entrance to projects should be clearly marked and identifiable for pedestrian as well as vehicular access.

GUIDELINE F2: VEHICLE/PEDESTRIAN SEPARATION

The on-site circulation system should be designed to avoid conflicts between vehicular operation and pedestrian access. Where access must be provided from or across a parking area, drive or private street, a clearly different paving material or marking should be provided to guide pedestrians and alert motorists.

GUIDELINE F3: SIDEWALK ACCESS TO PARKING

Generally, sidewalks should connect parking to units within the project so that persons are not forced to walk through parking or landscaped areas.

GUIDELINE F4: BALCONY/CORRIDOR CIRCULATION

Common exterior balconies and corridors that provide access to units should not require circulation past adjacent unit windows and entries.

GUIDELINE F5: TRANSIT FACILITIES

Multiple family projects that are located on designated transit routes and are greater than fifty (50) dwelling units should provide for a bus pullout and furniture if feasible.

GUIDELINE F6: BICYCLE ACCESS AND PARKING

Projects located adjacent to designated bikeways containing fifty (50) or more units should provide for specific bicycle ingress and egress. All projects of fifty (50) or greater units shall provide for secure bicycle parking for at least ten (10) percent of the residents.

G. SITE AND BUILDING LIGHTING

INTENT

Adequate site lighting is important to create a safe environment for residents and guests. Insensitive placement and intensity of exterior lighting can be an annoyance to residents within a project and in the adjoining neighborhood. Lighting on the exterior of developments needs to be properly hooded and directed so as not to create a nuisance.

GUIDELINE G1: DIRECTION/SCREENING

Lighting along the perimeter of a project should be directed away from or hooded to prevent the intrusion of light into adjacent residential areas. On-site lighting should be directed so that it does not create high lighting levels in sleeping areas.

GUIDELINE G2: SECURITY

Adequate lighting of on-site pedestrian walks, unit entrances, utility areas (such as laundry and trash enclosures) and parking areas should be provided. Unit address signs and project directory signs should be adequately lit to allow for timely emergency safety service response.

GUIDELINE G3: FIXTURES

Light fixtures along a public street should match the City's standards. Special on-site fixtures matching the architectural theme of the project are encouraged. No bare bulb lighting is allowed; all lighting should be in a fixture. Fixtures should be designed and oriented to prevent glare, especially in driveways and parking areas.

H. BUILDING DESIGN AND FINISH MATERIALS

INTENT

The design and placement of buildings create the character and setting of a project. The design elements of building facades and the massing of buildings give them richness and scale. Separations, changes in plane and height, and the inclusion of elements such as bay windows, porches, arcades, dormers, and cross gables mitigate the barracks-like quality created by flat planar walls and roofs of excessive length. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to mansard roofs or segments of pitched roof applied at the building's edge. Extremely long buildings, if they are richly articulated, may be acceptable; however, buildings (including garages and carports) exceeding 150 feet in length are generally discouraged. The intent of these guidelines is to give individual architects both freedom and the obligation to make appropriate use of these elements. The choice and mix of materials on facades of buildings are important in providing an attractive living environment.

GUIDELINE H1: BUILDING SCALE

New structures should be sensitive to the scale of the neighborhood. A transition from low buildings along the street or side and rear property lines to taller structures on the interior of the project is generally encouraged. Taller buildings may be appropriate adjacent to major open space areas or along major streets with special landscape setbacks. In most cases it is desirable to reduce the bulk or scale of buildings to maintain a domestic character which reflects a residential neighborhood.

GUIDELINE H2: BUILDING MATERIALS AND DETAILS

The exterior materials and architectural details of buildings should relate to each other in ways that are traditional and/or logical. For example, heavy materials should appear to support lighter ones. Buildings should be stylistically consistent. For example, "Spanish"

details are consistent with stucco buildings and with mission tile roofs. Styles, materials and detailing should be consistent with the chosen architectural theme.

GUIDELINE H3: FACADE ARTICULATION

All buildings containing three or more attached dwellings in a row shall incorporate at least one of the following for all elevations:

1. At least one architectural projection per unit. Such a projection must project no less than two feet six inches from the major wall plane, must be between four feet six inches and fifteen feet wide, and must extend the full height of a one-story building, at least one-half the height of a two-story building, and two-thirds the height of a three-story building. (Figs 12, 13 and 14)
2. A change in wall plane of at least three feet for at least twelve feet every 2 units. (Fig 15)

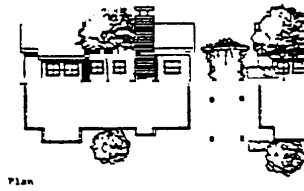


Fig. 12

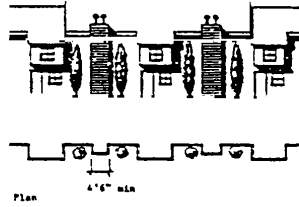


Fig. 13

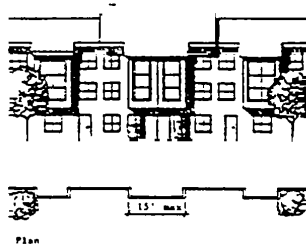


Fig. 14

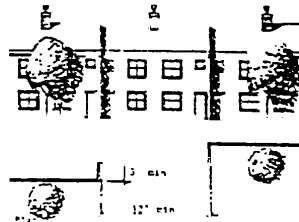


Fig. 15

GUIDELINE H4: ROOF ARTICULATION

For sloped roofs, both vertical and horizontal articulation is encouraged. Roof lines should be representative of units under them and no more than two single story inline units, or four two story inline units, or eight clustered two story units should be covered by a single, unarticulated roof (Figs 16, 17 and 18). Roof articulation may be achieved by changes in plane of no less than two feet six inches and/or the use of traditional roof forms such as gables, hips, and dormers.



GUIDELINE H5: EXTERIOR STAIRWAYS AND BALCONIES

Exterior stairways and balconies shall be stylistically consistent with the buildings they serve. They should be architecturally integrated into the building. Manufactured bolt-on stairs should be avoided. The materials and detailing of stair rails and siding should match those of the building. Balcony walls should reflect the architectural theme and materials of the building. Attention should be given to privacy and usability of balconies.

GUIDELINE H6: FENCING VISIBLE FROM THE STREET

Fencing which is visible from the street of common open space should be treated as an integral part of the architecture. The materials, color, and detailing should draw from the buildings they surround or adjoin.



GUIDELINE H7: TWO STORY BUILDINGS

Two story buildings should be oriented and designed to lower the overview of private yards and patio of on-site and adjacent developments. This may be done through building orientation, screen walls or landscaping.

GUIDELINE H8: EXTERIOR COLOR

On larger projects subtle changes in the shade of exterior color is encouraged to increase visual interest and help reduce monotony. Building groups can also be painted with different colors but too frequent a change in exterior building colors is generally not encouraged.



GUIDELINE H9: ACCESSORY STRUCTURES

Accessory structures including laundry rooms, club houses, offices, storage facilities, etc., should be compatible in design and materials with the main buildings.

GUIDELINE H10: ROOF MATERIALS

Noncombustible roof material is encouraged. If fiberglass composition roofing is selected, it shall be of a texture and design incorporating random edges and a textured look resembling natural wood shakes. The material shall have a weight greater than 270 pounds per square with a Underwriters laboratory fire rating of Class

"A", with a 30-year or longer transferable warranty. This standard may be reduced in projects with low income units.

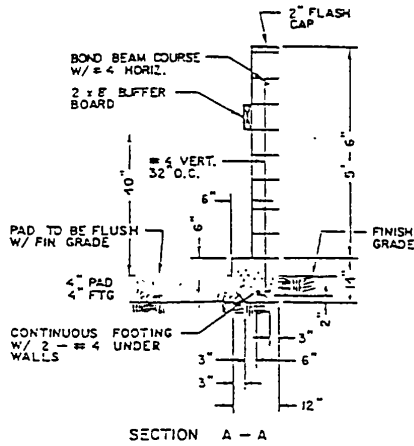
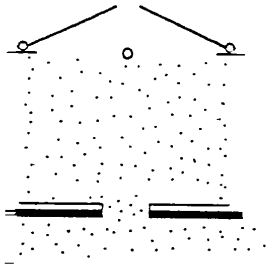
I. UTILITIES - LOCATION AND TREATMENT

INTENT

Utility facilities are often overlooked in the design of projects. The handling of these components of a project make a significant difference in their visual appearance and their use. They shall be functionally and conveniently placed without detracting from the project or assuming greater prominence than is necessary. As an example, trash enclosures, if not properly located, can detract from an otherwise nicely-designed project. These are details important in their aggregate to creating quality living environments.

GUIDELINE II: TRASH ENCLOSURES.

1. The walls of trash enclosures shall be of a masonry material with inside protective bumper or curbs. Heavy gauge solid metal gates are the only acceptable gates. The exterior surface should be compatible with the remainder of the project
2. Trash enclosures should not be intrusive. Their locations should be chosen to prevent the intrusion of noise, odor, insects, and dust into living areas.
3. Trash enclosures shall be constructed to allow walk-in access.
4. They shall be located where service vehicles have easy access to them without having to back up.
5. Trash enclosures shall have a trellis covering. Landscaping on the trellis is encouraged.
6. Provision for recycling bins shall provided for as provided by the design standards of the City (See Standard ST-15).
7. Generally one yard of trash bin capacity shall be provided for every four residential units.



GUIDELINE I2: HEAT/AIR CONDITIONING UNITS

Heat/air conditioning units shall be integrated into the design of buildings. Integration means that the locations are not generally discernible in their location. they may be located in roof wells, or enclosed by well-designed architectural features such as gable roof elements. If they are located on the ground, they should be screened and carefully placed so they blend into the project (Fig 20).

GUIDELINE I3: UTILITY UNDERGROUNDING

All utility service adjacent to and serving multi-family projects shall be undergrounded. Meters other than water meters and utility boxes shall be attractively screened and/or integrated into buildings.

J. GRADING

INTENT

Grading for new projects shall not adversely affect adjacent existing development. In general, grading and construction at project boundaries should be consistent with existing adjacent development in terms of building height and ground elevation changes. Privacy of adjacent existing residences should be taken into consideration.

GUIDELINE J1: RETAINING WALLS

Retaining walls should be avoided at property lines. Where they must be used, masonry material shall be used.

GUIDELINE J2: SOIL DEPTH

In order to ensure that landscape plantings have sufficient soil depth and quality for growth, topsoil should be replaced in areas where grading has removed top soil necessary to support strong plant growth.

K. PERIMETER WALLS AND FENCES

DEFINITION

Walls are defined as solid stucco or masonry barriers greater than 3 feet high. Fences are defined as solid wood barriers greater than 3 feet high. Open fences are defined as wood or metal fences greater than 3 feet high and more than 50% open.

INTENT

Long, unbroken walls and fences along the street and adjacent to open space areas in new multi family projects tend to isolate projects within the larger community. While walls and fences can be used to provide security, privacy, sound attenuation, and control of views, these same goals can also be achieved by other means. Wider setbacks and open space, earth berms, and landscaping are desirable and effective alternatives. Wall projects are not prohibited by these guidelines.

GUIDELINE K1: HEIGHT

Fences and walls should be no more than 7 feet high, except when adjacent to freeways or incompatible uses as required for sound attenuation.

GUIDELINE K2: ARTICULATION

When walls are necessary along public streets they should incorporate changes in plane, height, use of open sections, or a combination of these elements if the wall is longer than 70 feet. The minimum plane change should be 2 feet. The minimum height change should be 18 inches. Where a wall is required for sound attenuation, a change in material or substantial change in texture may be used in place of a change in height or open sections.

GUIDELINE K3: MATERIALS AND DETAILING

Walls and fences visible from the public street should be constructed from durable, good quality material, and display a level of quality in finish and detail. In general, walls should be constructed of materials matching the architecture. Walls or fences of a lesser quality of finish and detail may be approved if they are continuously screened by landscaping.

L. SIGNAGE AND ADDRESSING

DEFINITION

Project identification signs are intended to be seen from the adjacent public street. Their size is regulated by the City's Sign Ordinance. Directional/informational signs are intended to be seen from on-site and are informational and may include signs for club houses, laundry and mail facilities. They are relatively small in size with lettering generally 4" to 6" in height. Address signs identify the street address of the project and/or the individual units.

INTENT

In addition to their importance as disseminators of information, signs contribute to a sense of place in multi-family developments. Well designed sign programs can help unify a development. Signs should relate to their surroundings in terms of materials, color, graphics, size, height, shape and lighting. Clear and effective signing is also important for safety service personnel responding to calls for service.

GUIDELINE L1: SIGN ORDINANCE

Location and design of proposed signing shall be consistent with the City's Sign Ordinance. Signs shall be consistent with the design program of the development. All Project signs are subject to Sign Review and Approval. Directional/informational and address signs shall be reviewed under the Site Plan Review process.

GUIDELINE L2: DESIGN THEME

Project and interior signs should possess an interrelated theme, and should be manufactured in a similar fashion using the same materials, numbers, colors, and method of attachment.

GUIDELINE L3: SIGN ILLUMINATION

Sign illumination shall not be unnecessarily bright, or emit renegade glare or light intrusion on or off the project site. Particular care should be taken to prevent light from being an annoyance to adjacent residential neighbors.

GUIDELINE L4: ADDRESSES

Illuminated address signs shall have numbers a minimum of five inches (5") in height with a principal stroke of not less than one-half inch (1/2") in width, on contrasting backgrounds when placed on the structures. The address signs located on structures shall face the public street or the interior driveway when the building is located on the interior driveway.

When one address has multiple units, each unit shall be numbered with unit numbers located on the face of the door or adjacent to the main entrance in contrasting color using three-inch (3") numbers or letters.

Multi-family complexes shall have installed at each driveway entrance a monument sign with the complex address visible with contrasting background. The size of the address shall be a minimum of six inches (6") in height with a principal stroke of one inch (1") in width.

GUIDELINE L5: DIRECTORY SIGN

Large projects (100+ units) shall have a directory sign at the entrance(s) of the development showing the building layout, street/drive pattern and unit addresses.

GUIDELINE L6: EMERGENCY ACCESSWAY SIGN

Accessways for emergency vehicles shall be posted as follows:

1. A metal sign, sixteen inches by sixteen inches in size, mounted atop a six foot metal post with the following legend in red lettering on a white background:

EMERGENCY ACCESSWAY

NO PARKING

Violators will be towed at owner's expense.

Sec. 4-4.104
Clovis municipal code

**MULTIPLE-FAMILY RESIDENTIAL
DESIGN STANDARDS**

ATTACHMENT 3

Multiple Family Residential Design Standards

APPLICABILITY

The Multiple-Family Design Standards shall apply to all projects of two or more attached residential units. This document is intended to provide an objective design review process for all multiple-family and RHNA projects and provide guidance for applicants during the design process.

All multiple-family projects shall comply with the Clovis Development Code. The Multiple-Family Design Standards serve as minimum requirements for multiple-family residential development. These standards will be mandatory for all qualifying residential projects. For any project seeking exceptions to these standards or any of the City's applicable design standards, the City's existing discretionary process is available.

STANDARDS

Building Setbacks and Separations

- A. Buildings setbacks shall be per the Development Code (Section 9.10.030, Table 2-3).
- B. Buildings shall be separated from each other and other structures per Clovis Fire Standards and California Building Codes.

Driveways and Site Access

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained as follows:

- A. Number of driveways.
 1. A minimum of two (2) driveway access points shall be required for each parcel two (2) acres or more in size.
- B. Distance from street corners.
 1. Driveways to parking areas that take their access from arterials or collectors shall be located a minimum of two hundred fifty feet (250') from the nearest arterial or collector intersection, as measured from the closest curb return to the closest side of the driveway approach. Where such configuration is not practical, or where reciprocal access to, or shared access with adjacent properties, is not possible due to lot dimensions or other constraints, project applicants will be required to demonstrate that placing access points closer to intersections will not negatively impact the intersection operation or impede traffic flow on the adjacent streets by using appropriate project mitigations.
- C. Driveway width and length.
 1. Two (2) way aisles. Two (2) way drive aisles within parking areas shall be a minimum of twenty-six feet (26') in width for general circulation and aisles required for fire access per the Clovis Fire Standards.
 2. One-way aisles. One-way aisles shall be a minimum of seventeen feet (17') in width unless required for fire access, in which case the minimum width shall be subject to the Clovis Fire Standards.
 3. Parking aisles. Aisles that provide access primarily to parking stalls, and are not required for fire access, shall be twenty-six feet (26') in width.
 4. Maximum driveway width. The maximum driveway width shall be thirty-six feet (36'), exclusive of the area provided for a median divider. However, in no case shall the driveway width exceed thirty percent (30%) of the total curb face of the subject parcel, except for cul-de-sac lots or lots of unusual configuration.

- 5. Driveway Length. The length of a driveway apron in front of a garage door shall be either eighteen (18) feet or more, or eight (8) feet or less.
- D. Clearance from obstruction. The nearest edge of a driveway apron or curb return shall be at least three feet (3') from the nearest alley or adjacent property line and eight feet (8') from the nearest street right-of-way, and at least five feet (5') from the nearest centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facilities. Driveways shall have a minimum overhead clearance of fourteen feet (14') in height, except within a parking structure which may be reduced to seven feet (7').
- E. Traffic safety visibility area. Structures or landscaping over thirty-six inches (36") in height shall not be allowed within a traffic safety sight distance area formed by the intersection of public rights-of-way, driveways, or alleys.

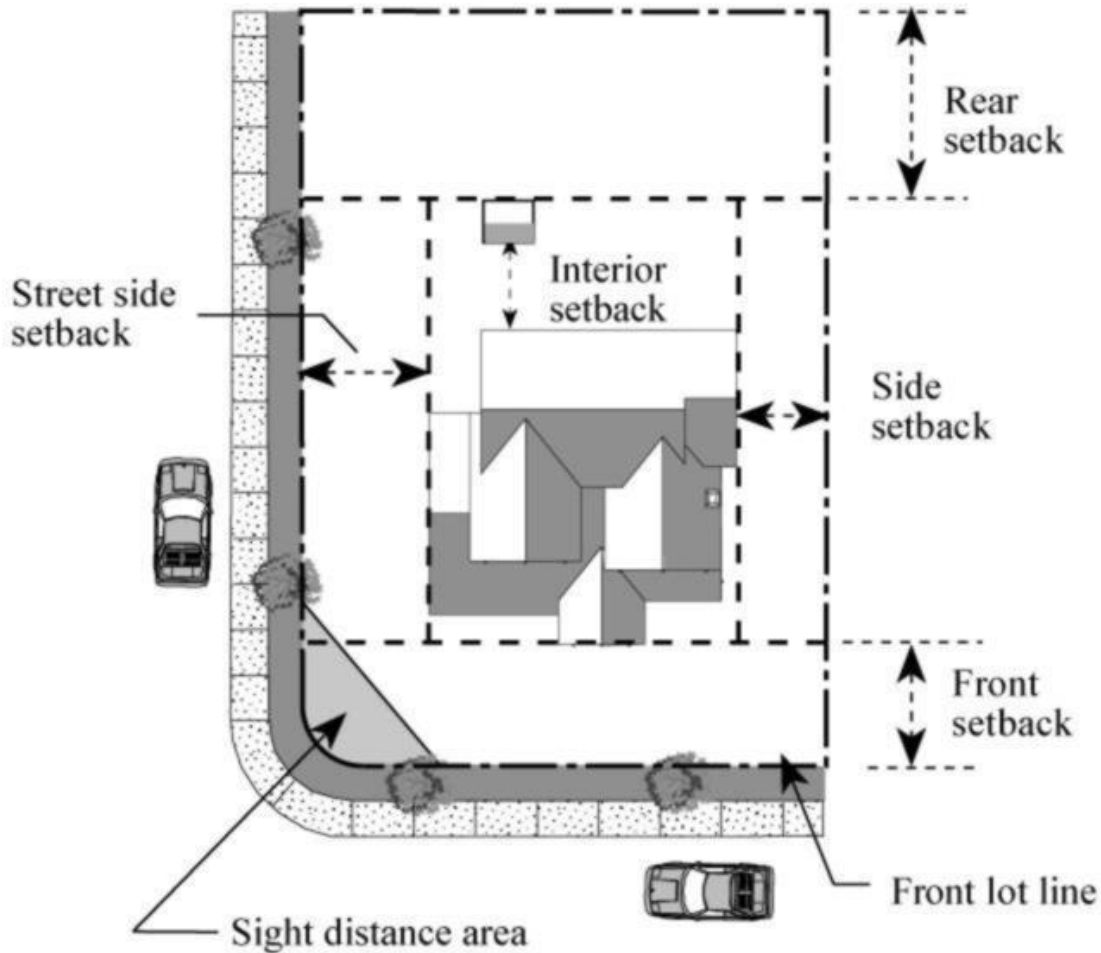


FIGURE 1
TRAFFIC SAFETY VISIBILITY AREA (CORNER CUTOFF)

Parking

A. General Parking Requirements

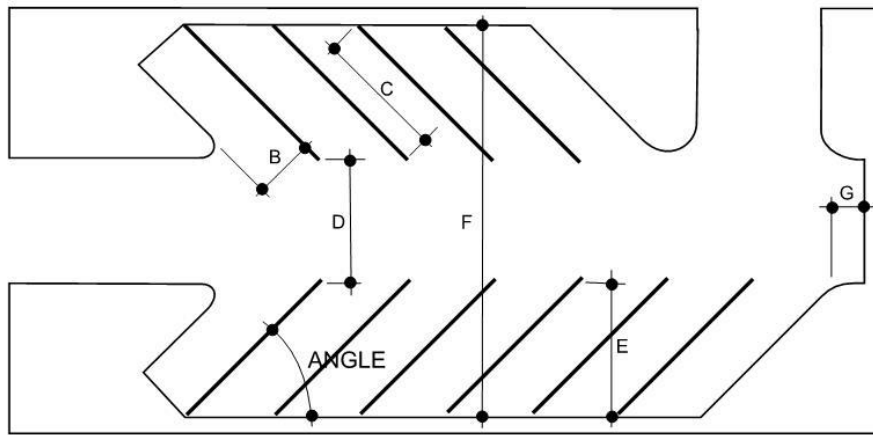
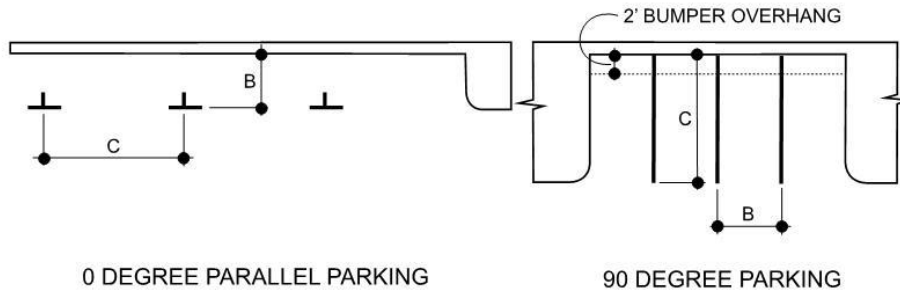
- 1. All required parking for the development shall be located on the parcel which they serve. Parking may be located on a contiguous parcel, however the overall density of all parcels shall remain consistent and within the range designated by the General Plan.

2. The number of parking stalls shall be designed and constructed per Section 9.32.040, Table 3-12, of the Development Code.
 3. Accessible Parking shall be provided per California Building Code.
 4. Parking stalls shall be marked and striped per City Standards.
 5. Assigned garages and carports shall be no further than 100 feet from the unit they serve.
 6. Individual parking wheels stops are prohibited except where required per Americans with Disabilities Act.
- B. Parking space and lot dimensions.
1. Minimum dimensions. The minimum standard open parking space dimensions shall be nine (9) feet wide by twenty (20) feet long with up to a two-foot (2') overhang.
 2. Parallel space dimensions. Parallel parking spaces shall be a minimum of eight feet (8'), six inches (6") wide by twenty-two feet (22') long.
 3. Minimum vertical clearance. Every parking space shall maintain a vertical height clearance of at least seven (7) feet or as otherwise required by California Building Code and Americans with Disabilities Act (ADA).
 4. Diagonal space dimensions. These shall be in accordance with Figure 2.
 5. Parking structures. The minimum standards for parking spaces and aisle dimensions in a parking structure shall be per Clovis' adopted Parking Garage Standards.
 6. Garages. Each residential garage space shall have a minimum inside dimension of ten feet (10') by twenty (20) feet or nineteen (19) feet by twenty (20) feet in the case of a two (2) car garage.
 7. Carports. Parking spaces under carports shall conform to the garage space standards. The stall size may be reduced to open space standards where a cantilevered post design is used. The posts on the cantilevered design shall be placed at the front two-thirds of the stall.
 8. Garage Door Openers. Garages with parking aprons of less than 18' shall have automatic garage door openers.
- C. Parking Lot Shading
1. Parking areas shall be shaded per Section 9.32.070.H.7.b, of the Development Code.



City of Clovis

Multiple Family Residential Surface Parking Design Standards



ANGLE	B (Open)	B (Covered)	C	D	E	F	G
0	8'-6"	8'-6"	22'	15'	8'-6"	32'	0'
45	9'-0"	9'-6"	*20'	14'	21'	56'	5'
60	9'-0"	9'-6"	*20'	17'	22'	61'	5'
90	9'-0"	10'-0"	*20'	26'	20'	66'	3'

* PARKING STALLS MAY BE REDUCED TO A DEPTH OF 18 FEET WITH A TWO-FOOT BUMPER OVERHANG INTO A NON-REQUIRED LANDSCAPED AREA OR WALKWAY.

TRAFFIC AISLES INDICATED ARE FOR ONE-WAY TRAFFIC. ALL TWO-WAY TRAFFIC AISLES TO BE A MINIMUM OF 26 FEET WIDE. FIRE DEPARTMENT MAY REQUIRE ADDITIONAL WIDTH.

August 1, 2010

FIGURE 2
PARKING LOT DESIGN STANDARDS

Pedestrian Access

- A. Pedestrian access shall be provided to each unit to, and from a public sidewalk, between units and open spaces, community areas, and service areas such as the trash enclosures.
- B. Where a project is fenced around the perimeter, the development shall include a pedestrian gate every 200 feet along the street, including a pedestrian path to the City sidewalk.

Open Space and Landscaping

- A. Open Space, There shall be a minimum of 260 square feet of private and/or common open space area for each dwelling unit. The minimum dimension for ground level private open space shall be 10 feet. For balcony space, the minimum dimension shall be 6 feet.
- B. Children's Play Area, Development of 25 or more dwelling unit shall provide common space including at least one children's play area. Such play area shall include:
 - a. Minimum dimension of fifteen feet in any direction and a minimum of 600 square feet.
 - b. Contain play equipment, including equipment designed for ages five and younger.
 - c. Be visible from multiple dwelling units.
 - d. Be protected from adjacent streets and parking areas with a fence or other barrier of not less than four feet in height.

Fencing

- A. Perimeter Fence. Perimeter fencing along streets shall be constructed from decorative tubular steel, masonry, concrete, and stucco or similar. Wood and chain link shall not be used.
- B. Fencing adjacent to single-family residential shall be of masonry or concrete and a minimum of six-foot in height from the highest side (measured from finished grade or parking surface, whichever is higher).
- C. Private yard fence.

Bicycle Parking

- A. Bicycle Parking. The project shall provide bicycle parking per the California Building Code.

Site Lighting

- A. Site Lighting. Site lighting shall be a maximum of twelve (12) feet in height and directed away from adjacent properties and streets. Lighting shall be hooded and/or screened to prevent direct view of the light source from adjacent residential properties and center of adjacent streets (at eye level).
- B. Pedestrian Walkways. Security lighting shall be provided along walkways per Clovis Police Department standards. Pedestrian lighting shall no exceed eight (8) feet in height, and shall be hooded and/or screened to prevent direct view of the light source from adjacent residential properties.
- C. Carports. Lighting under carports shall be designed to prevent direct light and glare to adjacent residential properties.
- D. Shielding. On-site lighting shall be hooded and/or screened to prevent direct view of the light source from adjacent residential properties and center of adjacent streets (at eye level).

Building Facades and Finish Materials

- A. Building Height
 - 1. Overall building heights shall be consistent with the underlying zone district.
- B. Facade Articulation
 - 1. Buildings containing three or more units in a row shall incorporate at least one of the following for all elevations.

- a. A least one architectural projection per unit. Such projection must project at least two feet from the major wall plane and shall be between four feet and 16 feet in width and extend the full height of the related floor level.
 - b. A change in wall plane of at least three feet (twelve feet wide min.) every two units.
- C. Roof Articulation
 - 1. Roofs shall utilized pitched forms with a minimum slope of 4:12. Roof pitch which is concealed from the public view or public right of way is not subject to a minimum slope.
 - 2. No more than two single-story inline units, or four two-story inline units, or eight clustered two-story units shall be covered by a single-unarticulated roof. Roof articulation may be achieved by changes in plane of no less than two feet six inches and/or the use of traditional roof forms such as gables, hips, and dormers.
- D. Vertical Articulation for Tall Buildings
 - 1. Building of more than four stories, upper and lower stories shall be distinguished by incorporating one of more of the following features. These features may be applied to the transitions between floors, except where otherwise specified.
 - a. A change in materials, along with a change in plane at least one inch in depth at the transition between two materials.
 - b. A horizontal design feature such as a belt course or belly band.
 - c. A base treatment at the ground floor consisting of a material distinct from the remainder of the façade and projecting at least one inch from the wall surface of the remainder of the building.
 - d. Setting back the top floor(s) of the building at least five feet from the lower floor.
- E. Roof Materials
 - 1. Roof material shall consist of tile, metal, fiberglass, or composite material representing wood or tile. Composite fiberglass shall a minimum of 30 year.
- F. Exterior Materials
 - 1. Exterior materials should relate to each other in traditional and logical form. For example, heavier materials should support lighter materials such as rock forms on the bottom supporting lighter materials above such as stucco or cementitious wood siding. Building facades shall incorporate details such as window trim, recessed windows, cornices, belt courses, coins, or other design elements.
 - 2. Exterior elevations shall utilize durable materials such as stucco, concrete siding, rock, metal. Wood siding such as T-1-11 and wood fire board shall be avoided.
- G. Exterior Colors
 - 1. Building of three or more inline units shall utilize at least three (3) colors but not more than five (5) colors on the front elevations.
- H. Windows
 - 1. Windows on the second story and above, adjacent to single-family shall be obscure, frosted or oriented to prevent direct view in or out.
 - 2. Windows shall be framed and trimmed with contrasting colors and architectural details
- C. Doors
 - 1. Front entry doors shall have architectural details. Plain slab doors shall not be used.
- D. Gutters and Downspouts
 - 1.
- E. Carports
 - 1. Carports shall be complimentary to the main buildings utilizing similar colors. Carport posts shall be constructed with metal, concrete, masonry, or cementitious wood materials. Wood and non-painted metal posts are prohibited.

- F. Garages
 - 1. Garages shall be architecturally integrated, utilizing the same building, forms, materials, and colors as the main buildings.
 - 2. Garages of three or more spaces in a row shall include at least one projection per space. Such projection shall be a minimum of two feet from the main plane of the garage face.
- G. Accessory Structures
 - 1. Accessory structures shall be architecturally integrated, utilizing the same building, forms, materials, and colors as the main buildings.

Utilities

- A. HVAC Units. HVAC units shall be ground mounted or screened with a permanent structure using the same materials as the main exterior materials, when roof mounted. HVAC equipment shall not be placed in or on the front and/or street corner sides on the buildings.

Grading

- A. Retaining Walls at property lines shall be masonry if the grade difference exceeds 12”.

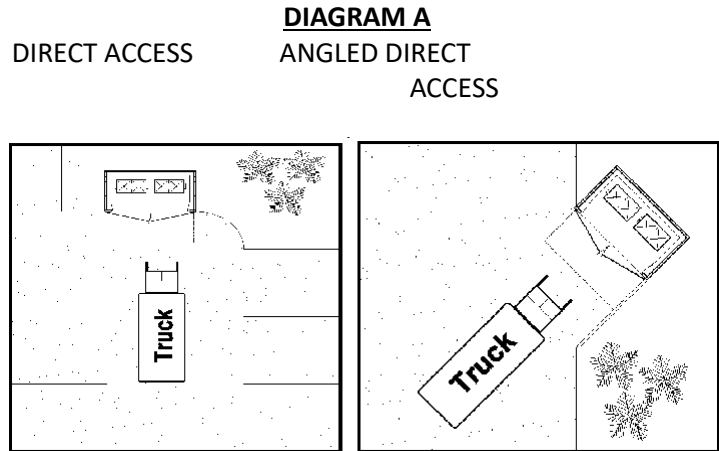
Solid Waste and Recycle Collection

Intent

Utility facilities are often overlooked in the design of projects. The handling of these components of a project make a significant difference in their visual appearance and their use. They shall be functionally and conveniently placed without detracting from the project or assuming greater prominence than is necessary. As an example, trash enclosure, if not properly located, can detract from an otherwise nicely-designed project. These are details important in their aggregate to creating quality of living environments.

- A. Trash Enclosure
 - 1. Trash Enclosures shall be constructed according to City of Clovis Standard Drawing M-2 and M-3 and in accordance with Municipal Code Sections 6.3.19 and 9.24.110.
 - 2. Trash enclosures should not be intrusive. Their locations should be chosen to prevent the intrusion of noise, odor, insects, and dust into living areas.
 - 3. Trash enclosures shall be constructed to allow walk-in access, and shall be located a maximum of 150 feet from the farthest door).
 - 4. They shall be located where service vehicles have direct access to them without having to back up. Direct access means the collection truck can drive directly at the bin and insert the forks into the sides of the bin without having to get out of the truck to move the bin (See Diagram A).
 - 5. One yard of trash bin capacity shall be provided for every four residential units.
 - 6. Applicant will be required to meet the state mandated waste diversion goal (recycling) to divert at least 50 percent of non-hazardous solid waste, including food and compostable material but not construction and demolition material and debris, annually.
 - 7. Applicant should provide a minimum Type III Trash Enclosure with the capacity to serve the development and satisfy state mandated recycling requirements. Below lists the capacity of each allowed trash enclosure. See City of Clovis Standard Drawing M-2 and M-3 and list below.
 - a. Type III (9 yards/pickup) Capacity 3 – 3 yard bins

- b. Type IV (12 yards/pickup) Capacity 4 – 3 yard bins
- c. Type V (18 yards/pickup) Capacity 6 – 3 yard bins



B. Signs

- 1. Signs shall be designed and constructed per Section 9.34.120 of the Development Code.

C. Grading, Utilities, and Offsite Construction

- 1. All projects will be required to submit a soils report or a waiver of soils report to the City of Clovis Engineering Division in support of the design of the structural section for the public roadways.
- 2. All projects will be required to contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.

D. Dedications and Street Improvements

- 1. All projects will be required to provide right-of-way on adjacent streets as necessary to conform to current governing planning documents, policies, and City Standards. All right-of-way provided shall be free and clear of all encumbrances.
- 2. All Projects will be required to provide for the acquisition of right-of-way as necessary to provide for transitions and to conform to the municipal code.
- 3. Projects will be required to construct street improvements in accordance with the City's specific plans and shall match existing improvements. The project applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
- 4. Gated Developments shall provide for ample vehicle stacking area outside the travel lanes of arterials, collectors, and other streets such that vehicles can wait as vehicles are accessing the control panel to open the security gates without traffic backing onto the street. Entries shall be designed to provide the ability to turn around to allow vehicles that cannot enter the complex to return to the street without backing the vehicle up. Provide the Solid Waste Division with remote controls that will allow access for all solid waste and recycling vehicles.
- 5. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all

transitional paving as needed. Sidewalk along sideyards shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.

6. Entry feature streets with median islands shall have a minimum of 22' wide travel lanes in each direction with parking or without parking.
7. Site design shall provide for free movement of traffic onto the site with no cross traffic or parking stalls within 100' of the major street face of curb. At grade drive approaches, deceleration lanes, and separate right turn lanes, rather than standard drive approaches can be used to help reduce the non-cross access depth.
8. Provide Temporary Turnabouts at the ends of all dead end streets that are to be extended in the future. Temporary turnabouts shall provide for a 48' radius dedication and installation of 45' of permanent/temporary paving plus 3' paved swale. Any lots that the temporary turnabout encroaches upon will not be able to be built upon until the street is extended and the temporary bulb and right-of-way can be abandoned.
9. Provide dedication for 10' public utility easements along all public street frontages. Alternative widths require written approved by the utilities companies.
10. Damaged or broken concrete improvements along the project frontage shall be removed and repaired to be compliant with City standards and ADA requirements prior to project completion.
11. Projects will be required to provide for reciprocal access to maintain and provide vehicular, pedestrian and public access, drainage, and utility connections in conformance with current governing planning documents and policies. Recorded agreements will be required to fulfill this requirement.

E. Sewer

1. All public sewer mains not located in otherwise dedicated rights-of-way shall be centered in a 15' wide public sewer easement. The easement area shall be located in drive aisles where it is easily accessible for City maintenance. Exceptions may be approved by the City Engineer.
2. Projects installing sewer infrastructure shall notify all property owners that have annexed to the City and are adjacent to the sewer to provide the owners an opportunity to connect in conformance to the municipal code. Property owners that choose to connect shall be responsible for sewer connection fees according to the municipal code and may work directly with the applicant to determine construction costs and location of services.

F. Water

1. Projects shall identify and abandon all water wells to City standards in conformance to the municipal code
2. All public water mains not located in otherwise dedicated rights-of-way shall be centered in a 15' wide public water easement. The easement area shall include water mains, hydrants, blow-offs, and water meters, and be located in drive aisles where it is easily accessible for City maintenance. Exceptions may be approved by the City Engineer.
3. Projects installing water infrastructure shall notify all property owners that have annexed to the City and are adjacent to the water to provide the owners an opportunity to connect in conformance to the municipal code. Property owners that choose to connect shall be responsible for water connection fees according to the municipal code and may work directly with the applicant to determine construction costs and location of services.

G. Grading and Drainage

1. All projects shall provide for permanent storm drainage facilities according to the requirements of the Fresno Metropolitan Flood Control District (FMFCD). Projects that generate more runoff than provided for by the FMFCD master plan will be required to provide mitigation to modify the project flow characteristics to conform to the master plan.
2. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and record a City prepared covenant for maintenance by the property owner. The size and design shall be in accordance with the City standards based on design calculations and access requirements for maintenance. The property owner shall be responsible for periodic cleaning of toxic material for the life of the temporary basin, which is solely for the convenience of the project. The applicant shall provide a cash deposit for each basin to offset the City's cost of maintaining the basins based on size, depth, expected maintenance schedule by the City, etc. in case of default by the property owner. Notice will be given by the City when the temporary basin(s) are no longer needed. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled and place a lien on the property to cover the cost of the work, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.

H. Irrigation and Landscaping Facilities

1. All projects shall provide landscaping and irrigation as necessary to conform to current governing planning documents, policies, master plans, City Standards, and shall coordinate with existing improvements. Plans for landscaping and irrigation systems shall be prepared by an appropriately registered professional that include the verification of the size, location, and components of the existing improvements. Plans for publicly maintained systems shall consider expansion of the system where feasible to use the existing improvements as fully as possible. Plans shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. The landscape strip around a planned unit development may be maintained by a perpetual maintenance covenant.
2. All project park and landscape improvements shall be installed and accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the park improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of improvements for the park. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.
3. All projects shall record a City prepared covenant for annexation to the Landscape Maintenance District. The document shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or building permit approval. The covenant shall include acknowledgement and agreement by the property owner that such agreement serves as a petition pursuant

to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The annual assessment is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The additional landscaping enhancements that exceed the City norms and are specific benefit to the property, if determined to be maintained by the Landscape Maintenance District, shall be maintained by an additional landscape maintenance assessment.

4. All projects shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be reviewed by the City to verify and address conflicts with other City facilities. Plans for these requirements and improvements shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. The construction drawings shall indicate the depth, location and type of material of any existing irrigation lines, as well as their disposition (abandonment, repair, relocation, and/or piping). Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.
5. All projects with water allocations shall have it transferred to the City of Clovis prior to the beginning of construction or the recording of the final tract map, whichever occurs first. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis by executing a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.
6. All projects that install privately maintained landscaping and irrigation in public rights-of-way shall record a City prepared covenant for maintenance of the landscape and irrigation by the property owner. The document shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or building permit approval. The privately maintained landscape and irrigation will not be maintained by the Clovis Landscape Maintenance District and it shall not eliminate the obligation to annex the property to the Clovis Landscape Maintenance District.
7. All perimeter walls shall be installed on private property and maintained by the property owner. When adjacent to public rights-of-way, the applicant shall execute a City prepared perpetual maintenance covenant that is recordable on all properties having a

perimeter wall. The covenant shall indicate the property owner is responsible for maintenance and shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or the release of any development permits.

I. Miscellaneous

1. All projects shall provide trash enclosures in conformance with State requirements, the City municipal code, and City standards. Accessibility to the trash enclosures shall be paved and available during City service hours on the day(s) of service. The trash enclosure shall be positioned to have front loading solid waste vehicle access without the need to backup. Trash enclosures shall be setback a minimum of 5' from all driveways and drive aisles to minimize the impact of gates left open and mitigate any visibility issues. The grading and slope concrete pad shall be designed to accommodate existing and planned adjacent improvements. The concrete pad shall be inspected by the City prior to pouring of concrete.
2. All projects shall execute a City prepared appurtenant agreement for reciprocal access across adjacent parcels, shared maintenance, and shared use of any joint trash enclosure. The covenant shall be executed by the property owners, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or the release of any development permits.
3. All projects shall install street lights along the major streets and local streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment. All street lights on wood poles shall be replaced with street lights on metal poles to local utility provider's standards.
4. A deferment, modification, or waiver of any engineering conditions shall be considered by the City Engineer and will require their express written approval.
5. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer in order to provide adequate circulation and adequate utility services.

Public Safety

Refer to the adopted standards of the Police Department and Fire Department.

Business License

- A. A City of Clovis Business License is required for the operation of a multiple-family development.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 16, 2019

SUBJECT: Consider Adoption – Ord. 19-____, An Urgency Ordinance of The City Council of The City of Clovis Amending Provisions of Title 9 to the Clovis Municipal Code Relating to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, Review Procedures, and Making Related Findings.

Staff: Dave Merchen, City Planner
Recommendation: Approve

ATTACHMENT: 1. Draft Ordinance

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Council adopt an urgency ordinance to address State legislation related to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, Review Procedures and make related findings. As an urgency ordinance, a four-fifths (4/5) vote is required.

EXECUTIVE SUMMARY

The State Legislature and Governor have declared a statewide housing emergency. In that regard, the 2019 Legislative Session produced numerous laws related to housing (“2019 Housing Laws”) that use a combination of funding and regulation to promote affordable housing growth within the state. Among the effects of the 2019 Housing Laws are changes to the procedures and standards for housing development projects, density bonus, accessory dwelling units (“ADUs”), and other housing-related concerns. Many of the final bills were formally approved on October 9, 2019. Certain provisions of the 2019 Housing Laws are already in effect and other provisions go into effect on January 1, 2020.

In order to ensure that the City is in compliance with the new laws and ready to accept housing development applications by January 1, 2020, it is necessary for the City to adopt an Urgency Ordinance, effective immediately, amending some of the affected ordinances. While the City is currently in the process of preparing amendments to the Development Code, there is insufficient time to fully analyze the 2019 Housing Laws and process ordinance amendments through the Planning Commission and City Council before January 1, 2020. The process will take more than 120 days.

The Urgency Ordinance, initially effective for 45 days, will also come back for a requested extension up to one year at the January 20, 2020, Council meeting. Therefore, there will be additional time for public comment on the Urgency Ordinance.

BACKGROUND

The following is a summary of the changes proposed to be implemented by the Urgency Ordinance. While the number of code sections to be amended appears to be overwhelming with lots of detail, staff, working closely with the City Attorney's office, has been able to break down the amendments into four parts. The discussion in this report follows the same breakdown, described as follows:

- Section A: Density Bonus (Attachment A to Urgency Ordinance)
- Section B: Accessory Dwelling Units (Attachment B to Urgency Ordinance)
- Section C: Application and Procedures (Attachment C to Urgency Ordinance)
- Section D: Objective Standards for Housing Development Project Review (Attachment D to Urgency Ordinance)

As staff continues to work on permanent ordinance amendments, the public, Planning Commission, and Council will have substantial opportunity for additional input.

Section A: Density Bonus (Attachment A to Urgency Ordinance)

Under existing State law, certain qualifying housing developments are eligible for a "density bonus," which is "a density increase over the otherwise maximum allowable gross residential density." (Government Code section 65915(f)) Qualifying housing developments may also be eligible for certain incentives or concessions. The Clovis Municipal Code currently provides for density bonuses, incentives, and concessions, as required by State law.

The 2019 Housing Laws make housing developments with 100% of units for lower income households eligible for a density bonus and four (4) incentives or concessions, as well as a height increase of up to three (3) additional stories, or 33 feet, if located within one-half mile of a major transit stop. Other changes to the criteria and calculations to determine density bonus eligibility were also made. Procedural changes to the housing development project application process (described further in Section C) also affect how and when density bonuses, incentives, and concessions are requested and presented to the Department.

With regards to the density bonus Ordinance amendments, the following changes were made:

1. The new category of eligible housing developments was added (9.26.020(A)(7)) along with the corresponding density bonus (9.26.030(A)(7)), and the number of incentives or concessions (9.26.040(C)(4)). Other requirements related to this new category of eligibility were added where appropriate. (9.26.07(B)(1)(a))
2. References and requirements related to procedural changes to the housing development project application process (Section C) were added where appropriate.
3. Other changes were made to bring the Chapter into compliance with State law requirements. (9.26.050(C)(2)(c))
4. Certain provisions were relocated within Chapter 26 without substantive change.

Section B: Accessory Dwelling Units (Attachment B to Urgency Ordinance)

Several of the 2019 Housing Laws make changes that relate to accessory dwelling units (“ADUs”) and junior ADUs (“JADUs”) with the purpose of making it easier to construct ADUs or JADUs. The changes from the 2019 Housing Laws ease the standards that can be applied to ADUs/JADUs, which are identified in Government Code sections 65852.2 and 65852.22. Significant changes include where ADUs/JADUs can be established within a city and on the applicable lot, new or different standards for ADU/JADU size and setbacks, more flexibility for ADUs/JADUs associated with new construction or converted from existing structures, and no replacement parking requirements if parking structures are lost for ADU/JADU use.

Further, the approval period for ADU/JADU applications is shortened from 120 days to 60 days. Certain categories of ADUs/JADUS are identified for ministerial approval irrespective of the other standards put in place, which include multiple ADUs within existing multifamily dwellings or detached on the same lot. Square footage requirements cannot prohibit “efficiency units,” and ADUs meeting certain size and setback standards have an apparent “by right” entitlement. Impact fees cannot be imposed for ADUs less than 750 square feet. Finally, cities cannot require nonconforming conditions to be remedied as a condition for ADU/JADU approval.

With regards to the ADU Ordinance amendments, the following changes were made:

1. The entire Section 9.40.020 was replaced to reflect the standards, procedures, and permitted ADU and JADU structures required by Government Code sections 65852.2 and 65852.22.

Section C: Application and Procedures (Attachment C to Urgency Ordinance)

Housing Development Projects: Process and Standards for Approval

The 2019 Housing Laws made significant changes to the application process for housing development projects. Developers may use a new “preliminary application” procedure specified

in Government Code section 65941.1. When a completed preliminary application is submitted, the housing development project is locked in to only those ordinances, policies, and standards adopted and in effect at that time. It is a violation to require or attempt to require a housing development project to comply with any ordinance, policy, or standard that was not in effect at the time the preliminary application was submitted. Some exceptions to this “freeze” include automatic annual adjustments to existing fees, when it is necessary to avoid a specific adverse impact on public health or safety, and CEQA mitigation. This is intended by the State to prevent a “pile on” of fees and new rules during the housing development application process.

The preliminary application procedure is a new procedure added by the Urgency Ordinance to meet State law requirements. It is incorporated to the extent possible into the existing Municipal Code procedures for development projects.

Timeline for Application Process

A final application for a housing development project must be submitted within 180 days from the date a preliminary application is submitted. Specific timelines and requirements are set out for review and approval of a final application. The 30-day timeline to determine completeness of a final application and request additional information remains the same, but the City is limited in what can be requested to complete the final application, and when it can be requested. This is intended by the State to expedite the review process and avoid the perceived delay caused by endless requests for additional information.

The amount of time to approve or deny a residential housing development project was reduced from 120 days to 90 days (after an EIR is certified). The amount of time to approve or deny an affordable housing development project that receives state or federal funding was reduced from 90 days to 60 days (after an EIR is certified). This is intended by the State to expedite the approval of new and affordable housing.

The final application is a modification of existing procedures for development projects. Final applications are now distinguishable as being specific for housing development projects and to coincide with the preliminary application process. Changes in standards and timelines for review and approval are also added by the Urgency Ordinance to meet State law requirements. It is incorporated to the extent possible into the existing Municipal Code procedures for development projects.

Special Provisions for Urbanized Areas and Urban Clusters

Cities located in urbanized areas or urban clusters are subject to additional prohibitions and mandates. As they relate to this Urgency Ordinance, design standards established after January 1, 2020 must be objective design standards, and housing development projects that will demolish existing residential dwelling units must create at least as many residential dwelling units as will be demolished. Additional conditions and requirements are imposed if the demolished units are “protected,” as required by Government Code section 66300(d)(2). These requirements are added through the Urgency Ordinance.

Cities located in urbanized areas or urban clusters are also prohibited from enacting development policies, standards, or conditions that would change property to a less intensive use or reduce the intensity of land use, unless there is a concurrent increase in intensity that results in no net loss in residential capacity.

These are new requirements under State law.

Streamlined Approval for Select Projects

Existing law provides for the streamlined, ministerial approval of certain development projects. Under Government Code section 65913.4, qualifying multifamily housing development projects may be eligible for streamlined, ministerial approval. These projects are generally affordable housing development projects in urbanized areas that comply with objective zoning, subdivision, and design review standards. The Municipal Code includes a procedure for streamlined, ministerial approval of multifamily housing developments.

New categories of developments that may be eligible for streamlined ministerial review are required by State law. These developments include: moderate-income multifamily housing and farmworker housing. The existing procedure is revised to conform to State law requirements and specify timelines and requirements for review.

Low Barrier Navigation Centers

State law now authorizes Low Barrier Navigation Centers – transitional homeless shelters that meet specific criteria and provide particular services – as a use by right in mixed-use zones and non-residential zones that permit multifamily uses. Cities and counties cannot require a conditional use permit, planned unit development permit, or other discretionary review or approval for these projects. An expedited timeline for review is established that requires a city or county to act upon a completed application within 60 days.

With regards to the housing development project Ordinance amendments, the following changes were made:

1. “Housing development project,” “preliminary application,” and “final application” were defined. (9.50.050(E))
2. Section 9.50.060 adds a procedure for filing a preliminary application and the effect thereof.
3. Procedures and timelines for review, acceptance, and approval of preliminary and final applications were added. (9.50.080, 9.50.090, 9.50.110) Special requirements for urbanized areas were added. (9.50.090(C))
4. Procedures and timelines for streamlined ministerial review of certain development projects, including moderate-income multifamily housing, were revised and expanded, as provided by State law. (9.50.120)

- 5. Requirements and procedures for “use by right” development of Low Barrier Navigation Centers are added as Section 9.40.200.
- 6. Certain sections of this Chapter were renumbered. Other conforming changes were made throughout the Chapter.

Section D: Objective Standards for Housing Development Project Review (Attachment D to Urgency Ordinance)

With the 2019 Housing Laws, it is mandatory for the City to have in place objective design criteria for housing development projects. To memorialize that obligation, staff is proposing the addition of Chapter 9.77. It is also mandatory for the City to have a ministerial process in place for housing development projects meeting certain criteria. To implement the objective design criteria and ensure a ministerial process, amendments are proposed. In a separate item also scheduled on the December 16, 2019 agenda, the City Council will consider adopting an updated set of objective development standards for multi-family development.

FISCAL IMPACT

None

REASON FOR RECOMMENDATION

This urgency ordinance is being recommended to address new State legislation as well as providing additional opportunity for affordable housing through streamlined review, clear and concise objective standards, and revised Density Bonus and Accessory Unit provisions.

ACTIONS FOLLOWING APPROVAL

Staff will process permanent ordinance amendments over the next year. The urgency Ordinance will expire within 45 days of adoption. Therefore, staff will come back to Council in January of 2020 with a noticed public hearing to request an extension to the urgency ordinance for up to one year.

Prepared by: David Merchen, City Planner

Reviewed by: City Manager *JH*

**ORDINANCE NO. 19 - ____
(URGENCY ORDINANCE)**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CLOVIS AMENDING PROVISIONS OF TITLE 9 TO THE CLOVIS
MUNICIPAL CODE RELATING TO HOUSING DEVELOPMENT
PROJECT STANDARDS AND PROCEDURES, DENSITY BONUS,
ACCESSORY DWELLING UNITS, REVIEW PROCEDURES AND
MAKING RELATED FINDINGS**

THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

- A. The California Legislature declared a statewide housing emergency. The 2019 California Legislative Session produced numerous laws related to housing (“2019 Housing Laws”), including the Housing Crisis Act of 2019 (S.B. 330). The intent of the Legislature in enacting the Housing Crisis Act of 2019 is to “suspend certain restrictions on the development of new housing” and to “expedite the permitting of housing.”
- B. The 2019 Housing Laws in general are intended to promote housing development throughout the State. Among the effects of the 2019 Housing Laws are changes to the procedures and standards for housing development projects, density bonus, accessory dwelling units (“ADUs”), and other housing-related concerns. Certain provisions of the 2019 Housing Laws are already in effect and other provisions go into effect on January 1, 2020.
- C. The City of Clovis (“City”) previously adopted ordinances (“Ordinances”) to comply with then-existing state law that now require amendments to comply with the 2019 Housing Laws. Certain provisions of the 2019 Housing Laws specifically require local ordinances to comply with the standards expressed in the respective statutes and make null and void those local ordinances that are inconsistent with the 2019 Housing Laws.
- D. The City is currently in the process of preparing amendments to the affected Ordinances to bring them into compliance with the 2019 Housing Laws. In the process of updating the Ordinances, staff will be developing procedures and standards to specifically address the amendments arising from the 2019 Housing Laws. Pending approval of permanent Ordinance amendments implementing the procedures and standards required by the 2019 Housing Laws, development projects and housing, including ADUs, could be constructed and placed in a manner inconsistent with City regulations proposed to be adopted for the health, safety, and welfare of the community.
- E. It is in the best interest of the City to adopt interim ordinances in order for the City to accept, review, and act on housing development applications in compliance with the 2019 Housing Laws. Further, in order to protect the public health, safety, and welfare, it is in the best interest of the City that, to the extent possible, the procedures and standards outlined

in the existing Ordinances continue in force and effect while City staff develops revised procedures and standards for permanent amendments to the Ordinances addressing these changes. Without the adoption of interim regulations addressing the 2019 Housing Laws, the construction and placement of development projects and housing, including ADUs, would frustrate and contradict the ultimate goals of the existing and updated Ordinances.

- F. Based upon the foregoing findings, the City Council of the City of Clovis finds that there is a current and immediate risk of processing and evaluating applications for housing development projects in a way that conflicts with the requirements of the 2019 Housing Laws. The City Council of the City of Clovis further finds that there is a current and immediate threat to the public health, safety, or welfare if the Ordinances are deemed null and void due to non-compliance with the 2019 Housing Laws. The construction and placement of development projects and housing, including ADUs, in the City without adhering to appropriate regulatory requirements would result in a threat to public health, safety, or welfare for the period of time until the Council has had an opportunity to review, consider, and approve regulations for development projects and housing, including ADUs, and incorporate those regulations into the Clovis Municipal Code.
- G. The City Council desires to approve interim Ordinance amendments pending completion of City staff's consideration of permanent Ordinance amendments for development projects and housing, including ADUs, consistent with the 2019 Housing Laws and incorporation of those amendments into the Clovis Municipal Code.

SECTION 2. INTERIM REGULATION: DENSITY BONUS.

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, development projects and housing may be constructed in accordance with the density bonus standards and regulations set forth in the interim ordinance attached hereto as **Attachment "A."** Attachment "A" shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - ___ on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

SECTION 3. INTERIM REGULATION: ACCESSORY DWELLING UNITS.

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, ADUs may be constructed and located only in accordance with the standards and regulations set forth in the interim ordinance attached hereto as **Attachment "B."** Attachment "B" shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - ___ on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

SECTION 4. INTERIM REGULATION: HOUSING DEVELOPMENT PROCEDURES.

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, development projects and housing shall be reviewed and approved in accordance with the

procedures and standards set forth in the interim ordinance attached hereto as **Attachment “C.”** Attachment “C” shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - ___ on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

SECTION 5. INTERIM REGULATION: OBJECTIVE STANDARDS AND INISTERIAL REVIEW.

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, development projects and housing shall be reviewed and approved in accordance with the standards and regulations for residential design, project review, and appeals set forth in the interim ordinance attached hereto as **Attachment “D.”** Attachment “D” shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - ___ on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall go into effect immediately and shall be in full force and operation for forty-five (45) days from its adoption, unless extended by the Council.

The foregoing Urgency Ordinance was introduced, read, and adopted at a regular meeting of the City Council of the City of Clovis held on December 16, 2019, by the following vote:

APPROVED:

Dated: December ____, 2019

Mayor

City Clerk

The foregoing Urgency Ordinance was introduced, read, and adopted at a regular meeting of the City Council held on December ____, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Dated: December ____, 2019

City Clerk

Attachment “A”

CHAPTER 9.26, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE PERTAINING TO DENSITY BONUS IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

CHAPTER 9.26
AFFORDABLE HOUSING INCENTIVES: DENSITY BONUS

Sections:

- 9.26.010 Purpose of chapter.
- 9.26.020 Eligibility for bonus, incentives, or concessions.
- 9.26.030 Allowed density bonuses.
- 9.26.040 Allowed incentives or concessions.
- 9.26.050 Parking requirements in density bonus projects.
- 9.26.060 Bonus and incentives for developments with child care facilities.
- 9.26.070 Continued availability.
- 9.26.080 Location and type of designated units.
- 9.26.090 Processing of bonus requests.
- 9.26.100 Density bonus agreement.
- 9.26.110 Control of resale.
- 9.26.120 Judicial relief, waiver of standards.

9.26.010 Purpose of chapter.

As required by Government Code Section 65915, this chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 9.26.020 (Eligibility for bonus, incentives, or concessions). This chapter is intended to implement the requirements of Government Code Section 65915 et seq. and the Housing Element of the General Plan. As used in this Chapter and when otherwise required by Government Code section 65915 et seq., “housing development” means a development project for five or more residential units, including mixed-use developments, that meets the requirements of Government Code section 65915(i).

9.26.020 Eligibility for bonus, incentives, or concessions.

In order to be eligible for a density bonus and other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Development Code, except as provided by Section 9.26.040 (Allowed incentives or concessions).

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

- 1. Ten percent (10%) of the total number of proposed units are for lower-income households, as defined in Health and Safety Code Section 50079.5;

2. Five percent (5%) of the total number of proposed units are for very low-income households, as defined in Health and Safety Code Section 50105;

3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 and 799.5;

4. Ten percent (10%) of the total dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase;

5. Ten percent (10%) of the total number of proposed units of housing for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act; or

6. Twenty percent (20%) of the total number of proposed units for lower income students in a student housing development that meets the requirements, as defined by Government Code Section 65915.

7. One hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, as defined in Health and Safety Code Section 50053.

B. Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with Section 9.26.030 (Allowed density bonuses), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of subsection (A)(1), (2), (3), ~~or (4), (5), (6), or (7)~~ of this section. A preliminary application submitted pursuant to Section 9.50.055 shall include the number of bonus units requested pursuant to this section.

C. Bonus units shall not qualify as a project. A density bonus granted in compliance with Section 9.26.030 (Allowed density bonuses) shall not be included when determining the number of housing units that is equal to the percentages required by subsection A of this section.

D. Minimum project size to qualify for density bonus. The density bonus provided by this chapter shall be available only to a housing development of five (5) or more dwelling units.

E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

9.26.030 Allowed density bonuses.

The Director shall determine the amount of a density bonus allowed in a housing development in compliance with this section. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district as of the date of preliminary or final application by the applicant to the City.

A. Density bonus. A housing development that complies with the eligibility requirements in Section 9.26.020(A)(1), (2), (3), ~~or (4)~~, (5), (6), or (7) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant:

1. Bonus for units for lower-income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(1) (ten percent (10%) of units for lower-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-5
BONUS FOR LOWER-INCOME
HOUSEHOLDS

[Insert Table 3-5]

2. Bonus for units for very low-income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(2) (five percent (5%) of units for very low-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-6
BONUS FOR VERY LOW-INCOME
HOUSEHOLDS

[Insert Table 3-6]

3. Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(3) (senior citizen development or mobile home park) shall be entitled to a density bonus of twenty percent (20%).

4. Bonus for moderate-income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(4) (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

TABLE 3-7
BONUS FOR MODERATE-INCOME
HOUSEHOLDS

[Insert Table 3-7]

5. Bonus for transitional foster youth, disabled veterans, or homeless persons

development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(5) (transitional foster youth, disabled veterans, or homeless persons) shall be entitled to a density bonus of twenty percent (20%).

6. Bonus for lower income students in a student housing development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(6) (lower income students in student housing) shall be entitled to a density bonus of thirty-five percent (35%).

7. Bonus for units for lower-income and moderate-income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(7) (lower-income and moderate-income households) shall be entitled to a density bonus of eighty percent (80%) of the number of units of lower income households. If the housing development is located within one-half mile of a major transit stop, there shall be no maximum controls on density.

a. A housing development that receives a waiver from maximum controls on density shall not be eligible for, and shall not receive, a waiver or reduction of any other development standards, other than a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 9.26.040(C)(4).

b. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

87. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

a. Basic bonus. The applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district for the entire development, and an additional increase as follows:

TABLE 3-8
BASIC BONUSES

[Insert Table 3-8]

b. Increased bonus. The increase identified in the table above shall be in addition to any increase in density required by subsections (A)(1) through (47) of this section up to a maximum combined mandated density increase of thirty-five percent (35%) if an applicant seeks both the increase required in compliance with this subsection (A)(78), as well as the bonuses provided by subsections (A)(1) through (47) of this section.

c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this subsection if all of the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.

(3) The transferred land is at least one acre in size, or of sufficient size to permit development of at least forty (40) units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

(4) No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City before the time of transfer.

(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.26.070 (Continued availability), which shall be recorded on the property at the time of dedication.

(6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development.

B. Greater or lesser bonuses. The City may choose to grant a density bonus greater than provided by this section for a development that meets the requirements of this section, or grant a proportionately lower density bonus than required by this section for a development that does not fully comply with the requirements of this section.

C. Density bonus calculations. The calculation of a density bonus in compliance with this section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

D. Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

E. Location of bonus units. The developer may locate density bonus units in the housing project in other than the areas where the units for the lower-income households are located.

9.26.040 Allowed incentives or concessions.

A. Applicant request and City approval.

1. An applicant for a density bonus in compliance with this chapter may submit to the City a proposal for the specific incentives or concessions listed in subsection ~~C-D~~ of this section (Type of incentives) that the applicant requests in compliance with this section, and may request a meeting with the Director. The applicant may file a request either before filing ~~an~~ a final application for City approval of a proposed project or concurrently with ~~an~~ a final application for project approval. A preliminary application submitted pursuant to Section 9.50.060 shall include any incentives, concessions, waivers, or parking reductions requested pursuant to this section.

2. The Director shall grant an incentive or concession request that complies with this section unless the Director makes either of the following findings in writing, based upon substantial evidence:

a. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 9.26.070(B) (Unit cost requirements); or

b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

B. Waiver of standards preventing the use of bonuses, incentives, or concessions. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

BC. Number of incentives. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession. One incentive or concession for a project that includes at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions. Two (2) incentives or concessions for a project that includes at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions. Three (3) incentives or concessions for a project that includes at least thirty percent (30%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. Four (4) incentives or concessions. Four (4) incentives or concessions for projects where one hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, as defined in Health and Safety Code Section 50053. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three (3) additional stories, or 33 feet.

a. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

CD. Type of incentives. For the purposes of this chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (see also Section 9.26.050 (Parking requirements in density bonus projects)), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;

2. Approval of mixed use land uses not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project

and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

~~DE.~~ Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

F. Exceptions. Notwithstanding the provisions of this Chapter, nothing in this section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

9.26.050 Parking requirements in density bonus projects.

A. Applicability. This section applies to a development that meets the requirements of Section 9.26.020 (Eligibility for bonus, incentives, or concessions) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section in compliance with Section 9.26.040 (Allowed incentives or concessions).

B. Number of parking spaces required.

1. At the request of the applicant, the City shall require the following vehicular parking ratios for a project that complies with the requirements of Section 9.26.020 (Eligibility for bonus, incentives, or concessions), inclusive of handicapped and guest parking:

- a. Zero (0) to one bedroom: One on-site parking space.
- b. Two (2) to three (3) bedrooms: Two (2) on-site parking spaces.
- c. Four (4) and more bedrooms: Two and one-half (2-1/2) on-site parking spaces.

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. Adjustments to parking requirements.

1. If the development includes the maximum percentage of low-income or very low-income units and is located within one-half mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the parking ratio, inclusive of handicapped and guest parking, shall not exceed one-half (1/2) spaces per bedroom.

2. At the request of the applicant, if the development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, the following shall apply:

a. If the development is located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed one-half (1/2) spaces per unit.

b. If the development is a for-rent housing development for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed one-half (1/2) spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

c. If the development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Health and Safety Code Section 50052.5, and the development is either a special needs housing development, as defined in Health and Safety Code Section 51312, or a supportive housing development, as defined in Health and Safety Code Section 50675.14, then, upon the request of the developer, there shall be no minimum vehicular parking requirement, except that a special needs housing development the ratio shall not exceed three-tenths (3/10) spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

D. Location of parking. For purposes of this section, a development may provide on-site parking through uncovered parking, but not through on-street parking.

9.26.060 Bonus and incentives for developments with child care facilities.

A. Housing developments. A housing development that complies with the resident and project size requirements of Sections 9.26.020(A) and (B), and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus,

incentives, and requirements.

1. Additional bonus and incentives. The City shall grant a housing development that includes a child care facility in compliance with this section either of the following:

a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or

b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. Requirements to qualify for additional bonus and incentives.

a. The City shall require, as a condition of approving the housing development, that:

(1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 9.26.070 (Continued availability); and

(2) Of the children who attend the child care facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income in compliance with Section 9.26.020(A) (Resident requirements).

b. The City shall not be required to provide a density bonus for a child care facility in compliance with this section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

B. Commercial and industrial developments. A developer of a commercial or industrial development project, containing at least fifty thousand (50,000) square feet of floor area, may be granted a density bonus when that developer agrees to set aside at least two thousand (2,000) square feet of interior floor area and three thousand (3,000) outdoor square footage to be used for a child care facility, other than a large or small family day care home, in compliance with Government Code Section 65917.5 (Commercial density bonus).

1. Allowable density bonuses. The allowable density bonus may be one of the following:

a. A maximum of five (5) square feet of floor area for each one square foot of floor area contained in the child care facility located in an existing child care facility; or

b. A maximum of ten (10) square feet of floor area for each one square foot of

floor area contained in the child care facility located in a new child care facility.

2. Requirements to qualify for the additional density bonus shall include all of the following.

a. For purposes of calculating the allowable density bonus under this subsection, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.

b. The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least forty (40) children.

c. This facility may be located either on the project site or may be located off site as agreed upon by the developer and the City.

d. If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this section.

e. The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus).

9.26.070 Continued availability.

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 9.26.110 (Control of resale).

A. Duration of affordability. The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows:

1. Low- and very low-income units. The continued affordability of all low- and very low-income qualifying units shall be maintained for ~~thirty (30)~~fifty-five (55) years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.

2. Moderate-income units in common interest development. The continued availability of moderate-income units in a common interest development shall be maintained for a minimum of ten (10) years, or a longer time if required by City policy or ordinance.

B. Unit cost requirements. The rents and owner-occupied costs charged for the housing units

in the development that qualify the project for a density bonus and other incentives and concessions shall not exceed the following amounts during the period of continued availability required by this section:

1. Lower-income units. Rents for the lower-income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053~~;~~ ~~and~~

a. For housing developments specified in Section 9.26.020(A)(7), rents for all units in the development, including both base density and density bonus units, shall be as follows:

i. The rent for at least twenty percent (20%) of the units in the development shall be set at an affordable rent, as defined in Health and Safety Code Section 50053.

ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

2. Owner-occupied units. Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

C. Occupancy and resale of moderate-income common interest development units. An applicant shall agree to, and the City shall ensure that, the initial occupants of moderate-income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351 are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation.

2. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three (3) years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this section:

a. The City’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and

b. The City’s proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

9.26.080 Location and type of designated units.

A. Location/dispersal of units. As required by the Director in compliance with Section 9.26.090 (Processing of bonus requests), designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the nondesignated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finish quality.

B. Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the nondensity bonus units, or phased in another sequence acceptable to the City.

9.26.090 Processing of bonus requests.

A. Permit requirement. A request for a density bonus and other incentives and concessions shall be evaluated and decided through the density bonus request processing procedures. In addition to the requirements of the density bonus request processing procedures, the following procedures shall also apply for the processing of applications requesting a density bonus to determine eligibility:

1. Density bonus eligibility. Once ~~an~~ a final application has been deemed complete, the applicant shall be informed in writing of the amount of density bonus allowed as calculated by Section 9.26.030;

2. Density bonus parking ratio. If a modified parking ratio is requested by the applicant pursuant to Government Code Section 65915 as part of the density bonus, the applicant shall be notified of the applicable parking ratio(s) as required by Section 9.26.050; and

3. Incentives, concessions, or waivers eligibility. If incentives, concessions, and/or waivers are requested by the applicant pursuant to Government Code Section 65915, and outlined in Section 9.26.040, the applicant shall be notified of whether the application contains the adequate information necessary for the Department to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

B. Findings for approval. In addition to the density bonus request processing procedures, the approval of a density bonus and other incentives and concessions shall require that the review authority first make all of the following additional findings:

1. The residential development will be consistent with the General Plan and any applicable specific plan, except as provided by this chapter for density bonuses, and other incentives and concessions;

2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;

3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this chapter; and

4. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

9.26.100 Density bonus agreement.

A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the City in the City’s standard form of agreement.

B. Agreement provisions.

1. Project information. The agreement shall include at least the following information about the project:

a. The total number of units approved for the housing development, including the number of designated dwelling units;

b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD guidelines;

c. The marketing plan for the affordable units;

d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 9.26.070 (Continued availability);

f. A schedule for completion and occupancy of the designated dwelling units;

g. A description of the additional incentives and concessions being provided by the City;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this chapter.

2. Minimum requirements. The agreement shall provide, at minimum, that:

a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

3. For-sale housing conditions. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and

b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:

(1) Restricts the sale of the unit in compliance with this chapter, or other applicable City policy or ordinance, during the applicable use restriction period;

(2) Contains provisions as the City may require to ensure continued compliance with this chapter and State law; and

(3) Shall be recorded against the parcel containing the designated dwelling unit.

4. Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this chapter;

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

d. The applicable use restriction period shall comply with the time limits for continued availability in Section 9.26.070 (Continued availability).

C. Execution of agreement.

1. Following Council approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder’s Office.

2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the designated dwelling units.

3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

9.26.110 Control of resale.

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this chapter, the following resale conditions shall apply.

A. Limits on resale price. The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.

B. Units to be offered to the City. Home ownership affordable units constructed, offered for

sale, or sold under the requirements of this section shall be offered to the City or its assignee for a period of at least ninety (90) days from the date the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households determined to be eligible for affordable units by the City in compliance with this section. The seller shall not levy or charge any additional fees nor shall any “finder’s fee” or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C. Declaration of restrictions. The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this section.

D. City to monitor resale of units. The City shall monitor the resale of ownership affordable units. The City or its designee shall have a ninety (90) day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

9.26.120 Judicial relief, waiver of standards.

A. Judicial relief. As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.

~~B. Waiver of standards preventing the use of bonuses, incentives, or concessions.~~

~~1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Section 9.26.020(A) (Resident requirements), at the densities or with the concessions or incentives allowed by this chapter.~~

~~2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.~~

~~3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.~~

~~C. City exemption. Notwithstanding the provisions of subsections A and B of this section, nothing in this section shall be interpreted to require the City to:~~

~~1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse~~

~~impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or~~

~~2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~

Attachment “B”

SECTION 9.40.020, OF CHAPTER 9.40, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

**CHAPTER 9.40
STANDARDS FOR SPECIFIC LAND USES**

9.40.020 Accessory Residential Dwelling Units.

A. Purpose and intent. This section is intended to meet the requirements of State law in providing for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).

1. This section is intended to comply with Government Code sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22.

2. An ADU or JADU that complies with this section is considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.

3. An ADU or JADU that complies with this section is considered a residential use that is consistent with the existing general plan and zoning designations for the lot.

4. An ADU or JADU that complies with this section will not be considered in the application of any other local ordinance, policy, or program to limit residential growth.

5. ADUs and JADUs will be counted for purposes of identifying adequate sites for housing in the City’s Housing Element.

6. This section is not intended to regulate multi-generational dwelling units.

B. Definitions. The following definitions apply to the operation of this Section. To the extent these definitions conflict with definitions found elsewhere in this title, including Section 9.120.020, the definitions set forth in this Section shall control.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit or a manufactured home, as defined.

2. “Accessory structure” means a structure permitted pursuant to Section 9.40.030

that is accessory and incidental to a dwelling located on the same lot.

3. “Efficiency unit” has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:

- a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.
- b. The unit has a separate closet.
- c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.
- d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub or shower.

4. “Floor area” or “Total floor area” means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.

5. “Impact fee” has the same meaning as the term “fee” is defined in Government Code section 66000(b), except that it also includes fees specified in Government Code section 66477. “Impact fee” does not include any connection fee or capacity charge.

6. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed or existing single-family residence, or other approved structure as specified in Government Code section 65852.2(e). A JADU must include the following features:

- a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.
- b. An efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- c. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

7. “Kitchen” has the same meaning as in Section 9.120.020.

8. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

9. “Multi-generational dwelling unit” means a dwelling unit, that does not include a kitchen, contained entirely within the walls of a proposed or existing single-family residence where access is not restricted between areas of the residence.

10. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards, but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.

11. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

12. “Permanent provisions for cooking” has the same meaning as “kitchen.”

13. “Permanent provisions for sanitation” and “sanitation facilities” means a separate bathroom containing a water closet, lavatory, and bathtub or shower.

14. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

15. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

16. “Tandem parking” means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Designated Areas. ADUs and JADUs are allowed in all residential zoning districts, including mixed-use zones where residential uses are permitted, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

D. Development Standards. ADUs and JADUs may be permitted on any single-family lot and any multi-family lot. The requirements and standards of the Development Code that apply to the primary dwelling on the lot shall apply to any ADU and/or JADU, including lot coverage, height, floor area ratio, open space, landscape, and architectural review, as well as the requirements and standards that apply to detached dwellings and accessory structures generally. (See Section 9.40.030(D).) If different or conflicting requirements or standards exist, the more restrictive requirements or standards shall apply, but only to the extent such requirement or standard does not conflict with the requirements and standards provided in this Section and Government Code sections 65852.2 and 65852.22.

1. Number of Units. Not more than three (3) dwelling units shall be permitted on a

single-family lot, which shall include not more than one (1) proposed or existing primary residence, and may include not more than one (1) ADU and not more than one (1) JADU.

2. Relation to Primary Dwelling. The ADU must be either: (1) attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses within the primary dwelling structure, or a permitted accessory structure; or (2) detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. Except as provided in Government Code section 65852.2(e), a JADU must be contained entirely within the walls of a proposed or existing single-family residence.

3. Setbacks.

a. No setback is required for an ADU constructed or installed within (1) an existing living area or permitted accessory structure, or (2) a structure constructed in the same location and to the same dimensions as an existing permitted accessory structure that is converted to an ADU or to a portion of an ADU.

b. A minimum setback of four (4) feet from the side and rear lot lines is required for an ADU that is not (1) converted from an existing permitted accessory structure, or (2) a new structure constructed in the same location and to the same dimensions as an existing permitted accessory structure.

4. Unit Size.

a. ADU Size.

i. If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.

ii. The total floor area for a detached ADU may not exceed 1,200 square feet.

iii. An attached or detached one-bedroom ADU may not be more than 850 square feet of living area.

iv. An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.

v. An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.

b. JADU Size. A JADU may not be more than 500 square feet in size.

c. Exceptions.

i. Notwithstanding any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, or minimum lot size, an attached or detached ADU will be permitted if the ADU is:

1. Not more than 800 square feet of total floor area;
2. Not more than 16 feet in height;
3. Has at least four-foot side and rear yard setbacks; and
4. Is constructed in compliance with all Fire and Building Code requirements and standards of the Development Code.

5. ADU Building Standards.

a. The ADU shall not exceed a single story, unless constructed above an attached or detached garage, or the height limit of the applicable zoning district, whichever is more restrictive.

b. The floor area of the ADU together with the floor area of the primary dwelling unit shall not cause the parcel coverage for the subject site to exceed the maximum allowable lot coverage for the applicable zoning district.

c. The development of the ADU shall be subject to the property development standards for the subject zoning district in which the ADU is located.

d. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and consistent with the established character of the adjoining residential neighborhood. The design and size of the ADU shall conform to all applicable standards of the building, health, and other codes adopted by the City. (Refer to Table 2-3 in Division 2 of this title for residential lot coverage requirements.)

e. Attached ADUs shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).

f. Detached ADUs shall comply with building and fire code separation standards, and be compatible with the materials and colors of the primary dwelling.

g. No passageway is required in conjunction with the construction of an ADU.

h. Approval by the County Health Officer and City Public Utilities Director is required where a private water well and/or private sewage disposal system is being used.

i. Fire sprinklers are required for ADUs if fire sprinklers are required for the primary residence.

j. A new or separate utility connection directly between the ADU and the utility is not required unless the ADU is constructed with a new single-family home or a new detached structure.

6. JADU Building Standards. JADUs shall comply with the following:

a. A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.

e. Deed Restriction. A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do both of the following:

a. Prohibit the sale of the JADU separate from the sale of the single-family residence, and include a statement that the deed restriction may be enforced against future purchasers.

b. Restrict the size and attributes of the JADU that conform with this section.

7. Multifamily ADUs. The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multifamily dwelling:

a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

G. Connection, Impact, and other Fees. Except as provided below, ADUs and JADUs are subject to all fees and assessments require by the Clovis Municipal Code for new residential construction.

1. ADUs and JADUs are not considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU or JADU is constructed with a new single-family home or a new detached structure.

2. No impact fee is required for the development of an ADU or JADU of less than 750 square feet. Any impact fees charged for an ADU or JADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

3. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.

4. The separate utility connection for an ADU constructed with a new single-family home or a new detached structure is subject to a connection fee or capacity charge proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values upon the water or sewer system, that reflects the reasonable cost of providing this service.

H. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.

2. An ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

3. Owner-occupancy is not required for ADUs. Owner-occupancy is required in the single-family residence in which a JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not be required if the owner is a governmental agency, land trust, or housing organization.

I. Parking Standards.

1. One (1) parking space per ADU is required, except as specifically excepted. These spaces may be provided in setback areas or as tandem parking on a driveway.

2. When a permitted garage, carport, or covered parking structure is demolished in

conjunction with the construction of an ADU or converted to an ADU, offstreet parking spaces do not need to be replaced.

3. No parking standards shall be impose for an ADU in any of the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or a permitted accessory structure.
 - d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. When there is a car share vehicle located within one block of the ADU.
4. Additional parking is not required for JADUs as a condition to grant a permit.

J. Special Provisions for the Central Clovis Specific Plan Area. Notwithstanding the provisions of this section, duplex dwelling units shall be allowed as replacement housing, in compliance with this section and the Central Clovis Specific Plan.

1. The special duplex provisions of this subsection shall only apply to areas within the Central Clovis Specific Plan boundaries which are west of Clovis Avenue (that is, the area bounded by Sierra, Clovis, Barstow, and Minnewawa Avenues) and designated for Medium Density Single-Family Residential use.
2. The allowable number of new duplex dwelling units created under the provisions of this subsection shall not exceed the overall density limitations for Medium Density Single-Family Residential uses, which is one dwelling unit for each six thousand (6,000) square feet of parcel area on a block-by-block basis.
3. A minimum parcel area of seven thousand five hundred (7,500) square feet (e.g., a typical fifty-foot (50') by one-hundred-fifty-foot (150') downtown parcel) shall be required to qualify for the specific duplex provisions of this subsection.
4. Parcel coverage, setbacks, and other site design and building standards for the R-1 Single-Family Residential Districts shall apply to ensure that new duplex dwelling units are visually compatible with the established character of the adjoining residential neighborhood.
5. Off-street parking, second-story limitations, and structure design shall be considered as part of the special permit review process to maintain the visual character of the

area. Normally two (2) covered parking spaces shall be required for each unit.

6. A site plan review shall be required for duplex dwelling units, in compliance with Chapter 50 of this title (Application Filing, Processing, and Fees), and a public hearing shall be held in compliance with Chapter 88 of this title (Public Hearings).

K. Cottage Home Program Standards. This section provides locational and general standards for the cottage home program which is allowed in the applicable residential areas, subject to the following criteria and standards. This subsection does not supplant the remainder of this section for ADU and JADU construction.

1. Cottage Home. A cottage home is a type of ADU made available by the City and constructed in compliance with this subsection. A cottage home shall count towards the limit on the number of ADUs permitted on a single lot.

2. Zone districts. A cottage home is allowed in single-family residential zoning district areas in which an alley is located. A cottage home unit shall not be allowed in nonresidential zoning districts where residential uses are not allowed. Development standards for the cottage home shall be compliant with the standards stated in Planning Area 7 (PA7) of the Central Clovis Specific Plan.

3. Application procedures. Applications for the cottage home program shall be filed with the Department. The cottage home program has designated plans that are available to parcels that have access to an alley within the Clovis city limits.

4. Developmental standards. A cottage home shall be constructed in compliance with the following developmental standards:

- a. The cottage home unit shall have access through an alley way.
- b. Only one (1) cottage home unit shall be created on a single-family parcel.
- c. The cottage home shall be built using plans provided by the city.
- d. One (1) off-street (covered or uncovered) parking space shall be provided for the cottage home unit with the dimensions of ten by twenty feet (10' x 20'), except where exempted by State law.
- e. Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the cottage home unit as determined by the City Engineer. The cottage home can have either shared or separate services for electric, gas, sewer, and water.
- f. Single-family lots with an alley-facing detached unit shall receive the same address as the main house with a letter "B" as the address unit portion of the unique address designator.

L. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. The ADU or JADU must conform to the standards required by the Development Code and the California Building Code.

1. A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall act on the application to create an ADU or a JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

2. If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subsection.

3. As part of the application for a permit to create an ADU or JADU approved pursuant to this subsection that is connected to an onsite water treatment system, a percolation test completed within the last five years will be required. If the percolation test has been recertified, a percolation test must be completed within the last 10 years.

4. A fee will be charged by the City to reimburse it for costs of administering this section.

5. The correction of a legal nonconforming zoning conditions is not required as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU pursuant to this subsection.

6. A permit for an ADU(s) and/or a JADU(s) that meets the requirements of Government Code section 65852.2(e) shall be approved.

M. ADUs and Regional Housing Needs Assessment. Subdivisions and multifamily housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City's Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).

N. Other. Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes an ADU or JADU.

Attachment “C”

Attachment C-1

CHAPTER 9.50, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

**CHAPTER 9.50
APPLICATION FILING, PROCESSING, AND FEES**

Sections:

- 9.50.010 Purpose of chapter.
- 9.50.020 Multiple permit applications.
- 9.50.030 Pre-application conference.
- 9.50.040 Authority for land use and zoning decisions.
- 9.50.050 Application filing.
- 9.50.060 Preliminary Application Process for Housing Development Projects.
- 9.50.070 Application fees.
- 9.50.080 Initial application review.
- 9.50.090 Determination for Housing Development Projects.
- 9.50.100 Environmental assessment.
- 9.50.110 Staff report and recommendations.
- 9.50.120 Streamlined ministerial review.
- 9.50.130 Time Extensions.

9.50.010 Purpose of chapter.

The purpose of this chapter is to identify the procedures for the filing and processing of the different land use permit or approval applications contained within this division.

9.50.020 Multiple permit applications.

A. Concurrent filing. An applicant for a development project, which requires the filing of more than one application, may file all related applications concurrently and submit appropriate processing deposits/fees in compliance with Section ~~9.50.060~~9.50.070 (Application fees).

B. Concurrent processing.

1. Permit processing and environmental/site plan review may be concurrent and the final decision on the project shall be made by the designated review authority, in compliance with Table 5-1 (Threshold of Review).

9.50.030 Pre-application conference.

A. Pre-application conference strongly encouraged.

1. A prospective applicant is strongly encouraged to request a pre-application conference with Department staff before submittal of land use permit or approval applications, including preliminary applications.

2. The City’s Development Review Committee (DRC) is also be available for pre-application conferences.

B. Proper timing of conference.

1. This conference should take place before any substantial investment (e.g., land acquisition, site plans, engineering plans and construction plans, etc.) in the preparation of the proposed development project application.

2. During the conference, the Department representative(s) shall, to the best of their ability, inform the applicant of applicable General Plan and specific plan goals, policies, actions, and requirements as they apply to the proposed development project, review the appropriate procedures identified in this Development Code, and examine possible alternatives or modifications relating to the proposed project.

3. Preliminary evaluation of environmental issues shall be addressed and potential technical studies relating to future environmental review should be identified.

C. Conference not approval/disapproval. Neither pre-application review nor the provision of available information and/or pertinent policies shall be construed as a complete analysis of a land use proposal or as a recommendation for approval/disapproval by the Department representative(s) or the DRC.

D. Senior Review Committee. Large or complex projects or projects raising substantial policy questions may require significant discussion between an applicant and City senior policy level staff. This category of projects typically requires multiple meetings with City staff and may require analysis or work by City staff or consultants to address issues prior to filing of a formal application with the City. Senior staff review is available as determined by the Director. The review fee/deposit shall be in compliance with Section ~~9.50.0609~~9.50.070 (Application fees).

9.50.040 Authority for land use and zoning decisions.

Table 5-1 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Development Code.

TABLE 5-1
THRESHOLD OF REVIEW

[Insert Table 5-1]

9.50.050 Application filing.

A. Filing with Department. Applications for amendments, permits, approvals, and other matters pertaining to this Development Code shall be filed with the Department in the following manner:

1. The application shall be made on forms prescribed by the ~~Commission and furnished by the~~ Department.;
2. All necessary fees and/or deposits shall be paid in compliance with the City’s Fee Schedule.;
3. The application shall be accompanied by the information identified in the Department handout for the particular application, and may include address labels, exhibits, maps, materials, plans, reports, and other information required by the Department, to describe clearly and accurately the proposed work, its potential environmental impact, and its effect on the terrain, existing improvements, and the surrounding neighborhood.;
4. Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for application filing.;
5. Acceptance of the application does not constitute an indication of approval by the City.

B. Eligible applicants.

1. Applications may only be made by the owners or lessees of property, or their agents, with the expressed written consent of the owner; or
2. Persons who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits and approvals in compliance with this Development Code, with the expressed written consent of the owner.

C. Director’s determination. If the Director determines that established law (e.g., local, State, or Federal) does not allow the granting of the application (e.g., a request for a Zone Map amendment or tentative map that could not be granted in absence of a required General Plan amendment application, or a request for a conditional use permit allowing a use that is not allowable in the subject zoning district, etc.), the City shall not accept the application.

D. Not within Director’s scope. In cases where the Director considers the information identified in the application not to be within the scope of the Director’s review and approval procedure, the applicant shall be so informed before filing, and if the application is filed, and the fees are accepted, the application shall be signed by the applicant acknowledging prior receipt of this information.

E. Housing Development Projects. As used in this Chapter and when otherwise required by applicable law, a “housing development project” means a development project consisting of any

of the following: (1) residential units only, (2) mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) Transitional housing or supportive housing, as specified in Government Code section 65589.5(h)(2). When this chapter does not specify a “housing development project,” the requirements generally applicable to a development project that are not in conflict with the requirements particular to a housing development project shall apply to a housing development project.

1. Preliminary Application. A “preliminary application” is a specific type of application for a housing development project that includes all of the information about the proposed housing development project required by Government Code section 65941.1 and by Section 9.50.060. When this chapter does not specify a “preliminary application,” the requirements generally applicable to an application for a development project that are not in conflict with the requirements particular to a preliminary application shall apply to a preliminary application.

2. Final Application. A “final application” is a specific type of application for a housing development project that includes all of the information needed to evaluate the application pursuant to Government Code section 65943 and Section 9.50.080. When this chapter does not specify a “final application,” the requirements generally applicable to an application for a development project that are not in conflict with the requirements particular to a final application shall apply to a final application.

F. Filing date. The filing date of an application shall be the date on which the Department receives the last submittal, map, plan, or other material required as a part of a complete application, as required by subsection A of this section (Filing with Department), in compliance with Section ~~9.50.070~~9.50.080 (Initial application review).

9.50.060 Preliminary Application Process for Housing Development Projects.

A. Preliminary Application. An applicant for a housing development project may submit a preliminary application that includes all of the information about the proposed housing development project required by Government Code section 65941.1 and by the City form(s) and checklist(s) developed pursuant to that Section.

B. Filing Date. The filing date of a preliminary application shall be the date on which the Department receives the last submittal required as a part of a complete preliminary application and a permit processing fee is paid. If a completed preliminary application is submitted according to this section, the housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect on the preliminary application filing date, except as follows:

1. In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

2. A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect on the filing date is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

3. Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect on the filing date is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

4. The housing development project has not commenced construction within two and one-half years following the date that the project received final approval, as defined in Government Code section 65589.5(o)(2)(D).

5. The housing development project is revised following submittal of a preliminary application such that the number of residential units or square footage of construction, as defined by the California Building Standards Code, changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. Any additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted will be subject to ordinances, policies, and standards adopted and in effect when the final application is submitted, unless a supplemental preliminary application is submitted.

6. Mitigation measures are required to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

C. With respect to completed residential units for which the housing development project approval process is complete and a certificate of occupancy has been issued, nothing in this subsection shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

D. For purposes of this subsection, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of the City, as defined in Government Code section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

E. Completeness of Preliminary Application. Sufficient information and supporting documentation shall be required for each item submitted as part of the preliminary application process. As used here, “sufficient information and supporting documentation” means the application contains detailed information adequate for the Director or appropriate official to make a determination on the merits as to the item for which the information is submitted.

D. Relation to Final Application. A final application for a housing development project must be submitted within 180 calendar days after submitting a complete preliminary application. If the Director determines that the final application for the housing development project is not complete pursuant to Section 9.50.080(A), the housing development proponent shall submit the specific information needed to complete the final application within 90 days of receiving the Director's written identification of the necessary information. If the housing development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

9.50.0609.50.070 Application fees.

A. Filing fees required.

1. The Council shall, by resolution, establish a schedule of fees for amendments, permits and approvals, and other matters pertaining to this Development Code, referred to in this Development Code as the City's Fee Schedule, to cover the City's costs for processing an application.

2. The schedule of fees may be changed only by resolution of the Council.

3. The City's processing fees are cumulative. For example, if an application for a parcel map also requires a minor deviation, both fees shall be charged.

4. Processing shall not commence on an application until all required fees/deposits have been paid.

5. The application shall not be considered filed ~~W~~without the application fee, ~~the application shall not be deemed complete.~~

6. The City is not required to continue processing any application unless all fees are paid in full.

7. The applicant shall be subject to any City policy regarding the payment of project processing costs.

B. Refunds and withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds for disapproved projects are allowed.

2. In the case of a withdrawal, the Director may authorize a complete or partial refund based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.

9.50.0709.50.080 Initial application review.

All applications filed with the Department shall be initially processed as follows:

A. Director's review of completeness. The Director shall review all applications for completeness and accuracy before they are accepted as being complete and officially filed.

1. The applicant shall be informed in writing within ~~ten-thirty~~ (1030) days of submittal, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided.

2. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination, in compliance with Chapter 90 of this title (Appeals).

3. W~~E~~xcept as provided below, when an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by subsection (A)(4) of this section.

a. Preliminary Applications. Where the Director has determined that a preliminary application is incomplete, the applicant may submit supplemental or additional information to complete the preliminary application. The Director shall determine in writing whether the preliminary application as supplemented or amended includes the information required to complete the preliminary application. This determination shall be made within thirty (30) calendar days.

b. Final Applications. If a final application is determined to be incomplete, the written determination shall specify those parts of the final application which are incomplete and shall indicate the manner in which they can be made complete, including an exhaustive list of items that were not complete and thorough description of the specific information needed to complete the final application. That list shall be limited to those items actually required on the Department's submittal requirement checklist. In any subsequent review of the final application that was determined to be incomplete, the Director shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete.

c. Supplemented Final Applications. If the applicant submits supplemental or additional materials to the Director in response to the written determination described in subsection (A)(3)(b), the Director shall determine in writing whether the final application as supplemented or amended includes the information required by the list needed to complete the final application, as required by subsection (A)(3)(b). This determination shall be made within thirty (30) calendar days.

4. Expiration of applications.

a. If a pending application, other than a preliminary application, is not able to be deemed complete within ninety (90) days after the first filing with the Department, the application shall expire and be deemed withdrawn. Preparation of additional material such as an EIR requiring time beyond ninety (90) days shall not negate a pending application.

b. A new application, including exhibits, fees, plans, and other materials which shall be required to commence processing of a project application on the same property, may then be filed in compliance with this Development Code.

c. If a pending final application is not able to be deemed complete within ninety (90) calendar days after receiving notice from the Director that the final application is incomplete, the pending final application shall expire and be deemed withdrawn, and the preliminary application shall expire and have no further force or effect. Preparation of additional material such as an EIR requiring time beyond ninety (90) calendar days shall not negate a pending final application.

d. A new final application, including exhibits, fees, plans, and other materials which shall be required to commence processing of a development project application on the same property, may then be filed in compliance with this Development Code. The applicant may also submit a new preliminary application as provided in Section 9.50.060.

5. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section ~~9.50.080~~9.50.100 (Environmental assessment).

6. An application shall not be deemed complete, and/or shall not be processed or approved, in the event that a condition(s) exists on the subject property in violation of this Development Code or any permit or approval granted in compliance with this Development Code, other than an application for the permit or approval, if any, needed to correct the violation(s), unless approval of a housing development application without corrections is specifically required by State law.

B. Referral of application. At the discretion of the Director, or where otherwise required by this Development Code, or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed land use activity. Such referral does not change the ministerial approval process when applicable.

C. Limit on Hearings for Housing Development Projects. A proposed housing development project that complies with the applicable, objective general plan and zoning standards in effect at the time the final application is deemed complete, shall not require more than five public hearings in connection with the approval of that housing development project.

9.50.090 Determination for Housing Development Projects.

A. Timeline for Approval. A housing development project shall be approved or disapproved within whichever of the following periods is applicable:

1. One hundred eighty (180) days from the date of certification of the environmental impact report, if an environmental impact report is prepared pursuant to Public Resources Code Section 21100 or 21151 for the housing development project.

2. Ninety (90) days from the date of certification of the environmental impact report, if an environmental impact report is prepared pursuant to Public Resources Code Section 21100 or 21151 for a housing development project that consists of (1) residential units only, (2) mixed-use residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) transitional housing or supportive housing.

3. Sixty (60) days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Public Resources Code Section 21100 or 21151 for a housing development project that consists of (1) residential units only, (2) mixed-use residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) transitional housing or supportive housing, and all of the following conditions are met:

a. At least 49 percent of the units in the housing development project are affordable to very low or low-income households, as defined by Health and Safety Code Sections 50105 and 50079.5, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Health and Safety Code Section 50053, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Health and Safety Code Section 50052.5.

b. Prior to the final application being deemed complete for the housing development project, written notice is provided by the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the housing development project by the City is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable.

c. There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

4. Sixty (60) days from the date of adoption of the negative declaration, if a negative declaration is completed and adopted for the housing development project.

5. Sixty (60) days from the determination that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

B. Historic Site Determination. The City will determine whether the site of a proposed housing development project is a historic site at the time the final application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

C. Urbanized Area Designation. If the City is determined to be an urbanized area or urban cluster pursuant to Government Code section 66300(e), the City will not:

1. Impose or enforce design standards established on or after January 1, 2020, that are not objective design standards.

2. Approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

3. Approve a housing development project that will require the demolition of occupied or vacant protected units, unless the conditions required by Government Code section 66300(d)(2) are satisfied.

9.50.0809.50.100 Environmental assessment.

A. CEQA review. ~~After~~ Unless specifically exempted by State law, after acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA).

B. Compliance with CEQA. These determinations and, where required, the preparation of EIRs, shall be in compliance with CEQA.

C. Special studies required. A special study may be required to supplement the City’s CEQA compliance review.

D. Traffic Study. All projects shall be subject to the City Traffic Impact Study Guidelines.

E. Submittal of additional information. Accepting an application as complete shall not limit the authority of the City to require the submittal of additional information needed for environmental evaluation of the project and the additional information shall not affect the status of the application.

9.50.0909.50.110 Staff report, findings, and recommendations.

A. When an application requires a public hearing by either the Commission or Council, a written staff report shall be prepared, which shall include detailed recommendations for changes to the text and/or diagrams of an application, as necessary to make it acceptable for adoption. Otherwise, an approval or denial letter prepared by the Director, with or without conditions, if applicable, shall be prepared and transmitted to the applicant.

B. In the case of an application for a housing development project identified in Government Code section 65589.5(d) and (j)(1), if the disapproval of a housing development project or conditional approval would render the housing development project infeasible, or require development at a lower density, the Director, Commission, or Council must make written findings based on sufficient facts necessary to satisfy Government Code section 65589.5(d)(1), (2), (3), (4), or (5), or (j)(1)(A) and (B), as the case may be. The staff report(s) and/or letter(s) described in subsection A, above, shall detail the written findings required by Government Code section 65589.5(d) and (j) and facts to support the determination. The definitions of Government Code section 65589.5(h) shall apply to this section.

C. In the case of an application for a housing development project identified in Government Code section 65589.5(j)(2) found to be inconsistent, not in compliance, or not in conformity with the Development Code, the Director shall provide the applicant written documentation identifying the provision(s) with which the housing development project does not comply, and an explanation of the reason(s) the housing development project does not comply or conform with such standards. The staff report(s) and/or letter(s) described in subsection A, above, shall detail the provision(s) and reason(s) required by this subsection, to the extent possible. The Director, Commission, or Council may make other or additional findings as required by this section. Such findings and decisions shall be made within 30 days if the housing development contains 150 or fewer units, or within 60 days if the housing development contains more than 150 units.

9.50.1009.50.120 Streamlined ministerial review.

Housing development projects and similar projects expressly authorized by State law to be eligible for streamlined ministerial approval and for which the City is required to approve or deny through a streamlined ministerial approval process shall follow the procedures set forth in this section, unless different standards for eligibility, review, approval and denial, or otherwise are expressed in the authorizing State law(s).

In order to be eligible for a streamlined ministerial review provided by this section and pursuant to Government Code Section 65913.4, a proposed housing development shall satisfy all of the following planning standards:

A. Eligible Multifamily Housing Development Projects. In order to be eligible for a streamlined ministerial approval provided by this section and pursuant to Government Code Section 65913.4, a proposed multifamily housing development shall satisfy all of the following planning standards:

- 1. ~~D~~The development is a multifamily housing development that contains two (2) or more residential units;

2. The development is located on a site that satisfies all of the following:

a. A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

b. A site in which at least seventy-five percent (75%) of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

c. A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds (2/3) of the square footage of the development designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Government Code section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

~~Development is located in an urban area that has already been seventy-five percent (75%) developed for urban uses, and is zoned for residential use or residential mixed use, with at least two-thirds (2/3) of the square footage of the development designated for residential use;~~

3. Applicant commits to record a land use restriction providing that lower or moderate income units shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for a period not less than forty-five (45) years for ~~rental and~~ owned units; and not less than fifty-five (55) years for rental units.

4. The development must satisfy both of the following:

a. The development occurs in a locality that the California Department of Housing and Community Development (HCD) has determined has not met its share of regional housing needs, by income category, for that reporting period; and

b. The development is subject to mandating a minimum percentage of below market rate housing based on:

(1) Locality failing to submit its latest production report to HCD, or the production report reflects that fewer than the number of required above moderate-income housing permits has been issued, and the project dedicates at least ten percent (10%) of its housing units to be affordable to households making at or below eighty percent (80%) of the area median income for projects of more than ten (10) units; or

(2) The City's production report reflects that fewer than the number of

required of very low- or low-income housing permits has been issued, and the project dedicates fifty percent (50%) of its total number of units to housing affordable to households making at or below eighty percent (80%) of the area median income;

5. ~~The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915,~~ must be consistent with objective zoning standards, objective subdivision standards, and objective design review standards (i.e., not subjective standards) in effect at the time that the housing development project is submitted pursuant to Section 9.50.060 if a Preliminary Application is submitted or pursuant to Section 9.50.080 if only a Final Application is submitted;

6. Cannot be located on property within any of the following areas: a coastal zone, prime farmland, wetlands, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, floodplain, floodway, community conservation plan area, habitat for protected species, under a conservation easement, or located on a qualifying mobile home site;

7. Development cannot be located: (a) on land that requires the demolition of affordable housing, (b) a site that was previously used for housing that was demolished within ten (10) years, (c) a site that would require the demolition of a historic structure;

8. Developer must: (a) certify that the development is either a public work, or if not entirely a public work, that prevailing wages are paid to construction workers employed; or (b) for developments meeting specific numbers of units for applications approved of within certain time periods, a certified skilled and trained workforce shall be used to complete the development;

9. The development does not involve a parcel that is subject to the California Subdivision Map Act, unless: (a) the development has or will receive financing or funding by means of a low-income housing tax credit and subject to prevailing wage requirements, or (b) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used;

10. The development is not upon an existing parcel of land that is governed under the Mobile Home Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act.

B. Notice of Non-Compliance. If a housing development project subject to this section is in conflict with any of the objective planning standards specified in subsection A, written documentation of which standard or standards the housing development project conflicts with, and an explanation for the reason or reasons the housing development project conflicts with that standard or standards, shall be provided to the applicant, as follows:

1. Within 60 days of submittal of the final application if the housing development project contains 150 or fewer housing units.

2. Within 90 days of submittal of the final application if the housing development project contains more than 150 housing units.

C. Design Review. The Director shall conduct design review or public oversight of the development project. Design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by the City before submission of a housing development project application. Design review or public oversight shall be completed as follows:

1. Within 90 days of submittal of the final application if the housing development project contains 150 or fewer housing units.

2. Within 180 days of submittal of the final application if the housing development project contains more than 150 housing units.

D. CEQA Exemption. If the housing development project either (a) has or will receive financing or funding by means of a low-income housing tax credit and subject to prevailing wage requirements, or (b) is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce is used, and the housing development project is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth subsection C.

E. Parking. Developments approved pursuant to this section shall have not less than one (1) parking space per unit, or as otherwise allowed in Government Code section 65913.4(d).

9.50.130 Time Extensions.

The City and the housing development applicant may mutually agree to an extension of any of the time limits applicable to housing development project applications.

Attachment C-2

SECTION 9.40.200, OF CHAPTER 9.40, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS ADDED AS FOLLOWS:

**CHAPTER 9.40
STANDARDS FOR SPECIFIC LAND USES**

9.40.200 Low Barrier Navigation Center, Use By Right.

A. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of Government Code section 65662. “Low Barrier Navigation Center” and “use by right” have the definitions expressed in Government Code section 65660.

B. The application for a Low Barrier Navigation Center shall be reviewed for completeness pursuant to Section 9.50.070 and the applicant shall be notified within thirty (30) days of receipt of the application whether the application is complete. The procedures set forth in Section 9.50.070 for incomplete applications shall apply to applications for Low Barrier Navigation Centers.

C. The City shall act to approve or deny an application for a Low Barrier Navigation Center within sixty (60) days of receipt of a completed application. Applicants may appeal the denial of a Low Barrier Navigation Center pursuant to Chapter 9.90.

Attachment “D”

Attachment D-1

CHAPTER 9.77, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS ADDED AS FOLLOWS:

CHAPTER 9.77

RESIDENTIAL DESIGN STANDARDS

- 9.77.010 Purpose of chapter.
- 9.77.020 Single family development standards.
- 9.77.030 Multiple family development standards.
- 9.77.040 Mixed use residential development standards.
- 9.77.050 Variances and deviations.
- 9.77.060 Review Procedures

9.77.010 Purpose of chapter.

The purpose of this chapter is to set forth the City’s move toward objective development standards for multiple family and single family residential projects. Residential development standards shall be approved by the Council, upon recommendation of the Director, for single family, multiple family, and mixed use residential projects. Once adopted, the review procedures set forth in this Chapter shall apply in lieu of site plan review for single family projects, multiple family projects, or the residential component of mixed use residential projects.

9.77.020 Single family standards.

Notwithstanding anything to the contrary in this title, single family projects shall be subject to the Single Family Residential Development Standards approved by the City Council.

9.77.030 Multiple family standards.

Notwithstanding anything to the contrary in this title, multiple family projects shall be subject to the Multiple Family Residential Development Standards approved by the City Council.

9.77.040 Mixed use residential standards.

Notwithstanding anything to the contrary in this title, the residential component of mixed-use residential projects shall be subject to the Mixed Use Residential Development Standards approved by the City Council.

9.77.050 Variances and deviations.

A property owner may request a variance or deviation from objective design standards in accordance with the procedures set forth in Chapter 9.68 of this title.

9.77.060 Residential Development Review.

Multifamily Housing Development Projects and the residential component of Mixed-Use Housing Development Projects shall be reviewed and approved or denied as provided for in this section. Single-Family Housing Development Projects shall be reviewed and approved according to the review and approval requirements for subdivisions set forth in Chapter 9.110.

A. Application review. Each application for a Multifamily Housing Development Project or the residential component of a Mixed-Use Housing Development Project shall be reviewed to ensure that the application is consistent with: the purpose of this chapter; all applicable development standards and regulations of this Development Code; and any adopted objective development standards and policies that may apply.

1. Residential Development Review is initiated when the Department receives a complete application package pursuant to Chapter 9.50 that includes all required materials specified in the Department handout and any additional information required by the Director in order to conduct a thorough review of the proposed project. The final application for Housing Development Projects shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials identified in the Department handout for residential development review.

2. Upon receipt of a complete final application the Director shall conduct a review of the location, design, site plan configuration, and effect of the proposed development by comparing the project plans with applicable City codes, regulations, development standards, design standards, and policies.

3. The following criteria shall be considered during the Residential Development Review:

- a. Compliance with this chapter and all other applicable City ordinances;
- b. Consistency with the General Plan and any applicable specific plan; and
- c. Consistency with any adopted objective design standards.

B. No public hearing required. A public hearing shall not be required for the Director's decision on a residential design review.

9.77.070 Director decision.

A. Meets requirements of this chapter. Upon the receipt of the completed final application, the Director shall determine whether or not the final application meets the requirements of this chapter.

B. Timing for Director’s action. The Director shall approve the residential design review, or return with corrections and findings, pursuant to Chapter 9.50.

C. Required findings. The Director shall approve a Residential Housing Development application only if all of the following findings are made. The Director’s decision to approve a Housing Development Project is considered ministerial. The Director’s decision shall be supported by the record. The proposed development must:

1. Be allowed within the subject zoning district;
2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable objective design standards established by resolution of the Council;
3. Be in compliance with all other applicable provisions of the Clovis Municipal Code;
4. Be consistent with all objective policies and standards identified in the General Plan and any applicable specific plan.

D. Appeal. The Director’s decision shall be final except as follows:

1. The applicant may appeal the denial of a Housing Development Project to the Commission in accordance with Chapter 9.90.
2. Appeals shall be limited to mistakes of fact.

9.77.080 Environmental review.

Housing Development Project applications approved by the Director are considered ministerial and are exempt from environmental review under the California Environmental Quality Act (CEQA). The appeal of a Director decision to the Commission for a mistake of fact does not change the ministerial nature of the project.

9.77.090 Post decision procedures.

Except as otherwise specified in this chapter, the procedures set forth in Chapter 9.50 and Division 6 of this title (Development Code Administration) shall apply following the decision on a Housing Development Project.

Attachment D-2

SECTION 9.10.020, OF CHAPTER 9.10, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

9.10.020 Residential district land uses and permit requirements.

A. Allowed land uses. Table 2-2 identifies the uses of land allowed by this Development Code in each residential zoning district, and the land use permit required to establish each use, in compliance with Division 5 of this title (Land Use/Development Review Procedures).

B. Prohibited land uses. Any table cell left blank shall mean that the listed land use is prohibited in that specific zoning district.

C. Site plan review required. Except as otherwise provided in this title, aAny change of use and all construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) shall be subject to site plan review approval as set forth in Chapter 56 of this title (Site Plan Review).

D. Applicable sections. Where the last column in the tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

E. Special review required. A conditional use permit (Chapter 64 of this title, Conditional Use Permits) shall be required for all R-1-PD applications.

F. Annexation agreement. The uses in Table 2-2 can be modified as set forth in Section 2.1.35 using an annexation agreement approved by the City Council.

G. Residential Development Review. Notwithstanding anything to the contrary in this title, including subsection C of this section, single-family, multiple family, and the residential component of mixed-use residential housing development projects shall be subject to the applicable Residential Development Standards approved by the City Council and the review process provided in Chapter 9.77, as specified.

Attachment D-3

SECTIONS 9.90.020 AND 9.90.40, OF CHAPTER 9.90, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE ARE AMENDED AS FOLLOWS:

CHAPTER 9.90

APPEALS

9.90.020 Appeal of decisions.

Determinations and decisions that may be appealed, and the authority to act on an appeal, shall be as follows, unless otherwise specified in the governing chapter or section:

A. Director. Any determination or decision rendered by the Director may be appealed to the Commission.

B. Commission appeals.

1. Any decision rendered by the Commission may be appealed to the Council.

2. The Commission may appeal any determination or decision rendered by the Director, by an affirmative vote of a majority of its members.

3. Once the vote to appeal is passed by a majority, the matter shall be set for hearing by the Director.

C. Council considerations.

1. The Council may appeal any decision rendered by the Director or the Commission.

2. An affirmative vote of a majority of its members is required to appeal the Director’s decision or the Commission’s decision.

3. Once the vote to appeal is passed by a majority, the matter shall be set for hearing by the City Clerk.

4. The decision of the Council shall be final and shall become effective upon adoption of the resolution by the Council.

9.90.040 Appeals to the Commission or Council.

A. Notice of appeal.

1. Public notice of an appeal to the Commission or Council shall be given in the same manner in which the original notice was given, or as otherwise specified in the governing chapter or section.

2. The appeal hearing date shall be set by the Director (for a Commission hearing) or by the City Clerk (for a Council hearing) and shall be held not less than ten (10) days or more than forty (40) days after the expiration date for the filing of the appeal.

B. Delay of proceedings. The filing of an appeal shall suspend all proceedings associated with the matter subject to the appeal (e.g., issuance of a building or grading permit, etc.), pending the City’s final action on the appeal.

C. Joining an appeal.

1. Only those persons who file an appeal within the fifteen (15) day appeal period in compliance with Section 9.90.030 (Filing and processing of appeals) shall be considered appellants of the matter under appeal.

2. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with Section 9.90.030 (Filing and processing of appeals).

3. A person(s) shall not be allowed to join an appeal after expiration of the fifteen (15) day appeal period.

D. Appeal to be treated as a new hearing. The appeal hearing shall be considered a new hearing and the review authority may consider any issue(s) associated with the appeal, in addition to the specific grounds for the appeal.

1. When reviewing an appeal, the review authority may:

a. By resolution, affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal;

b. Adopt additional conditions of approval deemed reasonable and necessary, and may even address issues or concerns that go beyond the subject of the appeal; or

c. Disapprove the permit or approval granted by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

2. If new or different evidence is presented on appeal, the Commission or Council may, but shall not be required to, refer the matter to the Director or Commission, as applicable, for further consideration.

E. Adoption of findings.

1. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal.

2. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Conditional Use Permits, Chapter 64 of this title; and Variances/Minor Deviations, Chapter 68 of this title, etc.).

F. Mailing of decision. The Director or City Clerk, as applicable to the level of review authority, shall mail a copy of the decision to the appellant and the applicant (if not the appellant), within fifteen (15) days after the date the decision is rendered.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: December 16, 2019

SUBJECT: Consider Approval - Res. 19-____, Approving the Exception to the 180-Day Wait Period (Government Code Sections 7522.56 & 21224) Pertaining to the Hiring of Shelli Vinson as a contract extra-help Senior Fire Prevention Officer

Staff: John Binaski, Fire Chief
Recommendation: Approve

ATTACHMENTS: 1. Res. 19-

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the City Council approve the exception to the 180-Day wait period, pursuant to Government Code Sections 7522.56 & 21224, pertaining to the hiring of Shelli Vinson as extra help for fire prevention inspections and projects.

EXECUTIVE SUMMARY

The General Services Department requests authority to utilize the exception provided in Government Code section 21224 to hire a retired CalPERS employee for a limited duration, not to exceed one year, to complete a backlog of inspections and other prevention related projects within the Fire Department. Although staff conducted two rounds of recruitments for a full-time permanent inspector, a viable full-time candidate has not been identified. Therefore, staff requests approval to hire a qualified CalPERS retiree on a part-time, extra-help basis order to reduce backlog of the state mandated fire inspections, while recruitment continues for a qualified full-time candidate.

BACKGROUND

In August 2018, the employee previously employed as Senior Fire Prevention Officer left the City's employment. Since that time the Personnel Division, along with the Fire Department, have conducted two recruitments under two different job titles, Prevention Officer and Senior Fire Prevention Officer but have not been able to identify a viable candidate.

Due to the 15 months of vacancy in the prevention officer position, the workload has become critical. In an effort to balance the workload and complete state mandated inspections until a new eligibility list through recruitment can be established, the Fire Chief has asked to hire retired annuitant, Shelli Vinson on a part-time basis for a time period not to exceed one year. Ms. Vinson has more than 20 years of inspection experience and will require little to no training to begin work with no supervision.

Government Code Section 7522.56 requires retirees to wait 180 days from the retirement date to begin employment with the same, or another, CalPERS agency. Government Code Section 7522.56(f)(1) allows for an exception to the 180-day waiting period when the appointment is necessary to fill a “critically needed” position before 180 days. This exception can be either to a vacant position or as extra help where the work performed is of limited duration and the retiree is to perform tasks such as the elimination of backlogs, limited term special project work, or to do work in excess of what regular permanent staff can do. Until a new full-time employee with the proper qualifications can be recruited and complete the hiring process, Shelli Vinson will fill the vacant position as an extra help employee for a limited duration of not more than one year. She will not exceed the 960-hour threshold for retired annuitants established by CalPERS.

FISCAL IMPACT

Due to the vacancy of the Senior Fire Prevention Officer, there is sufficient funding in the FY 2019-20 Prevention Salary section budget.

REASON FOR RECOMMENDATION

In adopting this resolution, the City Council will provide for the life safety and enforcement of fire code for the citizens of Clovis in an immediate and urgent way. The inspections scheduled to be completed by the contract employee are state mandated, reported annually, safeguard the businesses of Clovis, and generate income for the City through the standard inspection fees.

ACTIONS FOLLOWING APPROVAL

Pending successful completion of the employment background check, staff will execute an employment contract with retired annuitant, Shelli Vinson.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager LS

RESOLUTION 19-____

**RESOLUTION OF THE CITY OF CLOVIS APPROVING
THE EXCEPTION TO THE 180-DAY WAIT PERIOD
Government Code Sections 7522.56 & 21224**

WHEREAS, in compliance with Government Code section 7522.56, the City Council for the City of Clovis must provide CalPERS this certification resolution when hiring a retiree before 180 days have passed since his or her retirement date; and

WHEREAS, Shelli Vinson, CalPERS ID 1947380252, retired from the City of Tulare in the position of Fire Inspector III, effective November 23, 2019; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 17, 2020 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council for the City of Clovis, the City of Clovis and Shelli Vinson certify that Shelli Vinson has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, Government Code section 7522.56(f) (1) allows for an exception to the 180-day waiting period when the appointment is necessary to fill a “critically needed” position before 180 days either to a vacant position or as extra help where the work performed is of limited duration and the retiree is to perform tasks such as completing large scale projects, limited term special project work, or to do work in excess of what regular permanent staff can do; and

WHEREAS, the Fire Department is responsible for conducting life safety annual inspections as outlined by California State Law or local policy. The Fire Department does not have enough qualified personnel to perform over 600 life safety inspections annually. Shelli Vinson is certified as a Fire Inspector 3 by the California State Fire Marshal’s Office and has over 20 years’ experience conducting these types of inspections; and

WHEREAS, the City Council for the City of Clovis hereby appoints Shelli Vinson as an extra help retired annuitant to perform the duties related to City fire inspections, for the City of Clovis under Government Code section 21224 and 7522.56, effective January 7, 2020; and

WHEREAS, the entire employment agreement between Shelli Vinson and the City of Clovis has been reviewed by this body and is attached as Attachment A to this resolution; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on the consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year and limited to one year in duration; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the City recently attempted to fill the Senior Fire Prevention Officer, which is currently vacant. A recruitment was conducted in September 2019; unfortunately no viable candidate was selected. Required life safety annual inspections need to be completed based on current law or policy and the Fire Department does not have anyone who can complete this required work. The maximum base salary for a position with this expertise is \$7,033 per month and the hourly equivalent is \$40.57. The minimum base salary is \$5,786 per month and the hourly equivalent is \$33.38; and

WHEREAS, the hourly rate paid to Shelli Vinson will be \$40.50 per hour; and

WHEREAS, Shelli Vinson has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Clovis hereby certifies the nature of the appointment of Shelli Vinson as described herein and detailed in the attached employment agreement document and that this appointment is necessary to complete current state mandated life safety inspections. There are no other current City staff with the time and required certification for the position.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 16, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

**AT WILL EMPLOYMENT AGREEMENT
Between the City of Clovis and Shelli Vinson
January 7, 2020**

The City of Clovis hereinafter referred to as CITY, and **Shelli Vinson**, hereinafter referred to as EMPLOYEE, in consideration of the promises made herein, agree as follows:

TERM

The CITY shall employ EMPLOYEE to work in the position of Senior Fire Prevention Officer with the City of Clovis on an at-will contract basis from January 7, 2020 through December 31, 2020. Except for termination for malfeasance, either the CITY or the EMPLOYEE upon thirty (30) days advance written notice may terminate this agreement.

EMPLOYMENT STATUS AND REPORTING RELATIONSHIP

During the term of the agreement, the EMPLOYEE is classified as an at-will employee who may be terminated or resign for any reason. During the term of this agreement, EMPLOYEE will work with the Fire Department and report to the Life Safety Manager or designee. The EMPLOYEE is not represented by a bargaining unit and this contract does not provide any rights other than those specifically provided in this agreement.

DUTIES

Duties may include but are not limited to the following: inspects institutions, industries, mercantile establishments, hotels and apartment houses, service stations, schools, hospitals, nursing and convalescent units, and other establishments to secure compliance with codes and regulations pertaining to fire safety; makes recommendations concerning fire safety for licensing purposes; reviews plans and installations of fire protection systems, devices, prepares inspection records and technical letters pertaining to recommendations and violations; and conducts the City's weed abatement program.

COMPENSATION AND BENEFITS

In exchange for the performance of the above services, CITY agrees to compensate EMPLOYEE during the period of the contract as follows:

Salary: The EMPLOYEE will earn an hourly salary of \$40.50. It is anticipated that EMPLOYEE will work up to 20 hours per week. In the capacity of Senior Fire Prevention Officer, the EMPLOYEE is classified as non-exempt for F.L.S.A. purposes and is therefore eligible for over time compensation. All overtime must be approved by the designated supervisor in advance.

Retirement: CITY and EMPLOYEE will not pay into the CalPERS program. As a CalPERS retired annuitant, EMPLOYEE will not work more than 960 hours in the fiscal year.

Workers Compensation and other Benefits: The CITY provides workers' compensation benefits as required by law. The CITY and the EMPLOYEE contribute the required percentage for Medicare. The EMPLOYEE pays into State Disability Insurance.

HOLIDAYS

The EMPLOYEE will not be compensated for any holidays observed by the CITY.

VACATION/SICK LEAVE

The EMPLOYEE will not be provided with any paid vacation or sick leave.

GENERAL PROVISIONS

This agreement shall become effective upon execution by all parties and supersedes any and all previous employment agreements between the EMPLOYEE and the CITY. The text herein shall constitute the entire agreement between the parties. It shall be binding upon and inure to the benefit of the heirs at law and executors of the EMPLOYEE.

Venue for any litigation resulting from litigation to enforce any provision of or resulting from this agreement or the at will employment relationship herein established, is specifically agreed and declared by both parties to be in the Superior Court of Fresno County, California, or the United States District Court, Eastern District located in Fresno, California.

This Agreement represents the total and complete understanding of the parties regarding the subjects set forth herein. Any other oral understandings or other prior understandings shall have no force or effect. This Agreement shall supersede any and all prior agreements between the parties regarding the subject of this Agreement.

This Agreement cannot be changed or supplemented orally and may be modified or superseded only by a written instrument executed by both parties.

In the event any term or provision of this Agreement is declared to be invalid or illegal for any reason, this Agreement will remain in full force and effect and will be interpreted as though such invalid or illegal provision was not a part of this Agreement. The remaining provisions will be construed to preserve the intent and purpose of this Agreement and the parties agree to negotiate in good faith to modify any invalidated provisions to preserve each party's anticipated benefits.

CITY

EMPLOYEE

Luke Serpa, City Manager

Shelli Vinson, Contract Senior Fire Prevention Officer

Date

Date



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: General Services Department
 DATE: December 16, 2019
 SUBJECT: Consider Approval – Second Amendment to City Manager Employment Agreement

Staff: Shonna Halterman, General Services Director
Recommendation: Approve

ATTACHMENTS: 1. City Manager Employment Agreement dated June 19, 2017
 2. First Amendment to City Manager Employment Agreement
 3. Second Amendment to City Manager Employment Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

Approve the Second Amendment to City Manager Employment Agreement (Attachment 3), which sets forth the terms and conditions of the appointment of Luke Serpa as City Manager through June 30, 2020.

EXECUTIVE SUMMARY

The City Council appointed Luke Serpa as the City Manager effective July 1, 2017, and approved an employment agreement which sets forth the terms and conditions of that appointment along with a three year contract (Attachment 1). The Council originally set the City Manager’s annual salary at Step 1 of the City Manager’s salary schedule that was in effect on July 1, 2017. In January 2019 the City Council approved a first amendment placing the City Manager at Step 2 of the salary schedule effective as of January 1, 2019 (Attachment 2). The Council desires to place the City Manager at Step 3 of the salary schedule effective January 1, 2020.

BACKGROUND

The City Council appointed Luke Serpa as the City Manager effective July 1, 2017, and approved an employment agreement which sets forth the terms and conditions of that appointment along with a three year contract.

City salary schedules provide for 5 step increases, each one at 5%. New City Employees who perform according to City standards would normally receive annual step increases until they have reached the highest step. After evaluating the City Manager's performance, the Council desires to provide Serpa with the equivalent of a second employee step increase, which amounts to a 5% adjustment in salary. Serpa's annual salary shall be \$232,020 effective as of January 1, 2020. Serpa shall also be entitled to receive cost of living adjustments made applicable to all executive management employees, including those that become effective fiscal years 2020/2021. The current salary range for City Manager is \$210,444 to \$255,804.

FISCAL IMPACT

There are sufficient funds available in the Administration budget to accommodate the step increase. The overall increase from Step 2 to Step 3 for the City Manager position is \$11,052 per year.

REASON FOR RECOMMENDATION

City Manager employment agreements require approval by the City Council.

ACTIONS FOLLOWING APPROVAL

The Second Amendment will be executed by all parties and a personnel action form will be prepared consistent with the terms of the Employment Agreement as amended.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager *JH*

**EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Agreement is entered into on June 19, 2017, between the City of Clovis ("City") and Luke Serpa ("Serpa"), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City's former City Manager retired effective December 30, 2016.
- B. Serpa has served as Interim City Manager since January 1, 2017.
- C. Serpa desires to become the permanent City Manager and City desires to appoint Serpa as the City Manager, subject to the terms of this Agreement.

NOW, THEREFORE, City and Serpa agree as follows:

1. Employment. City employs Serpa as the City Manager, effective July 1, 2017. Serpa will be an at-will employee serving at the pleasure of the City Council subject to the terms and conditions set forth below. Serpa's employment with the City as City Manager is at the mutual consent of both Serpa and the City. There are no express or implied agreements contrary to the foregoing.

2. Term. This Agreement shall be in effect for a period of three (3) years, unless terminated in accordance with Section 6 below. In the event of termination pursuant to Section 6, Serpa shall not be entitled to any additional compensation except as provided in Section 6.

3. Salary. Serpa shall be placed on Step 1 of the City Manager's salary schedule that becomes effective July 1, 2017. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Serpa's December performance evaluation, City and Serpa may agree to a contract amendment implementing a salary step increase.

4. Duties and Professional Conduct. Serpa shall have the powers and shall perform the duties prescribed in the Clovis Municipal Code for the City Manager. Serpa shall also perform such additional responsibilities as may be assigned by the City Council. Serpa shall adhere to the professional standards of conduct as prescribed by the International City/County Management Association.

5. Evaluation. Serpa shall receive a performance evaluation in December and June of each year, or more often as may be requested by the City Council. It shall be the responsibility of Serpa to schedule those evaluations. Failure to evaluate shall have no effect on the rights, duties, and obligations of the parties herein.

6. Termination and Severance.

a. Termination Without Cause. The majority of the entire City Council may terminate this Agreement at any time without cause by providing at least thirty (30) days written notice to Serpa. The provisions of the Clovis Municipal Code, § 2.2.109, pertaining to a 90-day waiting period after a Council election, shall not apply.

In the event of termination without cause, Serpa shall be entitled to severance compensation equal to Serpa's salary for the balance of the term of this Agreement, or three (3) months, whichever is less. Severance shall be paid in one lump sum and in the same manner as the customary payout of earned benefits.

b. Termination for Cause. The City may terminate this Agreement immediately for cause. If Serpa is terminated for cause, Serpa shall not be entitled to the severance benefits under this Section.

c. For Cause Defined. Cause shall be defined to include, but shall not be limited to, any of the following: (a) the refusal to follow the lawful directions of the Council; (b) failure to substantially perform any of the required duties of the City Manager; (c) repeated unexcused absences from the City Manager's office and duties; (d) violation of City policies; (e) conviction of a felony or a misdemeanor crime involving acts of moral turpitude under California law; (f) use or possession of illegal drugs; or (g) breach of this Agreement.

d. Termination Defined. Termination shall mean removal from office or a request that the City Manager resign. Termination shall not mean a reduction of benefits generally applicable to all management employees.

7. Notice of Resigning. Serpa shall provide to City at least sixty (60) days written notice of his intent to voluntarily resign as the City Manager.

8. Conviction of Crime Involving Abuse of Office. Regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement related to the termination shall be fully reimbursable to Clovis if Serpa is convicted of a crime involving an abuse of his office.

9 Benefits and Allowances. During this Agreement, Serpa shall continue to receive all of City's best miscellaneous executive management benefits for PERS retirement, annuities, deferred compensation, life and other insurance, expense and reimbursement allowances, medical, dental and vision plans, automobile allowances, sick leave, vacation, compensatory time off, credit union, worker's compensation and similar subsequent or replacement benefits, all in accordance with the terms and conditions thereof as adopted or approved by the City Council.

All leave balances accrued prior to Serpa's appointment as the Interim City Manager shall be frozen as to monetary value associated with his former position as Public Utilities Director. All leave accrued after appointment as Interim City Manager shall be credited at the monetary value associated with the City Manager position.

10. Professional Meetings. Serpa is expected to attend appropriate professional meetings at local and state levels and to periodically report to the City Council regarding meetings attended and shall be reimbursed for the expense of attending those meetings.

11. Expense Reimbursement. City shall reimburse Serpa for actual and necessary expenses incurred within the scope of employment in accordance with City's reimbursement schedules and policies.

12. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be personally served or shall be sufficiently given and deemed served upon the other party if sent by United States Postal Service, first class postage prepaid, and addressed as follows:

TO CITY: City Council
c/o City Attorney
City of Clovis
1033 Fifth Street
Clovis, CA 93612

TO EMPLOYEE: Luke Serpa
City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the US Postal Service.

13. General Provisions.

a. Governing Law and Venue. This Agreement and the rights and obligations of the parties shall be governed by and construed in accordance with the laws of the State of California. The parties also agree that, in the event of litigation, venue shall be the state courts located in Fresno County, California.

b. Entire Agreement. This Agreement contains the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied not contained in this Agreement.


c. No Assignment. Serpa may not assign or transfer any rights granted or obligations assumed under this Agreement.

d. Modification. This Agreement cannot be changed or supplemented orally. It may be modified or superseded only by a written instrument executed by both of the parties.

e. Severability. If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provision of the Agreement shall continue in full force and effect.

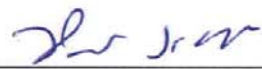
CITY

CITY MANAGER

By: 
Bob Whalen, Mayor

By: 
Luke Serpa

APPROVED AS TO FORM


David J. Wolfe, City Attorney

COPY

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This First Amendment to the City Manager Employment Agreement ("First Amendment") is entered into effective January 1, 2019, between the City of Clovis ("City") and Luke Serpa ("Serpa"), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

A. City and Serpa entered into a City Manager Employment Agreement on June 19, 2017 ("Agreement"), under which City placed Serpa at Step 1 of the City Manager's salary schedule.

B. City desires to place Serpa on Step 2 of the City Manager's salary schedule

NOW, THEREFORE, City and Serpa agree as follows:

AGREEMENT

1. Section 3 of the Agreement is amended to read as follows:

3. Salary. Serpa shall be placed on Step 2 of the City Manager's salary schedule, effective as of January 1, 2019. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Serpa's December performance evaluation, City and Serpa may agree to a contract amendment implementing a salary step increase.

2. Except as set forth in this First Amendment, all other provisions of the Agreement, shall continue in full force and effect.

CITY

By:



Bob Whalen, Mayor

CITY MANAGER

By:



Luke Serpa

**EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Agreement is entered into on June 19, 2017, between the City of Clovis (“City”) and Luke Serpa (“Serpa”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City’s former City Manager retired effective December 30, 2016.
- B. Serpa has served as Interim City Manager since January 1, 2017.
- C. Serpa desires to become the permanent City Manager and City desires to appoint Serpa as the City Manager, subject to the terms of this Agreement.

NOW, THEREFORE, City and Serpa agree as follows:

- 1. Employment. City employs Serpa as the City Manager, effective July 1, 2017. Serpa will be an at-will employee serving at the pleasure of the City Council subject to the terms and conditions set forth below. Serpa’s employment with the City as City Manager is at the mutual consent of both Serpa and the City. There are no express or implied agreements contrary to the foregoing.
- 2. Term. This Agreement shall be in effect for a period of three (3) years, unless terminated in accordance with Section 6 below. In the event of termination pursuant to Section 6, Serpa shall not be entitled to any additional compensation except as provided in Section 6.
- 3. Salary. Serpa shall be placed on Step 1 of the City Manager’s salary schedule that becomes effective July 1, 2017. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Serpa’s December performance evaluation, City and Serpa may agree to a contract amendment implementing a salary step increase.
- 4. Duties and Professional Conduct. Serpa shall have the powers and shall perform the duties prescribed in the Clovis Municipal Code for the City Manager. Serpa shall also perform such additional responsibilities as may be assigned by the City Council. Serpa shall adhere to the professional standards of conduct as prescribed by the International City/County Management Association.
- 5. Evaluation. Serpa shall receive a performance evaluation in December and June of each year, or more often as may be requested by the City Council. It shall be the responsibility of Serpa to schedule those evaluations. Failure to evaluate shall have no effect on the rights, duties, and obligations of the parties herein.

6. Termination and Severance.

a. Termination Without Cause. The majority of the entire City Council may terminate this Agreement at any time without cause by providing at least thirty (30) days written notice to Serpa. ~~The provisions of the Clovis Municipal Code, § 2.2.109, pertaining to a 90-day waiting period after a Council election, shall not apply.~~

In the event of termination without cause, Serpa shall be entitled to severance compensation equal to Serpa's salary for the balance of the term of this Agreement, or three (3) months, whichever is less. Severance shall be paid in one lump sum and in the same manner as the customary payout of earned benefits.

b. Termination for Cause. The City may terminate this Agreement immediately for cause. If Serpa is terminated for cause, Serpa shall not be entitled to the severance benefits under this Section.

c. For Cause Defined. Cause shall be defined to include, but shall not be limited to, any of the following: (a) the refusal to follow the lawful directions of the Council; (b) failure to substantially perform any of the required duties of the City Manager; (c) repeated unexcused absences from the City Manager's office and duties; (d) violation of City policies; (e) conviction of a felony or a misdemeanor crime involving acts of moral turpitude under California law; (f) use or possession of illegal drugs; or (g) breach of this Agreement.

d. Termination Defined. Termination shall mean removal from office or a request that the City Manager resign. Termination shall not mean a reduction of benefits generally applicable to all management employees.

7. Notice of Resigning. Serpa shall provide to City at least sixty (60) days written notice of his intent to voluntarily resign as the City Manager.

8. Conviction of Crime Involving Abuse of Office. Regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement related to the termination shall be fully reimbursable to Clovis if Serpa is convicted of a crime involving an abuse of his office.

9 Benefits and Allowances. During this Agreement, Serpa shall continue to receive all of City's best miscellaneous executive management benefits for PERS retirement, annuities, deferred compensation, life and other insurance, expense and reimbursement allowances, medical, dental and vision plans, automobile allowances, sick leave, vacation, compensatory time off, credit union, worker's compensation and similar subsequent or replacement benefits, all in accordance with the terms and conditions thereof as adopted or approved by the City Council.

All leave balances accrued prior to Serpa's appointment as the Interim City Manager shall be frozen as to monetary value associated with his former position as Public Utilities Director. All leave accrued after appointment as Interim City Manager shall be credited at the monetary value associated with the City Manager position.

10. Professional Meetings. Serpa is expected to attend appropriate professional meetings at local and state levels and to periodically report to the City Council regarding meetings attended and shall be reimbursed for the expense of attending those meetings.

11. Expense Reimbursement. City shall reimburse Serpa for actual and necessary expenses incurred within the scope of employment in accordance with City's reimbursement schedules and policies.

12. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be personally served or shall be sufficiently given and deemed served upon the other party if sent by United States Postal Service, first class postage prepaid, and addressed as follows:

TO CITY: City Council
c/o City Attorney
City of Clovis
1033 Fifth Street
Clovis, CA 93612

TO EMPLOYEE: Luke Serpa
City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the US Postal Service.

13. General Provisions.

a. Governing Law and Venue. This Agreement and the rights and obligations of the parties shall be governed by and construed in accordance with the laws of the State of California. The parties also agree that, in the event of litigation, venue shall be the state courts located in Fresno County, California.

b. Entire Agreement. This Agreement contains the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied not contained in this Agreement.

c. No Assignment. Serpa may not assign or transfer any rights granted or obligations assumed under this Agreement.

d. Modification. This Agreement cannot be changed or supplemented orally. It may be modified or superseded only by a written instrument executed by both of the parties.

e. Severability. If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provision of the Agreement shall continue in full force and effect.


CITY

CITY MANAGER

By: 
Bob Whalen, Mayor

By: 
Luke Serpa

APPROVED AS TO FORM


David J. Wolfe, City Attorney

City Manager Employment Agreement

January 14, 2019

**SECOND AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Second Amendment to the City Manager Employment Agreement (“Second Amendment”) is entered into effective January 1, 2020, between the City of Clovis (“City”) and Luke Serpa (“Serpa”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City and Serpa entered into a City Manager Employment Agreement on June 19, 2017 (“Agreement”), under which City placed Serpa at Step 1 of the City Manager’s salary schedule.
- B. On January 14, 2019, City and Serpa entered into a First Amendment to the Agreement, placing Serpa at Step 2 of the City Manager’s salary schedule.
- B. City desires to place Serpa on Step 3 of the City Manager’s salary schedule.

NOW, THEREFORE, City and Serpa agree as follows:

AGREEMENT

- 1. Section 3 of the Agreement is amended to read as follows:
 - 3. Salary. Serpa shall be placed on Step 3 of the City Manager’s salary schedule, effective as of January 1, 2020. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees.
- 2. Except as set forth in this Second Amendment, all other provisions of the Agreement, shall continue in full force and effect.

CITY
By: _____
Drew Bessinger, Mayor

CITY MANAGER
By: _____
Luke Serpa