



CITY *of* CLOVIS

AGENDA • CITY COUNCIL MEETING

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

October 18, 2021

6:00 PM

Council Chamber

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.

The Clovis City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/agendas at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to five (5) minutes.

Webex Participation

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the City Council. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

CALL TO ORDER

FLAG SALUTE - Councilmember Ashbeck

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation – Recognizing participants of the 2021 Children’s Business Fair.
2. Presentation of Proclamation declaring October 2021 as Sudden Infant Death Syndrome Awareness Month.

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.

- [3.](#) Administration - Approval - Minutes from the October 4, 2021
- [4.](#) Finance – Receive and File – Investment Report for the Month of June 2021.
- [5.](#) Finance – Receive and File – Treasurer's Report for the Month of June 2021.
- [6.](#) Finance - Approval - Res. 21-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #70) (T6166 - SEC Gettysburg/Highland), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 6, 2021.
- [7.](#) Finance - Approval - Res. 21-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #71) (T6348 - NEC Willow/Nees & T6367 SEC Nees/Armstrong), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 6, 2021.
- [8.](#) General Services - Approval – Res. 21-____, Amending the City's Classification Plan by Revising the Police Lieutenant, Police Captain, and Police Chief Classifications.
- [9.](#) General Services – Approval – Res. 21-____, Authorizing the Execution of the Certifications and Assurances for the FY 2021-2022 California SB1 State of Good Repair Program.
- [10.](#) Planning and Development Services - Approval - Final Acceptance for CIP16-11 Peach Avenue Street Widening.
- [11.](#) Planning and Development Services – Approval – Res. 21-____, Final Map Tract 6301, located in the southeast area of Shepherd Avenue and Temperance Avenue. (Valley Coastal Development, LLC (Granville Homes)).
- [12.](#) Planning and Development Services – Approval – Res. 21-____, Annexation of Proposed Tract 6301, located in the southeast area of Shepherd Avenue and Temperance Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis. (Valley Coastal Development, LLC (Granville Homes)).

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.

- [13.](#) Consider Introduction - Ord. 21-____, OA2021-003, A request to amend the Clovis Development Code, Title 9 to the Clovis Municipal Code, Relating to Housing Development Project Standards and Procedures, Density Bonus Provisions, Accessory Dwelling Units, and Review Procedures. City of Clovis, applicant.

Staff: Dave Merchen, City Planner
Recommendation: Approve

14. Consider items associated with approximately 3.48 acres of land located south of Shaw Avenue, between Leonard and Agua Dulce Avenues. DeYoung Properties, property owner/ applicant; Quad Knopf – Scott Zaayer, representative.

a. Consider Introduction – Ord. 21-____, R2021-007, a request to rezone 3.48 acres from the R-1 (Single-Family Residential) Zone District to the R-1-MD (Single-Family Residential Medium Density) Zone District.

b. Consider Approval – Res. 21-____, TM6377, a request to approve a vesting tentative tract map for an 18-lot single-family subdivision on 3.48 acres of land.

Staff: Lily Cha, Associate Planner

Recommendation: Approve

COUNCIL ITEMS

15. Consider - Implementation of Assembly Bill 361 which amends the Brown Act effective immediately to allow legislative bodies of local agencies to continue to meet remotely during declared emergencies under certain conditions. Not implementing AB 361 would require the City to comply with the Brown Act as written prior to Executive Order N-29-20 issued by the Governor on March 17, 2020.

Staff: Scott Cross, City Attorney

Recommendation: Deny Implementation

16. Consider – Res. 21-____, A Request to Approve a Resolution in Opposition to Pacific Gas & Electric’s June 2021 General Rate Case Filing to California Public Utilities Commission Requesting Substantial Rate Increases

Staff: Luke Serpa, City Manager

Recommendation: Consider and Provide Direction

17. Consider Approval – Res. 21-____, A Request to Repeal Emergency Orders 2020-14 and 2020-15.

Staff: Luke Serpa, City Manager

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

CLOSED SESSION - A “closed door” (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

18. Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Title: City Manager

19. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATOR
Agency designated representative: Scott Cross, City Attorney
Unrepresented employee: City Manager

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:

Nov. 1, 2021 (Mon.)

Nov. 8, 2021 (Mon.)

Nov. 15, 2021 (Mon.)

Dec. 6, 2021 (Mon.)

Dec. 13, 2021 (Mon.)

Dec. 20, 2021 (Mon.)



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: October 18, 2021

SUBJECT: Presentation – Recognizing participants of the 2021 Children’s Business Fair.

Shawn Miller and Mykel Suntrapak will provide a verbal Special Presentation on this item.

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

CITY of CLOVIS
PROCLAMATION

PROCLAIMING OCTOBER 2021 AS
Sudden Infant Death Syndrome
Awareness Month

WHEREAS, Sudden Infant Death Syndrome (SIDS) is the sudden, unexplained death of a baby younger than 1 year of age that doesn't have a known cause even after a complete investigation; and

WHEREAS, SIDS is the leading cause of infant mortality in the United States in children from 1 month to 1 year of age; and more than 1 out of 3 of sudden unexpected infant deaths that occur in the United States each year are from SIDS; and

WHEREAS, the SIDS rates in many Central Valley counties rank above the state average; and racial and ethnic disparities exist in the rates of SIDS deaths with Black infant deaths nearly twice the rate of white infants; and

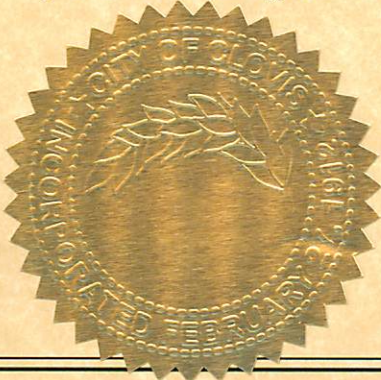
WHEREAS, babies up to 1 year of age are recommended by AAP to be placed to sleep on their back for all sleep and naps, in a safe sleep environment that includes a firm and flat surface, such as a mattress in a safety-approved crib, that is free of loose and soft items such as toys, crib bumpers, and blankets and placed to sleep in the same room as their caregiver but not the same bed; and

WHEREAS, a simple conversation about safe sleep could save a life.

NOW, THEREFORE, BE IT PROCLAIMED, that the Clovis City Council does hereby proclaim the month of October 2021 as

**Sudden Infant Death Syndrome
Awareness Month**

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 18th day of October, 2021.



Jose Flores

Mayor

CLOVIS CITY COUNCIL MEETING

October 4, 2021

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Mayor Flores
Absent: Councilmember Whalen (arrived at 6:05 p.m.)

PRESENTATION

6:05 – ITEM 1 - SPECIAL PRESENTATION FROM FRESNO COUNTY SHERIFF MARGARET MIMS TO CLOVIS PUBLIC SAFETY IN APPRECIATION FOR SUPPORT OF THE 2020 CREEK FIRE.

Fresno County Sheriff Margaret Mims presented a plaque to Clovis Police Chief Curt Fleming in appreciation for support for the 2020 Creek Fire.

PUBLIC COMMENTS – 6:12

Bill Syvertsen, resident, provided an update on the Blackhorse Estates Citizens Advisory Committee Board. The board was established in September 2021 with seven members. Introduced the board president, Stephen Dougherty.

Stephen Dougherty, resident, introduced various members of the Blackhorse Estates Citizens Advisory Committee Board and discussed the mission of board.

CONSENT CALENDAR – 6:17

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar be approved. Motioned carried by unanimous vote.

2. Administration - Approved - Minutes from the September 20, 2021 Council Meeting.
3. Finance - Approved – **Res. 21-111**, Amending the 2021-22 Budget to reappropriate carryover funding from the 2020-21 budget.
4. General Services - Approved – **Res. 21-112**, Authorizing Amendments to the City’s Compensation Plan by Amending the Executive Assistant Monthly Salary Range to \$5,581 to \$6,784; Authorizing City Staff to Freeze the Current Incumbent at the Existing Monthly Salary Range of \$6,926 to \$8,419 until the Incumbent’s Retirement Date of December 31, 2021, and; Authorizing Overfill of the Executive Assistant Position for Two Months for Transitional Training.
5. Planning and Development Services – Approved - Final Acceptance for Final Map for Tract 6025, located at the southeast area of Shaw Avenue and Leonard Avenue (Lennar Fresno, Inc.).

CITY MANAGER COMMENTS – 6:18

COUNCIL COMMENTS – 6:22

CLOSED SESSION – 6:28

6. Government Code Section 54957
PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
Title: City Manager

7. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATOR
Agency designated representative: Scott Cross, City Attorney
Unrepresented employee: City Manager

Mayor Flores adjourned the meeting of the Council to October 11, 2021

Meeting adjourned: **10:28 p.m.**

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 18, 2021

SUBJECT: Finance – Receive and File – Investment Report for the Month of June 2021.

ATTACHMENTS:

1. Distribution of Investments
2. Monthly Investment Transactions
3. Certificates of Deposit
4. Municipal Securities
5. Graph of June 30, 2021 Treasury Rates

Attached is the Investment Report for the month of June 2021. Shown in Attachment 1 is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Attachment 2 reflects the monthly investment transactions for the month of June 2021. Attachment 3 lists the certificates of deposit. Attachment 4 lists the municipal securities. Attachment 5 is a graph of Treasury rates on June 30, 2021.

The investment of the City's funds is performed in accordance with the adopted Investment Policy. Funds are invested with the following objectives in mind:

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.

4. Investments June be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90-day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates, the City of Clovis portfolio return June be less than that of the annualized 90-day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return June be greater than the annualized 90-day Treasury bill. The current 90-day Treasury bill rate (annualized) is 0.07%. The rate of return for the City of Clovis portfolio is 0.97%. The goal for the City of Clovis investment return is 120% of the 90-day Treasury bill rate. The current rate of return is 1,379% of the Treasury bill rate.

In accordance with the Investment Policy, the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of June 2021, the average investment life of the City's investment portfolio is 0.64 years.

Current Investment Environment and Philosophy

During the month of June 2021, the federal funds rate remained at 0.00%-0.25%. On June 30, 2021, the Treasury yield curve increased from 3-month to 10-year notes.

Certificates of Deposit (CD's)

The City purchases both negotiable and non-negotiable Certificates of Deposit (CD's). Although negotiable CD's can be traded, it is the City's policy to buy and hold all CD's. Negotiable CD's are held by U.S. Bank, a third party custodian. Non-negotiable CD's are held in the City's safe.

Purchases and Maturities

- 1 government security totaling \$5,000,000 was purchased.
- 1 government security totaling \$2,500,000 matured.
- 2 certificates of deposit totaling \$500,000 were purchased.
- 3 certificates of deposit totaling \$750,000 matured.
- 0 municipal securities were purchased.

Market Environment

- During June, the federal funds rate remained at 0.00%-0.25%.
- On June 30, the yield curve increased from 3-month to 10-year notes. See Attachment 5, Graph of Treasury Rates on June 30, 2021.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager *JH*

**City of Clovis
Distribution of Investments
As of June 30, 2021**

AGENDA ITEM NO. 4.

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 6/30/2021</u>
<u>GOV'T SECURITIES</u>								
FAMCMTN	3,000,000	3,000,000	3,010,350	2.750%	2.750%	09/06/18	08/17/21	48
FFCB	1,998,520	1,999,828	2,008,240	2.700%	2.700%	09/06/18	08/27/21	58
FFCB	2,490,878	2,498,732	2,515,150	2.850%	2.850%	10/05/18	09/20/21	82
FFCB	2,500,200	2,500,044	2,531,175	2.800%	2.800%	12/17/18	12/17/21	170
FAMCMTN	2,999,400	2,999,781	3,023,070	1.520%	1.520%	01/23/20	01/10/22	194
FHLMCMTN	6,129,600	6,039,650	6,073,440	2.375%	2.375%	08/30/19	01/13/22	197
FHLB	12,110,520	12,033,887	12,201,360	2.500%	2.500%	04/25/19	03/11/22	254
FFCB	5,979,668	5,966,088	6,056,492	2.280%	2.280%	03/28/19	03/28/22	271
FFCB	6,017,400	6,006,703	6,102,960	1.875%	1.875%	06/27/19	06/14/22	349
FAMCMTN	6,024,900	6,009,948	6,106,560	1.950%	1.950%	07/25/19	06/21/22	356
FFCB	3,005,250	3,002,555	3,051,780	1.625%	1.625%	11/27/19	08/22/22	418
FHLB	6,065,100	6,031,443	6,135,540	2.000%	2.000%	10/31/19	09/09/22	436
FFCB	2,984,460	2,992,056	3,047,850	1.375%	1.375%	11/27/19	10/11/22	468
FFCB	5,008,500	5,004,602	5,094,450	1.600%	1.600%	01/23/20	10/13/22	470
FHLB	8,045,600	8,024,994	6,659,120	1.875%	1.875%	12/19/19	12/09/22	527
FHLB	5,047,500	5,026,903	6,659,120	1.875%	1.875%	01/23/20	12/09/22	527
FAMCMTN	8,544,965	8,527,703	8,658,950	1.350%	1.350%	02/27/20	02/27/23	607
FHLB	13,579,800	13,368,756	13,390,974	2.125%	2.125%	03/26/20	03/10/23	618
FHLB	5,255,000	5,167,618	5,176,206	2.125%	2.125%	04/30/20	03/10/23	618
FFCB	5,000,000	5,000,000	4,973,200	0.250%	0.250%	03/01/21	03/01/24	975
FFCB	1,999,000	1,999,027	1,993,580	0.300%	0.300%	03/24/21	03/18/24	992
FHLB	5,000,000	5,000,000	4,977,550	0.350%	0.350%	06/07/21	06/07/24	1,073
SECURITIES TOTAL	<u>\$ 118,786,261</u>	<u>\$ 118,200,318</u>	<u>\$119,447,117</u>					
LAIF		<u>\$ 74,304,273</u>	<u>\$ 74,304,273</u>					
Municipal Issuance		<u>\$ 5,900,000</u>	<u>\$ 5,895,418</u>					
Sweep Account (Union Bank)		<u>\$ 66,437,811</u>	<u>\$ 66,437,811</u>					
TOTAL CD'S		<u>\$ 9,735,000</u>	<u>\$ 9,895,144</u>					
TOTAL INVESTMENTS		<u>\$ 274,577,402</u>	<u>\$ 275,979,763</u>					

* Market values for securities obtained from US Bank.

City of Clovis
Monthly Investment Transactions
As of June 30, 2021

AGENDA ITEM NO. 4.

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
FHLB	Gov Sec.	Purchase	5,000,000	5,000,000	0.350%	06/07/21	06/07/24
Eaglemark Savings	CD	Purchase	250,000	250,000	0.400%	06/30/21	06/28/24
Greenstate Credit Union	CD	Purchase	250,000	250,000	0.450%	06/16/21	06/17/24
FHLB	Gov Sec.	Maturity	2,500,000	2,568,983	3.625%	06/11/21	06/11/21
Bar Harbor Bank	CD	Maturity	250,000	250,000	3.000%	06/29/21	06/29/21
BMW Bank	CD	Maturity	250,000	250,000	3.000%	06/15/21	06/15/21
Connecton Bk	CD	Maturity	250,000	250,000	3.000%	06/15/21	06/15/21

PORTFOLIO DATA

Current Month (06/21)

	Book	Market
CD'S	\$ 9,735,000	\$ 9,895,144
Gov't Securities*	118,200,318	119,447,117
Municipal Securities	5,900,000	5,895,418
LAIF	74,304,273	74,304,273
Sweep Account (Union Bank)	66,437,811	66,437,811
TOTAL	\$ 274,577,402	\$ 275,979,763

Prior Month (05/21)

	Book	Market
CD'S	\$ 9,985,000	\$ 10,165,327
Gov't Securities*	115,733,857	117,212,701
Municipal Securities	5,900,000	5,903,008
LAIF	74,304,273	74,304,273
Sweep Account (Union Bank)	66,702,687	66,702,687
TOTAL	\$ 272,625,817	\$ 274,287,996

Three Months Previous (03/21)

	Book	Market
CD'S	\$ 10,740,000	\$ 10,944,973
Gov't Securities*	118,233,898	120,009,580
Municipal Securities	4,900,000	4,898,515
LAIF	74,223,185	74,223,185
Sweep Account (Union Bank)	34,616,537	34,616,537
TOTAL	\$ 242,713,620	\$ 244,692,790

Six Months Previous (12/20)

	Book	Market
CD'S	\$ 9,990,000	\$ 10,250,158
Gov't Securities*	114,096,254	116,092,636
Municipal Securities	3,375,000	3,382,339
LAIF	74,106,014	74,106,014
Sweep Account (Union Bank)	31,601,453	31,601,453
TOTAL	\$ 233,168,721	\$ 235,432,600

One Year Previous (06/20)

	Book	Market
CD'S	\$ 11,240,000	\$ 11,577,120
Gov't Securities*	114,096,254	116,912,600
Municipal Securities	-	-
LAIF	73,702,820	73,702,820
Sweep Account (Union Bank)	39,396,328	39,396,328
TOTAL	\$ 238,435,402	\$ 241,588,868

*Adjusted Quarterly for Premium/Discount Amortization

**City of Clovis
Certificates of Deposit
As of June 30, 2021**

AGENDA ITEM NO. 4.

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 06/30/21	INTEREST FREQUENCY
Keesler Fed Cr Un	250,000	251,250.00	3.050%	02/20/19	08/30/21	61	QUARTERLY
Ubs Bank Usa	250,000	252,800.00	3.200%	11/07/18	11/08/21	131	MONTHLY
Mountain America Fd Credit	250,000	252,952.50	3.200%	11/15/18	11/15/21	138	MONTHLY
Wells Fargo	250,000	254,055.00	3.000%	01/18/19	01/18/22	202	MONTHLY
Goldman Sachs Bk USA Ny	245,000	249,353.65	2.800%	02/20/19	02/22/22	237	QUARTERLY
Tiaa FSB Jacksonville Fla	245,000	249,434.50	2.850%	02/28/19	02/22/22	237	QUARTERLY
Comenity Capital Bank	250,000	255,167.50	2.550%	04/30/19	04/29/22	303	QUARTERLY
Synchrony Bank	250,000	255,272.50	2.450%	05/17/19	05/17/22	321	QUARTERLY
First State Bank of Dequeen	250,000	254,345.00	2.000%	07/26/19	05/26/22	330	QUARTERLY
Flagstar Bank	250,000	255,795.00	2.500%	06/12/19	06/13/22	348	QUARTERLY
Capital One Bank	250,000	255,537.50	2.350%	06/19/19	06/20/22	355	QUARTERLY
Morgan Stanley Bk	250,000	255,335.00	2.100%	07/25/19	07/25/22	390	QUARTERLY
Capital One Bank	250,000	255,652.50	2.150%	08/07/19	08/08/22	404	QUARTERLY
Everbanke USA Salt Lake City	250,000	255,377.50	2.050%	08/07/19	08/08/22	404	QUARTERLY
Raymond James Bank	250,000	255,132.50	1.900%	08/23/19	08/23/22	419	QUARTERLY
Ally Bank	250,000	255,282.50	1.850%	09/19/19	09/19/22	446	QUARTERLY
Usalliance Federal Credit Union	250,000	255,692.50	2.850%	09/30/19	09/30/22	457	QUARTERLY
Morgan Stanley Bank	250,000	255,585.00	2.100%	10/17/19	10/17/22	474	MONTHLY
Lafayette Fed Cr Un	250,000	255,412.50	1.700%	11/22/19	11/22/22	510	MONTHLY
Live Oak Banking Co.	250,000	255,782.50	1.750%	12/11/19	12/12/22	530	QUARTERLY
Wells Fargo Natl Bk West	250,000	255,972.50	1.800%	12/13/19	12/13/22	531	QUARTERLY
Valley Cent Svgs Bk	250,000	255,925.00	1.700%	01/15/20	01/17/23	566	QUARTERLY
Sallie Mae Bank	250,000	256,760.00	1.900%	01/23/20	01/23/23	572	QUARTERLY
Servisfirst Bank	250,000	255,825.00	1.600%	02/21/20	02/21/23	601	MONTHLY
Celtic Bank	250,000	255,797.50	1.550%	03/13/20	03/13/23	621	MONTHLY
Axos Bank	250,000	255,907.50	1.550%	03/26/20	03/27/23	635	MONTHLY
Nicolet Natl Bank	250,000	253,735.00	0.900%	03/27/20	03/27/23	635	MONTHLY
Centerstate Bank	250,000	253,100.00	0.900%	03/30/20	03/30/23	638	MONTHLY
Bank Leumi	250,000	255,507.50	1.450%	03/31/20	03/31/23	639	MONTHLY
Discover Bank	250,000	255,530.00	1.350%	04/02/20	04/03/23	642	MONTHLY
Berkshire Bank	250,000	254,902.50	1.300%	04/08/20	04/06/23	645	MONTHLY
American Express	250,000	254,072.50	1.100%	04/21/20	04/21/23	660	MONTHLY
New York Cmnty Bank	250,000	250,527.50	0.350%	12/11/20	12/11/23	894	QUARTERLY
Transportation Alliance Bk	250,000	249,765.00	0.250%	03/12/21	03/12/24	986	QUARTERLY
Investors Cmnty Bk	250,000	250,060.00	0.400%	03/24/21	03/25/24	999	QUARTERLY
Preferred Bank	250,000	249,740.00	0.250%	03/25/21	03/25/24	999	QUARTERLY
Bankunited Natl Assn	245,000	245,083.30	0.450%	03/31/21	04/01/24	1,006	QUARTERLY
Greenstate Credit Union	250,000	251,047.50	0.450%	06/16/21	06/17/24	1,083	QUARTERLY
Eaglemark Savings Bank	250,000	250,670.00	0.400%	06/30/21	06/28/24	1,094	QUARTERLY
Negotiable CD TOTAL	<u>\$ 9,735,000</u>	<u>\$ 9,895,144</u>					
CD TOTAL	<u><u>\$ 9,735,000</u></u>	<u><u>\$ 9,895,144</u></u>					

**City of Clovis
Municipal Securities
As of June 30, 2021**

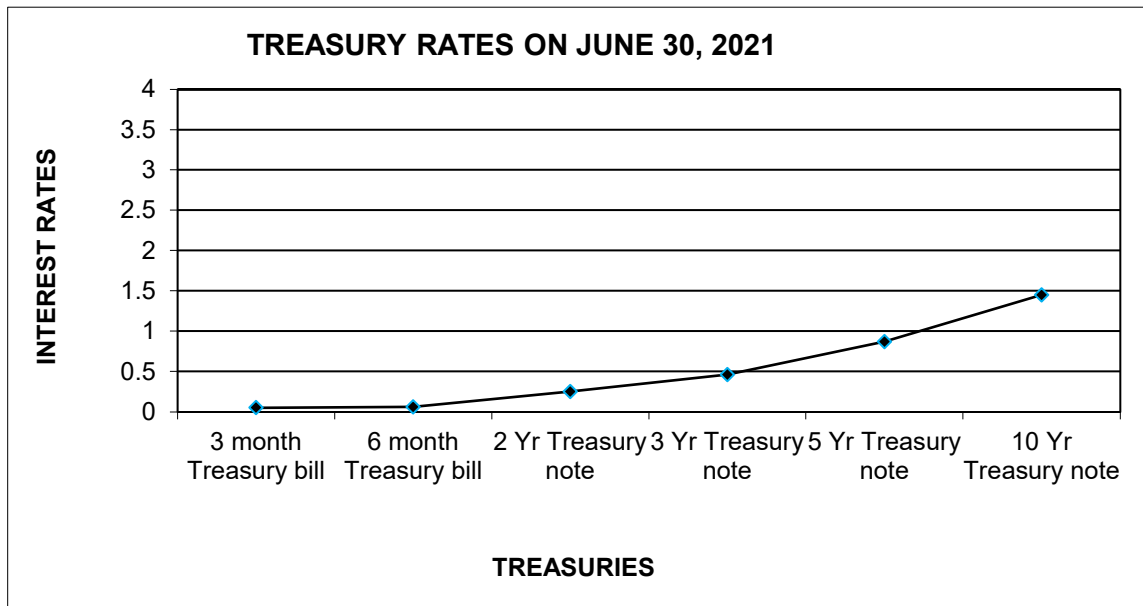
<i>AGENDA ITEM NO. 4.</i>

<u>Municipal Securities</u>	<u>COST</u>	<u>MARKET PRICE</u>	<u>INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>MATURITY FROM 06/30/21</u>	<u>INTEREST FREQUENCY</u>
Huntington Beach Calif Pension Bond	1,000,000	998,540.00	0.381%	04/01/21	06/15/23	715	QUARTERLY
Fresno Unified Taxable Go Ref Bond	500,000	500,085.00	0.462%	09/30/20	08/01/23	762	QUARTERLY
Pomona Cali Uni Sch Dist Go Bond	815,000	814,837.00	0.534%	10/20/20	08/01/23	762	QUARTERLY
San Jose CA USD Ref Bond	775,000	772,706.00	0.221%	01/20/21	08/01/23	762	QUARTERLY
Vista CA USD Ref Bond	750,000	750,517.50	0.221%	01/20/21	08/01/23	762	QUARTERLY
William Hart Cali HS Go Bond	1,000,000	998,600.00	0.366%	12/23/20	08/01/23	762	QUARTERLY
Jefferson Cali Elem Sch Dist Go Bond	710,000	709,488.80	0.399%	10/27/20	09/01/23	793	QUARTERLY
Santa Rosa Calif Watr Ref Bond	350,000	350,644.00	0.578%	12/01/20	09/01/23	793	QUARTERLY
Mun. Securities TOTAL	<u>\$ 5,900,000</u>	<u>\$ 5,895,418</u>					
Municipal Securities TOTAL	<u><u>\$ 5,900,000</u></u>	<u><u>\$ 5,895,418</u></u>					

**CITY OF CLOVIS
FINANCE DEPARTMENT
JUNE 30, 2021 TREASURY RATES**

Treasury Rates as of June 30, 2021

3 month Treasury bill	0.05
6 month Treasury bill	0.06
2 Yr Treasury note	0.25
3 Yr Treasury note	0.46
5 Yr Treasury note	0.87
10 Yr Treasury note	1.45



As indicated in the above graph, treasuries increase from 3-month to 10-year notes.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 18, 2021

SUBJECT: Finance – Receive and File – Treasurer’s Report for the Month of June 2021.

ATTACHMENTS:

1. Summary of Cash Balances
2. Summary of Investment Activity
3. Investments with Original Maturities Exceeding One Year

Attached for the Council’s information is the Treasurer’s Report for the month ended June 30, 2021.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. Attachment 1 provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. Attachment 2 summarizes the investment activity for the month and distribution, by type of investment, held by the City. Attachment 3 lists all investments with original maturities exceeding one year as of the month ended June 30, 2021.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager *JH*

City of Clovis
Statement of Cash Balances
As of June 30, 2021

Previous Balance	\$	4,858,102.10
Deposits		27,525,182.76
Disbursements		(25,051,151.94)
Current Balance	\$	7,332,132.92

FUNDS	BALANCE
100 General Fund	\$ 27,367,336.39
201 Local Transportation	16,942,081.22
202 Parking and Business Improvements	172,119.26
203 Off Highway Use	70,453.19
204 Community Facilities District 2020-1	27,212.86
205 Senior Citizen Memorial Trust	54,179.18
207 Landscape Assessment District	6,150,190.22
208 Blackhorse III (95-1) Assessment District	118,433.06
301 Park & Recreation Acquisition	9,814,186.85
305 Refuse Equipment Reserve	1,692,218.39
310 Special Street Deposit Fund	30,085,508.58
313 Successor Agency	915,065.14
314 Housing Successor Agency	1,353,035.74
402 1976 Fire Bond Redemption	25,475.23
404 1976 Sewer Bond Redemption Fund	406,508.96
501 Community Sanitation Fund	16,322,832.38
502 Sewer Service Fund	35,600,980.22
504 Sewer Capital Projects-Users	1,178,402.38
506 Sewer Capital Projects-Developer	3,558,766.77
507 Water Service Fund	41,046,089.64
508 Water Capital Projects-Users	6,562,851.95
509 Water Capital Projects-Developer	8,443,291.57
515 Transit Fund	2,146,716.05
540 Planning & Development Services	16,802,963.21
601 Property & Liability Insurance	2,000,060.57
602 Fleet Maintenance	12,366,337.32
603 Employee Benefit Fund	13,058,942.00
604 General Government Services	23,696,400.60
701 Curb & Gutter Fund	160,712.23
703 Payroll Tax & Withholding Fund	3,184,778.50
712 Temperance/Barstow Assmt Dist (98-1)	75,847.01
713 Shepherd/Temperance Assmt Dist (2000-1)	5,737.27
715 Supp Law Enforcement Serv	282,850.67
716 Asset Forfeiture	146,111.32
720 Measure A-Public Safety Facility Tax	412.90
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	71,885.73
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	\$ 281,909,533.94
999 Invested Funds	(274,577,401.02)
TOTAL	\$ 7,332,132.92

**City of Clovis
Summary of Investment Activity
For the month of June 30, 2021**

<hr/> <hr/>	
<u>Balance of Investments Previous Month End</u>	<u>\$272,625,815.99</u>
<u>Time Certificates of Deposit Transactions</u>	
Investments	500,000.00
Withdrawals	<u>(750,000.00)</u>
Total CD Changes	(250,000.00)
<u>Other Changes</u>	
Government Securities	2,466,461.00
Local Agency Investment Fund	0.00
Municipal Securities	0.00
Sweep Account	<u>(264,875.97)</u>
Total Other Changes	<u>2,201,585.03</u>
Balance of Investments Current Month End	<u>\$ 274,577,401.02</u>

**City of Clovis
Distribution of Investments
As of June 30, 2021**

<hr/> <hr/>	
Insured CD's	9,735,000.00
Government Securities	118,200,317.25
US Treasury Notes	0.00
Local Agency Investment Fund	74,304,272.64
Municipal Securities	5,900,000.00
Sweep Account	<u>66,437,811.13</u>
Investment Total	<u>\$ 274,577,401.02</u>

City of Clovis
Original Maturities Exceeding One Year
As of June 30, 2021

Institution	Face Value	Investment Balance At Amortized Cost	Maturity	Stated Rate
FAMCMTN	3,000,000.00	3,000,000.00	8/17/2021	2.750%
FFCB	2,000,000.00	1,999,828.00	8/27/2021	2.700%
FFCB	2,500,000.00	2,498,732.00	9/20/2021	2.850%
FFCB	2,500,000.00	2,500,044.00	12/17/2021	2.800%
FAMCMTN	3,000,000.00	2,999,781.00	1/10/2022	1.520%
FHLMCMTN	6,000,000.00	6,039,650.00	1/13/2022	2.375%
FHLB	12,000,000.00	12,033,887.00	3/11/2022	2.500%
FFCB	5,960,000.00	5,966,088.00	3/28/2022	2.280%
FFCB	6,000,000.00	6,006,703.00	6/14/2022	1.875%
FAMCMTN	6,000,000.00	6,009,948.00	6/21/2022	1.950%
FFCB	3,000,000.00	3,002,555.00	8/22/2022	1.625%
FHLB	6,000,000.00	6,031,443.00	9/9/2022	2.000%
FFCB	3,000,000.00	2,992,056.00	10/11/2022	1.375%
FFCB	5,000,000.00	5,004,602.00	10/13/2022	1.600%
FHLB	8,000,000.00	8,024,994.00	12/9/2022	1.875%
FHLB	5,000,000.00	5,026,903.00	12/9/2022	1.875%
FAMCMTN	8,500,000.00	8,527,703.00	2/27/2023	1.350%
FHLB	13,000,000.00	13,368,756.00	3/10/2023	2.125%
FHLB	5,000,000.00	5,167,618.00	3/10/2023	2.125%
FFCB	5,000,000.00	5,000,000.00	3/1/2024	0.250%
FFCB	2,000,000.00	1,999,027.00	3/18/2024	0.300%
FHLB	5,000,000.00	5,000,000.00	6/7/2024	0.350%



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 18, 2021

SUBJECT: Finance - Approval - Res. 21-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #70) (T6166 - SEC Gettysburg/Highland), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 6, 2021

ATTACHMENTS: 1. Res. 21-____, Intention to Annex Territory to CFD

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council approve Res. 21-____, A Resolution of Intention to Annex Territory (Annexation #70) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for December 6, 2021.

EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Recently, a developer has submitted a petition to annex territory to the Community Facilities District 2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements. To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, T6166 - SEC Gettysburg/Highland, is shown in the attached map.

FISCAL IMPACT

No fiscal impact by this action.

REASON FOR RECOMMENDATION

All requirements to begin the process for annexation of territory to the CFD have been completed, and the Council may take action on the ROI.

ACTIONS FOLLOWING APPROVAL

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for December 6, 2021 and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *SN*

RESOLUTION 21-___

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING THE INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 70**

WHEREAS, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis:

- 1. Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
- 2. Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 70 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars (Attachment A). The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 70 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
- 3. The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

4. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.

5. Hearing. Monday, December 6, 2021 at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

6. Notice. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.

7. Annexation Contingency. Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a "resolution of application", with the Fresno County Local Agency Formation Commission ("LAFCO") for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

8. Effective Date. This resolution shall take effect upon its adoption.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021 by the following vote, to wit.

AYES:

NOES:

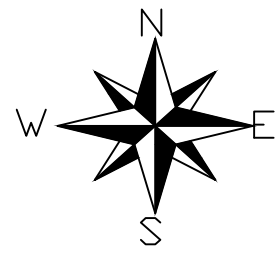
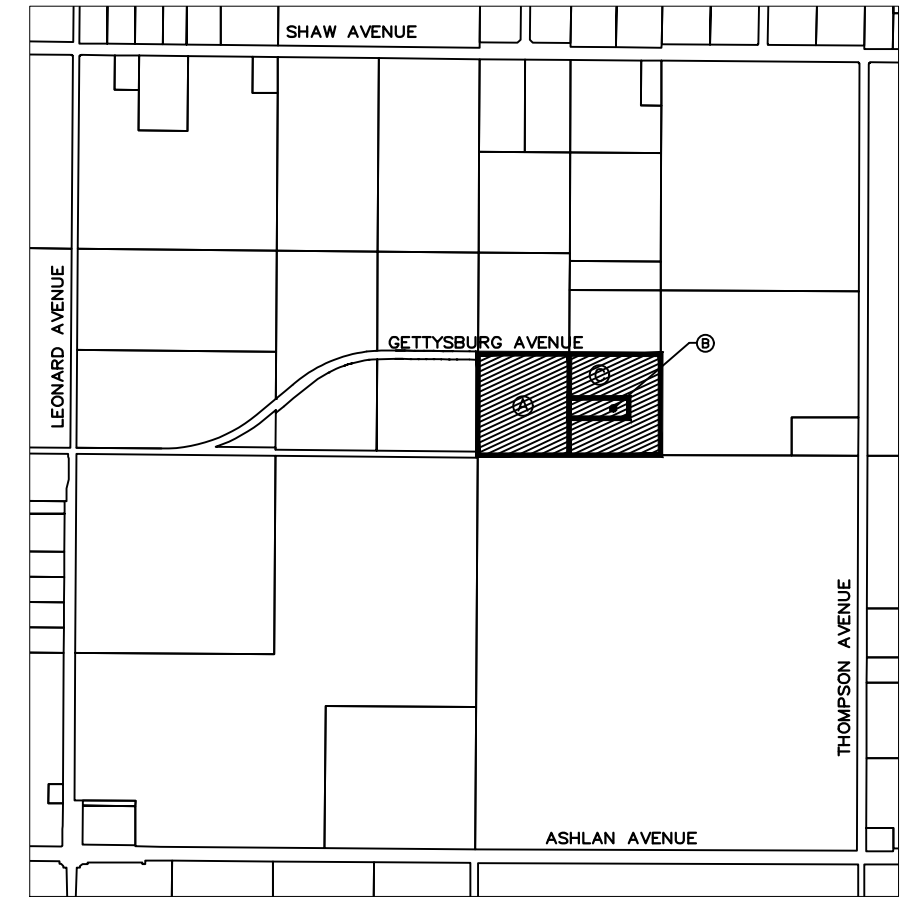
ABSENT:

ABSTAIN:

DATED: October 18, 2021

Mayor

City Clerk



- LEGEND**
- PARCEL
 - ANNEXATION BOUNDARY
 - (A) APN 571-011-04
 - (B) APN 571-011-05
 - (C) APN 571-011-06

FILED IN THE OFFICE OF THE CITY CLERK THIS ___ DAY OF
DECEMBER, 2021. I HEREBY CERTIFY THAT THE
 WITHIN MAP SHOWING PROPOSED BOUNDARIES OF
 ANNEXATION NO. 70 TO COMMUNITY FACILITIES DISTRICT NO.
 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS,
 COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED
 BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A
 REGULAR MEETING THEREOF, HELD ON THE 6TH DAY OF
DECEMBER, 2021, BY ITS RESOLUTION NO. ___.

 JOHN HOLT
 CITY CLERK
 CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2021,
 AT THE HOUR OF _____ O'CLOCK _____ M. IN THE
 BOOK _____ PAGE _____ OF MAPS OF
 ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS
 INSTRUMENT NO. _____ IN THE
 OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF
 FRESNO, STATE OF CALIFORNIA.

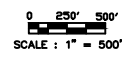
 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER
 COUNTY ASSESSOR-RECORDER
 COUNTY OF FRESNO
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF
 COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND
 FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE
 FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19,
 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND
 COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL
 SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND
 DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS
 MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR
 ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF
 SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 70
 COMMUNITY FACILITIES DISTRICT NO. 2004-1
 (POLICE AND FIRE SERVICES)



CITY OF CLOVIS
 COUNTY OF FRESNO
 STATE OF CALIFORNIA



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 18, 2021

SUBJECT: Finance - Approval - Res. 21-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #71) (T6348 - NEC Willow/Nees & T6367 SEC Nees/Armstrong), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 6, 2021.

ATTACHMENTS: 1. Res. 21-____, Intention to Annex Territory to CFD

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council approve Res. 21-____, A Resolution of Intention to Annex Territory (Annexation #71) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for December 6, 2021.

EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Recently, a developer has submitted a petition to annex territory to the Community Facilities District 2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements. To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of

Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, T6348 - NEC Willow/Nees & T6367 - SEC Nees/Armstrong, is shown in the attached map.

FISCAL IMPACT

No fiscal impact by this action.

REASON FOR RECOMMENDATION

All requirements to begin the process for annexation of territory to the CFD have been completed, and the Council may take action on the ROI.

ACTIONS FOLLOWING APPROVAL

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for December 6, 2021 and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *JH*

RESOLUTION 21-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
 APPROVING THE INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES
 DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

**CITY OF CLOVIS
 Community Facilities District No. 2004-1
 (Police and Fire Services)
 Annexation No. 71**

WHEREAS, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis:

- 1. Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
- 2. Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 71 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars (Attachment A). The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 71 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
- 3. The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

4. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.

5. Hearing. Monday, December 6, 2021 at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

6. Notice. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.

7. Annexation Contingency. Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a “resolution of application”, with the Fresno County Local Agency Formation Commission (“LAFCO”) for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

8. Effective Date. This resolution shall take effect upon its adoption.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021 by the following vote, to wit.

AYES:

NOES:

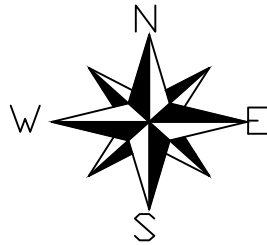
ABSENT:

ABSTAIN:

DATED: October 18, 2021

Mayor

City Clerk



- LEGEND
- PARCEL
 - ▬ ANNEXATION BOUNDARY
 - (A) APN 560-170-21
 - (B) APN 560-170-24
 - (C) APN 560-020-43
 - (D) APN 564-080-17



FILED IN THE OFFICE OF THE CITY CLERK THIS ___ DAY OF _____, 2021. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 71 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE ___ DAY OF _____, 2021, BY ITS RESOLUTION NO. ___-__.

 JOHN HOLT
 CITY CLERK
 CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2021, AT THE HOUR OF _____ O'CLOCK, _____M. IN THE BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER
 COUNTY ASSESSOR-RECORDER
 COUNTY OF FRESNO
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

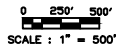
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 71

COMMUNITY FACILITIES DISTRICT NO. 2004-1
 (POLICE AND FIRE SERVICES)

CITY OF CLOVIS
 COUNTY OF FRESNO
 STATE OF CALIFORNIA





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: October 18, 2021

SUBJECT: General Services - Approval – Res. 21-____, Amending the City’s Classification Plan by Revising the Police Lieutenant, Police Captain, and Police Chief Classifications.

ATTACHMENTS: 1. Resolution 21-____

CONFLICT OF INTEREST

None

RECOMMENDATION

For City Council to Approve Resolution 21-____ amending the City’s Classification Plan by revising the Police Lieutenant, Police Captain, and Police Chief Classifications.

EXECUTIVE SUMMARY

It is necessary to update the Police Lieutenant, Police Captain, and Police Chief classifications in order to reflect the job duties, current license, education and experience required. It is also necessary to revise these classifications in order to be in compliance with California Assembly Bill 846. The Assembly Bill requires that Peace Officer job classifications deemphasize paramilitary aspects of the job and place more emphasis on community interaction. Modification of the City’s Classification Plan requires City Council’s approval.

BACKGROUND

The Department has determined that it is necessary to update the Police Lieutenant, Police Captain, and Police Chief Classifications. The analysis revealed that the classifications are in need of revision in order to accurately depict the job duties, current license, education and experience that is required of each of these classifications. Additionally, there is also a need to revise each of these classifications to be in compliance with California Assembly Bill 846. Assembly Bill 846 requires that Peace Officer job descriptions deemphasize paramilitary aspects of the job and place more emphasis on community interaction and collaborative problem solving. Since the Police Department has a long history of working with the community and sponsoring community events, these changes appropriately depict the job duties that are already being performed in each of these classifications. Modification of the City’s Classification Plan requires the City Council’s approval.

The Police Lieutenant, Police Captain, and Police Chief classifications are assigned to the Management Group for purposes of employee benefits.

FISCAL IMPACT

There is no fiscal impact

REASON FOR RECOMMENDATION

The Police Lieutenant, Police Captain, and Police Chief classifications are recommended for revision in order to reflect the current job duties, required license, education and experience as well as compliance with AB 846. Modification of the City's Classification Plan requires the City Council's approval.

ACTIONS FOLLOWING APPROVAL

The City's Classification Plan will be updated to reflect the changes. The Classification Plan will be modified as noted in Attachment A of Attachment 1.

Prepared by: Lori Shively/Personnel/Risk Manager

Reviewed by: City Manager *LS*

RESOLUTION 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY'S CLASSIFICATION PLAN FOR THE POLICE LIEUTENANT, POLICE CAPTAIN, AND POLICE CHIEF CLASSIFICATIONS

The City Council of the City of Clovis resolves as follows:

WHEREAS, it has been determined that amendments to the classifications, and updates to the job duties, license, education and experience sections of the Police Lieutenant, Police Captain, and Police Chief classifications are necessary in order to accurately depict the duties and requirements of the positions; and

WHEREAS, modification of the City's Classification Plan requires authorization by the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the City's Classification Plan shall be modified to include the revised Police Lieutenant, Police Captain, and Police Chief Classification specifications in Attachment A of Attachment 1.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: October 18, 2021

Mayor

City Clerk

ATTACHMENT 1

City of Clovis POLICE LIEUTENANT

DEFINITION

Under direction, to command unit activities within the Police Department; to perform special duties; or to serve as staff specialist in a designated aspect of police administration; and to perform related work as required.

CLASS CHARACTERISTICS

Positions in this **sworn** class report to the Police Chief or Police Captain and act as a staff officer in command of a police unit. Incumbents perform a wide variety of police administrative work **job functions** and perform specialized duties as assigned. ~~Positions in this class~~ **This classification exercises supervision over other employees, make sets work assignments, establish and priorities, trains and reviews the work of subordinates assigned staff.** ~~Incumbents are responsible for preparing, reviews, and conducts performance evaluations, processing grievances at their level, and recommending employment, and for recommending disciplinary action.~~ **Positions in this class have considerable independence in selecting work methods from a variety of standard methods or procedures, and are expected to resolve most problems confronted through the application of judgment and precedent, referring to the Police Captain, Deputy Police Chief, or Police Chief only those which involve the establishment of new procedures or which involve solutions which are inconsistent with department procedures and policies.**

EXAMPLES OF DUTIES

Plans, organizes, and directs the work of a police unit; assigns and directs the work of officers engaged in general law enforcement; receives, and reads, or prepares, and transmits communications, instructions, and policies; receives complaints or reports of emergencies and determines **the appropriate course of** ~~need for police action~~; directs or assists subordinate staff in all aspects of the Police Department; analyzes crime and patrol trends; adjusts patrol beats to most efficiently cope with crime trends; prepares goals and objectives for assigned units; directs the training of supervisors; investigates internal affairs matters **incidents**; directs the activities of department goals and objectives; provides liaison with **the** district attorney, ~~and may provide liaison with other City departments, or and~~ other agencies; assists in planning and coordinating departmental programs and operating procedures; ~~plans, organizes and directs the work of their assigned units; makes work assignments, sets priority for, trains, and reviews the work of assigned personnel;~~ **promote employee development, prepare and** conducts performance evaluations; **and recommend and administer commendation and disciplines of subordinate employees assigned staff**; establishes standards of performance ~~for each position supervised~~; notifies immediate supervisor of employee performance **problems issues**; explains policies, procedures, and objectives of the unit to **assigned** staff; conducts staff meetings; conducts investigations, preparing reports of findings and recommendations; responsible for preparing action plans and achieving department goals; relieves superior officers in their absence or as assigned; **work closely with the community and other City departments within legal and department mission standards to promote community policing, pursue public safety, preserve the peace, address crime,**

and improve police-community relations, and participate in community policing efforts and problem-solving projects; communicate with merchants regarding potential problems in the area, educate citizens of the laws, ordinances, and their rights in resolving disputes; perform public outreach and support the principles of community oriented policing; organize and/or participate in community and sponsored events, public education programs, and attend and participate in community-based programs and meetings; provide ethical leadership and uphold ethical standards by setting an example and promote the vision and goals of the organization in a focused and systematic manner; operates City vehicles; and performs related work as required.

TYPICAL QUALIFICATIONS

LICENSE AND CERTIFICATES REQUIRED

- Possession of a valid and appropriate California Driver's License and a good driving record;
- Possession of an Advanced Peace Officer Standards and Training (POST) Certificate;
- Possession of a Supervisory Peace Officer Standards and Training (POST) Certificate.

Certificates Desirable:

- Management Peace Officer Standards and Training (POST) Certificate;
- Sherman Block Supervisory Leadership Institute Certificate is desirable.

EDUCATION TRAINING AND EXPERIENCE

Education:

- Graduation from an accredited college or university with a Bachelor's Degree.
- Completion of the Sherman Block Supervisory Leadership Institute is desirable.

Experience:

- One (1) year of experience as a Clovis Police Sergeant.

QUALIFICATIONS

Knowledge of:

- English usage, spelling, grammar and punctuation
- Laws of arrest, search and seizure;
- Theory and practice of police supervision and management;
- Fundamentals of police science
- Rules of Evidence
- Vehicle code and traffic control;
- Simple Record keeping methods
- Court Procedures;
- Appropriate safety precautions and procedures.
- Operations, services, and activities of a comprehensive municipal law enforcement program;

- Community-based policing and problem solving oriented policing techniques;
- Modern law enforcement theory, methods, practices, and procedures, including patrol, crime prevention, traffic control, investigations, and specialty areas of assignments;
- Principles and practices of law enforcement administration, organization, and management;
- Pertinent federal, state, and local laws, codes and regulations including laws governing the apprehension, arrest, and custody of persons accused of felonies, misdemeanors, and petty offenses;
- Rules of evidence pertaining to search and seizure and the preservation and presentation of evidence;
- Laws applicable to the apprehension, retention, and treatment of juveniles;
- Geography and street layout of the City and surrounding area, including street locations;
- Principles and techniques used in public relations;
- Recent court decisions and how they affect department operations;
- Operational characteristics and care of department authorized equipment, vehicles, tools, and firearms;
- Methods and techniques of first aid and CPR;
- Principles of management, supervision, training, and performance evaluation;
- Principles and practices of budget preparation and control;
- Principles and practices of data collection and analysis and business letter writing and report preparation;
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.

Ability to:

- ~~Have an active presence in their area of responsibility, exercising a high level of engagement and involvement;~~
- ~~Mentor employees and hold them accountable, especially those in first line supervision;~~
- ~~Move quickly and decisively on issues of discipline, addressing poor behavior quickly and effectively in every case;~~
- ~~Have a passion for the assignment and passionately lead people to achievement of goals and actively, frequently, and publicly celebrate success;~~
- ~~Display high energy while moving forward with a purpose;~~
- ~~Have a vision for what needs to be corrected in the organization and the wisdom to know how to correct it;~~
- ~~Conduct analysis, evaluate alternatives and recommend better ways to do our jobs;~~
- ~~Devise strategies to meet department goals;~~
- ~~Share responsibility for successes and failures in pursuit of goals;~~
- ~~Provide a coordinated response to patrol issues— internal and external; Especially those issues or problems that are impacting our ability to meet or exceed our goals;~~
- ~~Be a primary forecaster of what our critical issues are and what they are about;~~
- ~~Make an impact on the department in a global sense;~~
- ~~Address problems and command department wide resources in the pursuit of problem solving;~~
- ~~Offer ideas for organizational change;~~
- ~~Be unique, but responsible, in their thinking and able to think in nonconformist paradigms;~~
- ~~Address big picture concerns, avoiding entanglement in routine operational issues;~~

- Engender a sense of spirit and honor in their employees;
- Pursue ideas and issues that take us to a higher level of purpose;
- Develop and maintain cooperative relationships with peers and subordinates;
- Organize police and community resources;
- Direct employees in daily activities;
- Proofread reports for content, grammar, spelling and completeness;
- Evaluate the performance of employees;
- Write clear, comprehensive and accurate reports;
- Establish record-keeping systems;
- Speak clearly;
- Use firearms;
- Inspire public confidence through personal integrity, appearance and action;
- Read, understand and apply complex written materials;
- Conduct comprehensive investigations, analyze facts and draw logical conclusions and remember facts, names, faces and details accurately;
- Drive safely, observing legal and defensive driving procedures;
- Understand and carry out difficult oral and written instructions requiring problem-solving and independent decision-making; and
- Oversee and participate in the management of the assigned unit;
- Put acceptable management principals and supervision techniques into practice within the department;
- Supervise, direct, organize, train, and evaluate the work of assigned staff;
- Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals;
- Participate in the development and administration of division goals, objectives, procedures, and make recommendations for improvements;
- Perform a wide variety of professional law enforcement work;
- Read, understand, apply and make decisions in accordance with applicable federal, state, and local policies, laws and regulations regarding arrest, rules of evidence, and the apprehension, retention and treating of those arrested;
- Carefully observe incidents and situations, accurately remembering names, faces, numbers, circumstances, and places;
- Interview and secure information from victims, complainants, witnesses, and suspects;
- Gather, assemble, analyze, evaluate, and use facts and evidence;
- Organize data and information;
- Operate a vehicle observing legal and defensive driving practices;
- Prepare and administer budgets and understand and apply sound fiscal principals when dealing with the department budget;
- Meet standards of adequate physical stature, endurance, and agility;
- Demonstrate technical and tactical proficiency in the use and care of firearms and other police equipment;
- Effectively, tactfully, and courteously represent the City of Clovis Police Department with the public and other law enforcement agencies;
- Respond to requests and inquiries from the public;
- Identify and prepare information for release to the media;
- Prepare clear and concise administrative and financial reports;

- Be on-call to respond to special law enforcement emergencies;
- Operate office equipment including computers and supporting word processing, spreadsheet, and database applications;
- Communicate clearly and concisely, both orally and in writing;
- Establish and maintain effective working relationships with those contacted in the course of work.

SUPPLEMENTAL INFORMATION

PHYSICAL DEMANDS AND WORKING CONDITIONS

- Environment: Job functions are performed in an office, outdoor, and driving environments in reactive emergency, natural or man-made disaster, and routine peace keeping environments with travel from site to site; regularly exposed to outdoor cold and hot temperatures, and inclement weather conditions; confined spaces; exposure to life threatening situations; extensive public contact; moderate to loud noise levels; and hazardous physical substances and fumes.
- Physical fitness: At a level Sufficient to bend, twist, turn, stoop, squat, kneel, climb, crawls, sit, or stand, and walk for prolonged hours periods of time.
- Strength: Ability to perform tasks requiring strength and stamina; medium work-lifting, carrying and/or pushing 50 pounds maximum with frequent lifting and/or carrying of objects weighing up to 25 pounds; and wear a duty belt weight and other police equipment.
- Vision: Corrected to 20/20 in one eye, and 20/30 in the other eye; constant use of overall vision; frequent reading of documents and reports; ability to identify suspects and interpret and apply the law to field situations; observation skills; and maintain firearms qualification.
- Hearing/Speech: Sufficient verbal to communicate to project a voice that can be heard in loud environments; hear and distinguish various sounds including over the telephone and via radio; and communicate in person and to large groups.
- Dexterity: Grasp, push, pull, and fine manipulation to use a computer, operate a motor vehicle, and police services equipment.
- Working conditions: Attends periodic evening meetings, or meetings outside of regularly scheduled shift; travels within and out of City to attend meetings; Incumbents are subject to extended workday assignments, and shift rotation. work rotating shifts, evenings, weekends, and holidays; and periodically required to train and qualify in the use of firearms, vehicles, and specialized law enforcement practices and equipment.

City of Clovis POLICE CAPTAIN

DEFINITION

Under general direction, serves as Division Commander having direct administrative control of a police division; to perform specialized law enforcement and administrative work; and to perform related work as required.

CLASS CHARACTERISTICS

Positions in this **sworn** class are responsible to the Police Chief for the control and management of services within a designated division. Incumbents perform both line and staff functions and may perform special duties ~~on an ad hoc basis~~ as assigned by the Police Chief. ~~Positions in this class~~ **This classification** exercises supervision, ~~over other employees making~~ **sets work** assignments, ~~and setting~~ priorities, training and reviewing the work of subordinates ~~assigned staff~~. Incumbents have responsibility for preparing, reviewing, and **conducts** performance evaluations, processes ~~and resolves~~ grievances, ~~and recommends~~ employment, and ~~for effectively recommending~~ **administers** disciplinary action. Positions in this class ~~incumbents~~ have considerable independence in selecting work methods from a variety of standard methods or procedures. ~~Incumbents~~ **and** are expected to resolve most problems confronted through the application of judgment and precedent, referring to the **Police** Chief only those which involve the establishment of new procedures or which involve solutions which are inconsistent with departmental procedures and policies.

EXAMPLES OF DUTIES

Plans, organizes, and directs the work of a police division; performs liaison with other City departments, governmental agencies, and civic groups; takes charge **command** of major incidents that occur in area of responsibility, ~~and assisting and directing employees~~ **assigned staff** in the performance of duties; prepares budget recommendations and administers division budget; disseminates press information; schedules and coordinates special assignments; keeps informed of the progress of major and special investigations and intelligence; ~~supervises and participates in the supervision,~~ training, evaluation, ~~control~~ **direct**, and discipline of division staff; prepares staff reports and recommendations; responds to citizen complaints; receives, reads, and prepares department ~~and~~ division directives; represents the City in special assignment areas; formulates program definition and policy; ~~makes work assignments, sets priority for, trains and reviews the work of Police Department personnel, conducts performance evaluations; recommends hiring, and discipline of subordinate employees;~~ **promote employee development, prepare, review, and conduct performance evaluations, and recommend and administer commendation and discipline of assigned staff;** establishes standards of performance for each position supervised; develops staff development programs; directs and participates in public information programs; investigates accidents and takes appropriate action; is ~~responsible for preparing~~ action plans for ~~to~~ achieving department goals; may act as Chief of Police in the Chief's absence as assigned; **work closely with the community and other City departments within legal and department mission standards to promote**

community policing, pursue public safety, preserve the peace, address crime, and improve police-community relations, and participate in community policing efforts and problem-solving projects; communicate with merchants regarding potential problems in the area, educate citizens of the laws, ordinances, and their rights in resolving disputes; perform public outreach and support the principles of community oriented policing; organize and/or participate in community and sponsored events, public education programs, and attend and participate in community-based programs and meetings; provide ethical leadership and uphold ethical standards by setting an example and promote the vision and goals of the organization in a focused and systematic manner; operate City vehicles; and performs related work as required.

TYPICAL QUALIFICATIONS

LICENSE AND CERTIFICATES REQUIRED

- Possession of a valid and appropriate California Driver's License and a good driving record;
- Possession of an Advanced Peace Officer Standards and Training (POST) Certificate;
- Be Eligible to Possession of a Supervisory Peace Officer Standards and Training (POST) Certificate;
- Possession of a Management Peace Officer Standards and Training (POST) Certificate.

Certificates Desirable:

- Executive Peace Officer Standards and Training (POST) Certificate;
- Sherman Block Supervisory Leadership Institute Certificate.

EDUCATION AND EXPERIENCE

Education:

- Graduation from an accredited college or university with a Bachelor's Degree.

Education Desirable:

- Master's Degree and completion of the Sherman Block Supervisor Leadership Institute is desirable.

Experience:

- One (1) year of experience as a Clovis Police Lieutenant.

QUALIFICATIONS

Knowledge of:

- Theory and practice of police supervision and management;
- Laws of arrest, search and seizure;
- Management of major crimes and incidents;
- Investigation and intelligence operations;
- Criminal and civil law, case law and procedures;
- Rules of evidence;
- Appropriate safety precautions and procedures; and
- Supervisory and training practices.
- Operations, services, and activities of a comprehensive municipal law enforcement

program;

- Community-based policing and problem solving oriented policing techniques;
- Modern law enforcement theory, methods, practices, and procedures, including patrol, crime prevention, traffic control, investigations, and specialty areas of assignments;
- Principles and practices of law enforcement administration, organization, and management;
- Pertinent federal, state, and local laws, codes and regulations including laws governing the apprehension, arrest, and custody of persons accused of felonies, misdemeanors, and petty offenses;
- Rules of evidence pertaining to search and seizure and the preservation and presentation of evidence;
- Laws applicable to the apprehension, retention, and treatment of juveniles;
- Geography and street layout of the City and surrounding area, including street locations;
- Principles and techniques used in public relations;
- Recent court decisions and how they affect department operations;
- Operational characteristics and care of department authorized equipment, vehicles, tools, and firearms;
- Methods and techniques of first aid and CPR;
- Principles of management, supervision, training, and performance evaluation;
- Principles and practices of budget preparation and control;
- Principles and practices of data collection and analysis and business letter writing and report preparation;
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.

Ability to:

- ~~Have an active presence in their area of responsibility, exercising a high level of engagement and involvement;~~
- ~~Mentor their employees and hold them accountable, especially those in first line supervision;~~
- ~~Move quickly and decisively on issues of discipline, addressing poor behavior quickly and effectively in every case;~~
- ~~Have a passion for their assignment, passionately lead people to achievement of goals and actively, frequently, and publicly celebrate success;~~
- ~~Display high energy while moving forward with a purpose;~~
- ~~Have a vision for what needs to be corrected in the organization and the wisdom to know how to correct it;~~
- ~~Conduct analysis, evaluate alternatives and recommend better ways to do our jobs;~~
- ~~Devise strategies to meet department goals;~~
- ~~Share responsibility for successes and failures in pursuit of goals;~~
- ~~Provide a coordinated response to issues — internal and external;~~
- ~~Forecast critical issues;~~
- ~~Make an impact on the department in a global sense;~~
- ~~Address problems and command department wide resources in the pursuit of problem solving;~~
- ~~Offer ideas for organizational change;~~

- ~~Be unique, but responsible, in their thinking and able to think in nonconformist paradigms;~~
- ~~Address big picture concerns, avoiding entanglement in routine operational issues;~~
- ~~Engender a sense of spirit and honor in their employees;~~
- ~~Pursue ideas and issues that take the Department and the City to a higher level of purpose;~~
- ~~Develop and maintain cooperative relationships with peers and subordinates;~~
- ~~Understand, interpret and apply criminal and civil procedures and other complex written materials;~~
- ~~Analyze law enforcement problems and adopt effective course of action;~~
- ~~Use firearms;~~
- ~~Understand and carry out complex oral and written instructions requiring problem-solving and independent decision-making;~~
- ~~Meet, interact and mutually problem-solve effectively with public and private officials, and City staff;~~
- ~~Plan, organize and supervise police and community resources;~~
- ~~Take charge of investigations on major crimes and incidents;~~
- ~~Maintain good public and press relations.~~
- ~~Oversee and participate in the management of assigned division;~~
- ~~Put acceptable management principals and supervision techniques into practice within the department;~~
- ~~Supervise, direct, organize, train, and evaluate the work of assigned staff;~~
- ~~Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals;~~
- ~~Participate in the development and administration of division goals, objectives, procedures, and make recommendations for improvements;~~
- ~~Perform a wide variety of professional law enforcement work;~~
- ~~Read, understand, apply and make decisions in accordance with applicable federal, state, and local policies, laws and regulations regarding arrest, rules of evidence, and the apprehension, retention and treating of those arrested;~~
- ~~Carefully observe incidents and situations, accurately remembering names, faces, numbers, circumstances, and places;~~
- ~~Interview and secure information from victims, complainants, witnesses, and suspects;~~
- ~~Gather, assemble, analyze, evaluate, and use facts and evidence;~~
- ~~Organize data and information;~~
- ~~Operate a vehicle observing legal and defensive driving practices;~~
- ~~Prepare and administer budgets and understand and apply sound fiscal principals when dealing with the department budget;~~
- ~~Meet standards of adequate physical stature, endurance, and agility;~~
- ~~Demonstrate technical and tactical proficiency in the use and care of firearms and other police equipment;~~
- ~~Effectively, tactfully, and courteously represent the City of Clovis Police Department with the public and other law enforcement agencies;~~
- ~~Respond to requests and inquiries from the public;~~
- ~~Identify and prepare information for release to the media;~~
- ~~Prepare clear and concise administrative and financial reports;~~
- ~~Be on-call to respond to special law enforcement emergencies;~~

- Operate office equipment including computers and supporting word processing, spreadsheet, and database applications;
- Communicate clearly and concisely, both orally and in writing;
- Establish and maintain effective working relationships with those contacted in the course of work.

SUPPLEMENTAL INFORMATION

PHYSICAL DEMANDS AND WORKING CONDITIONS

- Environment: Job functions are performed in an office, outdoor, and driving environments in reactive emergency, natural or man-made disaster, and routine peace keeping environments with travel from site to site; periodically exposed to outdoor cold and hot temperatures, and inclement weather conditions; confined spaces; exposure to life threatening situations; extensive public contact; moderate to loud noise levels; and hazardous physical substances and fumes.
- Physical fitness: At a level sufficient to bend, twist, turn, stoop, squat, kneel, climb, crawl, sit, or stand, and walk for prolonged hours periods of time.
- Strength: Ability to perform tasks requiring strength and stamina; light work-lifting, carrying and/or pushing 25 pounds on an infrequent basis; and wear a duty belt weight and other police equipment.
- Vision: Corrected to 20/20 in one eye, and 20/30 in the other eye; constant use of overall vision; frequent reading of documents and reports; ability to identify suspects and interpret and apply the law to field situations; observation skills; and maintain firearms qualification.
- Hearing/Speech: Sufficient verbal communication to project a voice that can be heard in loud environments; hear and distinguish various sounds including over the telephone and via radio; and communicate in person and to large groups.
- Dexterity: Grasp, push, pull, and fine manipulation to use a computer, operate a motor vehicle, and police services equipment.
- Working conditions: Attend periodic evening meetings; or meetings outside of regularly scheduled shift; travel within and out of City to attend meetings; Incumbent is subject to extended workday assignments; work rotating shifts, evenings, weekends, and holidays; and periodically required to train and qualify in the use of firearms, vehicles, and specialized law enforcement practices and equipment.

City of Clovis POLICE CHIEF

DEFINITION

Under administrative direction, to plan, organize, and direct the City's crime prevention and law enforcement activities; to advise the City Manager and the City Council regarding law enforcement matters; and to perform related work as required.

CLASS CHARACTERISTICS

This ~~one~~ **sworn single**-position class represents the chief executive and operational officer of the Police Department. The incumbent is responsible to the City Manager for the effectiveness and quality of the crime prevention and law enforcement activities of the City, **and directs the functions and operations of all other support services.** ~~The Police Chief~~ **This classification** exercises supervision over other managerial employees, **making sets work** assignments, **and setting** priorities, **training and reviewing** work; ~~The incumbent is responsible for preparing,~~ **reviews, and conducts** performance evaluations, **processes and resolves** bargaining unit grievances, recommending employment, **and for taking and recommending administers** disciplinary action. ~~Positions in this class~~ The **incumbent** acts with a high degree of independence of action in the assigned area of responsibility. Direction received consists of the assignment of the responsibility to attain objectives according to policy guidelines, **Incumbent and** is expected to develop methods and procedures and solve problems encountered. Except where a deviation in policy is involved, most work is not reviewed directly by the supervisor and when work is reviewed, the review is directed toward final outcomes and results.

EXAMPLES OF DUTIES

Plans, organizes, coordinates, controls, and administers the maintenance of law and order, the protection of life and property, the regulation of traffic, the apprehension, arrest, and detention of law violators, and the maintenance of police records; analyzes operational and service demands and devises plans and procedures; ~~confers with citizens and municipal officials on law enforcement problems~~ **issues** and assists in the development of law enforcement policies; analyzes operational costs and prepares and administers departmental budget; coordinates municipal law enforcement activities with ~~those of~~ other law enforcement agencies; attends police conferences; enforces rules and regulations; directs the assignment of police ~~personnel~~ **staff** and equipment and the development and execution of training programs; supervises ~~the making of~~ special studies and the **preparation** of reports; meets with community individuals and groups ~~in the explanation of the purposes of the Police Department~~ **to explain and justify department programs, policies, and activities; negotiate and resolve sensitive and controversial issues;** ~~directs the City's youth services,~~ **speaks** interface with members of the media; prepares news releases and controls media access to confidential information; **promote employee development; prepare, review, and** conducts performance evaluations; recommends hiring **employment and administer commendation** and discipline of ~~subordinate employees~~ **assigned staff;** establishes standards of performance for ~~each position supervised;~~ develops staff development programs; **review** and processes ~~adjusts~~ employee grievances; explains **department** policies, procedures, and

objectives of the unit to staff by written directive and by oral communications; conducts staff meetings; work closely with the community and other City departments within legal and department mission standards to promote community policing, pursue public safety, preserve the peace, address crime, and improve police-community relations, and participate in community policing efforts and problem-solving projects; oversees public outreach and support the principles of community oriented policing; direct public education programs; participate in public meetings; foster ethical leadership and uphold ethical standards by setting an example and promote the vision and goals of the organization in a focused and systematic manner; operates City vehicles; confer with attorneys concerning the prosecution of criminal complaints, civil litigation and/or disciplinary issues; and performs related work as required.

TYPICAL QUALIFICATIONS

LICENSE AND CERTIFICATES REQUIRED

- Possession of a valid and appropriate California Driver's License and a good driving record;
- Possession of an Advanced Peace Officer Standards and Training (POST) Certificate;
- Possession of Supervisory Peace Officer Standards and Training (POST) Certificate;
- Possession of Management Peace Officer Standards and Training (POST) Certificate.

Certificates Desirable:

- Executive Peace Officer Standards and Training (POST) Certificate;
- Sherman Block Supervisory Leadership Institute Certificate;
- Completion of the Peace Officer Standards and Training (POST) Command College Program, Federal Bureau of Investigation (FBI) National Academy, or equivalent.

EDUCATION TRAINING AND EXPERIENCE

Education:

- Graduation from an accredited college or university with a Bachelor's Degree with major work in law enforcement, public administration or a closely related field.

Education Desirable:

- A Master's Degree is desirable.

Experience:

- Five (5) years of increasingly responsible professional and administrative experience in all major phases of law enforcement, including at least with a minimum of three (3) years in a responsible middle management capacity preferably in with a municipal police department.

QUALIFICATIONS

Knowledge of:

- Principles and practices of modern police administration;
- Modern techniques of criminal detection and evidence analysis;

- ~~Criminal law expressed in federal, state and municipal statutes;~~
- ~~Modern training practices;~~
- ~~Laws, regulations and management of person custody procedures;~~
- ~~Search, seizure and the rules of evidence;~~
- ~~English usage, spelling, grammar and punctuation;~~
- ~~Principles and practices of supervision and training;~~
- ~~Appropriate safety precautions and procedures.~~
- ~~Administrative principles and methods, including goals and objective development, program development and implementation;~~
- ~~Work organization, delegation, and employee supervision;~~
- ~~Principles and practices of law enforcement, investigation, patrol, community services, and related police services;~~
- ~~Criminal law, codes, ordinances, and court interpretations, including rights of citizens, apprehension, arrest, search and seizure, and rules of evidence;~~
- ~~Principles of budget development and administration;~~
- ~~Principles of leadership including diversity of gender, generation, and race;~~
- ~~Local government organizations and functions related to public safety;~~
- ~~Community-based policing and problem solving oriented policing techniques;~~
- ~~Short and long range planning;~~
- ~~Principles and techniques used in public relations;~~
- ~~Recent court decisions and how they affect department operations;~~
- ~~Use, care, and operation of department authorized equipment and firearms;~~
- ~~Principles and practices of budget preparation and control.~~

Ability to:

- ~~Plan, organize and administer the work of the Police Department;~~
- ~~Analyze police problems and identify appropriate solutions;~~
- ~~Maintain a positive and productive morale among subordinates;~~
- ~~Speak before groups and organizations;~~
- ~~Analyze police organizational patterns and make appropriate modifications;~~
- ~~Prepare and implement a Police Department budget;~~
- ~~Understand and carry out oral and written instructions;~~
- ~~Establish and maintain effective relationships with those contacted in the course of work.~~
- ~~Analyze complex technical and administrative police services problems, evaluating alternative solutions, and adopting effective courses of action;~~
- ~~Analyze the community and organizational needs and develop and present recommendations;~~
- ~~Plan and administer a comprehensive police services program;~~
- ~~Select, motivate, and evaluate staff;~~
- ~~Provide for staff training and professional development;~~
- ~~Develop and implement goals, objectives, policies, procedures, work standards, and internal controls;~~
- ~~Exercise sound independent judgement within general policy and administrative guidelines;~~
- ~~Organize data and information;~~
- ~~Operate a vehicle observing legal and defensive driving practices;~~
- ~~Prepare and administer budgets and understand and apply sound fiscal principals when dealing with the department budget;~~

- Demonstrate technical and tactical proficiency in the use and care of firearms and other police equipment;
- Effectively, tactfully, and courteously represent the City of Clovis Police Department with the public and other law enforcement agencies;
- Respond to requests and inquiries from the public;
- Identify and prepare information for release to the media;
- Prepare clear and concise administrative and financial reports;
- Be on-call to respond to special law enforcement emergencies;
- Communicate clearly and concisely, both orally and in writing;
- Establish and maintain cooperative working relationships with a variety of citizens, public, and private organizations, boards and commissions, and City staff.

SUPPLEMENTAL INFORMATION

PHYSICAL DEMANDS AND WORKING CONDITIONS

- Environment: Job functions are performed in an office, outdoor, and driving environments in reactive emergency, natural or man-made disaster, and routine peace keeping environments with travel from site to site; periodically exposed to outdoor cold and hot temperatures, and inclement weather conditions; confined spaces; exposure to life threatening situations; extensive public contact; moderate to loud noise levels; and hazardous physical substances and fumes.
- Physical fitness: ~~Work is~~ Primarily sedentary and periodically required to bend, twist, turn, stoop, squat, kneel, climb, crawl, sit, stand, and walk for prolonged periods of time.
- Strength: Ability to perform tasks requiring strength and stamina; light work-lifting, carrying and/or pushing 25 pounds on an infrequent basis; and wear a duty belt weight and other police equipment.
- Vision: Corrected to 20/20 in one eye, and 20/30 in the other eye; constant use of overall vision; frequent reading of documents and reports; ability to identify suspects and interpret and apply the law to field situations; observation skills; and maintain firearms qualification.
- Hearing/Speech: Sufficient verbal communication to project a voice that can be heard in loud environments; hear and distinguish various sounds including over the telephone and radio; and communicate in person and to large groups.
- Dexterity: Grasp, push, pull, and fine manipulation to use a computer, operate a motor vehicle, and police services equipment.
- Working conditions: ~~Incumbent is required to~~ Attend periodic evening meetings; ~~or meetings outside of regularly scheduled shift;~~ ~~Incumbent is required to~~ travel within and out of City to attend meetings; ~~subject to extended workday assignments,~~ periodically required to train and qualify in the use of firearms, vehicles, and specialized law enforcement practices and equipment.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: October 18, 2021

SUBJECT: General Services – Approval – Res. 21-____, Authorizing the Execution of the Certifications and Assurances for the FY 2021-2022 California SB1 State of Good Repair Program.

ATTACHMENTS: 1. Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a resolution authorizing the execution of the Certifications and Assurances for the FY 2021-2022 California SB1 State of Good Repair program.

EXECUTIVE SUMMARY

The City of Clovis is eligible for \$201,677 in FY 2021-2022 Senate Bill 1 State of Good Repair (SGR) grant funding for capital assistance to rehabilitate and modernize local transit systems. Council approval and a resolution are required by the California Department of Transportation in order to secure the grant funding. The grant also requires eligible recipients to submit a list of qualified projects to secure quarterly allocations of funds. Replacement of two (2) outdated boilers in fleet has already been completed, and the replacement of two (2) heavy-duty vehicle lifts will commence once an adequate level of funding has been received through multiple year allocations. Allocation of these funds will be processed through the Fresno Council of Governments utilizing the regular transit project planning process.

BACKGROUND

In 2017, Governor Brown signed Senate Bill 1 (SB1), known as the Road Repair and Accountability Act of 2017. A portion of SB1 will provide funds to approved transit operators in California for eligible transit maintenance, rehabilitation, and capital projects. This portion is referred to as the State of Good Repair (SGR) Program. SGR funds will be made available for capital projects that maintain the public transit system in a state of good repair.

The SGR Program is funded from a portion of the Transportation Improvement Fee on vehicle registrations. These funds will be allocated under the State Transit Assistance (STA) program formula to eligible agencies. As an STA eligible agency, Clovis Transit has been deemed eligible for SGR funding and has been listed on the State Controller's Office SGR Allocation Letter.

The grant is for eligible projects that fall under the following categories:

1. Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or transit facilities, including the rehabilitation or modernization of the existing vehicles or facilities.
2. The design, acquisition and construction of new vehicles or facilities that improve existing transit services.
3. Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

Examples of qualifying projects include:

1. Replacement or rehabilitation of:
 - a. Rolling stock
 - b. Passenger stations and terminals
 - c. Security equipment and systems
 - d. Maintenance facilities and equipment
 - e. Ferry vessels
 - f. Rail
2. Preventative Maintenance
3. New maintenance facilities or maintenance equipment if needed to maintain the existing transit service.

In 2020, AB 107 was signed which allows additional flexibility for FY2019-2020 through FY2022-2023 SB1 SGR allocations. Funds received during those years may be used for any operation expense or capital project. The projects that Clovis Transit submit are eligible and meet qualifying requirements. The California Department of Transportation requires a resolution from the Clovis City Council for the FY 2021-2022 funding year approving the application. The City of Clovis resolution will be forwarded upon approval.

Allocations of SB1 are processed through the Fresno Council of Government in accordance with grant requirements and regular transit planning processes.

FISCAL IMPACT

Funding in the amount of \$201,677 for FY 2021-2022 will be allocated to the City of Clovis in quarterly disbursements. SB1 SGR funds can be rolled over for a maximum of four (4) years to accumulate the dollar amount needed to complete approved projects.

REASON FOR RECOMMENDATION

SB1 SGR funds are available only for transit agencies and for the purpose of providing capital and operational assistance. Clovis Transit is an eligible recipient for the funding and expects a benefit to the transit fleet, operation, and capital projects.

ACTIONS FOLLOWING APPROVAL

- A copy of the resolution will be sent to the Fresno Council of Governments.
- Once funds are received and have accumulated to the necessary level, vendors will be selected using the City's regular procurement process.

Prepared by: Amy Hance, General Services Manager

Reviewed by: City Manager *JH*

RESOLUTION 21-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR
THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM

WHEREAS, the City of Clovis is an eligible sponsor and may receive State Transit assistance funding from the State of Good Repair Account (SBR) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2017) named the California Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies); and

WHEREAS, the City of Clovis wishes to delegate authorization to execute these documents and any amendments thereto to the General Services Manager.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clovis authorizes the General Services Manager to be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Clovis agrees to comply with all the conditions and requirements set forth in the Certification and Assurances document and applicable statues, regulations, and guidelines for all SGR funded transit projects.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 18th day of October, 2021 by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

State Transit Assistance State of Good Repair Program

Recipient Certifications and Assurances

Recipient: City of Clovis Transit

Effective Date: September 1, 2021

In order to receive State of Good Repair Program (SGR) funds from the California Department of Transportation (Department), recipients must agree to following terms and conditions:

A. General

- (1) The recipient agrees to abide by the State of Good Repair Guidelines as may be updated from time to time.
- (2) The potential recipient must submit to the Department a State of Good Repair Program Project List annually, listing all projects proposed to be funded by the SGR program. The project list should include the estimated SGR share assigned to each project along with the total estimated cost of each project.
- (3) The recipient must submit a signed Authorized Agent form designating the representative who can submit documents on behalf of the recipient and a copy of the board resolution authorizing the agent.

B. Project Administration

- (1) The recipient certifies that required environmental documentation will be completed prior to expending SGR funds. The recipient assures that each project approved for SGR funding comply with Public Resources Code § 21100 and § 21150.
- (2) The recipient certifies that SGR funds will be used for transit purposes and SGR funded projects will be completed and remain in operation for the estimated useful lives of the assets or improvements.
- (3) The recipient certifies that it has the legal, financial, and technical capacity to deliver the projects, including the safety and security aspects of each project.
- (4) The recipient certifies that there is no pending litigation, dispute, or negative audit findings related to any SGR project at the time an SGR project is submitted in the annual list.
- (5) Recipient agrees to notify the Department immediately if litigation is filed or disputes arise after submission of the annual project list and to notify the Department of any negative audit findings related to any project using SGR funds.

- (6) The recipient must maintain satisfactory continuing control over the use of project equipment and/or facilities and will adequately maintain project equipment and/or facilities for the estimated useful life of each project.
- (7) Any and all interest the recipient earns on SGR funds must be reported to the Department and may only be used on approved SGR projects or returned to the Department.
- (8) The recipient must notify the Department of any proposed changes to an approved project list by submitting an amended project list.
- (9) Funds will be expended in a timely manner.

C. Reporting

- (1) Per Public Utilities Code § 99312.1 (e) and (f), the recipient must submit the following SGR reports:
 - a. Annual Expenditure Reports within six months of the close of the fiscal year (by December 31st) of each year.
 - b. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of SGR funds. A copy of the audit report must be submitted to the Department within six months of the close of each fiscal year in which SGR funds have been received or expended.

D. Cost Principles

- (1) The recipient agrees to comply with Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (2) The recipient agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items and (b) those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (3) Any project cost for which the recipient has received payment that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, are subject to repayment by the recipient to the State of California (State). Should the recipient fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the recipient from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

(1) The recipient agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the recipient, its contractors and subcontractors connected with SGR funding shall be maintained for a minimum of three (3) years from the date of final payment and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the recipient, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the recipient pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the recipient's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.

(2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the recipient's contracts with third parties pursuant to Government Code § 8546.7, the recipient, its contractors and subcontractors and the Department shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the recipient shall furnish copies thereof if requested.

(3) The recipient, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

(1) Recipient acknowledges that if a project list is not submitted timely, the recipient forfeits its apportionment for that fiscal year.

(2) Recipients with delinquent expenditure reports may risk future eligibility for future SGR funding.

(3) Recipient acknowledges that the Department shall have the right to perform an audit and/or request detailed project information of the recipient's SGR funded projects at the Department's

discretion from SGR award through 3 years after the completion and final billing of any SGR funded project. Recipient agrees to provide any requested project information.

I certify all of these conditions will be met.

CITY OF CLOVIS TRANSIT

BY: Amy Hance
Amy Hance, General Services Manager



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Planning and Development Services Department
 DATE: October 18, 2021
 SUBJECT: Planning and Development Services - Approval - Final Acceptance for CIP16-11 Peach Avenue Street Widening.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to accept the work performed as complete and authorize recording of the notice of completion.

EXECUTIVE SUMMARY

The project consisted of construction of 0.5 miles of asphalt concrete street widening, overlay and pavement rehabilitation on Peach Avenue from W. Escalon Avenue to W. Fremont Avenue. The work included excavation, earthwork, compaction, saw-cutting, pavement grinding, pavement reinforcing fabric, construction of asphalt concrete pavement, adjustments of existing utility valves and manholes, concrete ADA curb returns, drive approaches, sidewalks, curbs, and gutters, retaining walls, replacement/construction of existing surface improvements, fencing and fence gates, transitional drive approaches, minor grading on adjacent properties, and traffic striping and signage.

BACKGROUND

The bid opening was on August 11, 2020 and the project was pre-awarded by City Council on August 3, 2020. AJ Excavation, Inc. was the low bidder and was awarded the project. The project was completed in accordance with the construction documents and within the total contract time allotted.

FISCAL IMPACT

1. Contract Award Amount	\$693,256.20
2. Contract Change Orders	\$121,392.34
CCO1 Adjusted water services and a fire hydrant	\$20,801.58
CCO2 Removed abandoned storm drain facilities	\$15,695.13
CCO3 Adjusted water services, fire hydrant and sanitary sewer	\$11,252.84
CCO4 Constructed drive approach extensions to match new grades	\$79,466.30
CCO5 Installed a protective concrete cap over existing water main	\$18,553.41
Balancing CCO for overruns and underruns	\$(24,376.92)
3. Liquidated Damages Assessed	<u>\$0.00</u>
Final Contract Cost	\$814,648.54

The contract change orders on this project were due to unforeseen shallow utilities and modified improvements to property access transitions. This project is supported by federal funding with the Regional Surface Transportation Program and Congestion Mitigation and Air Quality funds through the City Community Investment Program.

REASON FOR RECOMMENDATION

The Public Utilities Department, City Engineer, Senior Engineering Inspector and Project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, AJ Excavation, Inc. has requested final acceptance.

ACTIONS FOLLOWING APPROVAL

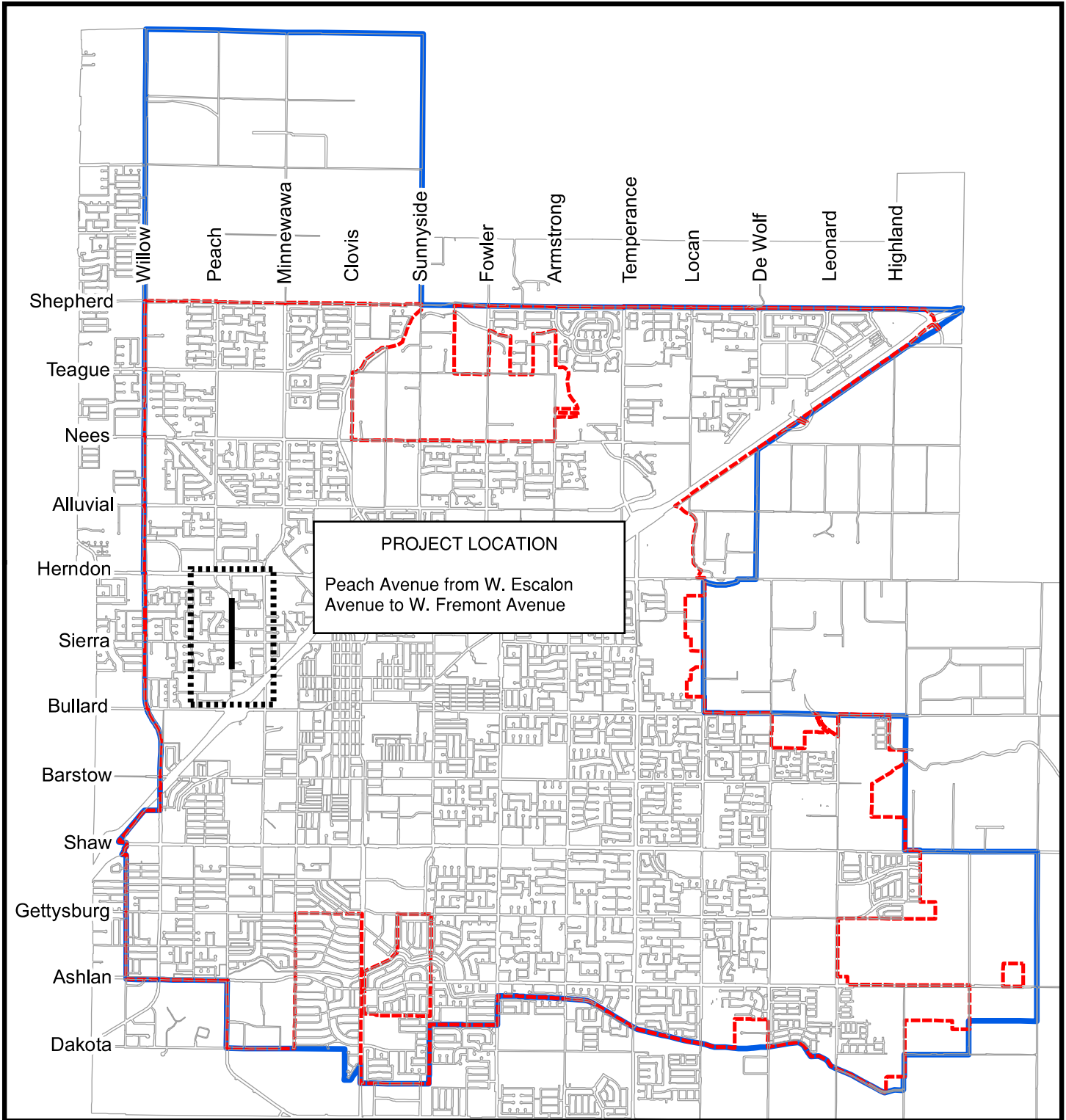
1. The notice of completion will be recorded; and
2. All retention funds will be released pursuant to Federal requirements and the Prompt Payment of Funds Withheld to Subcontractors clause of the Local Assistance Procedures Manual.

Prepared by: Matt Buller, Senior Engineering Inspector

Reviewed by: City Manager, *[Signature]*

VICINITY MAP

CIP 16-11 Peach Avenue Street Widening



PROJECT LOCATION
 Peach Avenue from W. Escalon Avenue to W. Fremont Avenue



ATTACHMENT 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 18, 2021

SUBJECT: Planning and Development Services – Approval – Res. 21-____, Final Map Tract 6301, located in the southeast area of Shepherd Avenue and Temperance Avenue. (Valley Coastal Development, LLC (Granville Homes)).

ATTACHMENTS: 1. Res. 21-____
 2. Vicinity Map
 3. Copy of Final Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 21-____, which will:

1. Accept the offer of dedication of parcels and public utility easement within Tract 6301, and;
2. Authorize recording of the final map.

EXECUTIVE SUMMARY

The owner, Valley Coastal Development, LLC (Granville Homes), acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains, landscaping, masonry block fence, and a trail (i.e. bollard lighting, landscape and irrigation, benches, and trash receptacles). The subject tract is located in the southeast area of Shepherd Avenue and Temperance Avenue. It contains approximately 18.44 acres and consists of 55 planned residential units, zoned R-1.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, fire hydrants, street paving, sanitary sewer, water mains, landscaping, masonry block fence and a trail. The fire hydrants, sanitary sewer, water mains, and trail landscaping, irrigation and furniture will be perpetually maintained by the City of Clovis.

REASON FOR RECOMMENDATION

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with the Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans and to complete all required improvements in compliance with the conditions of approval. The improvements are adequately secured.

ACTIONS FOLLOWING APPROVAL

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: Christian Esquivias, Engineer II

Reviewed by: City Manager *JA*

RESOLUTION 21-__**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6301**

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6301, by The City of Clovis, a Municipal Corporation, and

WHEREAS, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis as follows:

1. The final map of Tract 6301, consisting of two (2) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.
3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$1,879,923.00.
4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.
5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$1,880,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$940,000.00 for payment of labor and materials furnished by contractors, subcontractors, laborers and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
7. Subdivider shall furnish a bond in the sum of \$188,000.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective

materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

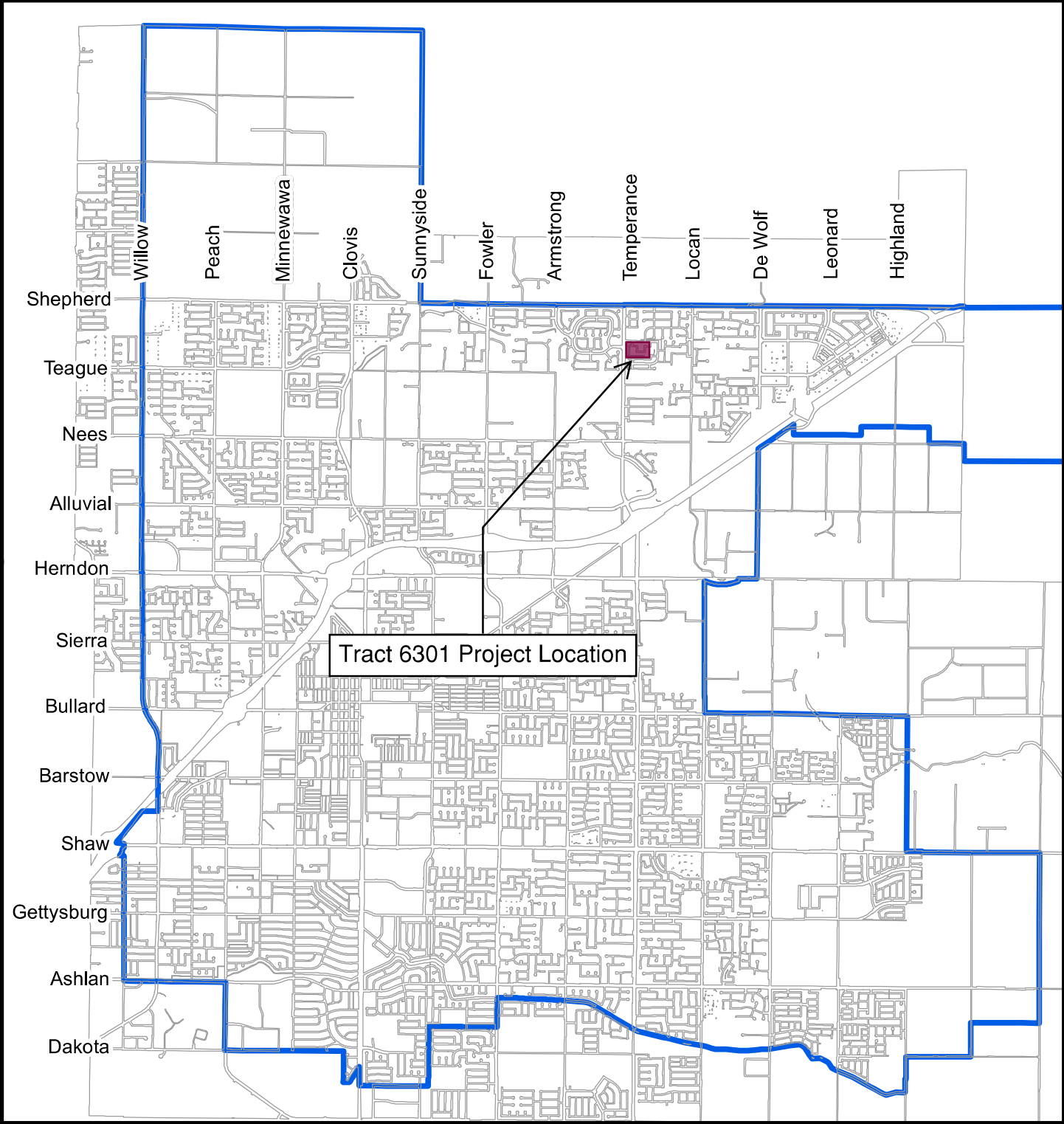
DATED: October 18, 2021

Mayor

City Clerk

VICINITY MAP

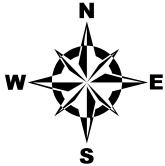
Project - Tract 6301



Tract 6301 Project Location



ATTACHMENT 2



TRACT NO. 6301

BEING A MERGER AND RE-SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN JUNE 2020, BY BRET A. GIANNETTA
**CONSISTING OF TWO SHEETS
SHEET ONE OF TWO SHEETS**



SURVEYOR'S STATEMENT:

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DARIUS ASSEMI ON JUNE 1, 2020. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

BRET A. GIANNETTA, P.L.S. 8177 LIC. EXP. 12/31/22 DATE

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

VALLEY COASTAL DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____
DARIUS ASSEMI MANAGER

WELLS FARGO BANK, NATIONAL ASSOCIATION, A NATIONAL ASSOCIATION, AS BENEFICIARY

BY: _____
VAHAGN BZOVNIY, V.P. SENIOR RELATIONSHIP MANAGER

LEGAL DESCRIPTION

PARCEL 1

LOT 21 IN BLOCK 1 OF CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 7 OF RECORD OF SURVEYS, AT PAGE 50, FRESNO COUNTY RECORDS.

TOGETHER WITH THE RIGHT OF WAY FOR ROAD PURPOSES PREVIOUSLY DEDICATED AS PER THE MAP OF SAID CARSON CALIMYRNA FIG ORCHARDS, VACATED BY THE COUNTY OF FRESNO BY ORDER OF ABANDONMENT, RECORDED AUGUST 28, 1958 IN BOOK 4106, AT PAGE 437, FRESNO COUNTY RECORDS.

PARCEL 2

LOT 28 IN BLOCK 1 OF CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 7 OF RECORD OF SURVEYS, AT PAGE 50, FRESNO COUNTY RECORDS.

PARCEL 3

LOT 22 IN BLOCK 1 OF CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 7 OF RECORD OF SURVEYS, AT PAGE 50, FRESNO COUNTY RECORDS.

TOGETHER WITH THE RIGHT OF WAY FOR ROAD PURPOSES PREVIOUSLY DEDICATED AS PER THE MAP OF SAID CARSON CALIMYRNA FIG ORCHARDS, VACATED BY THE COUNTY OF FRESNO BY ORDER OF ABANDONMENT, RECORDED AUGUST 28, 1958 IN BOOK 4106, AT PAGE 437, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 00°00'28" EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 429.00 FEET; THENCE NORTH 89°53'03" EAST, PARALLEL WITH AND 429.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,067.50 FEET; THENCE EASTERLY ALONG A TANGENT CURVE, CONVEX NORTHERLY, HAVING A RADIUS OF 215.00 FEET, THROUGH A CENTRAL ANGLE OF 06°24'38"; A DISTANCE OF 24.05 FEET; THENCE NORTH 00°00'28" EAST, A DISTANCE OF 97.97 FEET; THENCE NORTH 50°58'51" WEST, A DISTANCE OF 61.23 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 130.27 FEET; THENCE SOUTH 89°55'23" EAST, A DISTANCE OF 135.00 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 236.30 FEET; THENCE SOUTH 89°55'23" EAST, A DISTANCE OF 110.00 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 1.30 FEET; THENCE SOUTH 89°55'23" EAST, A DISTANCE OF 36.88 FEET TO THE INTERSECTION WITH THE CENTERLINE OF THE 40.00 FOOT WIDE ROAD PREVIOUSLY DEDICATED AS PER THE MAP OF CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 7 OF RECORD OF SURVEY, AT PAGE 50, FRESNO COUNTY RECORDS, VACATED BY THE COUNTY OF FRESNO BY ORDER OF ABANDONMENT, RECORDED AUGUST 28, 1958 IN BOOK 4106, AT PAGE 437, FRESNO COUNTY RECORDS; THENCE SOUTH 00°03'14" WEST ALONG SAID CENTERLINE, BEING THE EAST LINE OF LOTS 22, 23 AND 24 OF BLOCK 1 OF SAID CARSON CALIFORNIA FIG ORCHARDS, A DISTANCE OF 933.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24; THENCE SOUTH 89°53'03" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,325.50 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER, NORTH 00°00'28" EAST, A DISTANCE OF 429.00 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 89°53'03" EAST, PARALLEL WITH AND 429.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,067.50 FEET; THENCE EASTERLY ALONG A TANGENT CURVE, CONVEX NORTHERLY, HAVING A RADIUS OF 215.00 FEET, THROUGH A CENTRAL ANGLE OF 06°24'38"; A DISTANCE OF 24.05 FEET; THENCE NORTH 00°00'28" EAST, A DISTANCE OF 97.97 FEET; THENCE NORTH 50°58'51" WEST, A DISTANCE OF 61.23 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 130.27 FEET; THENCE SOUTH 89°55'23" EAST, A DISTANCE OF 135.00 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 21.00 FEET; THENCE NORTH 89°55'23" WEST, A DISTANCE OF 156.00 FEET; THENCE SOUTH 00°04'37" WEST, A DISTANCE OF 22.30 FEET; THENCE SOUTH 89°53'03" WEST, PARALLEL WITH AND 696.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 799.08 FEET; THENCE NORTH 89°59'32" WEST, A DISTANCE OF 224.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'28" WEST, A DISTANCE OF 267.48 FEET TO THE POINT OF BEGINNING.

PARCEL 4

LOT 27 IN BLOCK 1 OF CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 7 OF RECORD OF SURVEYS, AT PAGE 50, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE WEST 63.00 FEET THEREOF.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER, NORTH 00°00'28" EAST, A DISTANCE OF 429.00 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 89°53'03" EAST, PARALLEL WITH AND 429.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,067.50 FEET; THENCE EASTERLY ALONG A TANGENT CURVE, CONVEX NORTHERLY, HAVING A RADIUS OF 215.00 FEET, THROUGH A CENTRAL ANGLE OF 06°24'38"; A DISTANCE OF 24.05 FEET; THENCE NORTH 00°00'28" EAST, A DISTANCE OF 97.97 FEET; THENCE NORTH 50°58'51" WEST, A DISTANCE OF 61.23 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 130.27 FEET; THENCE SOUTH 89°55'23" WEST, A DISTANCE OF 135.00 FEET; THENCE NORTH 00°04'37" EAST, A DISTANCE OF 22.30 FEET; THENCE SOUTH 89°53'03" WEST, PARALLEL WITH AND 696.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 799.08 FEET; THENCE NORTH 89°59'32" WEST, A DISTANCE OF 224.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'28" WEST, A DISTANCE OF 267.48 FEET TO THE POINT OF BEGINNING.

PARCEL 5

THE REMAINDER AS SHOWN ON THE MAP OF TRACT NO. 6109, RECORDED IN VOLUME 87 OF PLATS, AT PAGES 68, 69 AND 70, FRESNO COUNTY RECORDS.

TOGETHER WITH THE RIGHT OF WAY FOR ROAD PURPOSES PREVIOUSLY DEDICATED AS PER THE MAP OF SAID CARSON CALIMYRNA FIG ORCHARDS, VACATED BY THE COUNTY OF FRESNO BY ORDER OF ABANDONMENT, RECORDED AUGUST 28, 1958 IN BOOK 4106, AT PAGE 437, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN THE BOUNDARIES OF TRACT NO. 6209 ACCORDING TO THE MAP THEREOF FILED FOR RECORD AUGUST 13, 2019 IN BOOK 88 OF PLATS, AT PAGES 98, 99 AND 100, FRESNO COUNTY RECORDS.



CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON P.L.S. 8088 EXP. 3/31/22 DATE
CITY ENGINEER

CITY CLERK'S CERTIFICATE

I, JOHN HOLT, DO HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF CLOVIS BY RESOLUTION ADOPTED ON _____, 2021 APPROVED THE WITHIN MAP AND ACCEPTED SUBJECT TO IMPROVEMENT ON BEHALF OF THE PUBLIC ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION. THIS INCLUDES APPROVAL OF WRITTEN NOTATIONS OF ALL ABANDONED DEDICATIONS IN FEE FOR STREET AND UTILITY PURPOSES CONTAINED WITHIN THIS MAP.

DATE: _____ BY: JOHN HOLT, CITY CLERK

RECORDER'S CERTIFICATE:

DOCUMENT NO. _____ FEE PAID _____
FILED THIS _____ DAY OF _____, 2021 AT _____ M. IN VOLUME _____ OF PLATS AT PAGES _____ AND _____, FRESNO COUNTY RECORDS, AT THE REQUEST OF BRET A. GIANNETTA

PAUL A. DICTOS, C.P.A., FRESNO COUNTY ASSESSOR-RECORDER

BY: _____ DEPUTY

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF FRESNO }
ON _____, BEFORE ME, _____
PERSONALLY APPEARED _____ WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S)
WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE
PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED
THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA
THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE _____
NAME _____
COUNTY OF _____
MY COMMISSION EXPIRES _____
MY COMMISSION NUMBER _____

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF FRESNO }
ON _____, BEFORE ME, _____
PERSONALLY APPEARED _____ WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S)
WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE
PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED
THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA
THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE _____
NAME _____
COUNTY OF _____
MY COMMISSION EXPIRES _____
MY COMMISSION NUMBER _____

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

- 1. THE EFFECT OF AN INSTRUMENT ENTITLED "BEFORE THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT RESOLUTION PROVIDING FOR THE RECORDATION OF A MAP IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT "PLANNED LOCAL DRAINAGE FACILITIES" EXECUTED BY FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND CITY OF FRESNO, RECORDED JULY 31, 1995 AS DOCUMENT NO. 95092128, OFFICIAL RECORDS.
- 2. AMENDED NOTICE OF SPECIAL TAX UEN, AMENDED MAP NO. 51 TO COMMUNITY FACILITIES DISTRICT 2004-1, RECORDED DECEMBER 18, 2017 IN BOOK 45 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 16, FRESNO COUNTY RECORDS.

TRACT NO. 6301

BEING A MERGER AND RE-SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA SURVEYED AND PLATTED IN JUNE 2020, BY BRET A. GIANNETTA
**CONSISTING OF TWO SHEETS
 SHEET TWO OF TWO SHEETS**

DETAIL A
 SCALE: 1"=50'

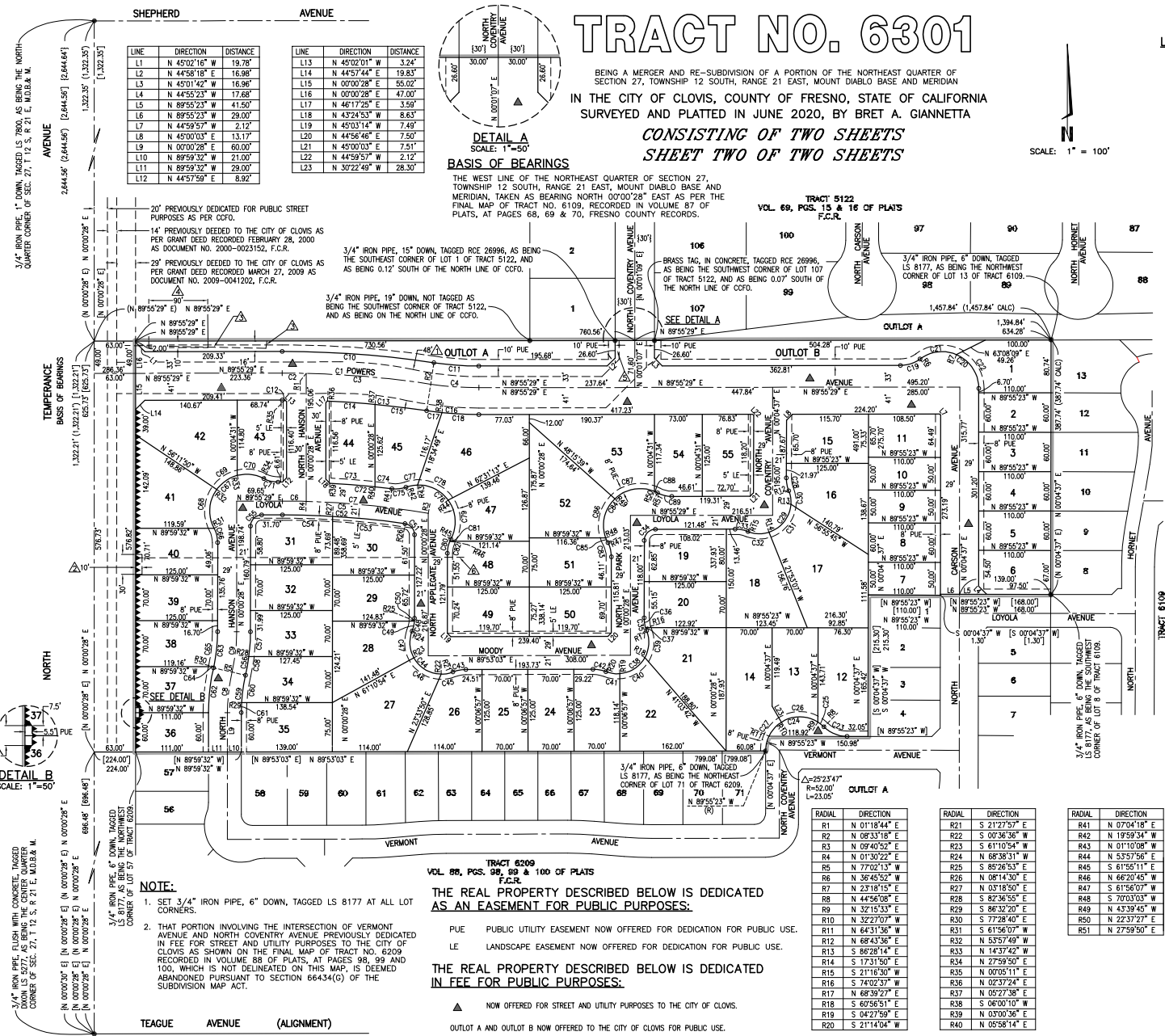
SCALE: 1" = 100'

LEGEND:

- MONUMENT FOUND AND ACCEPTED AS NOTED
- SET 3/4" IRON PIPE, 30" LONG, 6" DOWN, TAGGED LS 8177, OR AS NOTED.
- INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS
- () RECORD DATA AS PER THE FINAL MAP OF TRACT NO. 6109, RECORDED IN VOLUME 87 OF PLATS, AT PAGES 68, 69 & 70, FRESNO COUNTY RECORDS.
- [] RECORD DATA AS PER THE FINAL MAP OF TRACT NO. 6209, RECORDED IN VOLUME 88 OF PLATS, AT PAGES 98, 99 & 100, FRESNO COUNTY RECORDS.
- | | RECORD DATA AS PER THE FINAL MAP OF TRACT NO. 5122, RECORDED IN VOLUME 69 OF PLATS, AT PAGES 15 & 16, FRESNO COUNTY RECORDS.
- CALC CALCULATED FROM RECORD DATA
- CCFO THE MAP OF CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 7 OF RECORD OF SURVEYS, AT PAGE 50, FRESNO COUNTY RECORDS.
- F.C.R. FRESNO COUNTY RECORDS
- △ PREVIOUSLY GRANTED TO THE CITY OF CLOVIS FOR PUBLIC UTILITY EASEMENT PURPOSES, RECORDED DECEMBER 16, 2003 AS DOC. NO. 2003-0298373, F.C.R.
- △ FRESNO METROPOLITAN FLOOD CONTROL DISTRICT EASEMENT, RECORDED JULY 22, 2015 AS DOC. NO. 2015-0093465, F.C.R.
- △ CENTERLINE OF PACIFIC GAS & ELECTRIC COMPANY EASEMENT, RECORDED APRIL 15, 1988 AS DOC. NO. 88040190, F.C.R.
- △ PACIFIC GAS & ELECTRIC COMPANY EASEMENT, RECORDED DECEMBER 16, 1999 AS DOC. NO. 1999-0179280, F.C.R.
- △ PACIFIC GAS & ELECTRIC COMPANY EASEMENT, RECORDED JULY 15, 2004 AS DOC. NO. 2004-0154275, F.C.R.
- △ APPROXIMATE CENTERLINE OF PACIFIC GAS & ELECTRIC COMPANY EASEMENT, RECORDED DECEMBER 31, 2013 AS DOC. NO. 2013-0174883, F.C.R.
- INDICATES THE LIMITS OF THIS SUBDIVISION

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN AS BEARING NORTH 00°00'28" EAST AS PER THE FINAL MAP OF TRACT NO. 6109, RECORDED IN VOLUME 87 OF PLATS, AT PAGES 68, 69 & 70, FRESNO COUNTY RECORDS.

TRACT 5122
 VOL. 69, PGS. 15 & 16 OF PLATS
 F.C.R.



TRACT 6109
 VOL. 87, PGS. 68, 69 & 70 OF PLATS
 F.C.R.

CURVE	DELTA	RADIUS	LENGTH
C1	08°37'49"	1,507.00	226.99'
C2	01°23'15"	1,507.00	36.48'
C3	071°43'44"	1,507.00	190.50'
C4	08°37'49"	489.00	73.66'
C5	09°42'23"	1,312.00	223.41'
C6	01°34'53"	1,312.00	36.21'
C7	08°10'30"	1,312.00	187.20'
C8	12°57'19"	275.00	62.18'
C9	12°57'19"	275.00	62.18'
C10	08°37'49"	1,540.00	231.97'
C11	08°37'49"	456.00	68.89'
C12	00°09'42"	1,466.00	4.14'
C13	09°59'54"	1,466.00	151.77'
C14	02°04'10"	1,466.00	72.99'
C15	03°06'40"	1,466.00	79.18'
C16	08°37'49"	530.00	79.83'
C17	02°33'06"	530.00	23.61'
C18	06°04'41"	530.00	56.22'
C19	34°18'23"	50.00	32.01'
C20	12°57'29"	56.00	123.97'
C21	67°04'07"	56.00	58.71'
C22	66°46'22"	56.00	65.26'
C23	44°51'31"	50.00	39.15'
C24	109°27'44"	52.00	99.34'
R1	02°04'10"	52.00	11.50'
R2	64°42'40"	52.00	58.75'
C27	57°28'16"	52.00	52.16'
C28	21°21'01"	54.00	20.12'
C29	132°25'54"	48.00	111.04'
C30	04°48'10"	48.00	20.78'
C31	68°56'24"	48.00	57.76'
C32	38°48'20"	48.00	32.51'
C33	21°21'01"	54.00	20.12'
C34	89°50'01"	17.00	26.68'
C35	21°21'01"	54.00	20.12'
C36	12°57'46"	54.00	15.05'
C37	05°23'10"	54.00	5.08'
C38	132°34'37"	48.00	111.07'
C39	50°23'42"	48.00	42.22'
C40	56°28'52"	48.00	47.32'
C41	28°20'31"	48.00	21.63'
C42	21°21'01"	54.00	20.12'
C43	21°21'01"	54.00	20.12'
C44	132°49'26"	48.00	111.27'
C45	22°04'33"	48.00	18.49'

CURVE	DELTA	RADIUS	LENGTH
C46	60°34'18"	48.00	50.74'
C47	50°10'35"	48.00	42.04'
C48	21°21'01"	54.00	20.12'
C49	16°48'22"	54.00	15.84'
C50	04°32'59"	54.00	4.28'
C51	81°45'56"	17.00	24.26'
C52	08°19'01"	1,291.00	187.40'
C53	04°55'40"	1,291.00	111.03'
C54	02°32'31"	1,291.00	76.37'
C55	08°55'01"	17.00	26.68'
C56	12°57'19"	296.00	66.93'
C57	07°22'37"	296.00	38.11'
C58	05°34'42"	296.00	28.92'
C59	12°57'19"	254.00	57.43'
C60	09°30'07"	254.00	42.12'
C61	03°27'12"	254.00	15.31'
C62	12°57'19"	304.00	68.74'
C63	12°57'19"	246.00	55.62'
C64	00°28'27"	246.00	1.89'
C65	12°57'25"	246.00	53.73'
C66	28°04'21"	46.00	22.54'
C67	146°03'43"	56.00	142.76'
C68	64°06'04"	56.00	62.65'
C69	39°29'07"	56.00	38.45'
C70	42°37'52"	56.00	41.66'
C71	28°04'21"	46.00	22.54'
C72	04°03'42"	1,341.00	95.06'
C73	02°57'38"	1,341.00	69.29'
C74	01°06'04"	1,341.00	25.77'
C75	27°03'59"	46.00	21.73'
C76	138°04'23"	56.00	134.95'
C77	18°49'26"	56.00	18.40'
C78	55°08'04"	56.00	53.89'
C79	64°06'53"	56.00	62.66'
C80	28°04'21"	46.00	22.54'
C81	04°25'34"	46.00	3.55'
C82	23°38'47"	46.00	18.98'
C83	28°04'21"	46.00	22.54'
C84	146°03'43"	56.00	142.76'
C85	08°08'56"	56.00	7.93'
C86	68°17'12"	56.00	64.79'
C87	68°17'12"	56.00	64.79'
C88	05°22'23"	56.00	5.25'
C89	28°04'21"	46.00	22.54'

NOTE:
 1. SET 3/4" IRON PIPE, 6" DOWN, TAGGED LS 8177 AT ALL LOT CORNERS.
 2. THAT PORTION INVOLVING THE INTERSECTION OF VERMONT AVENUE AND NORTH COUNTRY AVENUE PREVIOUSLY DEDICATED IN FEE FOR STREET AND UTILITY PURPOSES TO THE CITY OF CLOVIS AS SHOWN ON THE FINAL MAP OF TRACT NO. 6209 RECORDED IN VOLUME 88 OF PLATS, AT PAGES 98, 99 AND 100, WHICH IS NOT DELINEATED ON THIS MAP, IS DEEMED ABANDONED PURSUANT TO SECTION 66434(G) OF THE SUBDIVISION MAP ACT.

TRACT 6209
 VOL. 88, PGS. 98 & 100 OF PLATS
 F.C.R.
THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:
 PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE.
 LE LANDSCAPE EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE.
THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:
 △ NOW OFFERED FOR STREET AND UTILITY PURPOSES TO THE CITY OF CLOVIS.
 OUTLOT A AND OUTLOT B NOW OFFERED TO THE CITY OF CLOVIS FOR PUBLIC USE.

RADIAL	DIRECTION	RADIAL	DIRECTION	RADIAL	DIRECTION
R1	N 01°18'44" E	R21	S 21°27'57" E	R41	N 07°04'18" E
R2	N 06°35'18" E	R22	S 00°36'36" W	R42	N 19°59'34" W
R3	N 04°03'29" E	R23	S 61°10'54" W	R43	N 01°10'08" W
R4	N 01°30'22" E	R24	N 68°38'31" W	R44	N 53°57'56" E
R5	N 7°02'13" W	R25	S 89°26'53" W	R45	S 61°55'11" E
R6	N 36°45'52" W	R26	N 08°14'30" E	R46	N 66°20'45" W
R7	N 23°18'15" E	R27	N 03°18'50" W	R47	S 61°56'07" W
R8	N 44°56'08" E	R28	S 87°36'55" E	R48	S 70°03'03" W
R9	N 32°15'33" E	R29	S 86°32'20" E	R49	N 43°39'45" W
R10	N 32°27'07" E	R30	S 77°28'40" W	R50	N 23°27'27" E
R11	N 64°31'36" W	R31	S 61°56'07" W	R51	N 27°59'50" E
R12	N 68°43'36" E	R32	N 03°18'50" W		
R13	S 62°28'14" E	R33	N 14°37'42" W		
R14	S 73°15'50" E	R34	N 27°59'50" E		
R15	S 21°16'30" W	R35	N 00°05'11" E		
R16	S 74°02'37" W	R36	N 02°37'24" E		
R17	N 68°39'27" E	R37	S 06°00'10" W		
R18	S 60°56'51" E	R38	N 03°00'36" E		
R19	S 04°27'59" E	R39	N 03°00'36" E		
R20	S 21°14'04" W	R40	N 05°58'14" E		



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 18, 2021

SUBJECT: Planning and Development Services – Approval – Res. 21-____, Annexation of Proposed Tract 6301, located in the southeast area of Shepherd Avenue and Temperance Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis. (Valley Coastal Development, LLC (Granville Homes)).

ATTACHMENTS: 1. Res. 21-____

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 21-____, that will annex proposed Tract 6301, located in the southeast area of Shepherd Avenue and Temperance Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Valley Coastal Development, LLC (Granville Homes) acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Vesting Tentative Tract Map 6109 of which Tract 6301 is a part of.

BACKGROUND

Valley Coastal Development, LLC (Granville Homes) the developer of Tract 6301, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

FISCAL IMPACT

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6301</u>	<u>Year to Date</u>
LMD Landscaping added:	1.804 acres	3.925 acres
Resource needs added:	0.180 persons	0.392 persons

The resource needs estimate is based on 1 person per 10 acres of landscaped area.

REASON FOR RECOMMENDATION

The property owners for the subject tract and parcel map have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6301 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Christian Esquivias, Engineer II

Reviewed by: City Manager *JA*

RESOLUTION 21-__

RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA, APPROVING ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1 OF THE CITY OF CLOVIS

WHEREAS, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6301, as described in Attachment "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

- 1. That the public interest and convenience require that certain property described in Attachment "A" attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.
2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Attachment "A" which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 18, 201

Mayor

City Clerk

ATTACHMENT A

Legal Description

Lots 1 through 55, inclusive, of Tract Map 6301 recorded in Volume _____ of Plats at Pages _____ through _____, Fresno County Records.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 18, 2021

SUBJECT: Consider Introduction - Ord. 21-____, OA2021-003, A request to amend the Clovis Development Code, Title 9 to the Clovis Municipal Code, Relating to Housing Development Project Standards and Procedures, Density Bonus Provisions, Accessory Dwelling Units, and Review Procedures. City of Clovis, applicant.

Staff: Dave Merchen, City Planner

Recommendation: Approve

ATTACHMENTS: 1. Ordinance 21-____
2. Redlined Ordinance Sections

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the City Council introduce the ordinance amending the Development Code relating to housing development project standards and procedures, density bonus provisions, accessory dwelling units, and review procedures.

EXECUTIVE SUMMARY

In December of 2019, the City Council adopted an urgency ordinance amending the Development Code as it relates housing development project standards and procedures, density bonus provisions, accessory dwelling units, and review procedure requirements. The Council's action was necessitated by changes made during the 2019 Legislative Session that produced numerous laws related to housing ("2019 Housing Laws"). There was insufficient time available to implement the traditional code amendment process before the 2019 Housing Laws became effective. After the Council approved two time extensions, the urgency ordinance is now set to expire on December 14, 2021.

The ordinance amendment currently under consideration is required to allow the changes made through the urgency ordinance to be “permanently” incorporated into the Development Code. The language that is proposed for adoption also reflects new and additional changes to State Law that have been made since the urgency ordinance was adopted. Adoption of the code amendments is necessary to allow the City to continue to comply with the requirements of State Law.

The Planning Commission considered the proposed ordinance amendment at its September 23, 2021 meeting. No public testimony was offered regarding the project. The Commission voted 3-1 to adopt a resolution in support of the ordinance amendment, with Commissioner Cunningham voting in opposition and Commission Antuna absent. A summary of the Planning Commission’s discussion is included below under the heading Planning Commission Consideration.

BACKGROUND

The following is a summary of the changes proposed to be implemented through the ordinance amendments. While the number of code sections to be amended appears to be overwhelming with a lot of detail, staff, working closely with the City Attorney’s office, has been able to break down the amendments into seven parts, focusing on the following topics:

- Density Bonus Provisions (Amendments to Chapter 9.26)
- Accessory Dwelling Units (Section 9.40.020 Amended in its Entirety)
- Applications and Procedures (Amendments to Chapter 9.50)
- Low Barrier Navigation Centers (Addition of Section 9.40.200)
- Objective Standards for Housing Projects (Addition of Chapter 9.77)
- Residential District Land Uses and Permits (Amendments to Section 9.10.020)
- Appeals-Relating to Objective Standards (Amendments to Chapter 9.90)

Density Bonus Provisions (Amendments to Chapter 9.26)

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 made 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 are proposed to the Development Code:

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. (9.26.070(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.

The draft ordinance amendment addressing density bonus provisions is included in Attachment 1 (see Attachment 1A). The changes are presented in redlined format in Attachment 2 (see Attachment 2A).

Accessory Dwelling Units (Section 9.40.020 Amended in its Entirety)

Several recent housing laws enacted by the legislature 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 generally 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, 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, 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. The new Section 9.40.020 includes additional changes beyond those made in conjunction with the Urgency Ordinance, to reflect additional changes made to State law.

The draft ordinance amendment addressing accessory dwelling units is included in Attachment 1 (see Attachment 1B). Because the amendments reflect the complete replacement of the existing code section, this section is not presented in redlined format.

Applications and Procedures (Amendments to Chapter 9.50)

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 into 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 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 ordinance amendment, 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 ordinance amendment.

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 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.

The draft ordinance amendment addressing applications and procedures is included in Attachment 1 (see Attachment 1C). The changes are presented in redlined format in Attachment 2 (see Attachment 2C).

Low Barrier Navigation Centers (Addition of Section 9.40.200)

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.

The draft ordinance addressing Low Barrier Navigation Centers is included in Attachment 1 (see Attachment 1D). Because this is a new section, the language is not presented in redlined format.

Objective Standards for Housing Projects (Addition of Chapter 9.77)

With the 2019 Housing Laws, it is mandatory for the City to have in place objective design criteria and a streamlined approval process for housing development projects. To memorialize that obligation, Chapter 9.77 was added through the Urgency Ordinance, and is recommended to be formalized through the ordinance amendment currently under consideration. Multi-family projects conforming to the objective standards are permitted as by-right uses. Appeals may only be filed by the applicant and are limited to mistakes of fact.

The draft ordinance amendments addressing objective standards for housing projects are included in Attachment 1 (see Attachments 1E). Chapter 9.77 is proposed to be added, and for this reason the language is not presented in redline format.

Residential District Land Uses & Permits (Amendments to Section 9.10.020)

With the addition of Chapter 9.77 addressing objective standards, minor amendments to the code section addressing residential district land uses and permit requirement are necessary to remove conflicts and allow internal consistency within the Development Code.

The draft ordinance amendment addressing residential district land uses and permits is included in Attachment 1 (see Attachment 1F). The changes are presented in redlined format in Attachment 2 (see Attachment 2F).

Appeals-Relating to Objective Standards (Amendments to Chapter 9.90)

With the addition of Chapter 9.77 addressing objective standards, minor amendments to the code section addressing appeals are necessary to remove conflicts and allow internal consistency within the Development Code.

The draft ordinance amendment addressing appeals is included in Attachment 1 (see Attachment 1G). The changes are presented in redlined format in Attachment 2 (see Attachment 2G).

PLANNING COMMISSION CONSIDERATION

The Planning Commission considered OA2021-003 at its September 23, 2021 meeting. No public testimony was offered for or against the project. Planning Commissioner members requested clarification regarding density bonus provisions and accessory dwelling unit criteria. Discussion also focused on the relationship between the proposed ordinance amendments and SB 9 and 10. Staff clarified that the proposed language did not address SB 9 and 10, and future amendments would be necessary. A general sentiment objecting to State-mandated requirements was offered. The Commission voted 3-1-1 in favor of a resolution recommending the amendments, with Commissioner Cunningham voting “no” and Commissioner Antuna absent. Commissioner Cunningham did not specifically find fault in the proposed ordinance, instead voicing a general objection to the State legislation and the fact that the City must incorporate the requirements into its municipal code.

FISCAL IMPACT

No fiscal impacts have been identified.

REASON FOR RECOMMENDATION

The ordinance amendments are recommended to allow the language adopted through the Urgency Ordinance to be codified as part of the Municipal Code. The amendments 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.

The findings to consider when making a decision on an ordinance amendment application include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and any applicable specific plans;

The ordinance amendment is intended 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. The amendments are consistent General Plan Goal LU- 5 which calls for a City with housing, employment, and lifestyle opportunities for all agencies and incomes of residents. The amendments are also consistent with the following General Plan policies: LU-5.1 (Housing variety in new development); LU-5.2 (Ownership and rental housing options); LU-5.3 (Innovate housing); and LU-5.6 (Workforce Housing). No conflicts with other general plan goals or policies have been identified.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The proposed amendments to the Development Code are required to comply with the requirements of State Law, including SB330, the Housing Crisis Act of 2019. In adopting SB330, the State Legislature found that the changes included in the bill represented a matter of statewide concern and were applicable to all cities. Both state law and the proposed ordinance amendment incorporate language which allow local agencies (the City of Clovis) to address a specific adverse impact upon the public health or safety if any such impact is identified in conjunction with a housing development project. The proposed ordinance amendments do not address a specific project and were determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the City.

3. There is a compelling reason for the amendment.

The proposed amendments to the Development Code are required to comply with the requirements of State Law, including SB330, the Housing Crisis Act of 2019.

In addition to the foregoing, staff has determined that the proposed ordinance amendments are exempt from CEQA because they implement mandatory State law requirements. If the City did not adopt the ordinance amendments, State law would control the development process without any oversight by the City. Additionally, except for the mandatory requirement to allow additional density bonus incentives and accessory units, which are approved through a ministerial process, the ordinance amendments are primarily procedural in nature.

ACTIONS FOLLOWING APPROVAL

The ordinance amendments will be placed on the November 1, 2021 agenda for second reading and adoption.

Prepared by: Dave Merchen, City Planner

Reviewed by: City Manager *LS*

ORDINANCE 21-__**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING THE CLOVIS DEVELOPMENT CODE RELATING TO HOUSING DEVELOPMENT PROJECT STANDARDS AND PROCEDURES, DENSITY BONUS, ACCESSORY DWELLING UNITS, AND REVIEW PROCEDURES**

WHEREAS, the City's current Development Code was adopted by the City Council on October 8, 2014 and has been amended from time to time pursuant to procedures and criteria included in Chapter 9.86 of the Development Code; and

WHEREAS, the City has identified the need for amendments to the Development Code to reflect changes made to State law relative to housing development project standards and procedures, density bonus provisions, accessory dwelling units, and review procedures requirements, and initiated an application to consider said amendments as Ordinance Amendment OA2021-003; and

WHEREAS, the Clovis Planning Commission considered OA2021-003 at its September 23, 2021 meeting where the Commission adopted a resolution recommending that the City Council approve the project; and

WHEREAS, a duly noticed hearing was held by the City Council to consider OA2021-003 on October 18, 2021; and

WHEREAS, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE CITY COUNCIL FINDS AS FOLLOWS:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and any applicable specific plans; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
4. The basis for the findings is detailed in the October 18, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

ATTACHMENT 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

Section 1 – Amendment to Chapter 9.26.

Chapter 9.26, of Title 9, of the Clovis Municipal Code pertaining to Density Bonus is amended in its entirety to read as set forth in Attachment A.

Section 2 – Amendment to Section 9.40.020

Section 9.40.020, of Title 9, of the Clovis Municipal Code pertaining to Accessory Dwelling Units is amended to read as set forth in Attachment B.

Section 3 – Amendment to Chapter 9.50

Chapter 9.50, of Title 9, of the Clovis Municipal Code pertaining to Application Filing, Processing, and Fees is amended to read as set forth in Attachment C.

Section 4 – Addition of Section 9.40.200

Section 9.40.200, of Chapter 9.40, of Title 9, of the Clovis Municipal Code pertaining to Low Barrier Navigation Centers Is added as set forth in Attachment D.

Section 5 – Addition of Chapter 9.77

Chapter 9.77, of Title 9, of the Clovis Municipal Code pertaining to Residential Design Standards is added as set forth in Attachment E.

Section 6 – Amendment to Section 9.10.020

Section 9.10.020, of Chapter 9.10, of Title 9, of the Clovis Municipal Code pertaining to Residential District Land Uses and Permit Requirements is amended as set forth in Attachment F.

Section 7 – Amendment to Section 9.90.020 and 9.90.040

Section 9.90.020 and 9.90.040, of Chapter 9.10, of Title 9, of the Clovis Municipal Code pertaining to Appeals is amended as set forth in Attachment G.

Section 8 – CEQA Exemption.

The proposed ordinance amendments are exempt from CEQA because they implement mandatory State law requirements. If the City did not adopt the ordinance amendments, State law would control the development process without any oversight by the City. Additionally, except for the mandatory requirement to allow additional density bonus incentives and accessory units, which are approved through a ministerial process, the ordinance amendments are primarily procedural in nature.

Section 9 - Severability.

If any article, section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

Section 10 – Effective Date.

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

* * * * *

APPROVED: October 18, 2021

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on October 18, 2021 and was adopted at a regular meeting of said Council held on November 1, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: November 1, 2021

City Clerk

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.

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 (5) or more residential units, including a mixed-use development, 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 one of the following:

1. Ten percent (10%) of the total number of proposed pre-density bonus, base 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 pre-density bonus, base 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 number of proposed pre-density bonus, base 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 pre-density bonus, base 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 (42 U.S.C. Section 11301 et seq.), where such units are subject to a recorded affordability restriction of fifty-five (55) years and provided at the same affordability level as very low income units;

6. Twenty percent (20%) of the total number of proposed pre-density bonus, base units are for lower income students and made available at an affordable rent in an exclusively student housing development, as specified in Government Code Section 65915(b)(1)(F), where such units are subject to a recorded affordability restriction of fifty-five (55) years and priority is given to students experiencing homelessness; or

7. One hundred percent (100%) of all units in the development, including total units and density bonus units, but 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 units in the development, including total units and density bonus units, 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), (4), (5), (6), or (7) of this section. A preliminary application submitted pursuant to Section 9.50.055, or a final application if no preliminary application is submitted, shall include the number of bonus units requested pursuant to this section.

C. Bonus units not included in calculation. Except as provided in subsection (A)(7), 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.

F. Existing Units; Replacement. When a proposed project affects existing units and/or any other circumstances identified in Government Code section 65915(c)(3) apply, a proposed development must replace the affected units and comply with all other requirements of Government Code section 65915(c)(3), as specified, in order to be eligible for a density bonus or other incentives or concessions.

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), (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

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
21	38.75
22	42.5
23	46.25
24	50

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

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

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%) of the number of senior housing units.

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

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

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%) of the units of the type giving rise to a density bonus.

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%) of the student housing units.

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.

a. If the housing development described in this subsection (A)(7) is located within one-half mile of a major transit stop, there shall be no maximum controls on density. “Major transit stop” means a site containing an existing rail or bus rapid 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.

b. A housing development that receives a waiver from maximum controls on density shall only be eligible for a waiver or reduction of a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 9.26.040(C)(4).

8. 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

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
27	32
28	33
29	34
30	35

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 (7) 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)(8), as well as the bonuses provided by subsections (A)(1) through (7) 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. The applicant may elect a lesser percentage of density increase than what is provided in 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 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 a final application for City approval of a proposed project or concurrently with a final application for project approval. A preliminary application submitted pursuant to Section 9.50.055, or a final application if a preliminary application is not submitted, 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.

1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of physically 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 will have the effect of physically 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 on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The proposal must identify the specific waiver(s), concession(s), or incentive(s) sought and demonstrate that the request satisfies the requirements of Government Code Section 65915(e).

3. Nothing in this subsection shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or upon any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law..

C. 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 seventeen percent (17%) 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 twenty-four percent (24%) 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 all units in the development, including total units and density bonus units, but 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 all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, may be for moderate-income households, as defined in Health and Safety Code Section 50053.

a. If the housing development described in this subsection (C)(4) 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. "Major transit stop" means a site containing an existing rail or bus rapid 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.

D. 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 to provide for affordable housing costs and/or rents;

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 to provide for affordable housing costs and/or rents; 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.

E. 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.

3. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would be contrary to state or federal law.

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: One and one-half (1-1/2) 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 at least twenty percent (20%) low-income units or at least eleven percent (11%) very low-income units, and the development 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 unit.

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, no vehicular parking standards will 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.

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 and the development has 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 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, and the development has 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.

E. Religious Institution Affiliated Housing Development Projects. The requirements of Government Code section 65913.6 shall apply to any "religious institution affiliated housing development project," as defined, that proposes to eliminate parking as part of the housing development project. Except as specifically required by Government Code section 65913.6, all other applicable provisions of this Section 9.26.050 and this Chapter 9.26 shall apply to the proposed housing development project.

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 (D), 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 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. Rental 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.

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.

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 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;

e. Duration 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 written notice to the City;
- 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; and

b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement 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.

c. The agreement shall include an equity sharing provision, as required by Government Code section 65915(c).

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 tenant qualifications, affordable rent category(ies), and designating dwelling units for qualified tenants;

b. Provisions requiring owners to maintain books and records to demonstrate compliance with this chapter;

c. Provisions requiring owners to submit an annual report to the City demonstrating compliance with this chapter; 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 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 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 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 may 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.

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.

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”) as required by and in compliance 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. To the extent there is a conflict between the provisions of this section and the provisions of either Government Code section 65852.2 or 65852.22, including as either may be amended, the applicable provision(s) of Government Code sections 65852.2 and 65852.22 shall apply. The requirements and exceptions specified in Government Code sections 65852.2 and 65852.22 shall apply to the construction of ADUs and JADUs pursuant to this section.

This section is not intended to regulate multi-generational dwelling units, which are dwelling units that do 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.

B. Determinations. ADUs and JADUs are residential uses. ADUs and JADUs that comply with this section are considered accessory uses and accessory buildings and therefore do not exceed the allowable density for the lots upon which ADUs and JADUs are located. ADUs and JADUs that comply with this section are considered to be consistent with the general plan and zoning designations for the lot.

ADUs and JADUs, and the availability to construct ADUs and JADUs, will be counted for purposes of identifying adequate sites for housing in the City’s Housing Element, as provided in Government Code section 65583.1(a), and to reduce the City’s share of the regional housing need, as provided in Government Code section 65583.1(d).

C. Designated Areas. ADUs and JADUs are allowed in all residential zoning districts, including mixed-use zones where residential uses are permitted. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

D. Development Standards. ADUs may be constructed on single-family and multi-family lots with a proposed or existing dwelling. ADUs may be attached, detached, or located within existing primary residences, or accessory structures. JADUs shall only be allowed on lots zoned for single-family residential use, and which are contained within a proposed or existing single-family dwelling.

ADUs and JADUs are subject to the normal requirements of the zoning district where the ADU and/or JADU will be constructed. Unless otherwise stated in this section, the requirements and standards of the Development Code that apply to the lot and the primary dwelling shall apply to any ADU and/or JADU, including lot coverage, parking, height, setback, floor area ratio, open space, landscape, and architectural review, all Fire and Building Code requirements and

standards of the Development Code, and the requirements and standards that apply to detached dwellings and accessory structures generally. (See Section 9.40.030(D).)

1. Number of Units. One (1) ADU and one (1) JADU are allowed per single family residential lot. Lots with existing multifamily dwellings may construct up to two (2) detached ADUs, or ADUs up to 25 percent of the number of existing multifamily dwelling units in non-livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages).
2. Unit Size. Detached ADUs may have a total floor area of 1,200 square feet or less. ADUs attached to an existing primary dwelling may have a total floor area of 50 percent or less of the area of the existing primary dwelling or 1,200 square feet, whichever is greater. ADUs and JADUs shall be at least two hundred twenty (220) square feet. JADUs may not be more than 500 square feet in size.
3. Setbacks. A setback of four (4) feet from the side and rear lot lines is required for an ADU, unless the ADU is constructed within an existing primary dwelling or permitted accessory structure, or in the same location and to the same dimensions as an existing permitted accessory structure.
4. Building Standards.
 - a. ADUs and JADUs shall not exceed a single story and sixteen (16) feet in height, unless constructed above an attached or detached garage, in which case the ADU/JADU shall not exceed the height limit of the applicable zoning district.
 - b. ADUs and JADUs must be architecturally compatible with the primary dwelling, having similar materials, colors, and style of construction. The design and size of ADUs and JADUs 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.)
 - c. Attached ADUs and JADUs 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).
 - d. Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the accessory dwelling unit as determined by the City Engineer. The ADU/JADU can either have shared or separate services for electric, gas, sewer, and water. Approval by the local health officer is required where a private water well and/or private sewage disposal system is being used, and the applicant must demonstrate that there is sufficient capacity on any private water well and/or private sewage disposal system to adequately serve proposed ADUs/JADUs. New private water wells, new private sewage disposal systems, or expansion of existing private water wells and/or private sewage disposal systems shall not be allowed in order to accommodate

ADUs/JADUs.

e. There shall be at least one (1) parking space per ADU, except as allowed by Government Code section 65852.2. Additional parking is not required for JADUs.

f. 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.

g. Fire sprinklers are required for ADUs/JADUs if fire sprinklers are required for the primary residence.

5. Exception. All of the standards provided in this Section may be relaxed or waived in order to allow construction of an attached or detached ADU that is at least 800 square feet and 16 feet in height with four (4) foot side and rear yard setbacks, provided that the ADU is constructed in compliance with all Fire and Building Code requirements and applicable standards of the Development Code necessary to protect the public health and safety.

E. 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.

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.

F. Connection, Impact, and other Fees.

1. Except as provided in Government Code sections 65852.2 and 65852.22, ADUs and JADUs are subject to all fees and assessments required by the Clovis Municipal Code for new residential construction, including connection fees, capacity charges, and impact fees.

2. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.

G. Occupancy and Ownership.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy is 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. Rentals of ADUs and/or JADUs for less than 30 days must comply with the requirements for short term rentals pursuant to Section 9.58.065.

3. Owner-occupancy is not required for ADUs. Owner-occupancy is required for a single-family residence with a JADU. The owner may reside in either the single-family residence or the newly created JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

4. A JADU may not be sold separate from the sale of the single-family residence. A deed restriction prohibiting the sale and restricting the size and attributes of the JADU, as provided by Government Code section 65852.22, is also required.

H. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. An application, together with the required fee in compliance with the City's Fee Schedule, shall be filed with the Department and 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 ADU/JADU applications. Following receipt of a completed application, the Director shall make an investigation of the facts bearing

on the case to determine compliance with this section and ministerially approve a compliant application.

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. The applicant may request a delay in the time available for the City to act on the application, as provided by State law.

I. Definitions.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be an efficiency unit, as defined in Health and Safety Code Section 17958.1, and a manufactured home, as defined in Health and Safety Code Section 18007.
2. “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.
3. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence that includes a separate entrance from the main entrance to the single-family residence, separate sanitation facilities, and an efficiency kitchen consisting of a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the size of the unit.
4. “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.

J. Non-Compliant Applications. An applicant may submit an application for an administrative use permit pursuant to Chapter 62 for ADUs or JADUs that do not satisfy the requirements of this section. The Director may approve an administrative use permit in whole or in part, and may impose specific development requirements and/or conditions of approval that relate to both on- and off-site improvements that are necessary to accommodate property development, mitigate project related adverse effects, and to carry out the purpose and requirements of the subject zoning district. Approval of an administrative use permit shall be discretionary and in accordance with the requirements of Chapter 62.

K. Severability. The City Council hereby declares that it would have adopted this section and adopted each article, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. If any article, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,

such decision shall not affect the validity of the remaining portion of this section. The Director shall apply this section as though any invalid or unconstitutional article, subsection, sentence, clause or phrase were not included in this section.

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 9.50.070 (Application fees).
- B. Concurrent processing. 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 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 9.50.070 (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 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.

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.

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 9.50.080 (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(a) and by the City form(s) and checklist(s) developed pursuant to Section 65941.1.

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, in which case a new preliminary application may be submitted, and the entire project will be subject to ordinances, policies, and standards adopted and in effect when the new preliminary application is submitted. If a new preliminary application is not submitted, the previously submitted preliminary application will remain in effect until it is withdrawn, expires, or is superseded by a final application, but it will not be effective as to a housing development project that changes by 20 percent or more, as described in this part.

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).

7. If the site or a portion of the site is listed as a tribal cultural resource on a national, state, tribal, or local historic register list.

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 license and/or registration 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.

F. 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.

9.50.070 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 Master Administrative 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 without the application fee.
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.

9.50.080 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 thirty (30) 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. Except 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 9.50.100 (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 was 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 a financial assistance 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.

9.50.100 Environmental assessment.

- A. CEQA review. 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.

9.50.110 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.

9.50.120 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, and consistent with Government Code Section 65913.4 and applicable Department of Housing and Community Development (“HCD”) Guidelines. The developer must provide notice of intent to apply for streamlined ministerial approval by submitting a preliminary application for the development in accordance with Section 9.50.060.

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. The development is a multifamily housing development that contains two (2) or more residential units.

2. The development is located on a legal parcel or parcels within the City where 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. The site must be zoned for residential use or residential mixed-use development, or have 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.

;

3. An applicant must commit 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 owned units and not less than fifty-five (55) years for rental units.

4. The development is subject to mandating a minimum percentage of below market rate housing, as required by Government Code section 65913.4(a):

a. When the City's most recent Annual Progress Report ("APR") submitted to HCD shows that fewer than the number of required above moderate-income housing permits have been issued, the project must dedicate 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

b. When the City's APR shows that fewer than the number of required very low- or low-income housing permits have been issued, the project must dedicate 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 in effect at the time that a preliminary application for the housing development project is submitted pursuant to Section 9.50.060.

6. The development cannot be located on property within any of the following areas, as more fully described in Government Code section 65913.4(a)(6): a coastal zone, prime farmland or farmland of statewide importance, wetlands, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, floodplain, floodway, community conservation plan area, habitat for protected species, land under a conservation easement, or located on a qualifying mobile home site.

7. The development cannot be located: (a) on land that requires the demolition of affordable housing or has been occupied by residential tenants within the past ten (10) years, (b) a site that was previously used for housing that was occupied by residential tenants that was demolished within ten (10) years, (c) a site that would require the demolition of a historic structure, or (d) the property contains housing units that are occupied by residential tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

8. The developer must, in accordance with Government Code section 65913.4(a)(9): (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. Native American Tribe Scoping Consultation.

1. The City will engage in a scoping consultation regarding the proposed development with any applicable California Native American tribe, as required by Government Code section 65913.4(b). A development shall not be eligible for the streamlined, ministerial process if any of the following apply:

a. There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

b. There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in Government Code section 65913.4(b).

c. The parties to a scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

2. If, after a scoping consultation, a project is not eligible for the streamlined, ministerial process for any or all of the reasons described in Government Code section 65913.4(b)(5), the City will provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the developer and to any California Native American tribe that is a party to that scoping consultation.

3. If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, or an enforceable agreement is documented between the California Native American tribe and the City on methods, measures, and conditions for tribal cultural resource treatment, the developer may submit a final application for the proposed development that is subject to the streamlined, ministerial approval process. The final application shall be processed in accordance with Section 9.50.080, unless otherwise provided in this section.

C. 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.

D. 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.

E. 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 in subsection C.

F. 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).

G. Modifications. Modifications to a development approved pursuant to this section shall be evaluated pursuant to Government Code section 65913.4(g). The City may apply objective planning standards adopted after the preliminary application was first submitted to the requested modification(s) when:

1. The development is revised such that the total number of residential units or total square footage of construction changes by fifteen percent (15%) or more.

2. The development is revised such that the total number of residential units or total square footage of construction changes by five percent (5%) or more and it is necessary to subject the development to an objective standard beyond those in effect when the preliminary application was submitted in order 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. Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modifications.

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.

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.

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 Multifamily Residential Development Review.

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. 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.

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 Multifamily Residential Development Review.

Multifamily Housing Development Projects and the residential component of Mixed-Use Housing Development Projects that meet the objective Multiple Family Residential Development Standards specified in Section 9.77.030 shall be reviewed and approved or denied as provided for in this section. Multifamily projects that do not meet the objective standards shall be processed according to the review and approval requirements for site plan reviews set forth in Chapter 9.56.

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. Multifamily 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 Multifamily 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 development standards.

B. No public hearing required. A public hearing shall not be required for the Director's decision on a residential design review.

C. Director decision.

1. Upon the receipt of the completed final application, the Director shall determine whether or not the final application meets the requirements of this chapter.

2. The Director shall approve the Multifamily Residential Development Review, or return with corrections and findings, pursuant to Chapter 9.50.

3. The Director shall approve a Multifamily Residential Development Review application only if all of the following findings are made. The Director's decision to approve the application is considered ministerial. The Director's decision shall be supported by the record. The proposed development must:

- a. Be allowed within the subject zoning district;

b. 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 multifamily residential development standards established by resolution of the Council;

c. Be in compliance with all other applicable provisions of the Clovis Municipal Code; and

d. 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 Multifamily Residential Development Review to the Commission in accordance with Chapter 9.90.

2. Appeals shall be limited to mistakes of fact.

E. Environmental review. Multifamily Residential Development Review 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.

F. 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 Multifamily Residential Development Review.

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, any 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.

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.

**HOUSING ORDINANCE AMENDMENT
REDLINED ORDINANCE SECTIONS**

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 (5) or more residential units, including a mixed-use development, 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 pre-density bonus, base 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 pre-density bonus, base 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 number of proposed pre-density bonus, base 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 pre-density bonus, base 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 (42 U.S.C. Section 11301 et seq.), where such units are subject to a recorded affordability restriction of fifty-five (55) years and provided at the same affordability level as very low income units; or

6. Twenty percent (20%) of the total number of proposed pre-density bonus, base units are for lower income students and made available at an affordable rent in an exclusively student housing development, that meets the requirements, as defined by as specified in Government Code Section 65915**(b)(1)(F)**, where such units are subject to a recorded affordability restriction of fifty-five (55) years and priority is given to students experiencing homelessness; or-

7. One hundred percent (100%) of all units in the development, including total units and density bonus units, but 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 units in the development, including total units and density bonus units, 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, or a final application if no preliminary application is submitted, shall include the number of bonus units requested pursuant to this section.

C. Bonus units shall not qualify a project included in calculation. A Except as provided in subsection (A)(7), 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.

F. Existing Units; Replacement. When a proposed project affects existing units and/or any other circumstances identified in Government Code section 65915(c)(3) apply, a proposed development must replace the affected units and comply with all other requirements of Government Code section 65915(c)(3), as specified, in order to be eligible for a density bonus or other incentives or concessions.

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

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
<u>16</u>	<u>29</u>
17	30.5
18	32
19	33.5
20	35

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

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

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

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%) of the number of senior housing units.

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

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
<u>41</u>	<u>38.75</u>
<u>42</u>	<u>42.5</u>
<u>43</u>	<u>46.25</u>
<u>44</u>	<u>50</u>

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%) of the units of the type giving rise to a density bonus.

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%) of the student housing units.

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.

a. If the housing development described in this subsection (A)(7) is located within one-half mile of a major transit stop, there shall be no maximum controls on density. “Major transit stop” means a site containing an existing rail or bus rapid 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.

b. A housing development that receives a waiver from maximum controls on density shall only be eligible for a waiver or reduction of a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 9.26.040(C)(4).

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

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
27	32
28	33
29	34
30	35

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. The applicant may elect a lesser percentage of density increase than what is provided in 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 9.50.055, or a final application if a preliminary application is not submitted, 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.

1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of physically 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 will have the effect of physically 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 on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The proposal must identify the specific waiver(s), concession(s), or incentive(s) sought and demonstrate that the request satisfies the requirements of Government Code Section 65915(e).

32. Nothing in this subsection shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or upon any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law. 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-seventeen~~ percent (~~2017~~%) 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-two~~^{thirty-four} percent (~~30~~³⁴%) 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 all units in the development, including total units and density bonus units, but 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 all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, may be for moderate-income households, as defined in Health and Safety Code Section 50053.

a. If the housing development described in this subsection (C)(4) 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. "Major transit stop" means a site containing an existing rail or bus rapid 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.

ED. 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 to provide for affordable housing costs and/or rents;

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 to provide for affordable housing costs and/or rents; 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.

E. 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.

3. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would be contrary to state or federal law.

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)~~ One and one-half (1-1/2) 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 at least twenty percent (20%) low-income units or at least eleven percent (11%) the maximum percentage of low income or very low-income units, and the development 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~~unit.

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~~no vehicular parking standards will 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 and the development shall have~~has 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 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, and~~the ratio shall not exceed three-tenths (3/10) spaces per unit. The development shall have~~ the development has 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.

E. Religious Institution Affiliated Housing Development Projects. The requirements of Government Code section 65913.6 shall apply to any "religious institution affiliated housing development project," as defined, that proposes to eliminate parking as part of the housing development project. Except as specifically required by Government Code section 65913.6, all other applicable provisions of this Section 9.26.050 and this Chapter 9.26 shall apply to the proposed housing development project.

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~~D), 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 Rental 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 Duration 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 notice to 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.

c. The agreement shall include an equity sharing provision, as required by Government Code section 65915(c).

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 tenant qualifications, establishing affordable rent category(ies), 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 demonstrating compliance with this chapter;~~ 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~~ may 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.~~

AMENDED CHAPTER 9.40 COMPREHENSIVELY REPLACES EXISTING CHAPTER 9.40

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") as required by and in compliance 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. To the extent there is a conflict between the provisions of this section and the provisions of either Government Code section 65852.2 or 65852.22, including as either may be amended, the applicable provision(s) of Government Code sections 65852.2 and 65852.22 shall apply. The requirements and exceptions specified in Government Code sections 65852.2 and 65852.22 shall apply to the construction of ADUs and JADUs pursuant to this section.

This section is not intended to regulate multi-generational dwelling units, which are dwelling units that do 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.

B. Determinations. ADUs and JADUs are residential uses. ADUs and JADUs that comply with this section are considered accessory uses and accessory buildings and therefore do not exceed the allowable density for the lots upon which ADUs and JADUs are located. ADUs and JADUs that comply with this section are considered to be consistent with the general plan and zoning designations for the lot.

ADUs and JADUs, and the availability to construct ADUs and JADUs, will be counted for purposes of identifying adequate sites for housing in the City's Housing Element, as provided in Government Code section 65583.1(a), and to reduce the City's share of the regional housing need, as provided in Government Code section 65583.1(d).

C. Designated Areas. ADUs and JADUs are allowed in all residential zoning districts, including mixed-use zones where residential uses are permitted. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

D. Development Standards. ADUs may be constructed on single-family and multi-family lots with a proposed or existing dwelling. ADUs may be attached, detached, or located within existing primary residences, or accessory structures. JADUs shall only be allowed on lots zoned for single-family residential use, and which are contained within a proposed or existing single-family dwelling.

ADUs and JADUs are subject to the normal requirements of the zoning district where the ADU and/or JADU will be constructed. Unless otherwise stated in this section, the requirements and standards of the Development Code that apply to the lot and the primary dwelling shall apply to any ADU and/or JADU, including lot coverage, parking, height, setback, floor area ratio, open space, landscape, and architectural review, all Fire and Building Code requirements and

standards of the Development Code, and the requirements and standards that apply to detached dwellings and accessory structures generally. (See Section 9.40.030(D).)

1. Number of Units. One (1) ADU and one (1) JADU are allowed per single family residential lot. Lots with existing multifamily dwellings may construct up to two (2) detached ADUs, or ADUs up to 25 percent of the number of existing multifamily dwelling units in non-livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages).
2. Unit Size. Detached ADUs may have a total floor area of 1,200 square feet or less. ADUs attached to an existing primary dwelling may have a total floor area of 50 percent or less of the area of the existing primary dwelling or 1,200 square feet, whichever is greater. ADUs and JADUs shall be at least two hundred twenty (220) square feet. JADUs may not be more than 500 square feet in size.
3. Setbacks. A setback of four (4) feet from the side and rear lot lines is required for an ADU, unless the ADU is constructed within an existing primary dwelling or permitted accessory structure, or in the same location and to the same dimensions as an existing permitted accessory structure.
4. Building Standards.
 - a. ADUs and JADUs shall not exceed a single story and sixteen (16) feet in height, unless constructed above an attached or detached garage, in which case the ADU/JADU shall not exceed the height limit of the applicable zoning district.
 - b. ADUs and JADUs must be architecturally compatible with the primary dwelling, having similar materials, colors, and style of construction. The design and size of ADUs and JADUs 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.)
 - c. Attached ADUs and JADUs 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).
 - d. Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the accessory dwelling unit as determined by the City Engineer. The ADU/JADU can either have shared or separate services for electric, gas, sewer, and water. Approval by the local health officer is required where a private water well and/or private sewage disposal system is being used, and the applicant must demonstrate that there is sufficient capacity on any private water well and/or private sewage disposal system to adequately serve proposed ADUs/JADUs. New private water wells, new private sewage disposal systems, or expansion of existing private water wells and/or private sewage disposal systems shall not be allowed in order to accommodate

ADUs/JADUs.

e. There shall be at least one (1) parking space per ADU, except as allowed by Government Code section 65852.2. Additional parking is not required for JADUs.

f. 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.

g. Fire sprinklers are required for ADUs/JADUs if fire sprinklers are required for the primary residence.

5. Exception. All of the standards provided in this Section may be relaxed or waived in order to allow construction of an attached or detached ADU that is at least 800 square feet and 16 feet in height with four (4) foot side and rear yard setbacks, provided that the ADU is constructed in compliance with all Fire and Building Code requirements and applicable standards of the Development Code necessary to protect the public health and safety.

E. 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.

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.

F. Connection, Impact, and other Fees.

1. Except as provided in Government Code sections 65852.2 and 65852.22, ADUs and JADUs are subject to all fees and assessments required by the Clovis Municipal Code for new residential construction, including connection fees, capacity charges, and impact fees.

2. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.

G. Occupancy and Ownership.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy is 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. Rentals of ADUs and/or JADUs for less than 30 days must comply with the requirements for short term rentals pursuant to Section 9.58.065.

3. Owner-occupancy is not required for ADUs. Owner-occupancy is required for a single-family residence with a JADU. The owner may reside in either the single-family residence or the newly created JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

4. A JADU may not be sold separate from the sale of the single-family residence. A deed restriction prohibiting the sale and restricting the size and attributes of the JADU, as provided by Government Code section 65852.22, is also required.

H. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. An application, together with the required fee in compliance with the City's Fee Schedule, shall be filed with the Department and 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 ADU/JADU applications. Following receipt of a completed application, the Director shall make an investigation of the facts bearing

on the case to determine compliance with this section and ministerially approve a compliant application.

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. The applicant may request a delay in the time available for the City to act on the application, as provided by State law.

I. Definitions.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be an efficiency unit, as defined in Health and Safety Code Section 17958.1, and a manufactured home, as defined in Health and Safety Code Section 18007.
2. “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.
3. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence that includes a separate entrance from the main entrance to the single-family residence, separate sanitation facilities, and an efficiency kitchen consisting of a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the size of the unit.
4. “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.

J. Non-Compliant Applications. An applicant may submit an application for an administrative use permit pursuant to Chapter 62 for ADUs or JADUs that do not satisfy the requirements of this section. The Director may approve an administrative use permit in whole or in part, and may impose specific development requirements and/or conditions of approval that relate to both on- and off-site improvements that are necessary to accommodate property development, mitigate project related adverse effects, and to carry out the purpose and requirements of the subject zoning district. Approval of an administrative use permit shall be discretionary and in accordance with the requirements of Chapter 62.

K. Severability. The City Council hereby declares that it would have adopted this section and adopted each article, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. If any article, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,

such decision shall not affect the validity of the remaining portion of this section. The Director shall apply this section as though any invalid or unconstitutional article, subsection, sentence, clause or phrase were not included in this section.

**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. 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 ~~9.50.060~~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.

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.

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(a) and by the City form(s) and checklist(s) developed pursuant to Section 65941.1.

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, in which case a new preliminary application may be submitted, and the entire project will be subject to ordinances, policies, and standards adopted and in effect when the new preliminary application is submitted. If a new preliminary application is not submitted, the previously submitted preliminary application will remain in effect until it is withdrawn, expires, or is superseded by a final application, but it will not be effective as to a housing development project that changes by 20 percent or more, as described in this part.

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).

7. If the site or a portion of the site is listed as a tribal cultural resource on a national, state, tribal, or local historic register list.

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 license and/or registration 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.

F. 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 Master Administrative 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. WExcept 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 was 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 a financial assistance 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, and consistent with Government Code Section 65913.4 and applicable Department of Housing and Community Development (“HCD”) Guidelines. The developer must provide notice of intent to apply for streamlined ministerial approval by submitting a preliminary application for the development in accordance with Section 9.50.060.

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. ~~The~~ development is a multifamily housing development that contains two (2) or more residential units.;

2. The development is located on a legal parcel or parcels within the City where 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. The site must be zoned for residential use or residential mixed-use development, or have 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. ~~An applicant must 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, as required by Government Code section 65913.4(a) based on:~~

a. ~~(1) —Locality failing to submit its latest production report to HCD, or~~ When the City's production report reflects most recent Annual Progress Report ("APR") submitted to HCD shows that fewer than the number of required above moderate-income housing permits ~~has~~ have been issued, and the project must 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

b. ~~(2) —~~ When the City's production report reflects APR shows that fewer than the number of required ~~of~~ very low- or low-income housing permits ~~has~~ have been issued, and the project must 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 a preliminary application for the housing development project is submitted pursuant to Section 9.50.060.;~~

6. ~~The development Ccannot be located on property within any of the following areas, as more fully described in Government Code section 65913.4(a)(6): a coastal zone, prime farmland or farmland of statewide importance, wetlands, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, floodplain, floodway, community~~

conservation plan area, habitat for protected species, land under a conservation easement, or located on a qualifying mobile home site.;

7. ∅The development cannot be located: (a) on land that requires the demolition of affordable housing or has been occupied by residential tenants within the past ten (10) years, (b) a site that was previously used for housing that was occupied by residential tenants that was demolished within ten (10) years, (c) a site that would require the demolition of a historic structure, or (d) the property contains housing units that are occupied by residential tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.;

8. ∅The developer must, in accordance with Government Code section 65913.4(a)(9): (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. Native American Tribe Scoping Consultation.

1. The City will engage in a scoping consultation regarding the proposed development with any applicable California Native American tribe, as required by Government Code section 65913.4(b). A development shall not be eligible for the streamlined, ministerial process if any of the following apply:

a. There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

b. There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in Government Code section 65913.4(b).

c. The parties to a scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

2. If, after a scoping consultation, a project is not eligible for the streamlined,

ministerial process for any or all of the reasons described in Government Code section 65913.4(b)(5), the City will provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the developer and to any California Native American tribe that is a party to that scoping consultation.

3. If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, or an enforceable agreement is documented between the California Native American tribe and the City on methods, measures, and conditions for tribal cultural resource treatment, the developer may submit a final application for the proposed development that is subject to the streamlined, ministerial approval process. The final application shall be processed in accordance with Section 9.50.080, unless otherwise provided in this section.

C. 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.

D. 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.

E. 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 in subsection C.

F. 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).

G. Modifications. Modifications to a development approved pursuant to this section shall be evaluated pursuant to Government Code section 65913.4(g). The City may apply objective planning standards adopted after the preliminary application was first submitted to the requested modification(s) when:

1. The development is revised such that the total number of residential units or total square footage of construction changes by fifteen percent (15%) or more.

2. The development is revised such that the total number of residential units or total square footage of construction changes by five percent (5%) or more and it is necessary to subject the development to an objective standard beyond those in effect when the preliminary application was submitted in order 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. Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modifications.

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.

CHAPTER 9.40 IS A NEW CHAPTER - PROPOSED TO BE ADDED**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.

CHAPTER 9.77 IS A NEW CHAPTER – PROPOSED TO BE ADDED

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 Multifamily Residential Development Review.

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. 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.

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 Multifamily Residential Development Review.

Multifamily Housing Development Projects and the residential component of Mixed-Use Housing Development Projects that meet the objective Multiple Family Residential Development Standards specified in Section 9.77.030 shall be reviewed and approved or denied as provided for in this section. Multifamily projects that do not meet the objective standards shall be processed according to the review and approval requirements for site plan reviews set forth in Chapter 9.56.

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. Multifamily 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 Multifamily 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 development standards.

B. No public hearing required. A public hearing shall not be required for the Director's decision on a residential design review.

C. Director decision.

1. Upon the receipt of the completed final application, the Director shall determine whether or not the final application meets the requirements of this chapter.

2. The Director shall approve the Multifamily Residential Development Review, or return with corrections and findings, pursuant to Chapter 9.50.

3. The Director shall approve a Multifamily Residential Development Review application only if all of the following findings are made. The Director's decision to approve the application is considered ministerial. The Director's decision shall be supported by the record. The proposed development must:

- a. Be allowed within the subject zoning district;

b. 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 multifamily residential development standards established by resolution of the Council;

c. Be in compliance with all other applicable provisions of the Clovis Municipal Code; and

d. 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 Multifamily Residential Development Review to the Commission in accordance with Chapter 9.90.

2. Appeals shall be limited to mistakes of fact.

E. Environmental review. Multifamily Residential Development Review 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.

F. 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 Multifamily Residential Development Review.

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, a~~Any 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.

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: Planning and Development Services

DATE: October 18, 2021

SUBJECT: Consider items associated with approximately 3.48 acres of land located south of Shaw Avenue, between Leonard and Agua Dulce Avenues. DeYoung Properties, property owner/ applicant; Quad Knopf – Scott Zaayer, representative.

a. Consider Introduction – Ord. 21-____, R2021-007, a request to rezone 3.48 acres from the R-1 (Single-Family Residential) Zone District to the R-1-MD (Single-Family Residential Medium Density) Zone District.

b. Consider Approval – Res. 21-____, TM6377, a request to approve a vesting tentative tract map for an 18-lot single-family subdivision on 3.48 acres of land.

Staff: Lily Cha, Associate Planner

Recommendation: Approve

ATTACHMENTS:

1. Draft Ordinance R2021-007
2. Draft Resolution TM6377
3. Conditions of Approval
4. Correspondence from Commenting Agencies
5. CEQA Exemption
6. Vesting Tentative Tract Map TM6377

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve the following, subject to conditions of approval included as **Attachment 3**.

- Approve Rezone R2021-007;
- Approve Vesting Tentative Tract Map TM6377; and
- Make a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested.

EXECUTIVE SUMMARY

DeYoung Properties is proposing the development of an 18-lot single-family residential subdivision on approximately 3.48 acres of land located south of Shaw Avenue, between Leonard and Agua Dulce Avenues. The proposed development is associated with a rezone request from the R-1 (Single-Family Residential) Zone District to the R-1-MD (Single-Family Medium Density) Zone District and a vesting tentative tract map, TM6377, to subdivide the project site into 18 single-family residential lots.

BACKGROUND

- General Plan Designation: Medium Density Residential (4.1-7.0 DU/Ac)
- Specific Plan Designation: Loma Vista
- Existing Zoning: R-1 (Single-Family Residential)
- Lot Size: 3.48 Acres
- Current Land Use: Rural Residential
- Adjacent Land Uses:
 - North: Residential
 - South: Residential
 - East: Residential
 - West: Residential/ Temporary Basin
- Previous Entitlements: GPA2008-04, R2008-08

The project site was part of a larger 337-acre group of properties that were annexed into the City limits with the Shaw-De Wolf Southeast Reorganization (RO277) in December of 2013. The annexation of these properties was the result of the establishment of the Loma Vista Community Centers North and South Master Plan and the proposed development of TM5937. At that time, approximately 79 acres of property, inclusive of the project site, were re-designated from Low Density Residential (2.1 to 4.0 DU/Ac) to Medium Density Residential (4.1-7.0 DU/Ac) and pre-zoned from Fresno County's AE-20 to the City's R-1 (Single-Family Residential) Zone District. The surrounding TM5937 has been developed.

PROPOSAL AND ANALYSIS

The project is an 18-lot single-family residential development proposed on approximately 3.48 acres of property that is situated south of Shaw Avenue, between Leonard and Agua Dulce Avenues (see **Figure 1**). This proposal is inclusive of a rezone and vesting tentative tract map.



FIGURE 1 – Project Location

Rezone

The project site is currently zoned R-1 (Single-Family Residential). With this project, the applicant is proposing to rezone the site to the R-1-MD (Single-Family Residential Medium Density) Zone District to allow for greater flexibility in the development standards that will be applied to the site. In this situation, both the R-1 and R-1-MD Zone Districts are applicable to the site's land use designation of Medium Density Residential (4.1-7.0 DU/Ac). Both zone districts have slightly different development standards as shown in **Table 1** below. The R-1-MD Zone District allows a smaller minimum lot size with corresponding development standard including lot configuration (width, depth, and size), setbacks, and a slightly increased lot coverage allowance in comparison to the R-1 Zone District. The R-1-MD Zone District was established with the 2014 General Plan and Municipal Code update as a solution to accommodate medium density single-family residential development. **Table 1** below lists development standards for both zone districts.

TABLE 1 – Zone District Development Standards

Development Standards	Standards		
<i>Parcel Features</i>	R-1	R-1-MD	Differences
Minimum Parcel Size	6,000 sq. ft.	4,500 sq. ft.	1,500 sq. ft.
Minimum Parcel Width	60 ft.	50 ft.	10 ft.
Minimum Cul-de-sac Parcel Width	50 Feet	N/A	N/A
Minimum Corner Parcel Width	65 ft.	50 ft.	15 ft.
Minimum Parcel Depth	100 ft.	90 ft.	10 ft.
<i>Setbacks Required</i>			
Front	20 ft.	15 ft./ 20 ft. to face of garage door	5 ft.
Side	5 ft.	5 ft.	Same
Street side	10 ft.	10 ft.	Same
Rear	20 Feet	15 Feet	5 ft.
<i>Additional Development Standards</i>			
Maximum Parcel Coverage	40%	45%	5%
Maximum Height	35 feet/ 2-1/2 stories	35 feet/ 2-1/2 stories	Same

The purpose of this request for rezone to the R-1-MD district is not only to capitalize on the zone district's minimum parcel size and width requirements, but to accommodate development of the site at the minimum density required by the existing MD (Medium Density) General Plan designation. If developed at the R-1 Zone District standards, the site could accommodate a maximum of 14 single-family lots with a density of 4.0 dwelling units per acre. The result is a development that would not meet the density range of the existing medium density residential designation (4.1 to 7.0 DU/Ac). Furthermore, the proposed district has a minimum parcel size of 4,500 square feet and a minimum parcel width of 50 feet. Because the project is proposing a minimum lot size of 5,516 square feet and lot width of 50 feet, the rezone to the R-1-MD Zone District is required. Additional benefits of the R-1-MD district are slightly smaller setback requirements and the allowance for an increased percentage of parcel coverage. Refer to **table 1** for the R-1-MD standard and differences.

Project Density

Although the project proposes to rezone the site from R-1 to R-1-MD, the underlying General Plan land use designation remains at the medium density. Medium density allows for single-family developments with densities between 4.1 to 7.0 dwelling units per acre. With a proposed 18-lot development on approximately 3.48 acres, the Project's density of 5.2 dwelling units per acre is within the lower end of the medium density range.

The Project’s density is comparable to that of the existing TM5937, which is surrounding the Project site. TM5937 is a 352-lot single-family residential subdivision with an overall density of 4.52 dwelling units per acre. The existing subdivision is an approved PRD (planned residential development) with reduced development standards including minimum lot sizes of 5,000 square feet. The Project site is substantially surrounded by properties designated for Medium Density Residential development. **Figure 2** below is a map of the land use designation for properties surrounding the project site.

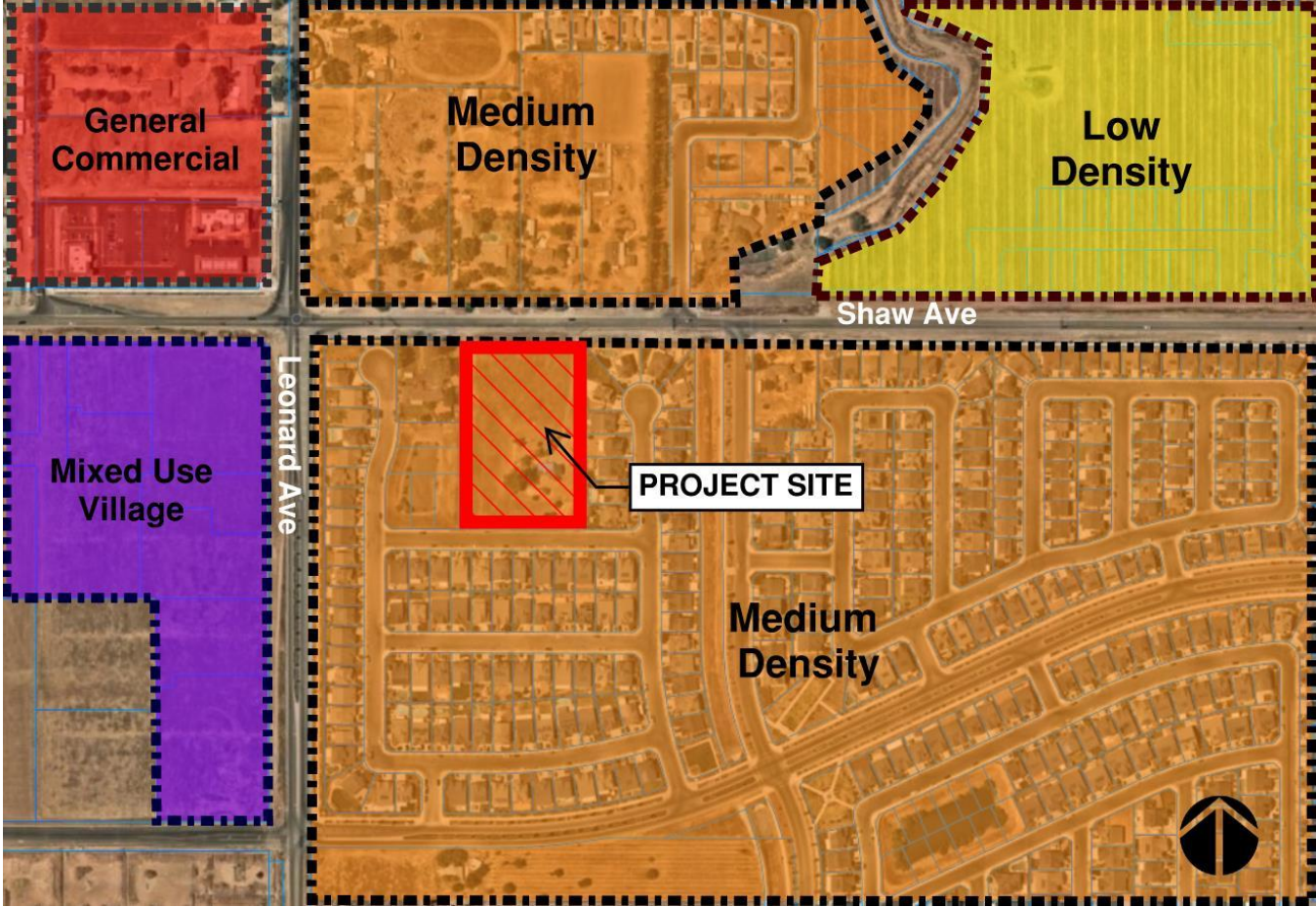


FIGURE 2 – General Plan Map

Findings for Approval of a Rezone

Amendments to the zone map may be approved only if the review authority can make the following findings:

- 1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan;

The project is consistent with the existing Medium Density Residential land use designation for medium density single-family housing. The project seeks to rezone the

site to allow for R-1-MD development standards which were designed to accommodate developments with medium density. The project cannot meet the minimum density requirements of the existing Medium Density Residential land use designation without rezoning the site.

- 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The project was reviewed by outside agencies and City departments and was determined to 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 provisions of utilities) for the requested zoning designations and anticipated land uses/ projects.

The project site is physically suitable to accommodate the proposed 18-lot subdivision with the proposed R-1-MD standards. The project is surrounded by other residential uses with similar densities and will take access from the existing single-family subdivision surrounding it. The project design is consistent with the previously shown concept of the potential development of the site. See **Figure 3** below.

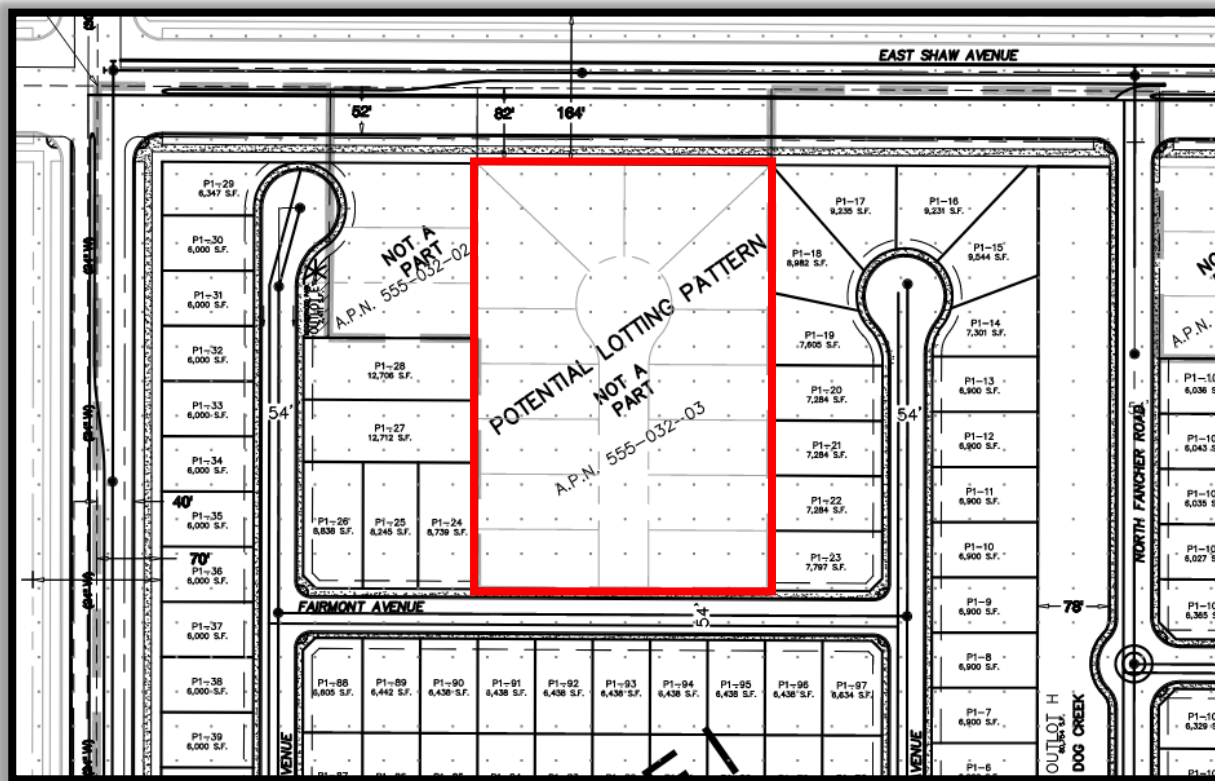


FIGURE 3 – Conceptual Lot Pattern

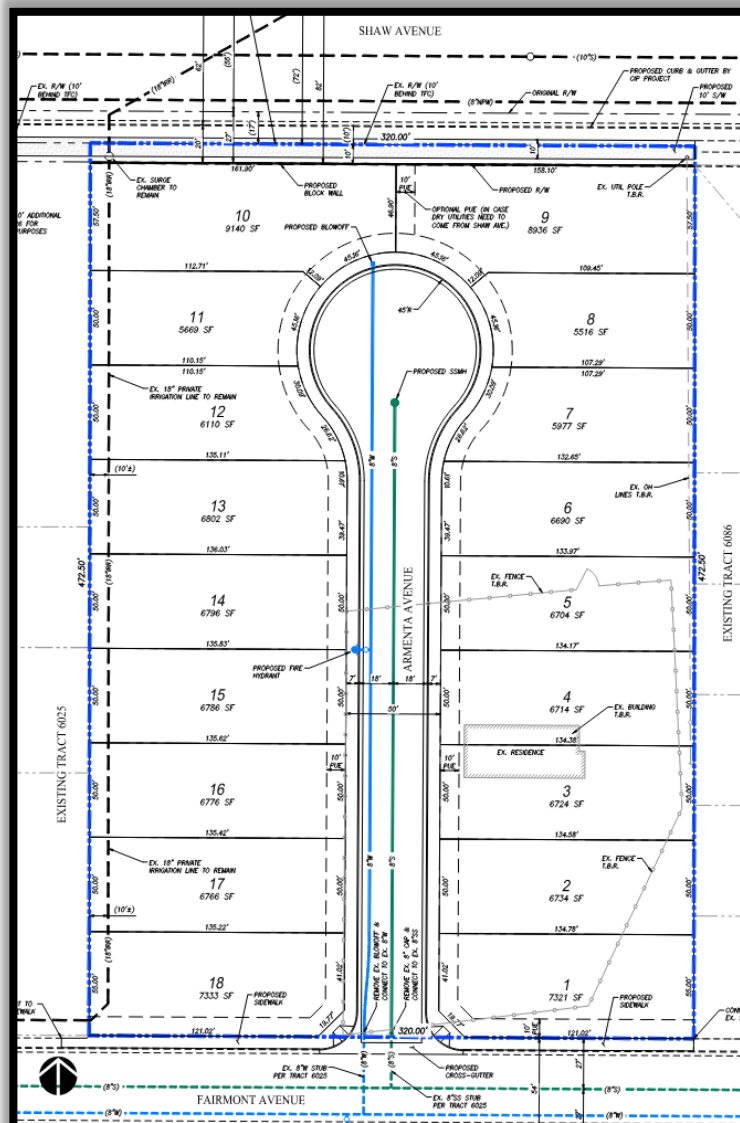
Vesting Tentative Tract Map

Lot Configuration and Circulation

The proposed vesting tentative tract map TM6377 (**Attachment 6**) will subdivide the 3.48 acre Project site into 18 individual single-family lots inclusive of a local, cul-de-sac street (see **Figure 4** below). Lot sizes range from 5,516 square feet to 9,140 square feet. The average lot size is approximately 6,860 square feet. The lots must meet the minimum required configuration of the proposed R-1-MD Zone District, which include a minimum parcel width of 50 feet and parcel depth of 90 feet. An adjustment to the minimum lot width has been requested for the proposed cul-de-sac lots (lots 8-11) through the minor adjustment process which, if approved, will grant a ten percent reduction of the minimum lot width. The minor adjustment is reviewed and processed at the administrative level by the Planning and Development Services Department.

Access to the proposed subdivision will be from the existing subdivision surrounding the Project site. The Project's proposed street will extend into the existing Fairmont Avenue. The larger subdivision is accessible from both Leonard and Shaw Avenues.

FIGURE 4
Tract Map 6377



Dedication of Right-of-Way and Fencing

The project abuts Shaw Avenue to the north and Fairmont Avenue to the south and has a requirement to dedicate its proportionate share towards the public right-of-way. As a local street, Fairmont requires a 5-foot wide sidewalk with a 2-foot wide parkway strip. Shaw Avenue is currently under the process of being widened. The appropriate dedication towards the widening of Shaw Avenue has been acquired and no additional dedication is required. Curb and gutter will be installed along Shaw Avenue with the Shaw Avenue widening capital improvement project. This development is required to install the trail pathway and landscaping along its frontage of Shaw Avenue. The pattern for this improvement is inclusive of 7-feet of landscaping from the curb of Shaw Avenue, a 10-foot wide paseo pathway, and then another 3-feet of landscaping.

Additionally, the development is required to provide a minimum 6-foot tall, split-face masonry block wall along the property line adjacent to Shaw Avenue. The block wall will be of the same color and material as the existing block wall of the adjacent development.

Thematic Elements and Trail Amenities

Branding of the Loma Vista Specific Plan with specific elements has been essential to creating a community and sense of place. A “Craftsman” theme has been established throughout this 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. Thematic elements and architecture will be reviewed through the residential site plan review process, a requirement if this project is approved.

The Dog Creek trail is planned along the open channel (Dog Creek) to the north of Shaw Avenue and is intended to connect to the south of Shaw Avenue. To avoid a mid-block crossing over Shaw Avenue for safety concerns, the trail must be realigned to the intersection of Shaw and Leonard Avenues before returning to the existing trail alignment across Shaw Avenue. **Figure 5** below depicts the re-alignment of the trail system. Adjustment of the pedestrian right-of-way along this segment of Shaw Avenue is required to be in compliance with City trail standards. The trail pattern provided in the earlier part of this report is consistent with trail standards, providing a 10-foot wide paseo pathway. Additionally, trail identifying amenities such as benches and lighting bollards shall be incorporated into the trail alignment.

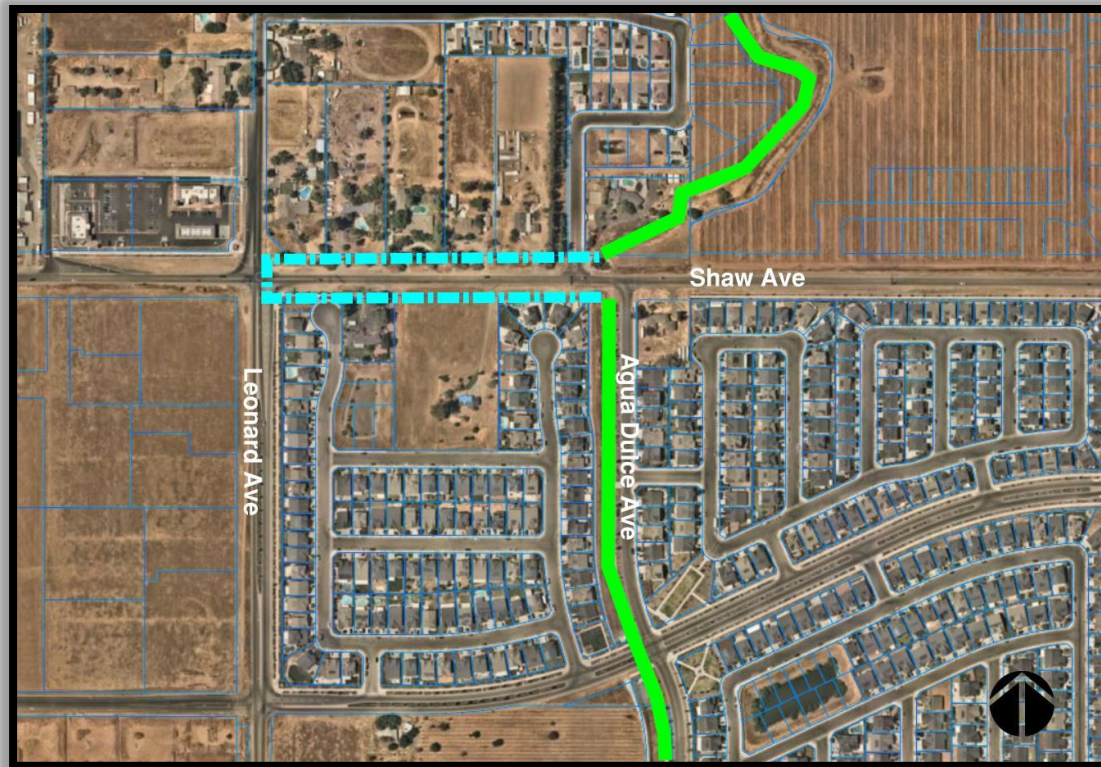


FIGURE 5- Dog Creek Trail Re-Alignment

Findings for Approval of a Vesting Tentative Tract Map

The following findings must be made for the review authority to approve the vesting tentative tract map:

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan.

The proposed tract map is consistent with the existing General Plan designation of Medium Density Residential, providing a development intensity within its required density range. Additionally, the project's design conforms to the Loma Vista Specific Plan's design guidelines.

2. The site is physically suitable for the type and proposed density of development.

The 3.48 acre project site allow for the congruent development of the proposed 18-lot subdivision with a lot configuration that meets the proposed R-1-MD development standards and a standard cul-de-sac street.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or their habitat.

The proposed infill project is surrounded by existing development. Additionally, the project site has been routinely disturbed as a part of an existing rural residential property. There are no trees or water features that would typically be associated with providing habitat. It is unlikely that the site supports or provide value as habitat for endangered, rare, or threatened species.

4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.

The project was has been reviewed by the City's Police and Fire departments and the Fresno County Department of Public Health, and no major concerns regarding public health and safety were presented.

5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

There are no existing public easements within the subject property. The project will dedicate appropriate portions of property towards the public right-of-way adjacent to its frontage along Fairmont Avenue.

6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed the by the California Regional Water Quality Control Board.

The project has been reviewed in consistency with the California Regional Water Quality Control Board requirements, by the City's Engineering Division and Public Utilities department and no concerns of violation were presented.

7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.

The development will be constructed per the California Building Code requirements and will therefore meet this requirement.

8. The proposed subdivision, its design, density, and type of development and improvements confirm to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.

The project would comply with the regulations of the City's Development Code and requirements of regulating agencies. Regulations and project requirements are included as conditions of approval. Additionally, the project will be further refined during the various stages of plan review.

Public Outreach and Comments

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. As of the completion of this report, staff has not received comments since the initial correspondence mentioned above.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, County of Fresno, and the Fresno Local Agency Formation Commission (LAFCo).

Comments received are attached (**Attachment 4**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Planning Commission

The Planning Commission considered this project on Thursday, September 23, 2021. The Commission recommended approval of the project by a vote of 4-0-1 with Commissioner Antuna absent.

Community Facilities District

The fiscal analysis of the Southeast Urban Center 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.

A condition of approval has been added to this tentative map requiring participation of this Project in the CFD.

California Environmental Quality Act (CEQA)

The project is exempt from CEQA pursuant to a Class 32 categorical exemption. Class 32 exemptions consist of infill development less than five acres in size and meeting the conditions described in Section 15332 of the CEQA Guidelines. The project site is located within the City limits and is consistent with the general plan designation and policies. The proposal to rezone to the R-1-MD Zone District is consistent with the existing medium density residential land use designation depicted in the 2014 General Plan. Although the development standards of the proposed R-1-MD Zone District differentiate slightly from the existing R-1 Zone District, the project would not interfere with the underlying density. Furthermore, the development standards of both zone districts do not differentiate significantly as referenced in **table 1** of this report. The project presents a unique situation where the applicable R-1 development standards would result in the project not meeting the medium density requirement of the general plan. Utilizing the R-1 standards, the project could produce a maximum of 14 lots resulting in a low density designation (2.1 to 4.0 DU/Ac) of 4.0 dwelling units per acre. In light of these factors and the determination that the remaining criteria outlined in Section 15332 CEQA Guidelines can be met, the City has concluded that the project is exempt from CEQA.

The Notice of Exemption provided as **Attachment 5** addresses the conditions of Section 15332 and is kept for public review with the project file during the processing of the application. Staff will file the notice with the County Clerk if the project is approved.

The City published a notice of this public hearing in *The Business Journal* on Wednesday, October 6, 2021.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Project complies with the goals, objectives, and policies of the City's General Plan, Loma Vista Specific Plan and meet the requirements of the proposed R-1-MD Zone District. The rezoning to R-1-MD is consistent with the existing Medium Density General Plan land use designation and is necessary to allow the project to meet the minimum density requirements of that designation. Planning Commission and staff therefore recommend that the City Council approve R2021-007 and TM6377, subject to the conditions of approval provided as **Attachment 3**.

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: Lily Cha, Associate Planner

Reviewed by: City Manager 

ORDINANCE 21-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTION 9.08.020 AND CHAPTER 9.86 OF THE CLOVIS MUNICIPAL CODE TO REZONE APPROXIMATELY 3.48 ACRES FROM THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE DISTRICT TO THE R-1-MD (SINGLE-FAMILY RESIDENTIAL MEDIUM DENSITY) ZONE DISTRICT FOR PROPERTY LOCATED SOUTH OF SHAW AVENUE BETWEEN LEONARD AND AGUA DULCE AVENUES

WHEREAS, the project proponent, De Young Properties, 677 W. Palmdon, Suite 208, Fresno CA, 93704, submitted an application for Rezone Application R2021-007 in connection with the proposed development of a 18-lot single-family residential subdivision (“Project”) on approximately 3.48 acres of property located south of Shaw Avenue between Leonard and Agua Dulce Avenues (“Property”); and

WHEREAS, Rezone Application R2021-007 proposes to rezone the Property from the R-1 (Single-family Residential) District to the R-1-MD (Single-family Residential Medium Density) Zone District; and

WHEREAS, the proposed rezone will facilitate development of the Project on the Property; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 23, 2021, to consider the Project approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission voted and recommended that the City Council approve Rezone R2021-007; and

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

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on October 6, 2021, mailed public notices to property owners within 600 feet of the Property ten (10) days prior to the City Council hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, the City Council held a duly noticed public hearing on October 18, 2021, to consider approval of Rezone R2021-007; and

WHEREAS, the City Council considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determines that the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332, and will not have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3); and

WHEREAS, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report and staff presentation, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE CITY COUNCIL FINDS AS FOLLOWS:

1. The proposed rezone, is consistent with the goals, policies, and actions of the adopted General Plan.
2. The proposed rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and development of the Project.
4. The City Council finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development), and will not have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3).
5. The basis and evidence for the findings are detailed in the October 18, 2021, staff report and staff presentation addressing the Project during the October 18, 2021, public hearing, both of which are hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

Section 1 The Official Map of the City is amended in accordance with Section 9.08.020 and Chapter 9.86 of the Clovis Municipal Code by rezoning certain land in the City of Clovis, County of Fresno, State of California, to wit:

LEGAL DESCRIPTION:

See the attached Attachment A.

From the R-1 (Single-family residential) Zone District to the R-1-MD (Single-family residential medium density) Zone District.

Section 2 This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED: October 18, 2021

_____	_____
Mayor	City Clerk
* * * * *	* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on October 18, 2021 and was adopted at a regular meeting of said Council held on November 1, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: November 1, 2021

City Clerk

**ATTACHMENT A
LEGAL DESCRIPTION**

The land referred to is situated in the County of Fresno, City of Clovis, State of California, and is described as follows:

The Easterly 320 feet of the Westerly 733 feet of the Northerly 544.5 feet of the Northwest Quarter of the Northeast Quarter of Section 13, Township 13 South, Range 21 East, MDB&M. Containing 4.00 acres a little more or less, EXCEPTING THEREFROM the Northerly 30 feet thereof reserved for public road purposes.

ALSO EXCEPTING THEREFROM: that portion granted to the County of Fresno, a Political Subdivision of the Estate of California, recorded on July 06, 1977 in Book 6830 of Official Records, Page 315 under Recorder's Serial Number 1977-69953, Fresno County Records.

APN: 555-362-28

RESOLUTION 21-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A VESTING TENTATIVE TRACT MAP FOR A 18-LOT SINGLE-FAMILY SUBDIVISION ON APPROXIMATELY 3.48 ACRES OF PROPERTY LOCATED SOUTH OF SHAW AVENUE BETWEEN LEONARD AND AGUA DULCE AVENUES AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 15332 (CLASS 32 – INFILL DEVELOPMENT)

WHEREAS, De Young Properties, 677 W. Palmdon Suite 208, Fresno CA, 93704, submitted an application for Vesting Tentative Tract Map TM6349 for a 18-lot single family subdivision (“Project”) on approximately 3.48 acres of property located south of Shaw Avenue between Leonard and Agua Dulce Avenues (“Property”); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on October 6, 2021, mailed public notices to property owners within 600 feet of the Property ten (10) days prior to the City Council hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on October 18, 2021; and

WHEREAS, the Planning Commission has considered said map on September 23, 2021, approving said map; and

WHEREAS, the proposed tract map was presented to the City Council for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9 of the Municipal Code of the City of Clovis; and

WHEREAS, the City Council considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determines that the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332 and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3); and

WHEREAS, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, and the conditions of approval attached as **Attachment B** to this Resolution, which are incorporated herein by this reference.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE CITY COUNCIL RESOLVES AND FINDS AS FOLLOWS:

1. The City Council hereby approves TM6377 as shown in **Attachment A** subject to the conditions of approval set forth in **Attachment B** to this Resolution.

2. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan.
3. The site is physically suitable for the type and proposed density of development.
4. 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.
5. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.
6. 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.
7. 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.
8. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
9. 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.
10. The City Council could not make the findings necessary for approval of TM6377 without the conditions of approval set forth in **Attachment B** to this Resolution.
11. The City Council finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development) and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3).
12. The basis for the findings is detailed in the October 18, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021, by the following vote, to wit.

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

DATED: October 18, 2021

Mayor

City Clerk

ATTACHMENT A
(Tract Map to be provided when finalized)

ATTACHMENT B
(Conditions of approval to be provided when finalized)

Conditions of Approval- Vesting Tentative Tract Map TM6377**Planning Division Comments**
(Lily Cha, Associate Planner – 559-324-2335)

1. This Project is subject to the development standards of the Loma Vista Specific Plan.
2. The applicant shall contribute a proportionate share towards the development of a “paseo” system in this quarter section as required by the General Plan land use diagram.
3. The applicant shall contribute a proportional share towards the development and improvement of a neighborhood park. The formula for park contribution is based on one acre of park for each 1,000 residents to be used for the acquisition and improvement of a neighborhood park facility. Contribution greater than this formula may be reimbursable.
4. 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 Sign Ordinance.
5. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the City Planner on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements of any other siting or setback/yard requirements established under this application. If such a waiver is requested, the developer and City Planner shall work together to ensure that any sitings of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts that may result.
6. Tentative Map TM6377 is subject to the development standards of the R-1-MD Zone District.
7. The garages shall have a 20'x22' interior dimension.
8. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
9. Maximum lot coverage is 45% unless specifically approved through a residential site plan review or variance.
10. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Municipal Code.

ATTACHMENT 3

11. The developer shall construct a minimum six-foot high solid split face masonry wall, consistent with the existing adjacent development, along Shaw Avenue.
12. The developer shall provide decorative fixtures such as the thematic Loma Vista Light. Specific locations and details will be reviewed during the residential site plan review process.
13. The developer shall provide the required proportionate right-of-way for Shaw Avenue and Fairmont Avenue.
14. Shaw Avenue shall have a 20-foot landscape/pedestrian setback, with a 7-foot parkway, 10-foot sidewalk, and 3-foot landscape setback.
15. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
16. Prior to the submittal of civil plan review, the applicant shall submit a tree plan showing all existing trees with their variety. A tree removal/protection plan shall be reviewed and approved by the Director. Trees shall not be removed without approval from the Director.
17. Upon final recordation of this vesting 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.
18. The applicant shall relay all conditions of approval for Vesting Tentative Tract Map 6377 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
19. 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.
20. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
21. This vesting tentative tract map is approved per **Attachment 6** of the October 18, 2021 staff report.
22. This Project requires the submittal and approval of a residential site plan review entitlement. Specific color and materials of the models, walls, amenities, landscaping, and fencing will be evaluated.
23. The applicant shall provide an all-weather surface for the placement and storage of trash receptacles.

24. The applicant shall install the necessary landscaping and sidewalk/ trail pathway along Shaw Avenue.
25. The applicant shall also install Loma Vista bollard lights and a bench along the projects frontage of the trail alignment adjacent to Shaw Avenue. The items design and placement will be reviewed during the residential site plan review process/ engineering plan review.

Administration Department Conditions
(John Holt, Department Representative – (559) 324-2111)

26. The applicant and the property owner acknowledge and agree that if the project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the project within a CFD, the City might not be able to make the finding that the project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the project.
27. The owner/developer shall notify all potential lot buyers prior to sale that this project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation or filing of the project, the City Council has determined that it is not necessary that the project be included in the CFD.
28. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

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

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

29. 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.
30. 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, and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, 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 approved by the City and all other involved agencies prior to the release of any development permits.

31. 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).
32. 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

33. 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.
34. 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.
35. 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.
36. 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.
37. 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.

38. 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.
39. The applicant shall provide and pay for all geotechnical services per City policy.
40. 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.
41. 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.
42. 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.
43. 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

44. 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. Shaw Avenue – Along frontage, dedicate to provide right-of-way acquisition for 82' (existing 72') south of section line, section line is 10' north of centerline, and improve with curb, gutter, sidewalk, street lights, fiber optic conduit, median island, median island landscaping and irrigation, landscape strip, 58' (42' south + 16' north) of permanent paving, 3' paved swale on the north side of the street, and transitional paving as needed. For nonadjacent major street requirements, the applicant shall provide between the western limit of the project and Leonard Avenue, 32' of permanent paving, including median island, landscaping, irrigation, 2-3' paved swales, and all transitional paving as required, or another City approved alternate route.

- b. Shaw Avenue – For orderly development, along the frontage of the property immediately adjacent to the west, improve with curb, gutter, sidewalk, drive approaches, street lights, and an additional 10' of permanent paving on the south side of the street.
 - c. The applicant shall dedicate and provide for the Dog Creek Trail (7' landscape, 10' trail, 3' landscaping) along Shaw Avenue between the easternmost limit of the project and the westernmost limit of the property immediately adjacent to the west.
 - d. Fairmont Avenue – Improve with sidewalk and curb return ramps.
 - e. 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.
 - f. 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.
 - g. The applicant shall relinquish all access to Shaw Avenue.
45. 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.
46. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
47. The applicant shall remove and repair all damaged or broken concrete improvements. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.
48. The applicant shall not install any fences, temporary or permanent in public right-of-way.
49. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
50. 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

51. The applicant shall identify and abandon all septic systems to City standards.

52. 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. Shaw Avenue – install 10" main Leonard Avenue and the easternmost limit of the project.
- b. Interior Streets – install 8" mains.

53. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.

Water

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

55. 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.

56. 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.

57. 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.

Grading and Drainage

58. 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.

59. 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.
60. 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.
61. 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

62. 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 landscape strip along Shaw Avenues, and the median islands in Shaw Avenue.
63. 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 \$464.59, 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 additional landscaping enhancements that exceed the City norms and are specific benefit to the property, such as the entry feature, columns, monuments, interior median islands, round-a-bouts, special street lights, etc, if determined to be maintained by the Landscape Maintenance District, shall be maintained by an additional landscape maintenance assessment. The applicant shall provide construction costs and deposit with the City an amount equal to 50% of the value of the enhanced landscaping hardscape features, or an alternate amount approved by the City Engineer, such as columns, monuments, and special street lights, that exceeds the City norms. The applicant shall provide the City with an estimate of the annual maintenance for the special lighting and landscaping enhancements that exceeds the City norms. 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.

64. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
65. 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.
66. 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.
67. 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.

68. 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.**
69. 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

70. The applicant shall install five (5) street lights per the attached street light exhibit. Street lights along the major streets shall be installed 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 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 owned by the City shall be maintained by an additional landscape maintenance assessment.
71. 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.

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

73. 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)

74. 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)

75. 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.

Clovis Unified School District

(Michael Johnston, CUSD Representative – 327-9000)

76. 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 – 230-55935)

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

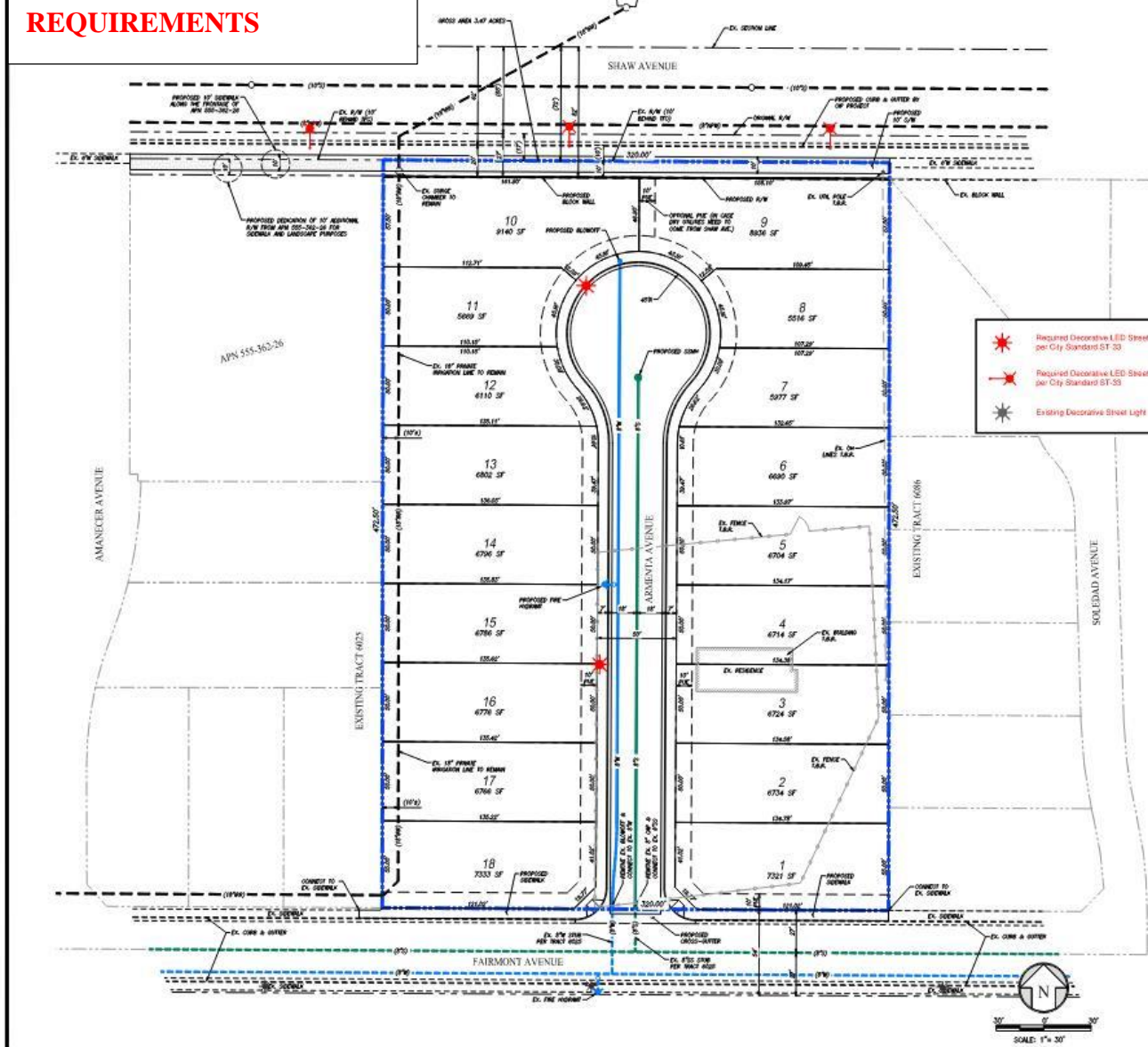
Fresno Metropolitan Flood Control District

(Anthony Zaragoza, FMFCD Representative – 456-3292)

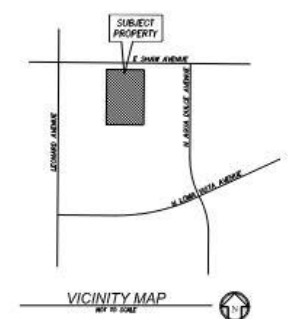
78. The Applicant shall refer to the attached FMFCD correspondence. If the list is not attached, please contact the FMFCD for the list of requirements.

ENGINEERING LIGHTING REQUIREMENTS

TENTATIVE SUBDIVISION MAP
TRACT No. 6377
IN THE CITY OF CLONE, COUNTY OF FRESNO, STATE OF CALIFORNIA
CONSISTING OF ONE SHEET
AUGUST 2021



- Required Decorative LED Street Light per City Standard ST-33
- Required Decorative LED Street Light per City Standard ST-33
- Existing Decorative Street Light



- NOTES:**
1. EXISTING TRACTS 8-1-1-1000 (SINGLE FAMILY RESIDENTIAL)
 2. PROPOSED TRACTS 8-1-1-1000 (SINGLE FAMILY RESIDENTIAL)
 3. PROPOSED LOTS 11-18 (SINGLE FAMILY RESIDENTIAL, 1-1-1-10 (SINGLE))
 4. LOT AREA - 3.48 ACRES (SINGLE)
 5. LOT AREA - 3.48 ACRES (SINGLE)
 6. LOT AREA - 3.48 ACRES (SINGLE)
 7. LOT AREA - 3.48 ACRES (SINGLE)
 8. LOT AREA - 3.48 ACRES (SINGLE)
 9. LOT AREA - 3.48 ACRES (SINGLE)
 10. LOT AREA - 3.48 ACRES (SINGLE)
 11. PROPOSED TRACTS 8-1-1-1000 (SINGLE FAMILY RESIDENTIAL) AND STREET FRONTAGE TO BE APPROVED PER CITY OF CLONE TRADING REGULATIONS.
 12. ALL UTILITIES SHOWN ARE TO BE OBTAINED FROM PUBLIC UTILITY PROVIDERS.
 13. ALL EXISTING WATER LINES, SEWER, AND GAS LINES SHALL BE MAINTAINED THROUGHOUT.
 14. ALL EXISTING UTILITIES TO BE REMOVED SHALL BE OBTAINED FROM PUBLIC UTILITY PROVIDERS PER CITY AND COUNTY REGULATIONS.
 15. THERE ARE NO OTHER REGULATIONS REQUIRED SUCH AS WELLS OR OCEANOGRAPHY WITHIN THE PROPOSED SUBDIVISION OTHER THAN WHAT IS SHOWN ON THE MAP AND PROPERTY.
 16. WATER SUPPLY AND SEWER SERVICE ARE FROM THE CITY OF CLONE.
 17. THE AREA IS NOT SUBJECT TO FLOOD HAZARD.
 18. BOUNDARY SURVEY IS CONSIDERED APPROXIMATE AND IS BASED ON RECORD INFORMATION ONLY.

LEGAL DESCRIPTION:

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF FRESNO, CITY OF CLONE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE EASTLY 300 FEET OF THE NORTHEASTLY CORNER OF THE NORTHEASTLY 3445 FEET OF THE NORTHEASTLY CORNER OF THE SECTION 16, TOWNSHIP 12 NORTH, RANGE 22 EAST, MOUNTAIN VIEW ASSOCIATES A TRACT, MORE OR LESS, EXCEPTING THEREFROM THE INTEREST OF THE TRACT PURSUANT TO THE COUNTY OF FRESNO, A PARTIAL SUBDIVISION OF THE ESTATE OF CALIFORNIA, RECORDED ON JULY 14, 1971 IN BOOK 8857 OF PUBLIC RECORDS, PAGE 216 UNDER RECEIPT'S SERIAL NUMBER 1977-00465, FRESNO COUNTY RECORDS.

RECORD OWNERSHIP: APN: 009-362-05
DE JUAN RODRIGUEZ
C/O MRS. FRANKLIN GRIFFIN
3000 17TH STREET
FRESNO, CA 93724
(509) 428-8800

SUBDIVIDER: DE JUAN RODRIGUEZ
270 WEST PRADON DRIVE
SUITE 200
FRESNO, CA 93724
(509) 428-8800

UTILITY INFORMATION:

CITY AND STATE:	CLONE, CA	CLONE, CALIFORNIA
CITY OF CLONE:	1775 17TH STREET	CLONE, CALIFORNIA
CLONE, CA 93724	PHONE: (509) 428-2000	PHONE: (509) 428-2000
CLONE, CA 93724	PHONE: (509) 428-2000	PHONE: (509) 428-2000
CLONE, CA 93724	PHONE: (509) 428-2000	PHONE: (509) 428-2000

LEGEND:

- (---)--- TRACT BOUNDARY
- (---)--- EXISTING NON-PERMISSIBLE WALLS
- (---)--- EXISTING STORM SEWER LINE
- (---)--- EXISTING SANITARY SEWER LINE
- (---)--- EXISTING WATER LINE
- (---)--- EXISTING OVERHEAD ELECTRIC
- (---)--- TO BE REMOVED

QK
801 POLLACK AVENUE, SUITE 301 TEL: (509) 488-3400
CLONE, CA 93724
CONSULTING IN STATE WHERE NOT LICENSED OR REGISTERED

SHEET 1 OF 1



2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

September 3, 2021

Lily Cha
City of Clovis
Planning Division
1033 Fifth Street
Clovis, CA 93612

RE: Vesting Tentative Tract Map 6377
S/E Shaw and Leonard avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed Tract Map 6377 for which the applicant proposes an 18-lot single-family residential development, APN: 555-362-28. This request is being processed concurrently with R2021-007 and MD2021-009. FID has the following comments:

1. FID previously reviewed and commented on the subject property on May 6, 2021, as Development Review Committee Application No. DRC-21-00021. 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

ATTACHMENT 4



2907 S. Maple Avenue
 Fresno, California 93725-2208
 Telephone: (559) 233-7161
 Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

May 6, 2021

Maria Spera
 City of Clovis
 Planning Division
 1033 Fifth Street
 Clovis, CA 93612

RE: Development Review Committee Application No. DRC-21-00021
 S/E Shaw and Leonard avenues

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. DRC-21-00021 for which the applicant proposes a single-family residential development, APN: 555-362-28. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject properties, as shown on the attached FID exhibit map.
2. For informational purpose, FID's active Jefferson No. 112 and Brown No. 113 run southwesterly and traverse the intersection of Shaw Avenue and DeWolf Avenue approximately 3,040 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Shaw Avenue, DeWolf Avenue, or in the vicinity of these facilities, FID requires it review and approve all plans.
3. For informational purposes, a private facility known as the McFarlane E. Br. No. 468 runs southerly, crossing Shaw Avenue and traversing the north and west side of the subject property, as shown on the attached FID exhibit map. FID records indicate this facility is active and should be treated as such. FID can supply the City of Clovis with a list of known users upon request.
4. The proposed development may negatively impact local groundwater supplies. The area is currently rural residential with little water demand. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. FID suggests 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.

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Maria Spera
Re: DRC-21-00021
May 6, 2021
Page 2 of 2

5. 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.

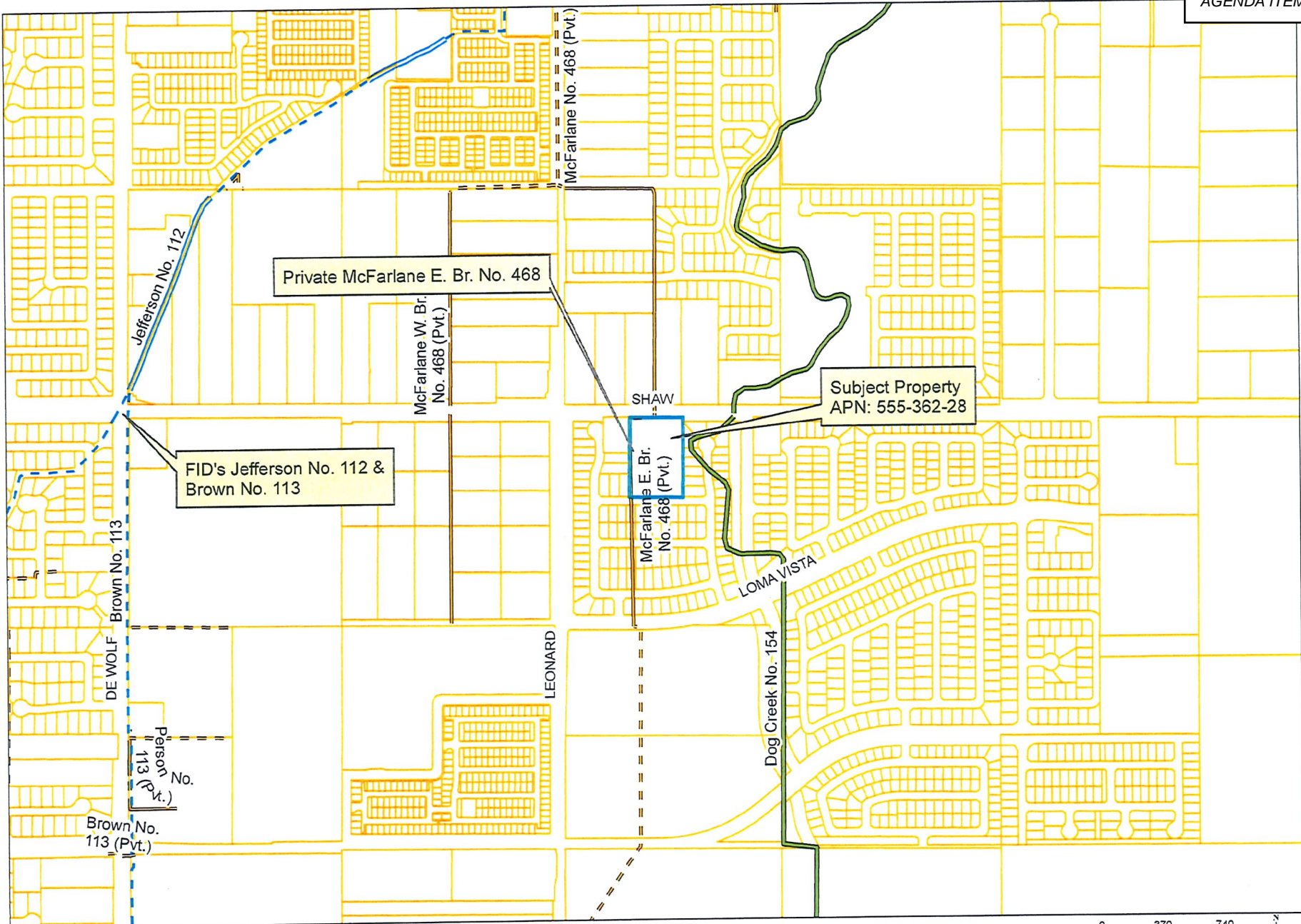
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



Private McFarlane E. Br. No. 468

FID's Jefferson No. 112 & Brown No. 113

Subject Property
APN: 555-362-28

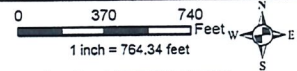


This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown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

FRESNO IRRIGATION DISTRICT

Legend

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



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

AGENDA ITEM NO. 14.

Page 1 of 3

PUBLIC AGENCY

LILY CHA
DEPARTMENT OF PLANNING AND
DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

DEVELOPER

DE YOUNG PROPERTIES
677 W. PALMDON, SUITE 208
FRESNO, CA 93704

PROJECT NO: **6377**

ADDRESS: **S. SIDE OF SHAW AVE., E. OF LEONARD AVE.**

APN: **555-362-28**

SENT: **September 08, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
DO	\$50,977.00	NOR Review	\$159.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$444.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$50,977.00		Total Service Charge: \$603.00		

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 2/28/22 based on the site plan submitted to the District on 8/16/21 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. 6377

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 14.

Page 2 of 3

CL TRACT No. 6377

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
 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.

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.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 14.

Page 3 of 3

CL TRACT No. 6377

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.



Debbie Campbell
Design Engineer, RCE

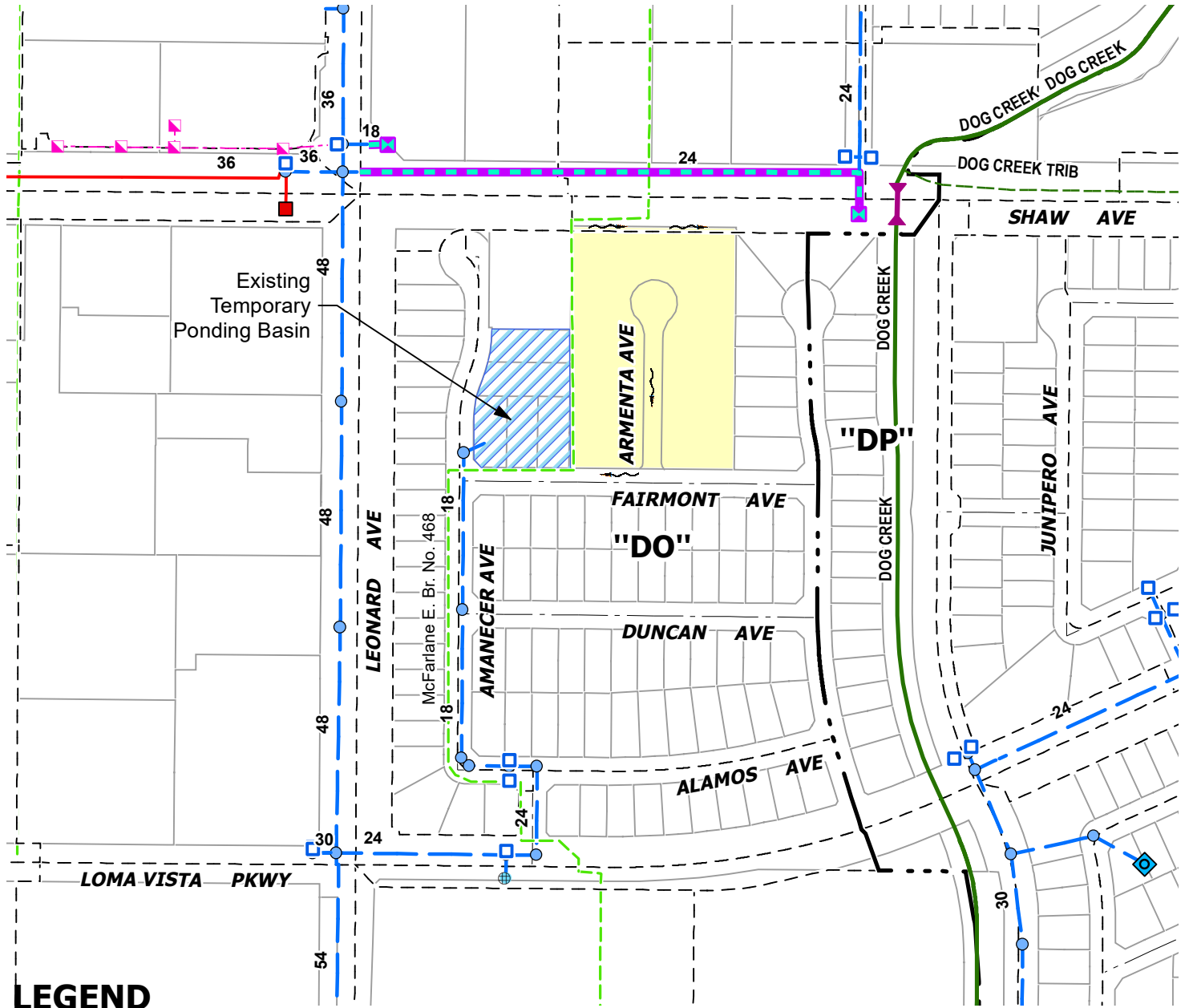
Digitally signed by Debbie Campbell Date: 9/8/2021 11:22:04 AM



Anthony Zaragoza
Engineer II

Digitally signed by Anthony Zaragoza Date: 9/8/2021 11:12:29 AM

NOTE: THIS DISTANCES, A FACILITIES, A BOUNDARIES ARE APPROXIMATE. AGENDA ITEM NO. 14.



LEGEND

- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- - - Drainage Area Boundary
- ~ Direction Of Drainage
- ⌈ Existing Culvert
- - - Existing FID Facilities
- Limits Of TRACT 6377
- Master Plan Facilities To Be Constructed By City Of Clovis
- Private Facilities
- Existing Major Stream Course (Master Plan Channel)
- - - Existing Minor Stream Course (Master Plan Channel)



TRACT 6377
DRAINAGE AREA "DO"



EXHIBIT NO. 1
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

OTHER REQUIREMENTS

EXHIBIT NO. 2

The City of Clovis is constructing the Master Plan facilities in Shaw Avenue as shown on Exhibit No. 1. If the Shaw Avenue facilities are not completed prior to development of this site, permanent drainage service will not be available for Shaw Avenue and the District recommends temporary facilities until permanent service is available. Permanent drainage service is available for the portion of the site draining towards Fairmont Avenue.

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.



CITY *of* CLOVIS

PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

Categorical Exemption R2021-007 and TM6377

Pursuant to Article 19 of the State CEQA Guidelines, the City of Clovis has determined that the project described below will not have a significant effect on the environment and shall be categorically exempt from the provisions of CEQA.

Lead Agency: City of Clovis
Planning and Development Services

Lead Agency Contact: Lily Cha, Associate Planner
(559) 324-2335
lilyc@cityofclovis.com

Applicant: De Young Properties
Brandon De Young
677 W. Palmdon, Suite 208
Fresno, CA 93704
(559) 435-0900

Project Location: South of Shaw Avenue, between Leonard and Agua Dulce Avenues (APN 555-362-28)

Exemption: Section 15332 (Class 32, Infill Development Projects)

Project Description:

The project proposes to subdivide 3.48 acres of property into 18 individual lots for the development of single-family residential homes. The site is generally located south of Shaw Avenue, between Leonard and Agua Dulce Avenues within the City of Clovis, County of Fresno. Existing on the project site is a single-family residential home with various accessory structures and a large vacant area. The project proposes the approval of a Rezone from the R-1 (Single-family Residential) Zone District to the R-1-MD (Single-Family Residential Medium Density) Zone District, and a vesting tentative tract map to subdivide into 18 individual single-family residential lots inclusive of a cul-de-sac street. Other associated site improvements include but are not limited to the installation of landscaping, utilities, and a local street with a cul-de-sac.

Determination:

Pursuant to Article 19 of the California Environmental Quality (CEQA) Guidelines, the project is categorically exempt under Section 15332 (Class 32, Infill Development Projects). None of the exceptions identified in CEQA Guidelines Section 15300.2 apply to the project, as described below.

Section 15332 (Class 32, Infill Development Projects) consists of projects characterized by infill development meeting the conditions as analyzed below.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project is consistent with the existing general plan designation of Medium Density Residential and associated policies of the General Plan. The purpose for the proposed rezone from the R-1 to the R-1-MD Zone District is to utilize the slightly less restrictive development standards of the R-1-MD Zone District. Although the proposed zone district slightly differentiates from the existing zone district, the underlying general plan density is not impacted. Both the R-1 and R-1-MD Zone Districts are consistent with the existing medium density residential land use designation and have differences that are not significant. The R-1-MD Zone District was designed to accommodate single-family development at a medium density range, therefore the development standards are slightly less than those of the R-1 Zone District standards. R-1 Zone Districts are commonly associated with single-family residential developments at a low density designation. Thus the R-1 development standards tend to be more compatible with the low density requirements. Furthermore, the project presents a unique situation where the applicable R-1 development standards would result in the project not meeting the medium density requirement of the general plan. Utilizing the R-1 standards, the project could produce a maximum of 14 lots resulting in a low density designation (2.1 to 4.0 DU/Ac) of 4.0 dwelling units per acre. In order for development to occur at the appropriate density, the project site must be rezoned to the R-1-MD Zone District.

TABLE 1 – Zone District Development Standards

Development Standards	Standards		
<i>Parcel Features</i>	R-1	R-1-MD	Differences
Minimum Parcel Size	6,000 sq. ft.	4,500 sq. ft.	1,500 sq. ft.
Minimum Parcel Width	60 ft.	50 ft.	10 ft.
Minimum Cul-de-sac Parcel Width	50 Feet	N/A	N/A
Minimum Corner Parcel Width	65 ft.	50 ft.	15 ft.
Minimum Parcel Depth	100 ft.	90 ft.	10 ft.
<i>Setbacks Required</i>			
Front	20 ft.	15 ft./ 20 ft. to face of garage door	5 ft.
Side	5 ft.	5 ft.	Same

Street side	10 ft.	10 ft.	Same
Rear	20 Feet	15 Feet	5 ft.
Additional Development Standards			
Maximum Parcel Coverage	40%	45%	5%
Maximum Height	35 feet/ 2-1/2 stories	35 feet/ 2-1/2 stories	Same

To further support of the Project’s consistency with the City of Clovis 2014 General Plan, there are several goals and policies that encourage infill development The following table identifies several General Plan goals and policies as well as description how the Project meets that goal/policy.

Goal/Policy Number	Goal/Policy	How the project meets the goal/policy
Land Use Element		
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 community lifestyle and small town character	The Project is an infill development located in the Loma Vista Urban Center and will provide single-family residential homes with options of adding multigenerational units within the residence.
3.9	Connected development. New Development in Urban Centers must fully improve roadway, pedestrian, and bicycle systems within and adjacent to the proposed project and connect to existing urbanized development.	The Project will provide connectivity to adjacent developments through a local public street and sidewalks.
Goal 5	A city with housing, employment, and lifestyle opportunities for all ages and income of residents	The Project will provide additional housing opportunities for current and future Clovis residents.
Policy 5.3	Innovative housing. Encourage innovative product types, including multigenerational, cooperative, and variations on live-work housing.	The project will provide single-family residential housing that allow for the opportunity to add multigenerational living quarters.
Policy 5.6	Workforce housing. Encourage the development of workforce housing that serves the needs of those working in Clovis.	The Project provides housing opportunity for those working in the nearby schools, hospital, and commercial centers.
Economic Development Element		
Goal 5	A mix of land uses and types of development sufficient to support a fiscally balanced city able to invest in and pay for maintaining and improving public	The Project is considered infill development. As an infill site, the City infrastructure needed to support development (i.e. water and sewer) is readily available with minimal

	facilities and services and enhancing the quality of life.	effort, therefore, preserving the need to further extend utilities if the Project were located further away or at another location.
Circulation Element		
Policy 2.3	Fair share costs. New development shall pay its fair share of the cost for circulation improvements in accordance with the city's traffic fee mitigation program.	The Project itself is infill development as the site is underutilized and near jobs and services.
Policy 5.5	Pedestrian access. Require sidewalks, paths, and crosswalks to provide access to schools, parks, and other activity centers and to provide general pedestrian connectivity throughout the city.	The Project would be subject to its fair share costs associated with the type of development it is.
Public Facilities and Services Element		
Goal 1	Reliable and cost-effective infrastructure systems that permit the city to sustainably manage its diverse water resources and needs	
Policy 1.1	New Development. New development shall pay its fair share of public facility and infrastructure improvements.	The Project would install the required pedestrian access features consistent with this policy. As shown on the Project plans, new sidewalks and pedestrian paths of travel would be installed providing connectivity amongst the site itself and with the adjacent neighborhoods.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is within city limits and is approximately 3.48 acre in size. The project site is surrounded by existing development. Therefore, the Project is consistent and meets this requirement.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The project site is an existing rural residential type property with an existing residence and accessory buildings. There are no trees or water features that would typically be associated with providing habitat. Further, the areas surrounding the site have been disturbed and

developed. It is unlikely that the site supports or provide value as habitat for endangered, rare, or threatened species.

- (d) *Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.*

Traffic

The project site is accessible by multiple modes of transportation including vehicles and pedestrian access. The project provides a local cul-de-sac street that leads to Fairmont Avenue. Fairmont Avenue is a local street. Additionally, the project is adjacent to a paseo (trail) network that is interconnected to surrounding neighborhoods and future commercial development. The project is substantially surrounded by existing development and is considered an infill sight. The proposed use is consistent with the surrounding land uses.

Noise

Per the City's noise ordinance, residential neighborhoods can experience noise levels between 45 dba and 65 dba. The project is surrounded by similar single-family residential development and is expected to generate comparable noise levels. The project would add an additional 18 single-family residential developments with the overall ambient noise levels comparable to the existing noise levels in the area. The project would not substantially exceed existing noise levels in the neighborhood and would be consistent with the normally acceptable noise levels as established in the City's noise ordinance.

Air Quality

The project would not exceed thresholds of significance for criteria pollutants per the San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The project is well below the screening criterion of 220 units set by SJVAPCD. As such, the project would not result in any significant effects related to air quality.

Water Quality

The Project is on an infill site surrounded by urban development and has the infrastructure for sewer, water, and stormwater conveyance. Further, the Project would be subject to the same requirements for water quality similar to other residential development. Stormwater infrastructure would be constructed to City standards and be subject to review and approval by the City engineering department to ensure adequate water and other utility conveyance in a safe and efficient manner.

- (e) *The site can be adequately served by all required utilities and public services.*

The site can adequately be served by all required utilities and public services. Sewer and water supply studies were conducted and ultimately concluded that the City has adequate services to be able to serve the site. Further, the site is substantially surrounded by the necessary infrastructure to be able to accommodate the Project. While some upgrades may be required to connect the site, the sewer and water mains currently surround the site and would be easily accessible to the site.

As described above, the site is an infill opportunity for a project that is consistent with the plans and policies of the City of Clovis, and would be able to be served by all necessary utilities. The project site is intended for residential uses, and the project would not be of the type or intensity to result in significant effects to air, water, noise, or traffic.

Exceptions:

CEQA Guidelines Section 15300.2 set forth exceptions to categorical exemptions which must be assessed as part of the determination to use a Categorical Exception. If any of the exceptions apply, a Categorical Exemption cannot be used.

- (a) **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

This exception does not apply to Class 32 exemptions. Therefore, this exception would not apply to the project.

- (b) **Cumulative Impact.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The Project would be subject to the same regulations, impact fees, and land development fees to offset any potential effects of the Project, consistent with the type of development proposed. Use and operation would be compatible with the area and would not result in cumulative impacts with the operation of the use. Thus, this exception would not apply to the project.

- (c) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There are no unusual circumstances of the proposed project as a single-family residential development. If approved, the use would be allowed under the land use designation and zoning, thus, not unusual in the zone district. Therefore, this exception would not apply to the project. Further, as described above, the Project would not result in significant impacts as concluded in the technical studies prepared for the Project.

- (d) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The project site is not located near a scenic highway as it is located within an urban area. Therefore, this exception would not apply to the project.

- (e) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project site is not located on a site on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception would not apply to the project.

- (f) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There are no historical resources on the project site or within its immediate vicinity. Therefore, this exception would not apply to the project.

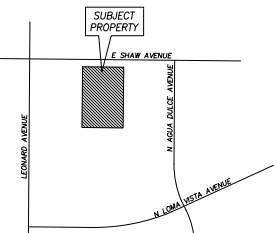
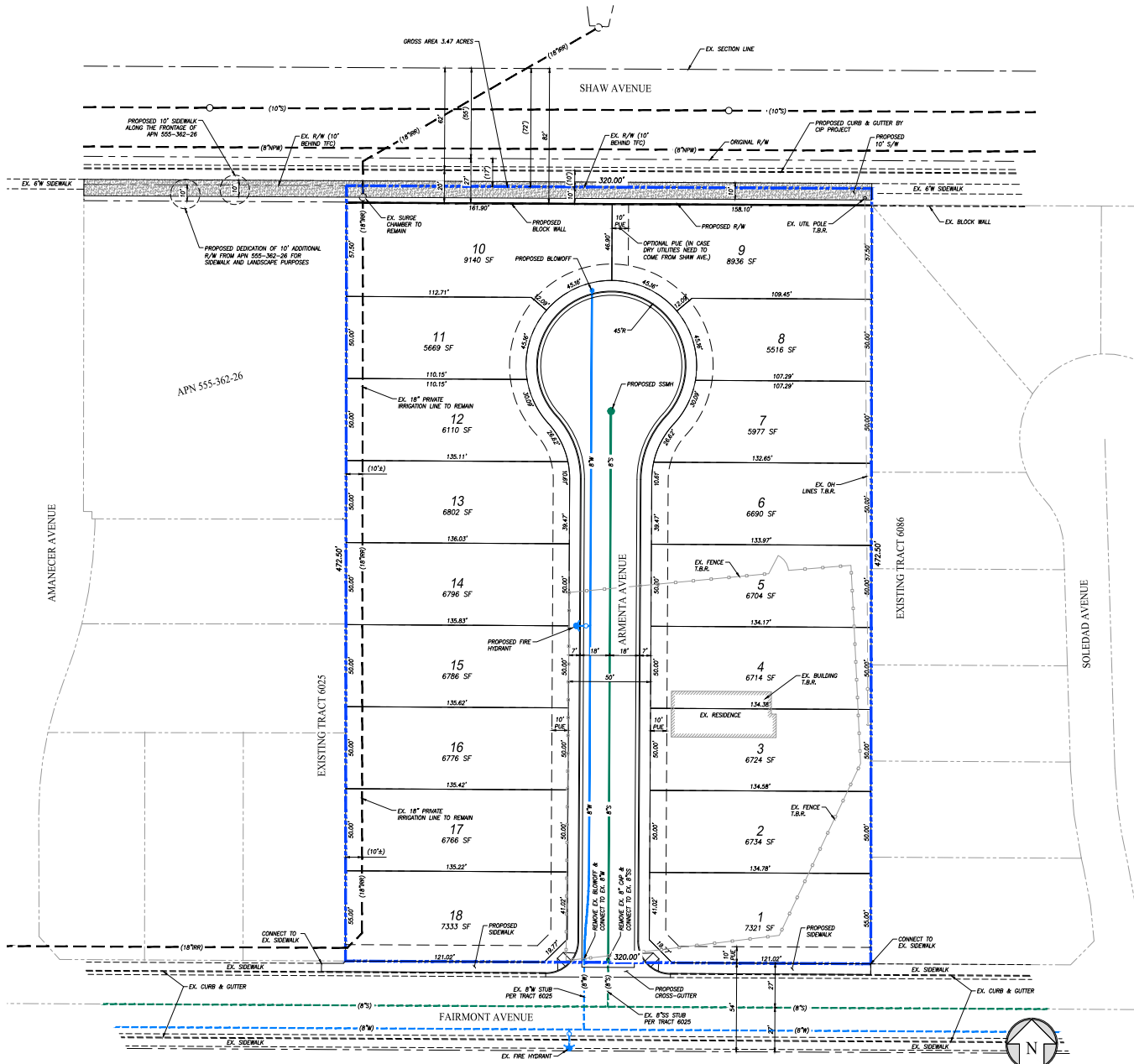
Date: September 9, 2021

Prepared By: Lily Cha, Associate Planner

Submitted By: Lily Cha
Lily Cha
Associate Planner
City of Clovis
Planning & Development Services
(559) 324-2335

TENTATIVE SUBDIVISION MAP
TRACT No. 6377

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
CONSISTING OF ONE SHEET
AUGUST 2021



VICINITY MAP
NOT TO SCALE

- NOTES:**
- EXISTING ZONING: R-1-6000 (SINGLE FAMILY RESIDENTIAL)
 - PROPOSED ZONING: R-1-1 AND (SINGLE FAMILY RESIDENTIAL)
 - PROPOSED LAND USE: MEDIUM DENSITY RESIDENTIAL (4.1-7.0 DU/AC)
 - SITE AREA: 3.48 ACRES (GROSS)
 - SITE ADDRESS: 8807 E. SHAW AVENUE, CLOVIS, CA 93619
 - NUMBER OF LOTS: 18
 - DENSITY: 5.2 UNITS PER GROSS ACRE
 - ASSESSOR'S PARCEL NO.: 555-362-28
 - ANY GRADE DIFFERENTIALS ACROSS EXISTING AND PROPOSED PROPERTY LINES WILL BE MITIGATED PER CITY OF CLOVIS REQUIREMENTS.
 - PROPOSED SEWER, WATER, CONCRETE CURBS, GUTTERS, SIDEWALKS, STREETLIGHTS, AND STREET PAVEMENT TO BE INSTALLED PER CITY OF CLOVIS STANDARD SPECIFICATIONS.
 - ALL STREETS WITHIN THIS SUBDIVISION TO BE OFFERED FOR DEDICATION FOR PUBLIC STREET PURPOSES.
 - ALL EXISTING WATER LINES, SEWERS, AND STORM DRAINAGE WILL REMAIN UNLESS OTHERWISE NOTED.
 - ALL EXISTING STRUCTURES TO BE REMOVED. WELLS AND SEPTIC SYSTEMS ARE TO BE ABANDONED PER CITY AND COUNTY STANDARDS.
 - THERE ARE NO KNOWN UNDERGROUND FEATURES SUCH AS WELLS OR CESSPOOLS WITHIN THE PROPOSED SUBDIVISION OTHER THAN WHAT IS SHOWN ON THE MAP.
 - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO DUMP SITES ON THIS PROPERTY.
 - WATER SUPPLY AND SEWER SERVICES ARE FROM THE CITY OF CLOVIS.
 - THIS AREA IS NOT SUBJECT TO FLOOD PRONENESS.
 - BOUNDARY INFO SHOWN IS CONSIDERED APPROXIMATE AND IS BASED ON RECORD INFORMATION ONLY.

LEGAL DESCRIPTION:

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF FRESNO, CITY OF CLOVIS, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
THE EASTERLY 320 FEET OF THE WESTERLY 733 FEET OF THE NORTHERLY 844.5 FEET OF THE NORTHERLY QUARTER OF THE NORTHERLY QUARTER OF THE SECTION 13, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MERIDIAN CONTAINING 4.00 ACRES A LITTLE MORE OR LESS, EXCEPTING THEREFROM THE NORTHERLY 30 FEET THEREOF RESERVED FOR PUBLIC HIGH PURPOSES.
ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, RECORDED ON JULY 08, 1977 IN BOOK 6830 OF OFFICIAL RECORDS, PAGE 315 UNDER RECORDER'S SERIAL NUMBER 1977-69963, FRESNO COUNTY RECORDS.

RECORD OWNERSHIP: APN: 555-362-28
DE: YOUNG PROPERTIES
677 WEST PALMDOR DRIVE,
SUITE 208
FRESNO, CA 93704
(559) 435-0900

SUBDIVIDER: DE YOUNG PROPERTIES
2441 NORTH DRIVE
INDUSTRIAL DRIVE
SUITE 208
FRESNO, CA 93704
(559) 435-0900

UTILITY INFORMATION:

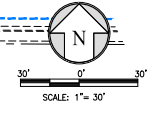
SEWER AND WATER: CITY OF CLOVIS 1033 75TH STREET CLOVIS, CA 93612 PHONE: (559)324-2000	GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC COMPANY 650 10 TH STREET FRESNO, CA 93740-0001 PHONE: (559)263-6636	CABLE TELEVISION: COMCAST 2441 NORTH DRIVE INDUSTRIAL DRIVE SUITE 208 FRESNO, CA 93704 EXT. 4222
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TELEPHONE:
AREA: CALIFORNIA
6000 EAST OLIVE AVENUE,
FRESNO, CA 93725
PHONE: (559)944-3778

STORM DRAINAGE:
FRESNO METROPOLITAN
FLOOD CONTROL DISTRICT
5489 EAST OLIVE AVENUE
FRESNO, CA 93725
PHONE: (559) 456-3292

- LEGEND:**
- (R) --- TRACT BOUNDARY
 - (OW) --- EXISTING NON-POSSIBLE WATER
 - (SD) --- EXISTING STORM DRAIN LINE
 - (S) --- EXISTING SANITARY SEWER LINE
 - (W) --- EXISTING WATER LINE
 - (OE) --- EXISTING OVERHEAD ELECTRIC TO BE REMOVED

ATTACHMENT 6



BY: **QK**

601 POLLACK AVENUE, STE. 303
CLOVIS, CA 93612
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SHEET 1 OF 1



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: October 18, 2021

SUBJECT: Consider - Implementation of Assembly Bill 361 which amends the Brown Act effective immediately to allow legislative bodies of local agencies to continue to meet remotely during declared emergencies under certain conditions. Not implementing AB 361 would require the City to comply with the Brown Act as written prior to Executive Order N-29-20 issued by the Governor on March 17, 2020.

Staff: Scott Cross, City Attorney

Recommendation: Deny Implementation

ATTACHMENTS: None

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to continue with City Council meetings as currently conducted and not implement the AB 361 optional requirements for conducting meetings remotely.

EXECUTIVE SUMMARY

AB 361 was enacted last month to allow legislative bodies the option of continuing to conduct meetings remotely or virtually without complying with the typical Brown Act requirements for conducting legislative body meetings remotely or virtually. AB 361 is optional during an emergency when in-person attendance is not feasible due to social distancing requirements or there is a risk to the health or safety of attendees if in-person attendance is required. Selecting the AB 361 option would require the City Council to make certain findings and renew those findings every 30 days and implement various requirements that could cause issues and prevent City Council meetings from continuing as currently conducted. Because the City Council has been conducting in-person meetings in compliance with applicable public health requirements throughout the COVID-19 pandemic, while also adding the option of public participation via Webex, AB 361 provides no additional benefit to the City or the public wishing to participate in City Council meetings.

BACKGROUND

The Governor's Executive Order N-29-20 issued on March 17, 2020, relaxed the Brown Act requirements for legislative bodies to conduct meetings remotely via teleconferencing or internet-based services such as Zoom or Webex. As a result, many legislative bodies ceased in-person meetings altogether and went to conducting meetings exclusively via teleconference or through some other remote means. Some legislative bodies, like the City of Clovis, moved to conducting "hybrid" meetings with both in-person and remote attendance available to the legislative body members and public.

The portions of the Executive Order addressing remote meetings expired on September 30, 2021. In anticipation of that expiration, AB 361 was enacted in late September as urgency legislation and effective immediately. AB 361 provides an option to carry forward the ability for legislative bodies to continue conducting meetings remotely without satisfying the normal Brown Act requirements when council members participate in meetings from remote locations.

However, AB 361 contains many new requirements that must be met and was intended to allow those legislative bodies who had not returned to in-person meetings as of last month to continue with *exclusively* remote or virtual meetings with no requirement for any in-person attendance option. There is some split of opinion about whether AB 361 can be used to continue conducting "hybrid" meetings with both in-person and remote attendance options for legislative body members, but the necessary findings and the new remote access requirements seem directed to address those agencies that for whatever reason do not desire to return to any form of in-person meetings at all.

The current manner in which Clovis City Council meetings are conducted provides the public with many ways to participate and complies with all applicable legal requirements. Expiration of the Governor's Executive Order on September 30, 2021, does not require the City Council to take any action or change the way City Council meetings are conducted. Unless the AB 361 option is preferred, City Council meetings must simply comply with the typical Brown Act requirements if teleconference attendance is desired by any Council Member – a majority of the Council must participate from locations within the City limits; each teleconference location must be identified on the agenda; the agenda must be posted at each teleconference location; each teleconference location must be accessible to the public so that the public can attend and participate from the remote teleconference location; and all votes must be by roll call.

FISCAL IMPACT

Continuing to conduct in-person City Council meetings while also offering Webex access to the public will not result in any additional financial impact on City operations.

REASON FOR RECOMMENDATION

AB 361 includes certain provisions that staff believes are unnecessary based on how we currently conduct city council meetings. Most notably, in order to continue to hold virtual meetings when a proclaimed state of emergency remains active, the City Council must make findings every 30 days that 1) the legislative body has already determined or is determining whether - as a result of the emergency - meeting in person would present imminent risks to the

health or safety of attendees, and 2) state or local officials have imposed or recommended measures to promote social distancing. Additionally, under AB 361 in the event of a disruption that prevents the city from broadcasting the remote meeting (i.e. Webex going down or we have audio problems), or in the event of a disruption within the city's control that prevents members of the public from offering public comments using the call-in option or internet based service option, AB 361 prohibits the city from taking any further action on items appearing on the meeting agenda until public access to the meeting via call-in or internet-based options is restored. Meaning that if we have any technical difficulties, and we have, we would have to stop the meeting.

ACTIONS FOLLOWING APPROVAL

No further action is needed if the City Council wishes to continue conducting City Council meetings in person with Webex access for members of the public to also participate remotely.

If the City Council wishes to have the availability of teleconferencing or Webex access for City Council Members to attend and participate in meetings remotely without having to comply with the Brown Act requirements of identifying the remote location on the agenda, posting the agenda at the remote location of the Council Member, and opening the remote location to members of the public to attend and participate from the Council Member's remote location, a resolution making the necessary findings will be presented for approval at a future meeting.

Prepared by: Scott Cross, City Attorney

Reviewed by: City Manager *SC*



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: October 18, 2021

SUBJECT: Consider – Res. 21-____, A Request to Approve a Resolution in Opposition to Pacific Gas & Electric’s June 2021 General Rate Case Filing to California Public Utilities Commission Requesting Substantial Rate Increases

Staff: Luke Serpa, City Manager

Recommendation: Consider and Provide Direction

ATTACHMENTS: 1. PG&E Notice to State, City and Local Officials
2. Resolution 21-____ Opposing PG&E’s Rate Increase

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to consider Pacific Gas & Electric’s (PG&E) application requesting significant rate increases and to provide direction to staff regarding the City’s response.

EXECUTIVE SUMMARY

On June 30, 2021, PG&E applied to the California Public Utilities Commission (CPUC) for significant rate increases to incur in the years 2023-2026. If approved, the rates would increase an average of 19% over the three years for all customers, and 22% for residential customers. As required by law, PG&E provided notice to local governments regarding the proposed rate increase, and public agencies are invited to provide input to the CPUC regarding PG&E’s proposal. Staff is seeking direction from Council as to the City’s response to be submitted to the CPUC.

BACKGROUND

On June 30, 2021, PG&E filed its 2023 General Rate Case (GRC) application with CPUC that included a request to raise rates an average of 19% for all customers and 22% for residential customers during the years 2023-2026. PG&E is requesting the increased revenue for expenditures on wildfire mitigation activities, improvements to their gas distribution system, and improvements to their power generation assets.

Due to the climate, San Joaquin Valley customers use more electricity annually than coastal or mountain regions, meaning a significant share of the increased costs will be borne by valley residents. The valley's lower average household income combined with the higher energy use results in valley residents paying a significantly larger percentage of their income to PG&E than customers in other PG&E services areas. Furthermore, a recent study by UC Berkeley's Haas Business School found that PG&E customers on average pay 80% more per kWh than the national average, and even low income families enrolled in the California Alternate Rates for Energy (CARE) program pay more than the average American family pays for undiscounted energy.

PG&E's application will be considered by the CPUC through a public hearing process that provides for public comment. Local government agencies are invited to provide input to be considered by CPUC during their process. The County of Fresno and the City of Fresno have both recently adopted resolutions objecting to the PG&E's requested rate increases. Staff is seeking Council direction as to what, if any, Clovis' input to the CPUC should be.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The CPUC is soliciting public input, including from public agencies, regarding PG&E's proposed rate increase and staff is seeking direction from Council as to what Clovis' input should be.

ACTIONS FOLLOWING APPROVAL

Staff will provide input to CPUC as directed by Council.

Prepared by: Luke Serpa, City Manager

Reviewed by: City Manager *LS*

DATE: July 6, 2021

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES TO MAKE TARGETED INVESTMENTS FOR A SAFE, RELIABLE, CLEAN ENERGY FUTURE AS PART OF ITS 2023 GENERAL RATE CASE APPLICATION (A.21-06-021)

Why am I receiving this notice?

On June 30, 2021, PG&E filed its 2023 General Rate Case (GRC) application with the California Public Utilities Commission (CPUC). To address increasing energy challenges, we are proposing to adopt innovations and new technologies, and to make targeted investments to provide a safe, reliable, and clean energy future for the 16 million customers we serve across northern and central California.

PG&E requests revenues for the following:

- Investments in the electric distribution system, including critical wildfire mitigation activities such as PG&E's: (1) System Hardening Program, which involves replacing electric distribution lines with spark-resistant materials in high fire-risk areas or relocating them underground; and (2) Vegetation Management Program, which involves removing vegetation away from electric distribution lines to reduce fire risk. PG&E's proposal also includes other upgrades to its electric distribution system and investments in Electric Vehicle infrastructure, energy storage programs and grid modernization programs.
- Investments in gas distribution, transmission and storage assets to improve safety, including activities such as: (1) increasing the mileage of gas transmission pipe that can be inspected by remote device; (2) replacing PG&E's highest risk gas transmission pipeline segments near communities that could be impacted as a result of ground movement; (3) inspecting and repairing locations where gas mains or services run through sewer systems; and (4) reducing the risk of large overpressure events due to equipment failure at gas regulator stations.
- Investments in power generation assets, including work to increase safety and reliability such as: (1) hydroelectric dam improvements to reduce the risk of an uncontrolled water release; (2) operations and maintenance activities to safely and reliably operate PG&E's natural gas, hydroelectric and solar generation assets; and (3) operation of the Diablo Canyon Power Plant until 2025.

This application also includes ongoing costs of supporting Customer Care, Shared Services, Information Technology, as well as employee and insurance costs.

If approved by the CPUC, PG&E's request would result in a revenue increase of \$3.56 billion for 2023 and additional increases of \$930 million (2024), \$590 million (2025), and \$381 million (2026) respectively.

Why is PG&E requesting this rate increase?

The safety of our customers and the communities we are privileged to serve is PG&E's most important responsibility. Customers pay for gas and electric service through rates set by state regulators after extensive review and with full public input. Every four years, PG&E is required to file a GRC application with the CPUC. The CPUC determines the amount of money PG&E is allowed to collect through the GRC, which is incorporated into customer rates and used for operating and upgrading the electric distribution, electric generation, and gas distribution, transmission, and storage systems for the benefit of our customers. If the CPUC approves this application, beginning January 1, 2023, PG&E will recover these costs through electric and gas customer rates over the four-year period of 2023 to 2026.

How could this affect my monthly electric rates?

Many customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services.

Based on rates currently in effect, the bill for a typical nonCARE bundled residential customer using 500 kWh per month would increase from \$138.86 to \$164.05 or 18.1%.

Direct Access (DA) and Community Choice Aggregation (CCA) customers only receive electric transmission and distribution services from PG&E. These customers also receive the benefit of the California Climate Credit. In addition, eligible nonresidential DA and CCA customers receive the benefit of the greenhouse gas allowance returns. On average, these customers would see an increase of 21.5%.

Another category of nonbundled customers is Departing Load. These customers do not receive electric transmission or distribution services from PG&E. However, these customers are required to pay certain charges by law or CPUC decision. On average, these customers would see an increase of 7.6%.

Actual impacts will vary depending on energy usage.

How will PG&E's application affect gas rates?

Based on rates currently in effect, the gas bill for a typical residential nonCARE customer averaging 33 therms per month of gas usage would increase from \$59.92 to \$70.73, or 18%. Actual impacts will vary depending on energy usage across months.

How does the rest of this process work?

This application will be assigned to a CPUC Administrative Law Judge and CPUC Commissioner who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it, or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding are currently reviewing PG&E's application, including the Public Advocates Office, which is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call **1-415-703-1584**, email **PublicAdvocatesOffice@cpuc.ca.gov**, or visit **PublicAdvocates.cpuc.ca.gov**.

Where can I get more information?

CONTACT PG&E

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY, call **1-800-652-4712**. Para obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**.

If you would like a copy of the filing and exhibits, please write to the address below:

Pacific Gas and Electric Company
2023 GRC Application (A.21-06-021)
P.O. Box 7442
San Francisco, CA 94120

CONTACT CPUC

Please visit **apps.cpuc.ca.gov/c/A2106021** to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

Email: Public.Advisor@cpuc.ca.gov

Mail: CPUC

Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102

Call: 1-866-849-8390 (toll-free) or **1-415-703-2074**

For TTY, call **1-866-836-7825** (toll-free)

Please reference **2023 GRC Application (A.21-06-021)** in any communications you have with the CPUC regarding this matter.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
IN OPPOSITION TO PACIFIC GAS & ELECTRIC (PG&E) COMPANY'S JUNE 2021
GENERAL RATE CASE (GRC) FILING TO THE CALIFORNIA PUBLIC UTILITIES
COMMISSION (CPUC) REQUESTING SUBSTANTIAL RATE INCREASES**

WHEREAS, Pacific Gas & Electric (PG&E) as the State's largest Investor Owned Utility (IOU) is required to submit all requests for rate increases to the California Public Utilities Commission (CPUC) which includes extensive public outreach and participation in the communities served and customers impacted by its rates and services; and

WHEREAS, PG&E's rate filing to the CPUC includes proposed residential rate increases as high as 18% in 2023 and a cumulative increase of over 22% by 2026; and

WHEREAS, the changing climate conditions in the State, aggressive renewable energy goals, and inverse condemnation laws have all played significant roles in the escalation of rates charged by the State's IOUs and have been inequitably added to the kilowatt-hour (kWh) price burdening the San Joaquin Valley's (SJV) most vulnerable; and

WHEREAS, a report issued by the Haas Energy Institute at UC Berkley in conjunction with CAL Matters determined that PG&E customers on average pay 80% more per kWh than the national average, and low-income households enrolled in the California Alternate Rates for Energy (CARE) program pay more than the average American household for undiscounted energy; and

WHEREAS, the upward trajectory of PG&E's rates have been deemed a "rate crisis" with costs growing faster than inflation and wages which are of significant concern due to the burden placed on disadvantaged communities and local economies; and

WHEREAS, PG&E's flawed kWh rate structure is severely inequitable and includes costs like Wildfire Fund Charges, Electric Public Purpose Programs, and Nuclear Decommissioning subsidies that are disproportionately paid by SJV customers including Fresno County residents; and

WHEREAS, due to our climate, SJV customers buy more electricity annually than coastal, northern, or mountain regions, which means SJV customers unfairly carry an excessive and disproportionate share of the electricity costs and rate burden; and

WHEREAS, Fresno County believes that the CPUC, California State leaders and PG&E must commit to comprehensive energy policy discussions to facilitate true electricity rate reforms which are essential to protect the unsustainable burden to our citizens.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. To call upon PG&E and the CPUC to reconsider the GRC filing for 2023-2026 and requests a “Rate Freeze” be executed, prior to the approval of any additional rate increases, and that any “Rate Freeze” shall only be lifted upon the implementation of true and equitable rate reforms.
2. To encourage PG&E to continue to identify internal cost cutting and spending control measures, including a substantial reduction of non-essential expenses within their existing organization.
3. This resolution shall be effective upon final approval and submitted to the CPUC through the public participation process required during the GRC filing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 18, 2021

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: October 18, 2021
 SUBJECT: Consider Approval – Res. 21-___, A Request to Repeal Emergency Orders 2020-14 and 2020-15.

Staff: Luke Serpa, City Manager
Recommendation: Approve

ATTACHMENTS: 1. Res. 21-___, A Resolution Repealing Emergency Orders 2020-14 (allowing restaurants to temporarily expand into public and private common areas) and 2020-15 (Retail and service allowed in public and private common areas).
 2. Copies of Emergency Orders.
 3. Letters sent to the businesses operating outdoor areas.

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a resolution (Attachment 1) repealing Emergency Services Director Orders 2020-14 (allowing restaurants to temporarily expand into public and private common areas) and 2020-15 (allowing retail and service businesses to temporarily expand into public and private common areas) (Copies of both orders are included as Attachment 2).

BACKGROUND

On March 16, 2020, the City Council approved the following:

1. A request from the Director of Emergency Services for the City of Clovis that the City Council of the City of Clovis proclaim the existence or threatened existence of a local emergency (COVID-19); and
2. A Resolution of the City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).

On March 21, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-01: Declaration Closing Bars, Wineries, Breweries, Pubs, and Restaurants; and
2. Order 2020-02: Declaration Closing Gyms, Health Clubs, Trampoline Parks, Arcades, and Theaters; and
3. Order 2020-03: Declaration Establishing Emergency Telework Guidelines.

On March 30, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-04 pertaining to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; and
2. Order 2020-05 related to price gouging and taking unfair advantage of consumers.

On April 6, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-06 related to waiving late fees on business license payments and utility payments; and
2. Order 2020-07 related to waiving municipal code restrictions against parking a recreational vehicle under specific circumstances.

On April 13, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08 related to suspension of employee vacation caps during the declared emergency; and
2. Order 2020-09 related to waiving transit fares during the declared emergency; and
3. Order 2020-04A, an addendum to 2020-04 relating to emergency leave/pay for use by all City of Clovis employees during the declared emergency; and
4. Order 2020-10 related to closing play structures, exercise apparatus, and picnic shelters at City-owned parks; and
5. Order 2020-11 related to local enforcement of Governor's Executive Order pertaining to the statewide stay at home requirements; and
6. Order 2020-12 relating to enforcement of local emergency orders.

On April 20, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08A, an addendum to suspension of vacation cap order 2020-08 related to suspension of employee vacation caps during the declared emergency.

On May 4, 2020, the City Council approved an emergency order as follows:

1. Order 2020–13 in order to add clarity to the City’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (City parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the City’s enforcement responsibilities.

On June 1, 2020, the City Council approved an emergency order as follows:

1. Order 2020–14 assisting restaurants severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.

On July 20, 2020, the City Council approved an emergency order as follows:

1. Order 2020–15 allowing Retail and Service to use Public and Private common areas.

On August 3, 2020, the City Council approved an emergency order as follows:

1. Order 2020–16 assisting local developers in Clovis by suspending the expiration of specified land use entitlements.

On December 14, 2020, the City Council approved an emergency order as follows:

1. Order 2020–4B providing paid administrative leave time for those employees who have exhausted their COVID leave time and are required to quarantine due to a workplace exposure.

On February 1, 2021, the City Council approved an emergency order as follows:

1. Order 2021–01 suspending certain City transit service rider eligibility requirements for COVID-19 vaccination appointment transportation.

On April 19, 2021, the City Council approved an emergency order as follows:

1. Emergency Services Order 2021-02, relating to Senate Bill 95 emergency leave/pay from January 1, 2021 through September 30, 2021. This Order expired on September 30, 2021.

On May 3, 2021, the City Council approved a resolution repealing Emergency Services Director Orders 2020-05, 2020-07, 2020-09, 2020-11, and 2020-12 as described below:

Order #s	Res#	Date Signed by DoES	Date to Council	Description	Date Repealed
2020-05	20-31	3/26/20	3/30/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-05: Price Gouging	5/3/2021
2020-07	20-34	4/2/20	4/6/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-07: Waiving Recreational Vehicle Parking Restrictions	5/3/2021
2020-09	20-42	4/7/20	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-09: Waive Transit Fees	5/3/2021
2020-11	20-42	4/9/20	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-11: Enforcement of Stay at Home Order	5/3/2021
2020-12	20-42	4/10/20	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. Order 2020-12: Enforcement of Local Orders	5/3/2021

Staff is now returning to Council to recommend the City Council approve a resolution repealing Emergency Services Director Orders 2020-14 (allowing restaurants to temporarily expand into public and private common areas) and 2020-15 (allowing retail and service businesses to temporarily expand into public and private common areas).

These two Emergency Services Director Orders were designed and intended to provide immediate temporary relief to businesses impacted by COVID-19 social distancing and indoor capacity limitations imposed by the state that restricted normal indoor operations. The state removed those indoor operation limitations in June, but the Council approved extending the temporary relief provided by these two emergency orders to continue through October 15, 2021.

Following the Council extension of this temporary relief in May, three rounds of letters have been sent to the businesses operating outdoor areas with temporary permits notifying them of the end of the temporary permits on October 15th (Attachment 3). The businesses have been informed that requests to continue outdoor operations after October 15th could be made and processed through the City's traditional entitlements such as an AUP (Administrative Use Permit), SPR (Site Plan Review), Sidewalk Permit, etc. To date, none of the businesses

operating in public or private common areas pursuant to temporary permits issued under either of the emergency orders have applied for a traditional entitlement to continue outdoor operations after October 15th.

There are no current state, county or local social distance or indoor capacity limitations imposed on restaurants, retail or service businesses as a result of COVID-19. With the Council's previous extension of the temporary relief allowing for outdoor operations under EO 2020-14 and 2020-15 expiring on October 15, 2021, and the availability of the City's traditional entitlement process to review and approve requests for outdoor operations in public and private areas, the need to continue with the temporary permits has ended.

FISCAL IMPACT

It is not anticipated that repealing these orders will have a material financial impact on City operations.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*

RESOLUTION NO. 21-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS REPEALING EMERGENCY ORDERS 2020-14 (ALLOWING RESTAURANTS TO TEMPORARILY EXPAND INTO PUBLIC AND PRIVATE COMMON AREAS) AND 2020-15 (ALLOWING RETAIL AND SERVICE BUSINESSES TO TEMPORARILY EXPAND INTO PUBLIC AND PRIVATE COMMON AREAS).**

WHEREAS, on March 16, 2020, with the approval of Resolution No. 20-20, the City Council of the City of Clovis declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, which the City is operating under, and will continue to operate under; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City’s Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on June 1, 2020, the City Council approved Emergency Order 2020–14 assisting restaurants severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances; and

WHEREAS, on July 20, 2020, the City Council approved an Emergency Order 2020–15 allowing retail and service businesses to temporarily use Public and Private common areas under specified circumstances; and

WHEREAS, on April 19, 2021, the City Council approved an Emergency Order 2021-02, relating to Senate Bill 95 emergency leave/pay from January 1, 2021 through September 30, 2021; and

WHEREAS, on May 17, 2021, the City Council approved extending the temporary relief provided to restaurants and businesses under Emergency Orders 2020-14 and 2020-15 through October 15, 2021, and directed staff to notify restaurants and businesses of the October 15th deadline and the availability of seeking permanent entitlements from the City to continue outdoor services after October 15, 2021; and

WHEREAS, staff has sent three letters to all affected restaurants and businesses (June 1, 2021, July 1, 2021, and September 28, 2021), but to date no restaurant or business operating in outdoor common areas pursuant to a temporary permit issued under Emergency Orders 2020-14 or 2020-15 has applied for a permanent entitlement to continue their temporary outdoor service beyond October 15, 2021; and

WHEREAS, there are no current state, county or local social distance or indoor capacity limitations imposed on restaurants, retail or service businesses as a result of COVID-19, and the City has traditional entitlements available for restaurants and businesses seeking approval of outdoor operations in public and private areas rather than continuing with the temporary permits issued under Emergency Orders 2020-14 and 2020-15.

NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:

IT IS HEREBY ORDERED, effective immediately upon adoption of this Resolution, that Emergency Services Director Orders 2020-14 and 2020-15 are hereby repealed.

* * * * *

The forgoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 18, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date: October 18, 2021

Mayor

City Clerk

**CITY OF CLOVIS
RESOLUTION NO. 20-66
EMERGENCY ORDER 2020-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
ADOPTING EMERGENCY ORDER 2020 – 14, ASSISTING RESTAURANTS
SEVERELY IMPACTED BY THE COVID-19 CRISIS BY ALLOWING
RESTAURANTS THE OPTION TO TEMPORARILY EXPAND CAPACITY
INTO PUBLIC AND PRIVATE COMMON AREAS UNDER SPECIFIED
CIRCUMSTANCES**

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”); and

WHEREAS, there exists a local emergency in the City of Clovis pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, allowing only essential businesses to remain open; and

WHEREAS, the City is operating under the Governor’s Stay at Home Order as supplemented by Fresno County; and

WHEREAS, the Governor and Fresno County have begun the process for allowing restaurants, retail establishments, and other businesses to reopen in the State; and

WHEREAS, the City has determined that there is a need, when feasible and safe, to assist local businesses most severely impacted by the restrictions on reopening; and

WHEREAS, restaurants are now allowed to reopen in accordance with State and County guidance, which requires physical separation (social distancing) and other actions, substantially reducing restaurant capacity; and

WHEREAS, restaurants play a vital role in the City of Clovis. They not only provide important tax revenue, but jobs and income to employees and owners. They are the anchors of communities and support tourism and the neighborhoods they are in; and

WHEREAS, restaurants will be challenged to remain profitable with the restrictions, and many will no doubt fail, and therefore it is in the City’s best interest to assist restaurants in expanding capacity where feasible and safe so as to lessen the chance of a restaurant failing; and

WHEREAS, one way the City can assist with restaurant capacity is to temporarily make available to restaurants the option of using public areas for outdoor dining and to otherwise temporarily waive regulations that prohibit dining in public and private common areas; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City's Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:

IT IS HEREBY ORDERED, effective immediately upon adoption of this Resolution, that:

1. Notwithstanding anything to the contrary in the City's zoning ordinances, development code, approved land use entitlements, site plan review approvals, or entertainment permits, all restaurants in the City as defined in Section 9.120.020 of the Municipal Code, are eligible during the City's declared local emergency to apply for a temporary waiver allowing them to use public and private common areas for outdoor dining.
 - a. Public common areas include sidewalks, streets, parking lots, recreation space, and other public space that might be conducive to outdoor dining.
 - b. Private common areas include sidewalks, parking lots, recreation space, and other private space, generally within a private shopping center, that might be conducive to outdoor dining.
2. Eligible public and private common areas for outdoor dining shall be known as the "Expansion Area". If the Expansion Area is approved, the approval shall be considered a temporary permit to operate outside dining in the Expansion Area and shall be officially termed a "Waiver". A business owner wishing to apply for a Waiver shall meet the minimum requirements set forth in **Exhibit A**. The approval of a Waiver shall not be deemed to convey a property or vested right to operate contrary to City codes, standards, and permit requirements.
3. Waivers shall be approved in the discretion of, and may be revoked by, the Community and Economic Development Director ("Director") in accordance with the criteria and procedures set forth in **Exhibit A**. The Director may impose any conditions deemed reasonably necessary to ensure the safe and lawful operation of outdoor dining in the Expansion Area. All Waivers shall automatically expire upon the lifting or expiration of the City's declared local emergency, or upon earlier modification of this Order eliminating the Waiver.
4. The denial or revocation of a Waiver may be appealed to the City Manager, where the decision shall be final. Any appeal to the City Manager shall be an informal proceeding without the technical rules of evidence.

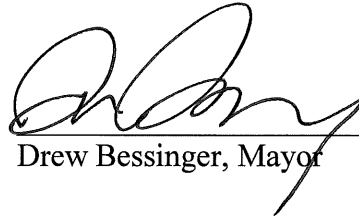
5. The City Manager is directed to develop supplemental guidelines for implementation of the Waiver program consistent with **Exhibit A**, which may be amended as often as needed as determined by the City Manager.

BE IT FURTHER ORDERED that this order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Clovis.

The forgoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 1, 2020, by the following vote, to wit:

AYES: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen, Mayor Bessinger
NOES: None
ABSENT: None
ABSTAIN: None

Date: June 1, 2020


Drew Bessinger, Mayor



ATTEST:



John Holt, City Clerk

**EMERGENCY ORDER 2020-14
EXHIBIT A**

**MINIMUM REQUIREMENTS AND PROCEDURES FOR RESTAURANTS
SEEKING A WAIVER TO EXPAND CAPACITY BY USING COMMON
AREAS FOR OUTDOOR DINING**

The following requirements and procedures shall apply for any restaurant wishing to seek a Waiver to allow outdoor dining in public and private common areas, as defined in this Order.

1. The business owner shall complete an application on a form prescribed by the City Manager. No fee will be required for the application. The applicant is encouraged to consult with the Director prior to completing the application. The application shall include the following:
 - a. For private shopping centers, a letter of consent, or other evidence satisfactory to the Director, that the shopping center owner has consented to use of the Expansion Area for outdoor dining.
 - b. A diagram showing the proposed foot print of the Expansion Area. The diagram shall include the proposed location of dining tables, furniture, other restaurant features, fencing (ornamental or safety), awnings (or other shade structures), misters, heaters, ground cover (if desired), entry and exiting, and Americans with Disabilities Act (“ADA”) paths of travel.
 - c. For public areas, liability waivers and certificates of insurance as required by the City’s Risk Manager and City Attorney. When appropriate, the Director may require a Sidewalk Permit or Encroachment Permit. There shall be no fee for a Sidewalk or Encroachment Permit issued under this Order.
 - d. Where parking spaces are proposed to be removed, a parking plan showing where employees and customers will park and how impacts to other businesses, if any, will be addressed.
 - e. Where parking lots or public streets are proposed to be used, a safety and traffic control plan showing how employees and customers will be protected from vehicle traffic, including the use of barricades.
 - f. Any other matter determined necessary by the Director to make a decision.
2. The Expansion Area shall be limited to area(s) immediately adjacent to the existing business, and in no event shall allow restaurant capacity, with the implementation of required social distancing measures, to exceed 100% of normal capacity.

3. All structures, entry and existing, paths of travel, and safety features shall be approved by City's Building and Fire Departments. For public common areas, approval shall also be obtained from the Public Utilities Department.
4. If the restaurant intends to serve alcohol in the Expansion Area, the restaurant owner shall obtain all required Alcoholic Beverage Control ("ABC") approvals as well as approval from the Clovis Police Department.
5. The restaurant owner, restaurant manager, and any other responsible person, shall keep the Expansion Area free of litter and debris. This cleaning shall consist of, at a minimum, regularly sweeping and washing the Expansion Area. In addition, the restaurant owner shall be responsible for regularly removing any trash generated by the business within 100 feet of the business.
6. Waivers may be revoked by the Director for: (a) violations of this Order, Supplemental Guidelines issued by the City Manager, or any conditions of approval; or (b) if operation in the Expansion Area creates a nuisance. Prior to revocation, the Director shall provide written notice of the basis for revocation.
7. Any restaurant desiring to provide entertainment in the primary business or Expansion Area that would otherwise require an Entertainment Permit under Chapter 5.5 of the Municipal Code, shall make separate application under that Chapter. If the restaurant has an Entertainment Permit issued for the primary business, the restaurant shall not provide entertainment in the Expansion Area without an amendment to the Entertainment Permit authorizing that use.
8. The City shall have the right to immediately suspend the operation of an outdoor dining area operating under a Waiver at any time because of anticipated or actual problems or conflicts with ADA paths of travel or to protect the safety of employees and customers. The City shall attempt to work with the restaurant to solve any problems or conflicts.
9. Upon expiration or revocation of a Waiver, the restaurant shall remove all restaurant owned property and restore the Expansion Area to its prior condition, satisfactory to the City and/or private shopping center owner.
10. The City shall not be responsible for any liability or damages associated with issuance or revocation of a Waiver, or with the immediate suspension of outdoor dining as provided for under this Order, and the restaurant, its owners, affiliates, successors, and assigns, in accepting a Waiver agree to release, hold harmless, and defend the City from any such liability.

CITY OF CLOVIS

RESOLUTION NO. 20-96

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
CONFIRMING THE DIRECTOR OF EMERGENCY SERVICES' ORDERS
AND DECLARATIONS**

WHEREAS, there exists a local emergency in the City of Clovis ("City") pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including now multiple confirmed cases within Fresno, Madera and Tulare Counties; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the Director of Emergency Services is empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, under conditions of the emergency, it is deemed necessary in the interest of public safety to enact certain emergency orders and restrictions within the City; and

WHEREAS, life and property is deemed to be in peril and time is of the essence; and

WHEREAS, the City Council does hereby find that the above-described conditions of disaster or of extreme peril did warrant and necessitate the Director of Emergency Services' orders and restrictions in response to the existence of a local emergency; and

WHEREAS, effective March 20, 2020, pursuant to Executive Order N-33-20, the Governor issued a Statewide stay at home/stay in place order, which encompasses and expands upon the orders of the Director of Emergency Services.

NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:

1. The following order, restrictions, or declarations of the Director of Emergency Services, are hereby ratified and confirmed:

- Order 2020-15, assisting retail and service establishments severely impacted by the COVID-19 crisis by allowing those businesses with the option to temporarily expand capacity into public and private common areas under specified circumstances. (**Exhibit 1**).


BE IT FURTHER RESOLVED that the above-referenced Order shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis, or until termination of the declared local emergency, whichever occurs first.

* * * * *

The foregoing resolution was introduced and adopted at a meeting of the City Council of the City of Clovis held on July 20, 2020, by the following vote, to wit:


AYES: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen, Mayor Bessinger
NOES: None
ABSENT: None
ABSTAIN: None

Date: July 20, 2020.


Drew Bessinger, Mayor



Attest:


John Holt, City Clerk

**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 15**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF CLOVIS ASSISTING RETAIL AND SERVICE ESTABLISHMENTS
SEVERELY IMPACTED BY THE COVID-19 CRISIS BY ALLOWING THOSE
BUSINESSES THE OPTION TO TEMPORARILY EXPAND CAPACITY INTO
PUBLIC AND PRIVATE COMMON AREAS UNDER SPECIFIED
CIRCUMSTANCES**

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”); and

WHEREAS, there exists a local emergency in the City of Clovis pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, allowing only essential businesses to remain open; and

WHEREAS, the City is operating under the Governor’s Stay at Home Order as supplemented by Fresno County; and

WHEREAS, the Governor and Fresno County have begun the process for allowing restaurants, retail establishments, and other businesses to reopen in the State; and

WHEREAS, the City has determined that there is a need, when feasible and safe, to assist local businesses most severely impacted by the restrictions on reopening; and

WHEREAS, under the most recent State and County orders, many businesses that were allowed to open in accordance with State and County guidance that required physical separation (social distancing) and other actions, are now required to close indoor operations; and

WHEREAS, restaurants, retail establishments, fitness centers, hair salons, personal care services, and other local businesses (collectively “Business Establishment”), that are now prohibited from operating indoors, play a vital role in the City of Clovis. They not only provide important tax revenue, but jobs and income to employees and owners. They are the anchors of communities and support tourism and the neighborhoods they are in; and

WHEREAS, the list of Business Establishments currently prohibited from operating indoors can be expanded at any time and this Order is intended to cover those Business Establishments as well; and

WHEREAS, Business Establishments will be challenged to remain profitable with only an on-line presence and store pickup, and many will no doubt fail, and therefore it is in the City's best interest to assist Business Establishments in expanding capacity where feasible and safe so as to lessen the chance of a Business Establishment failing; and

WHEREAS, one way the City can assist with Business Establishment capacity is to temporarily make available to Business Establishments the option of using outdoor public and private areas for their activities and services, and to otherwise temporarily waive regulations that prohibit Business Establishments in public and private common areas; and

WHEREAS, with the adoption of Emergency Order 2020-14, the City Council previously approved a temporary waiver allowing restaurants to use public and private common areas for outdoor dining, under specified circumstances; and

WHEREAS, this Order is intended to supplement Emergency Order 2020-14, by expanding the temporary waiver for restaurants to include all Business Establishments; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City's Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective 3:00 p.m. on July 13, 2020, as follows:

1. Notwithstanding anything to the contrary in the City's zoning ordinances, development code, approved land use entitlements, site plan review approvals, or entertainment permits, all Business Establishments in the City are eligible during the City's declared local emergency to apply for a temporary waiver allowing them to use public and private common areas for their operations.

- a. Public common areas include sidewalks, streets, parking lots, recreation space, and other public space that might be conducive to the outdoor Business Establishment activities and services.
- b. Private common areas include sidewalks, parking lots, recreation space, and other private space, generally within a private shopping center, that might be conducive to outdoor Business Establishment activities and services.

2. Eligible public and private common areas for outdoor Business Establishment activities and services shall be known as the "Expansion Area". If the Expansion Area is approved, the approval shall be considered a temporary permit to operate outdoor Business Establishment activities and services in the Expansion Area and shall be officially termed a "Waiver". A business owner wishing to apply for a Waiver shall meet the minimum requirements set forth in **Exhibit A**.

The approval of a Waiver shall not be deemed to convey a property or vested right to operate contrary to City codes, standards, and permit requirements.


3. Waivers shall be approved in the discretion of, and may be revoked by, the Community and Economic Development Director (“Director”) in accordance with the criteria and procedures set forth in **Exhibit A**. The Director may impose any conditions deemed reasonably necessary to ensure the safe and lawful operation of outdoor Business Establishment activities and services in the Expansion Area. All Waivers shall automatically expire upon the lifting or expiration of the City’s declared local emergency, or upon earlier modification of this Order eliminating the Waiver.

4. The denial or revocation of a Waiver may be appealed to the City Manager, where the decision shall be final. Any appeal to the City Manager shall be an informal proceeding without the technical rules of evidence.

5. The City Manager is directed to develop supplemental guidelines for implementation of the Waiver program consistent with **Exhibit A**, which may be amended as often as needed as determined by the City Manager.

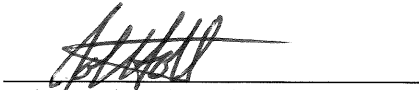
BE IT FURTHER ORDERED that this order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Clovis.

DATE AND TIME: July 13, 2020 at 3:00 p.m.



Luke Serpa, Director of Emergency Services

ATTEST:



John Holt, City Clerk

EMERGENCY ORDER 2020-15
EXHIBIT A

MINIMUM REQUIREMENTS AND PROCEDURES FOR BUSINESS ESTABLISHMENTS SEEKING A WAIVER TO EXPAND CAPACITY BY USING COMMON AREAS FOR OUTDOOR BUSINESS ESTABLISHMENT ACTIVITIES AND SERVICES

The following requirements and procedures shall apply for any Business Establishment wishing to seek a Waiver to allow outdoor Business Establishment activities and services in public and private common areas, as defined in this Order.

1. The business owner shall complete an application on a form prescribed by the City Manager. No fee will be required for the application. The applicant is encouraged to consult with the Director prior to completing the application. The application shall include the following:
 - a. For private shopping centers, a letter of consent, or other evidence satisfactory to the Director, that the shopping center owner has consented to use of the Expansion Area for outdoor Business Establishment activities and services.
 - b. A diagram showing the proposed foot print of the Expansion Area. The diagram shall include the proposed location of tables, furniture, other Business Establishment features, fencing (ornamental or safety), awnings (or other shade structures), misters, heaters, ground cover (if desired), entry and exiting, and Americans with Disabilities Act (“ADA”) paths of travel.
 - c. For public areas, liability waivers and certificates of insurance as required by the City’s Risk Manager and City Attorney. When appropriate, the Director may require a Sidewalk Permit or Encroachment Permit. There shall be no fee for a Sidewalk or Encroachment Permit issued under this Order.
 - d. Where parking spaces are proposed to be removed, a parking plan showing where employees and customers will park and how impacts to other businesses, if any, will be addressed.
 - e. Where parking lots or public streets are proposed to be used, a safety and traffic control plan showing how employees and customers will be protected from vehicle traffic, including the use of barricades.
 - f. Any other matter determined necessary by the Director to make a decision.
2. The Expansion Area shall be limited to area(s) adjacent to the existing business, and in no event shall allow Business Establishment capacity, with the implementation of required social distancing measures, to exceed 100% of normal capacity.

3. All structures, entry and existing, paths of travel, and safety features shall be approved by the City's Building and Fire Departments. For public common areas, approval shall also be obtained from the Public Utilities Department.
4. If a Business Establishment sells or serves alcohol in the Expansion Area, the Business Establishment owner shall obtain all required Alcoholic Beverage Control ("ABC") approvals as well as approval from the Clovis Police Department.
5. The Business Establishment owner, Business Establishment manager, and any other responsible person, shall keep the Expansion Area free of litter and debris. This cleaning shall consist of, at a minimum, regularly sweeping and washing the Expansion Area. In addition, the Business Establishment owner shall be responsible for regularly removing any trash generated by the business within 100 feet of the business.
6. Waivers may be revoked by the Director for: (a) violations of this Order, Supplemental Guidelines issued by the City Manager, or any conditions of approval; or (2) if operation in the Expansion Area creates a nuisance. Prior to revocation, the Director shall provide written notice of the basis for revocation.
7. Any Business Establishment desiring to provide entertainment in the primary business or Expansion Area that would otherwise require an Entertainment Permit under Chapter 5.5 of the Municipal Code, shall make separate application under that Chapter. If the Business Establishment has an Entertainment Permit issued for the primary business, the Business Establishment shall not provide entertainment in the Expansion Area without an amendment to the Entertainment Permit authorizing that use.
8. The City shall have the right to immediately suspend the operation of an outdoor Business Establishment area operating under a Waiver at any time because of anticipated or actual problems or conflicts with ADA paths of travel or to protect the safety of employees and customers. The City shall attempt to work with the Business Establishment to solve any problems or conflicts.
9. Upon expiration or revocation of a Waiver, the Business Establishment shall remove all Business Establishment owned property and restore the Expansion Area to its prior condition, satisfactory to the City and/or private shopping center owner.
10. The City shall not be responsible for any liability or damages associated with issuance or revocation of a Waiver, or with the immediate suspension of outdoor Business Establishment activities as provided for under this Order, and the Business Establishment, affiliates, successors, and assigns, in accepting a Waiver agree to release, hold harmless, and defend the City from any such liability.



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

June 1, 2021

SUBJECT: Temporary Outdoor Operations Changes; Guidelines for Continued Use Until October 15, 2021

Dear Business and/or Property Owner:

As you are aware, pursuant to Emergency Orders 2020-14 and 2020-15, the City of Clovis made adjustments to address the capacity reductions and closures State health authorities placed on businesses in the spring of 2020. This allowed businesses to operate outdoors in spaces with tents and other items. With the upcoming State announced reopening on June 15, 2021, the City Council provided direction on how the outdoor spaces are to be treated as we transition back to normal. These Guidelines are imposed by the City Manager in accordance with the Emergency Orders and Council direction of May 17, 2021.

Extended Date for Use of Outdoor Areas

Outdoor use of common areas allowed under the Emergency Orders can occur through October 15, 2021. After October 15, 2021, outdoor operations are no longer authorized under the Emergency Orders and any tent/structure/tables/etc. should be immediately removed and the property returned to its original condition. Please contact me immediately if you need additional time for removal/restoration due to reasons beyond your control. However, this notice is intended to give you sufficient time to prepare for the end of the use of the outdoor areas more than four months from now.

The October 15th date is an extension from the original intended date of removal of July 15, 2021. Instead of an additional 30 days after lifting of the State capacity limitations, the City Council granted an additional four months.

Requirements for Continued Use of Outdoor Areas Until October 15, 2021

The following requirements are still in place:

- 1) If you are utilizing City streets and/or public parking areas in Old Town Clovis you must work with the various City approved special events that have rights to the streets/parking areas to either be part of the event or remove the tent/structure/tables/etc. during the event.
- 2) If you are operating on private property, such as within a shopping center, you must have the permission of the property owner.
- 3) You must comply with any requests/requirements from regulatory agencies, such as the Clovis Fire Department, Clovis Police Department, the City Engineer, City Building

Division, or state/county regulatory bodies including the Bureau of Alcohol Beverage Control. This is to ensure safety for your customers, employees and the general public.

- 4) You must comply with applicable Accessibility requirements.
- 5) You must remove litter and debris from within 100' of the area.

Please contact me if you need any assistance in complying with the requirements. If you are not compliant, your Waiver may be revoked, and you will no longer be able to use outdoor areas as authorized by the Emergency Orders.

We are here to help you through this time and sincerely hope you have an excellent summer coming out of this challenging year. If we can be of any assistance, please contact me at (559) 324-2095 or andrewh@cityofclovis.com.

Sincerely,



Andy Haussler
Community & Economic Development Director



CITY of CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

July 2, 2021

SUBJECT: Temporary Outdoor Operations – Potential Permanent Use Approvals

Dear Business and/or Property Owner:

As you are aware, pursuant to Emergency Orders 2020-14 and 2020-15, the City of Clovis made adjustments to address the capacity reductions and closures State health authorities placed on businesses in the spring of 2020. This allowed businesses to operate outdoors in spaces with tents and other items. With the State eliminating capacity limits on June 15, 2021, the City Council provided direction on May 17, 2021 on how the outdoor spaces are to be treated as we transition back to normal.

Use of outdoor common areas (either on private property or on public property) as allowed under the Emergency Orders can occur through October 15, 2021. After October 15, 2021, outdoor operations are no longer authorized under the Emergency Orders and any tent/structure/tables/etc. should be immediately removed and the property returned to its original condition.

If you have an interest in making the outdoor area permanent on private property we would encourage you to contact George Gonzales on our Planning team at (559) 324-2383. Planning staff will assist you in understanding the approval process, the investment needed for permanent improvements, feasibility, and the timeframes the approval process will take. If you added or installed temporary improvements while the Emergency Order was effective, those improvements will need to comply with state and local codes and standards and upgrades may be required. In order to have a seamless transition after October 15, 2021 you will need to contact Planning staff by July 30, 2021.

If you are currently operating on public property, such as street or city-owned parking lot, the City will not be able to approve these operations beyond October 15, 2021 and any operations must cease thereafter.

We are here to help you through this time and sincerely hope you have an excellent summer coming out of this challenging year.

Sincerely,

Andy Haussler
Community & Economic Dev. Director



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

September 28, 2021

SUBJECT: **Temporary Outdoor Operations Removal Deadline of 10/15/2021 for** [REDACTED]

Dear Business and/or Property Owner:

As you are aware, pursuant to Emergency Orders 2020-14 and 2020-15, the City of Clovis made adjustments to address the capacity reductions and closures that State health authorities placed on businesses in the spring of 2020. This allowed businesses to operate outdoors in spaces with tents and other items in areas not typically allowed. With the State eliminating capacity limits on June 15, 2021, the City Council provided direction on May 17, 2021 on how the outdoor spaces are to be treated as we transition back to normal.

Use of outdoor common areas (either on private property or on public property) as allowed under the Emergency Orders may occur through October 15, 2021. After October 15, 2021, outdoor operations are no longer authorized under the Emergency Orders and any tent/structure/tables/etc. must be immediately removed and the property returned to its original condition.

If a permanent outdoor space is valuable to your business I would be happy to assist you in applying for approval from the City to install a permanent area that meets current codes and policies.

We are here to help you through this time and sincerely hope you have an excellent fall season coming out of this challenging year. If you have any questions or concerns please contact me at (559) 324-2095 or at andrewh@cityofclovis.com.

Sincerely,

Andy Haussler
Community & Economic Development Director