



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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

September 3, 2024

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; 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.

CAMPAIGN CONTRIBUTION PROHIBITIONS AND MANDATORY DISCLOSURE - Pursuant to Government Code section 84308, a Councilmember shall not accept, solicit, or direct a campaign contribution of more than \$250 from any party or their agent, or from any participant or their agent, while a proceeding involving a license, permit, contract, or other entitlement for use is pending before the City or for 12 months after a final decision is rendered in that proceeding. Any Councilmember who has received a campaign contribution of more than \$250 within the preceding 12 months from a party or their agent, or from a participant or their agent, must disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use their official position to influence the decision.

Pursuant to Government Code section 84308(e), any party to a covered proceeding before the City Council is required to disclose on the record of the proceeding any campaign contribution, including aggregated contributions, of more than \$250 made within the preceding 12 months by the party or their agent to any Councilmember. The disclosure shall be made as required by Government Code Section 84308(e)(1) and 2 CCR Section 18438.8. No party or their agent, and no participant or their agent, shall make a campaign contribution of more than \$250 to any Councilmember during the covered proceeding or for 12 months after a final decision is made in that proceeding. The foregoing statements do not constitute legal advice, and parties and participants are urged to consult with their own legal counsel regarding the applicable requirements of the law.

CALL TO ORDER

FLAG SALUTE - Councilmember Bessinger

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Certificates Recognizing Students for Participating in the American Legion State Programs.

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 3 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.

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.

2. Administration - Approval - Minutes from the August 19, 2024, Council Meeting.
3. Fire - Approval – Authorize designation of 2003 Pierce Pumper apparatus as surplus and approval of donation to City of Hanford Fire Department.

- [4.](#) Fire – Approval – Res. 24-___, Confirming Weed and Rubbish Abatement Charges for 2024.
- [5.](#) Planning and Development Services – Approval – Final Acceptance for CIP 17-18 Senior Center - Façade Modifications.
- [6.](#) Planning and Development Services - Approval – Res. 24-___, Final Map Tract 6372, located at the southwest area of Ashlan Avenue and Thompson Avenue (Lennar Homes of California, LLC, a California limited liability company).
- [7.](#) Planning and Development Services - Approval – Res. 24-___, Annexation of Proposed Tract 6372, located at the southwest area of Ashlan Avenue and Thompson Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, LLC, a California limited liability company).
- [8.](#) Planning and Development Services - Approval – Res. 24-___, Final Map Tract 6406, located at the southwest corner of Perrin Avenue and Baron Avenue (Lennar Homes of California, LLC, a California limited liability company).
- [9.](#) Planning and Development Services - Approval – Res. 24-___, Annexation of Proposed Tract 6406, located at the southwest corner of Perrin Avenue and Baron Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, LLC, a California limited liability company).
- [10.](#) Public Utilities – Approval – Bid Award for CIP 24-15, Tarpey Village Water Meter Installation Project, in the Total Amount of \$459,680.00 to West Valley Construction, Inc.; and Approval - Authorize the City Manager to Execute the Contract on Behalf of the City.
- [11.](#) Public Utilities – Approval – Waive Formal Bidding Requirements and Reauthorize the Purchase of Two (2) Fire Department 2024 Ford F-250 Crew Cab 4x4 Trucks from Fahrney Ford of Selma to Replace model year 2004 and 2007 Trucks that have Reached the End of Their Useful Life.
- [12.](#) Public Utilities – Approval – Final Acceptance for CIP 23-15, Gas Collection and Control Systems (GCCS) Flare Station Improvements at the Clovis Landfill, with a Final Contract Cost of \$464,752.11.

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

- [13.](#) Consider Adoption - **Ord. 24-11**, OA2021-004, A request to amend the Clovis Development Code as a cleanup action to further define the MU-BC land use designation to allow for certain ancillary campus-affiliated housing uses in the R-T zone district, add development standards for the campus-affiliated housing uses and establish an R-T overlay zone district. (3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing)

Staff: Briana Parra, City Clerk
Recommendation: Adopt

- [14.](#) Consider Adoption - **Ord. 24-12**, R2021-010, A request to rezone approximately 63 properties inconsistently zoned within the designated Research and Technology Park plan area from the R-A, R-1-AH, R-1-7500, R-1-8500 and C-P zone districts to the R-T zone district or R-T overlay zone district. (3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing)

Staff: Briana Parra, City Clerk
Recommendation: Adopt

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.

15. Consider items associated with approximately 1.73 acres of land located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street. Clovis 135 Osmun, LP, owner/applicant.

a. Consider Approval - Res. 24-____, General Plan Amendment 2024-004, A resolution approving a CEQA exemption from further environmental review and an amendment to the General Plan to re-designate the subject property from the Medium Density Residential (4.1-7.0 dwelling units per acre) designation to the Medium High Density Residential (7.1-20 dwelling units per acre) designation.

b. Consider Introduction - Ord. 24-____, Rezone 2024-003, An ordinance rezoning the subject property from the R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District, associated with approximately 1.73 acres of land located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street.

Staff: Liz Salazar, Assistant Planner

Recommendation: Approve

16. Consider Approval – Res. 24-____, Authorizing the submittal of an application to the State of California Housing and Community Development Department’s Local Housing Trust Fund (LHTF) Program for the 135 Osmun Senior Apartments, requesting \$1,000,000 in LHTF, approving the City award and match of Clovis Housing Trust Fund in the amount of \$1,000,000 and authorizing the City Manager, or designee, to execute the LHTF Program Application, Standard Agreement, Agreement Documents, and any amendments thereto.

Staff: Claudia Cazares, Housing Program Manager

Recommendation: Approve

COUNCIL ITEMS

17. Consider Approval – Change of Council Meeting Schedule.

Staff: John Holt, City Manager

Recommendation: Approve

18. Consider Introduction – Ord. 24-____, Amending Section 2.1.01 of Chapter 2 of Title 2 of the Clovis Municipal Code Relating to City Council Meeting Day and Time.

Staff: John Holt

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.

19. Government Code Section 54956.9(d)(2)
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation
One potential case

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION

ADJOURNMENT

FUTURE MEETINGS

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

- Sept. 9, 2024 (Mon.) To Be Cancelled
- Sept. 16, 2024 (Mon.)
- Oct. 7, 2024 (Mon.)
- Oct. 14, 2024 (Mon.)
- Oct. 21, 2024 (Mon.)

CLOVIS CITY COUNCIL MEETING

August 19, 2024,

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Ashbeck **at 6:01**
Flag Salute led by Councilmember Basgall

Roll Call: Present: Councilmembers, Basgall, Bessinger, Mouanoutoua, Pearce
Mayor Ashbeck

PRESENTATION – 6:02

6:02 – ITEM 1 - PRESENTATION OF PROCLAMATION TO TRANSIT EMPLOYEES JUAN LOMELI AND DAYANA CONTRERAS FOR OUTSTANDING SERVICE.

PUBLIC COMMENTS – 6:07

Bonnie Nasser, resident, addressed concerns with Clovis transit routes around Old Town Clovis.
Dy Hin, resident, addressed concerns related to issues to illegal sewer connection on his property.

CONSENT CALENDAR – 6:25

Upon call, there was no public comment.

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

2. Administration - Approved - Minutes from the August 12, 2024, Council Meeting.
3. Finance – Received and Filed – Investment Report for the Month of March 2024.
4. Finance – Received and Filed – Treasurer’s Report for the Month of March 2024.
5. Finance – Received and Filed – Investment Report for the Month of April 2024.
6. Finance – Received and Filed – Treasurer’s Report for the Month of April 2024.
7. General Services – Approved – **Res. 24-87**, Authorizing the City Manager to execute the agreement with the California Department of Transportation (Caltrans) for the Sustainable Transportation Planning Grant FY2024-25 in the amount of \$172,500 to fund the Clovis Transit Strategic Operations Plan; and Approved – **Res. 24-88**, to amend the FY2024-25 budget of the Transit budget to reflect the receipt of \$152,714 from the Caltrans grant and the allocation of \$19,786 from the Local Transit Fund (LTF) for the local match requirement.
8. General Services – Approved – **Res. 24-89**, Renewing Medical Plan Options for Eligible Retirees and Restating the Eligibility Requirements for Participation in the Plan for the 2025 Plan Year.
9. General Services - Approved – Approve the first amendment to the Emcor Services Agreement for the Maintenance of Heating, Ventilation and Air-Conditioning Equipment; and Authorize the City Manager to execute the First Amendment Agreement contract

extension with Emcor Services to include a 5% increase for a total annual proposed cost of \$237,966.82.

- 10. Police - Approved - **Res. 24-90**, Authorizing the Police Chief and the Police Department to execute the 2024-2025 Department of Alcoholic Beverage Control Alcohol Policing Partnership grant agreement; and Approval - Amend the Police Department budget to reflect the award of \$71,400.00.

ADMINISTRATIVE ITEMS – 6:26

- 6:26 ITEM 11 - APPROVED – AUTHORIZE STAFF TO PROCEED WITH A PROPOSITION 218 PUBLIC HEARING AND MAJORITY PROTEST VOTE TO IMPLEMENT A WATER METER INSTALLATION FEE TO UNMETERED PARCELS IN TARPEY VILLAGE.

Bonnie Nasser, resident, inquired about the history of Tarpey Village, specifically asking when Ashlen Avenue was constructed and the boundaries of the area.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Pearce. Motion carried by unanimous vote.

- 6:46 ITEM 12 - APPROVED - A REQUEST TO APPROVE THE BEHYMER-SUNNYSIDE SOUTHWEST REORGANIZATION ANNEXATION AGREEMENT AND TO AUTHORIZE THE CITY MANAGER AND CITY ATTORNEY TO MAKE MINOR MODIFICATIONS TO THE AGREEMENT AS NECESSARY.

Bonnie Nasser, resident, raised questions about the land use, specifically inquiring whether the property is utilized for farming.

Motion for approval by Councilmember Bessinger, seconded by Councilmember Basgall. Motion carried by unanimous vote.

PUBLIC HEARINGS – 6:53

- 6:53 ITEM 13 - APPROVED ITEMS ASSOCIATED WITH APPROXIMATELY 333 ACRES OF LAND LOCATED ADJACENT TO THE NORTH SIDE OF HIGHWAY 168 FROM ARMSTRONG AVENUE TO OWENS MOUNTAIN PARKWAY; OTHERWISE KNOWN AS THE CITY OF CLOVIS RESEARCH AND TECHNOLOGY PARK. VARIOUS PROPERTY OWNERS; CITY OF CLOVIS, APPLICANT.

Councilmember Basgall recused himself from this item because California Health Science University is a source of income.

David Wright, resident, spoke in opposition and addressed concerns with the housing issue.

David Gilmore, Attorney representing Martin and Debbie Britz, spoke in opposition of the project.

Katrina Olsen, resident, spoke in opposition and addressed concerns with the housing issue.

Brian Watt, resident, spoke in opposition and addressed concerns with the housing issue.

Marie Gallard, resident, spoke in opposition and addressed concerns with not having an Environmental Impact Report (EIR) and the campus housing.

Winona Beretto, resident, spoke in opposition and addressed with the housing issue.

Bob Davis, resident, spoke in opposition and addressed concerns with the inconsistencies and cleanup of the project.

Ron Wells, resident, spoke in opposition and addressed concerns with the cleanup language.

Mark, resident, spoke in opposition and addressed concerns with the process of the cleanup and EIR.

Mayor Ashbeck motioned to continue to a date uncertain and direct staff to work with the neighbors and bring back to the Council clean and orderly documents. Motion failed for lack of second.

13A - APPROVED - **RES. 24-91**, GPA2021-007, A REQUEST TO AMEND THE GENERAL PLAN TO CORRECTLY DESIGNATE THE RESEARCH AND TECHNOLOGY PARK BOUNDARY IN FOCUS AREA 6, INCORPORATE AMENDMENTS ALLOWING CAMPUS-AFFILIATED HOUSING WITHIN THE RESEARCH AND TECHNOLOGY PARK AND INCLUDE THE EXISTING P-C-C AND P-F ZONE DISTRICTS AS CONSISTENT ZONE DISTRICTS WITHIN THE MU-BC LAND USE DESIGNATION; AND

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried 3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing.

13B - APPROVED INTRODUCTION - **ORD. 24-11**, OA2021-004, A REQUEST TO AMEND THE CLOVIS DEVELOPMENT CODE AS A CLEANUP ACTION TO FURTHER DEFINE THE MU-BC LAND USE DESIGNATION TO ALLOW FOR CERTAIN ANCILLARY CAMPUS-AFFILIATED HOUSING USES IN THE R-T ZONE DISTRICT, ADD DEVELOPMENT STANDARDS FOR THE CAMPUS-AFFILIATED HOUSING USES AND ESTABLISH AN R-T OVERLAY ZONE DISTRICT; AND

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried 3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing.

13C - APPROVED INTRODUCTION - **ORD. 24-12**, R2021-010, A REQUEST TO REZONE APPROXIMATELY 63 PROPERTIES INCONSISTENTLY ZONED WITHIN THE DESIGNATED RESEARCH AND TECHNOLOGY PARK PLAN AREA FROM THE R-A, R-1-AH, R-1-7500, R-1-8500 AND C-P ZONE DISTRICTS TO THE R-T ZONE DISTRICT OR R-T OVERLAY ZONE DISTRICT; AND

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried 3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing.

13D - APPROVED – **RES. 24-92**, A REQUEST TO AMEND THE CLOVIS RESEARCH AND TECHNOLOGY ARCHITECTURAL GUIDELINES TO ADD DEVELOPMENT AND DESIGN STANDARDS FOR CAMPUS-AFFILIATED HOUSING CONSISTENT WITH THE GENERAL PLAN AND DEVELOPMENT CODE.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried 3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing.

CITY MANAGER COMMENTS – 8:27

None.

COUNCIL COMMENTS – 8:28

Councilmember Mouanoutoua announced that Youth Commission applications are now open for Clovis residents who are sophomores, juniors, and seniors.

It was consensus of the Council to direct staff to look into a social media campaign to address parking issues in neighborhoods with short driveways, as a response to complaints about sidewalk blockages.

CLOSED SESSION – 8:35

ITEM 14 - GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION CASE NAME: CITY OF CLOVIS V. TYCO FIRE PRODUCTS LP, U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA; CASE NO. 2:24-CV-02321-RMG

ITEM 15 - GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION CASE NAME: CITY OF CLOVIS V. BASF CORPORATION, U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA; CASE NO. 2:24-CV-0317-RMG

ITEM 16 - GOVERNMENT CODE SECTION 54957 PUBLIC EMPLOYEE APPOINTMENT / EMPLOYMENT TITLE: CITY MANAGER

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION – 9:09

No action taken.

ADJOURNMENT

Mayor Ashbeck adjourned the meeting of the Council to September 3, 2024

Meeting adjourned: 9:09 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: September 3, 2024

SUBJECT: Fire - Approval – Authorize designation of 2003 Pierce Pumper apparatus as surplus and approval of donation to City of Hanford Fire Department.

ATTACHMENTS: 1. Donation Agreement & Release
2. Disposal Memo from City Manager
3. Hanford Release of Liability

RECOMMENDATION

For the City Council to approve the apparatus designation as surplus and its subsequent donation to the City of Hanford Fire Department.

EXECUTIVE SUMMARY

In December 2021, the City Council approved the replacement purchase of E42, which the Fire Department is scheduled to take delivery of in Fall 2024. With its arrival, the 2003 Engine 40 (Vehicle #21027) will become surplus and eligible for disposal. Due to the California Air Resource Board regulation (Title 13, California Code of Regulations, section 2025) this vehicle is not legal to be registered to a private party or company in California for over the road use due to the current air emission laws; this vehicle can only be registered to government agencies as “emergency vehicle use only”. We have reached out to other local governments in the area and City of Hanford expressed an interest for a vehicle donation since one of their pumpers is no longer usable due to mechanical breakdown (blown engine).

BACKGROUND

With the recent delivery of a new 2024 Pierce Pumper, the Fire Department needs to decommission its 2003 Pierce Pumper. It is common practice for fire departments to donate decommissioned fire apparatus to other fire departments, local fire academies or other organizations. Many jurisdictions maintain reserve apparatus in their fleet to utilize when their frontline apparatus go out of service. The City of Hanford is in a critical need of a reserve apparatus because their last reserve apparatus suffered a catastrophic mechanical failure and is beyond repair. This donation will provide the City of Hanford with a reliable reserve engine to maintain operations and serve their community.

The City of Hanford Fire Department is a full-service career fire department, and this engine will provide them with a reserve engine to put into service behind their frontline apparatus when they are down for service or repairs.

Clovis Municipal Code Section 2.7.10 authorizes the disposition of surplus property owned by the City. When surplus property is donated, City Council authority is required.

FISCAL IMPACT

Minimal – if this apparatus was sent to surplus auction, the average price for this year and model is under \$60,000. No additional costs would be incurred by the donation of this vehicle.

REASON FOR RECOMMENDATION

Donation of this fire engine demonstrated the Clovis Fire Department's commitment to being a collaborative regional partner to surrounding departments within the Central Valley and to assist departments with providing effective service to their communities.

ACTIONS FOLLOWING APPROVAL

All agreements, releases, and disposal memos will be signed and the title for the 2003 Pierce Pumper apparatus will be transferred to the City of Hanford.

CONFLICT OF INTEREST

None.

Prepared by: Chris Ekk, Fire Chief

Reviewed by: City Manager *AA*

**AGREEMENT AND RELEASE REGARDING DONATION OF FIRE TRUCK
(CITY OF CLOVIS AND CITY OF HANFORD)**

This Agreement is entered into between the City of Clovis, a California general law city (“Clovis”) and City of Hanford, located in Hanford, CA (“Hanford”) with respect to the following recitals, which are a substantive part of this Agreement:

RECITALS

- A. Clovis owns a 2003 Pierce Pumper, VIN #4P1CT02HX3A003601 (“Pumper”). The Pumper is identified by Clovis as Vehicle # 21027, and has been declared surplus due to a replacement vehicle acquired by Clovis.
- B. Hanford is interested in acquiring the Pumper as a donation.
- C. Clovis is willing to donate the Pumper to Hanford, with both parties understanding that the Pumper will be donated an AS IS condition and that Hanford will release Clovis from any liability associated with use of the Pumper by Hanford.
- D. The purpose of this Agreement is to memorialize the donation of the Pumper and set forth the terms of a release of liability from Hanford to Clovis.

NOW, THEREFORE, the parties agree as follows:

- 1. Donation of Pumper; Transfer of Title. Clovis agrees to donate the Pumper to Hanford and transfer title to the Pumper to Hanford, and Hanford agrees to accept the donation of the Pumper and accept the transfer of title to the Pumper. The donation and title transfer will be accomplished as follows:
 - a. Execution of this Agreement by both Clovis and Hanford, which will serve as a bill of sale.
 - b. Execution by Clovis of title documents to the vehicle to transfer title to Hanford in the manner specified by Hanford to satisfy Local and State requirements in California. The parties shall cooperate as necessary so that title to the vehicle shall transfer from Clovis to Hanford upon the Delivery Date specific in Section 4 or as soon thereafter as possible.
 - c. Delivery as set forth below.
- 2. No Warranties. Clovis is donating the Pumper AS IS with no warranties, express or implied.

THERE ARE NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO MERCHANTABILITY, SUITABILITY, FITNESS FOR PURPOSE, OR OTHERWISE CONCERNING THE PUMPER, OR PARTS OR ACCESSORIES THEREON.

Hanford understands that the Pumper and any equipment on the Pumper may not be in a condition suitable for fire suppression purposes in accordance with standards established by Hanford or the State of California, and that Hanford will be responsible for any repairs or upgrades in equipment that may be required to use the Hanford for fire suppression purposes.

Hanford has had an opportunity to inspect or otherwise investigate the condition of the Pumper. Hanford may not rely upon verbal representations from Clovis, or any Clovis official or employee.

3. Emissions and Registration. Hanford understands that it will be responsible for any emissions requirements in the State of California, and any other governing entity having regulatory authority over emissions.

Hanford understands that it will be responsible for registering the Pumper in the State of California, or any other governing entity having regulatory authority over registration of vehicles.

4. Delivery. Hanford will take delivery of the Pumper in Clovis, California, at a Clovis facility identified by Clovis Fire Chief. The exact date of delivery will be mutually agreed upon (“Delivery Date”), but is expected to occur during the month of September XX, 2024. Hanford intends to drive the Pumper back to their facilities in Hanford, CA.
5. Hold Harmless and Indemnification. As of the Delivery Date, Hanford shall assume all responsibility for the Pumper. Hanford shall hold harmless, defend, and indemnify Clovis, the Clovis Fire Department, and their officers, employees, agents, and volunteers from all liability associated with use of the Pumper which occurs after the Delivery Date.
6. Release. Hanford waives any claims that Hanford may have, either now or in the future, for damages or other monetary relief against Clovis resulting from or in connection with Clovis’ sale of the Pumper. This waiver shall apply to all known and unknown, anticipated and unanticipated injuries and damages resulting from the activities described in the preceding sentence. In so agreeing, Hanford hereby knowingly waives the provisions of Section 1542 of the Civil Code of the State of California, which reads as follows:

“A general release does not extend to claim which the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.”

7. Authority to Execute. The signatories to this Agreement warrant and represent that they have the legal right, power, and authority to execute this Agreement and bind their respective entities.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF CLOVIS
1033 Fifth Street
Clovis, CA 93612
(559) 324-2060

CITY OF HANFORD
315 N. Douty St.
Hanford, CA 93230
(559) 585-2500

By: John Holt
Title: City Manager
September , 2024

By: Mario Cifuentes
Title: City Manager
September , 2024



CITY OF CLOVIS FIRE DEPARTMENT

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

AGENDA ITEM NO. 3.



TO: John Holt, City Manager
FROM: Chris Ekk, Fire Chief
DATE: September 4, 2024
RE: Disposal of 2003 Fire Engine

The fire department is taking delivery of the 2024 Pierce Pumper, which will make vehicle #21027 (VIN: 4P1CT02HX3A003601) surplus and eligible for disposal in August of 2024. Due to the California Air Resource Board regulation (Title 13, California Code of Regulations, section 2025) this vehicle is not legal to be registered to a private party or company in California for over the road use due to the current air emission laws; this vehicle can only be registered to government agencies as “emergency vehicle use only”. We have reached out to other local governments in the area and City of Hanford expressed an interest for a vehicle donation since one of their pumpers is no longer usable due to mechanical breakdown (blown engine).

Under City of Clovis Purchasing Manual and Procedures Page 13, Paragraph “D” Section 1: *“Surplus supplies, equipment, salvage and /or confiscated property shall be disposed of, as necessary, by auction, public bid, or donation to a governmental or certified (IRS Section 501c.3) a non-profit organization.”*

Following the City Manager’s approval, we will donate the vehicle and the title to be transferred from the City of Clovis Finance Department to City of Hanford, and City of Hanford will sign a “Hold Harmless Agreement” and an agreement the vehicle is donated in “as-is condition” with no warranties expressed or implied.

If you have any additional questions or concerns regarding this recommendation for disposing of fleet ID# 21027 please contact me.

John Holt, City Manager

Date



CITY OF CLOVIS FIRE DEPARTMENT

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

AGENDA ITEM NO. 3.



DONATION ACCEPTANCE AND RELEASE

The City of Hanford hereby accepts donation, title, and delivery of a 2003 Pierce Quantum (VIN 4P1CT02HX3A003601 – California License Plate 1170807) from the City of Clovis. The City of Clovis warrants and represents that the donation, transfer of title, and delivery is authorized by Clovis Municipal Code Section 2.7.10 and the City’s adopted Purchasing Manual for the disposal of surplus equipment and assets, and the Clovis City Council approved the donation via Consent Calendar Item No. ____ at the City Council meeting on September 3, 2024.

The undersigning City of Hanford representative is authorized to accept the donation, title, and delivery of the vehicle and by signing below does hereby do so. The vehicle is being donated by the City of Clovis and accepted by the City of Hanford “as-is” with no warranties expressed or implied. Upon acceptance of the donation and delivery, the City of Hanford shall be solely responsible for the vehicle and the City of Hanford agrees to indemnify and hold harmless the City of Clovis, its officers, agents and employees from any claims or liability arising from the use of the vehicle following acceptance of the donation and delivery, including without limitation any events or claims before the vehicle title transfer documents have been fully executed and filed with applicable regulatory authorities.

Signature

Printed Name & Title

Date



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: September 3, 2024

SUBJECT: Fire – Approval – Res. 24- __, Confirming Weed and Rubbish Abatement Charges for 2024.

ATTACHMENTS: 1. Res. 24-
2. 2024 Weed Abatement Contractor Charges
3. 2024 Weed Abatement Charges Assessed
4. Authorization Letter

RECOMMENDATION

For the City Council to approve the 2024 weed and rubbish abatement charges and authorize payment of the contractor's charges.

EXECUTIVE SUMMARY

Initial notices for weed abatement were mailed out to 249 properties in March and April 2024. Of those notices, 47 cases were created, with 11 properties abated by the City of Clovis contractor, Iron Cross Tractor Services. The attachments outline the properties that were cleaned and all associated cleanup costs and administrative fee.

Before the weed abatement charges can be submitted to the Fresno County Records' Office for collection, the charges must be confirmed by the City Council in resolution form.

BACKGROUND

The Weed and Rubbish Abatement program has proven to be an effective tool in reducing fires associated with dead/dry vegetation and maintaining property values throughout Clovis.

The Fire Department incorporates weed and rubbish abatement into its Fire Prevention Bureau, providing opportunities to prevent vegetation fires that can spread and result in significant life or property loss. In addition, abatement is instrumental in reducing calls for service, allowing unit availability for higher priority calls. Properties are surveyed and hazards identified for removal, the result of which is a much cleaner, safer environment for our citizens.

The weed abatement process started in March 2024 with the first letters being sent to the property owners of large vacant parcels, and final letters mailed in April 2024. Additional notices

were mailed to property owners where staff received specific complaints from citizens. These letters were mailed between April and August requesting abatement within a specified time frame according to the City's private contractor for action.

Breakdown of Cleanup:

Properties identified for abatement: 249
Properties cleaned by City Contractor: 11

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Before the weed abatement charges can be submitted to the County Assessor for liens to be placed upon the properties, the charges must be confirmed by the City Council in resolution form.

ACTIONS FOLLOWING APPROVAL

1. The Fire Department will process the filing of liens for all property owners that have unpaid assessments through the Fresno County Assessors' Office.
2. Payments will be processed to Iron Cross Tractor Services for all services rendered for Weed and Rubbish Abatement.
3. A signed authorization from the Fire Chief will be submitted to the Fresno County Assessor's Office authorizing the names and titles of those persons who can add, remove, or change a weed abatement lien.

CONFLICT OF INTEREST

None.

Prepared by: Melinda Feist, Staff Analyst

Reviewed by: City Manager AA

RESOLUTION 24-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING THE COST OF WEED AND RUBBISH ABATEMENT AND PROVIDING FOR COLLECTION

WHEREAS, the Council by ordinance, adopted Article 102 of Chapter 27 of Title 5 of the Clovis Municipal Code, declaring as a public nuisance, weeds and rubbish upon public or private property in the City; and

WHEREAS, the Fire Chief has caused the removal of weeds and rubbish and abated nuisance declared by said Article 102 of Chapter 27 of Title 5 of said Municipal Code; and

WHEREAS, the Fire Chief has kept an itemized account of the work done in the removal of such weeds and rubbish and has prepared a report thereon and submitted the same to this Council for confirmation; and

WHEREAS, the Council has set September 3, 2024, at the hour of 6:00 o'clock p.m., at the Council Chambers, Clovis, California, as the time and place when this Council would receive and consider the said report and make and confirm assessments against each parcel of land subject to assessment to pay the cost of each abatement.

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

a. The itemized report of the cost of remove of weeds and rubbish submitted to this Council by the Fire Chief pursuant to Article 103 of Chapter 28 of Title 5 of the Clovis Municipal Code is confirmed and approved.

b. The cost of abatement for each parcel of real property subject to assessment to pay the cost of removal of weeds and rubbish as listed under "Weed Abatement Assessments".

c. The cost of such abatement for each such parcel of real property as shown under "Weed Abatement Assessments" constitutes a special assessment against the parcel and is a lien on the parcel.

d. The Fire Department is directed to transmit a notarized copy of this resolution to the Fresno County Recorder to file liens upon the applicable properties.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 3, 2024 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 3, 2024

Mayor

City Clerk

CITY OF CLOVIS 2024 WEED ABATEMENT CHARGES BY APN						
#	APN	Location	Contractors Cost	Admin. Cost	Total cost Payable to City of Clovis	Owner Address
1	550-020-18	NEA Armstrong & Jasmine	\$1,900.00	\$300.00	\$2,200.00	1301 Solana Blvd #2125 Westlake, TX 76262
2	491-110-42	100 N Clovis Ave	\$3,225.00	\$300.00	\$3,525.00	7138 N. Millbrook #101 Fresno, CA 93730
3	491-110-43	E of 120 N Clovis	\$2,875.00	\$300.00	\$3,175.00	6121 N. Thesta #204 Fresno, CA 93710
4	563-131-29	1590 Alluvial	\$1,575.00	\$300.00	\$1,875.00	5528 N. Pam #121 Fresno, CA 93704
5	555-020-61	SEC Shaw & Locan	\$2,250.00	\$300.00	\$2,550.00	430 E State St #100 Eagle, ID 83616
6	555-050-51	SEC Gettysburg and Leonard	\$7,400.00	\$300.00	\$7,700.00	5260 N Palm #421, Stop A Fresno, CA 93704
7	564-050-55	2395 Herndon	\$2,350.00	\$300.00	\$2,650.00	21890 Colorado Ave. San Joaquin, CA 93660
Grand Total Cost			\$21,575.00	\$2,100.00	\$23,675.00	

CITY OF CLOVIS 2024 WEED ABATEMENT ASSESSMENTS					
Case #	APN	AMOUNT	TAX CODE	OWNER	OWNER ADDRESS
24-00413	550-020-18	\$2,200.00	6905	DNBS LLC	1301 Solana Blvd #2125 Westlake, TX 76262
24-00406	491-110-42	\$3,525.00	6905	TNR HOLDINGS LLC	7138 N Millbrook #101 Fresno, CA 93730
24-00407	491-110-43	\$3,175.00	6905	PERKINS CHRISTOPHER R & MANUELA TRS SVOBODA JAMES & SUZANNE	6121 N THESTA #204 FRESNO, CA 93710
24-00416	563-131-29	\$1,875.00	6905	FAT DAWGS 7 BROADCASTING LLC WILLIAMS CHARLES P TRUSTEE	5528 N PAM #121 FRESNO, CA 93704
24-00401	555-020-61	\$2,550.00	6905	Pacific West Communities	430 E State St #100 Eagle, ID 83616
24-00436	555-050-51	\$7,700.00	6905	HOMEPLACE HOLDINGS LLC	5260 N Palm #421, Stop A fresno, CA 93704
24-00461	564-050-55	\$2,650.00	6905	VALLEY HEALTH TEAM INC	21890 COLORADO AVE SAN JOAQUIN, CA 93660
TOTAL FEES:		\$23,675.00			



CITY OF CLOVIS FIRE DEPARTMENT

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

AGENDA ITEM NO. 4.



September 03, 2024

Fresno County Auditor Controller
Attn: Oscar J. Garcia, CPA

Dear Auditor-Controller:

Please accept all instructions for adding, changing, and deleting Special Assessments on behalf of the City of Clovis Fire Department from the following individuals:

1. John Holt, City Manager
2. Chris Ekk, Fire Chief
3. Jay Schengel, Finance Director
4. Chad Fitzgerald, Life Safety Enforcement Manager
5. Katie Krahn, Sr. Management Analyst

This shall remain in effect through June 30, 2025, unless notified differently. If you should have any questions, please contact Chad Fitzgerald, Life Safety/Enforcement Manager at 559-324-2218.

Sincerely,

Chris Ekk, Fire Chief

ATTACHMENT 4



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 3, 2024

SUBJECT: Planning and Development Services – Approval – Final Acceptance for CIP 17-18 Senior Center - Façade Modifications.

ATTACHMENTS: 1. Vicinity map

RECOMMENDATION

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

EXECUTIVE SUMMARY

The project consisted of removal of the existing exterior trellis and removal and replacement of portions of the exterior siding. Construction also consisted of retrofitting damaged exterior beams and painting portions of the exterior of the building.

BACKGROUND

Bids were received on March 19, 2024, and the project was awarded by the City Council to the low bidder, Geometric Construction, Inc., on April 8, 2024. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

FISCAL IMPACT

1.	Award	\$129,309.70
2.	Reduction in Bid item quantities	-\$6,944.70
3.	Contract Change Orders	\$13,778.55
4.	Liquidated Damages Assessed	\$0.00

Final Contract Cost

\$136,143.55

REASON FOR RECOMMENDATION

Clovis Facilities, the City Engineer, the Engineering Inspector, and the Project Engineer agree that the work performed by the contractor is in accordance with the construction documents and has been deemed acceptable. The contractor, Geometric Construction, Inc., has requested final acceptance from the City Council.

ACTIONS FOLLOWING APPROVAL

1. The Notice of Completion will be recorded; and
2. All remaining retention funds will be released no later than 35 calendar days following recordation of the notice of completion, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either (a) beneficial use and occupancy and cessation of labor, or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

CONFLICT OF INTEREST

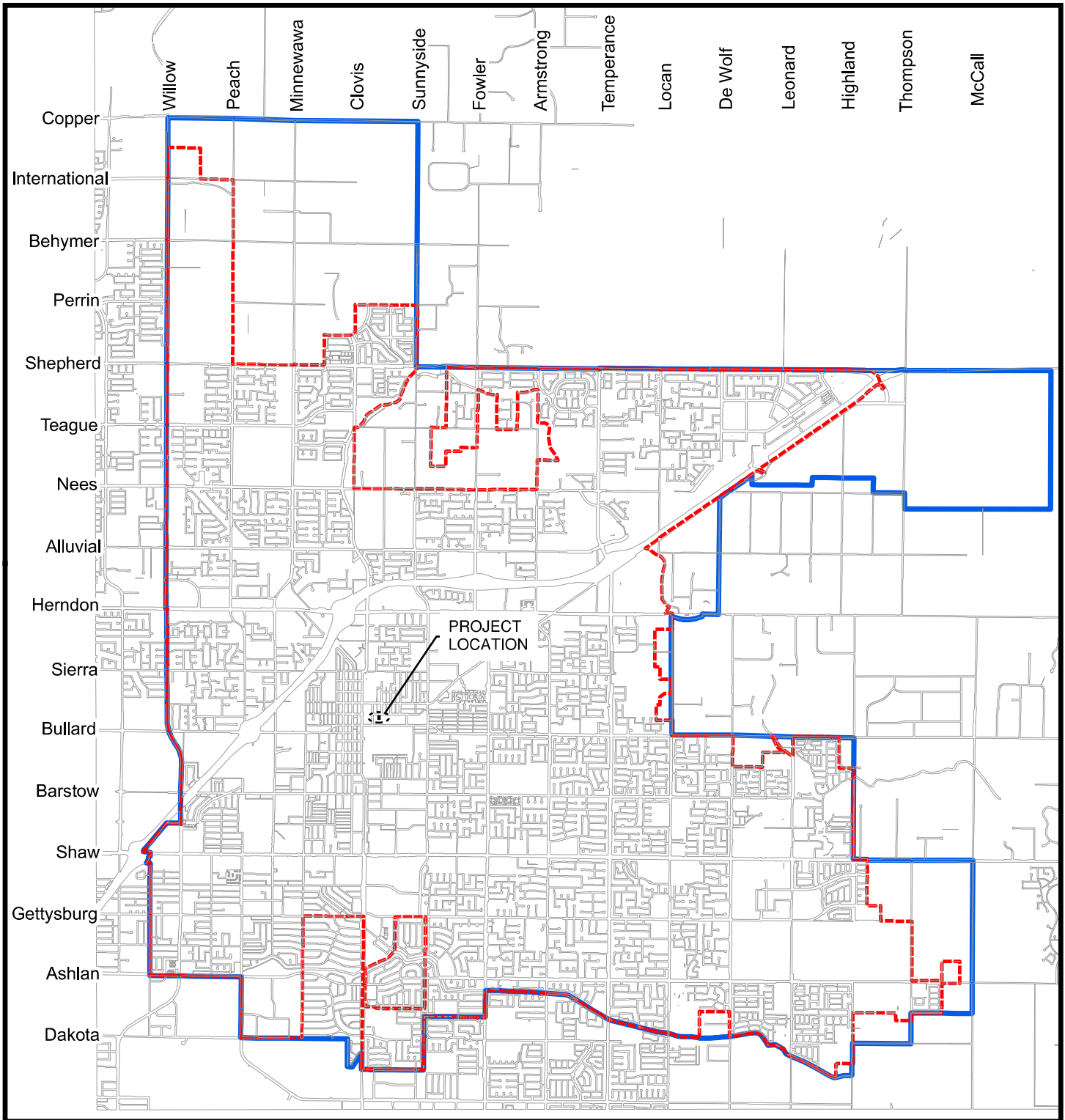
None.

Prepared by: Shawn Scott, Engineering Inspector

Reviewed by: City Manager *AA*

VICINITY MAP

CIP 17-18 Senior Center - Facade Modification



Attachment 1



 CITY LIMITS  SPHERE OF INFLUENCE





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 3, 2024

SUBJECT: Planning and Development Services - Approval – Res. 24-____, Final Map Tract 6372, located at the southwest area of Ashlan Avenue and Thompson Avenue (Lennar Homes of California, LLC, a California limited liability company).

ATTACHMENTS: 1. Res. 24-____
2. Vicinity Map
3. Final Map Copy

RECOMMENDATION

For the City Council to approve Res. 24-____, which will:

1. Accept the offer of dedication of parcels and public utility easements within Tract 6372; and
2. Authorize the recording of the final map.

EXECUTIVE SUMMARY

The owner, Lennar Homes of California, LLC, a California limited liability company, 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, streetlights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is at the southwest area of Ashlan Avenue and Thompson Avenues. It contains approximately 15 acres and consists of 103 residential units, zoned R-1-PRD.

BACKGROUND

None.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, fire hydrants, street paving, sanitary sewer, water mains, and landscaping, which will be perpetually maintained by the City of Clovis. For the streetlights, the City will pay for the power and PG&E will provide the maintenance.

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 the 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.

CONFLICT OF INTEREST

None.

Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager *AH*

RESOLUTION 24-__**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6372**

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6372, 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, that the City of Clovis as follows:

1. The final map of Tract 6372, consisting of two (2) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. The subdivision improvement plans for said tract have been approved 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 \$7,133,856.00.
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 \$7,134,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$3,567,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen 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 \$713,400.00 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 September 3, 2024, by the following vote, to wit:

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

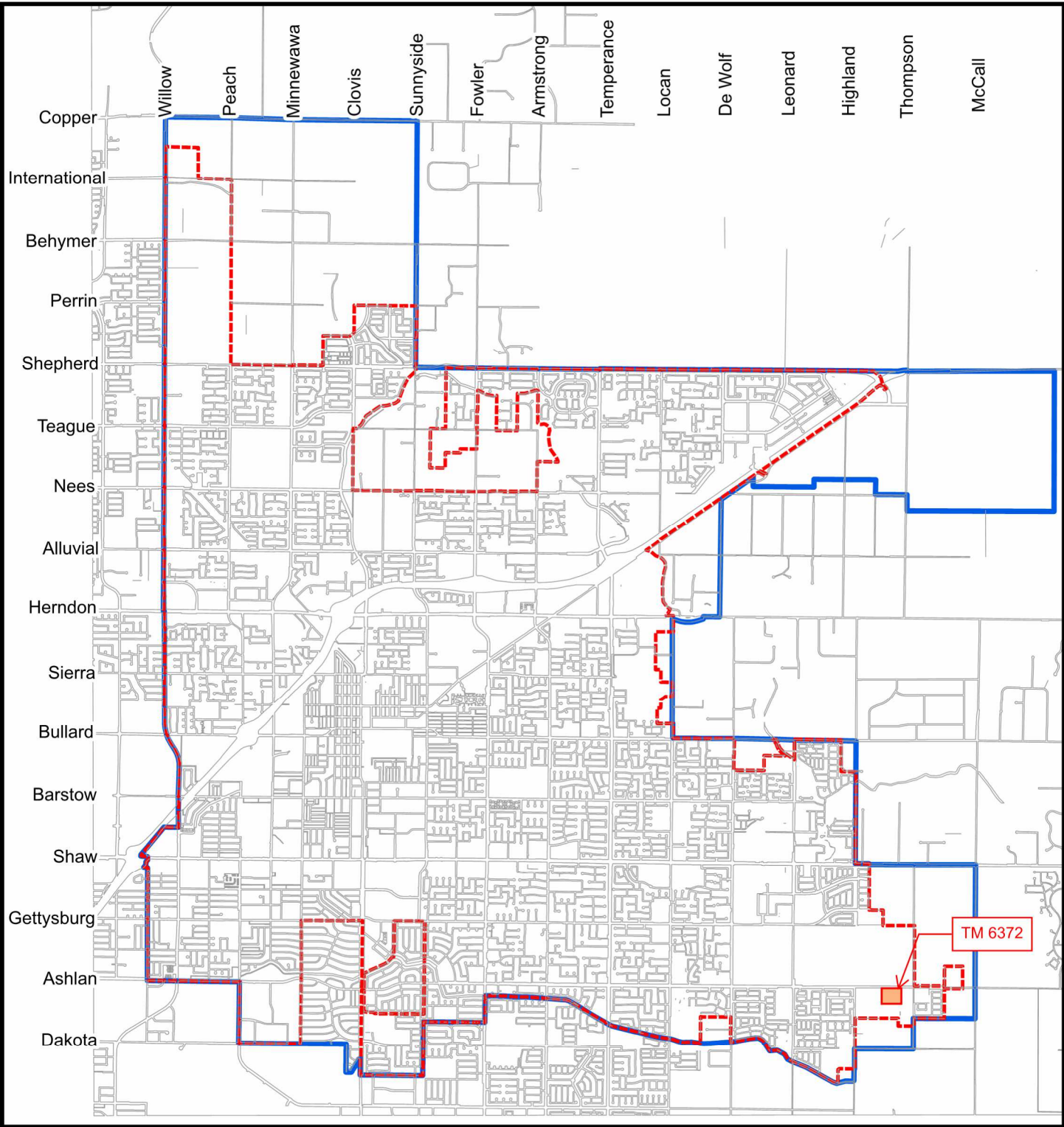
DATED:

Mayor

City Clerk

VICINITY MAP

TM 6372 (Lennar Homes of California, LLC, a California limited liability company)



Attachment 2



 CITY LIMITS
 SPHERE OF INFLUENCE



SUBDIVISION MAP OF

TRACT NO. 6372

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, SURVEYED AND PLATTED IN JUNE, 2021 BY HARBOUR & ASSOCIATES CONSISTING OF 2 SHEETS SHEET 1 OF 2

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 DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

LENNAR HOMES OF CALIFORNIA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

By: MIKE MILLER, VICE PRESIDENT

FRESNO IRRIGATION DISTRICT, AS EASEMENT HOLDER

By: BILL STRETCH, GENERAL MANAGER

NOTARY ACKNOWLEDGEMENTS

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)

ON 2022, BEFORE ME MIKE MILLER, NOTARY PUBLIC, 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/HEY 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, WITHIN MY HAND.

NAME SIGNATURE MY COMMISSION EXPIRES COUNTY OF COMMISSION NUMBER

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)

ON 2022, BEFORE ME BILL STRETCH, NOTARY PUBLIC, 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/HEY 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, WITHIN MY HAND.

NAME SIGNATURE MY COMMISSION EXPIRES COUNTY OF COMMISSION NUMBER

LEGAL DESCRIPTION

PARCEL B, AS SHOWN ON MAP ENTITLED "PARCEL MAP NO. 2020-04", RECORDED ON AUGUST 25, 2020 IN BOOK 76 OF PARCEL MAPS, AT PAGES 13 AND 14, RECORDS OF FRESNO COUNTY.

THIS LAND IS SUBJECT TO THE FOLLOWING:

- 1. THE HEREIN DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND MAY BE SUBJECT TO ASSESSMENT FOR DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES DISCLOSED BY FMFCD RESOLUTION NO. 1816 RECORDED JULY 31, 1995 AS RECORDING NO. 95092128, OF OFFICIAL RECORDS. 2. THE HEREIN DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 FOR POLICE AND FIRE SERVICE DISCLOSED BY ANNEXATION MAP NO. 40 RECORDED JULY 10, 2015 IN BOOK 44 OF ASSESSMENT MAPS OF OFFICIAL RECORDS, PAGE 38. AMENDED NOTICE OF SPECIAL TAX LIEN, CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1, ANNEXATION NO. 40, RECORDED JULY 10, 2015, IN OFFICIAL RECORDS UNDER RECORDERS SERIAL NUMBER 2015-0088577. 3. THE HEREIN DESCRIBED PROPERTY IS SUBJECT TO MATTERS AS CONTAINED OR REFERRED TO IN AN INSTRUMENT ENTITLED RIGHT TO FARM NOTICE EXECUTED BY MLOLL, LP, A CALIFORNIA LIMITED PARTNERSHIP RECORDED JULY 18, 2013 IN OFFICIAL RECORDS UNDER RECORDERS SERIAL NUMBER 2013-0100709. 4. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STATEMENT OF COVENANTS AND CREATION OF LIEN (GENERAL DEFERMENT OF DEVELOPMENT IMPACT FEES, PUBLIC IMPROVEMENTS AND LMD)", RECORDED AUGUST 25, 2020 AS 2020-0110268 OF OFFICIAL RECORDS. 5. A PIPELINE REPLACEMENT AND GRANT OF EASEMENT AGREEMENT AND INCIDENTAL PURPOSES CONTAINED IN A DOCUMENT RECORDED MARCH 16, 2021 AS 2021-0043484 OF OFFICIAL RECORDS, AND THE TERMS AND PROVISIONS AS CONTAINED THEREIN. 6. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED AREA OF COMMON USE AGREEMENT, EXECUTED BY AND BETWEEN FRESNO IRRIGATION DISTRICT, A CALIFORNIA IRRIGATION DISTRICT AND CITY OF FRESNO, A MUNICIPAL CORPORATION, RECORDED JULY 25, 2022, AS INSTRUMENT NO. 2022-0094906 OF OFFICIAL RECORDS.



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 LENNAR HOMES OF CALIFORNIA, LLC, ON JUNE 1, 2022. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER 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.

AARON D. SPRAY, PLS 9484 DATE



CITY ENGINEER'S STATEMENT

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

THAD AVERY, R.C.E. 62251 DATE CITY ENGINEER



CITY SURVEYOR'S STATEMENT

I, JEFFREY S. LAND, CITY SURVEYOR OF THE CITY OF CLOVIS, HEREBY STATE THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT, PURSUANT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT.

JEFFREY S. LAND, P.L.S. 8634 DATE CITY SURVEYOR

CITY CLERK'S STATEMENT

I, BRIANA PARRA, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED, 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.

DATED BRIANA PARRA, CITY CLERK

RECORDER'S CERTIFICATE

DOCUMENT NO. FEE PAID \$ FILED THIS DAY OF 20, AT M. IN VOLUME OF PLATS, AT PAGE(S), FRESNO COUNTY RECORDS, AT THE REQUEST OF LENNAR TITLE.

PAUL A. DICTOS, CPA FRESNO COUNTY ASSESSOR-RECORDER

By: DEPUTY

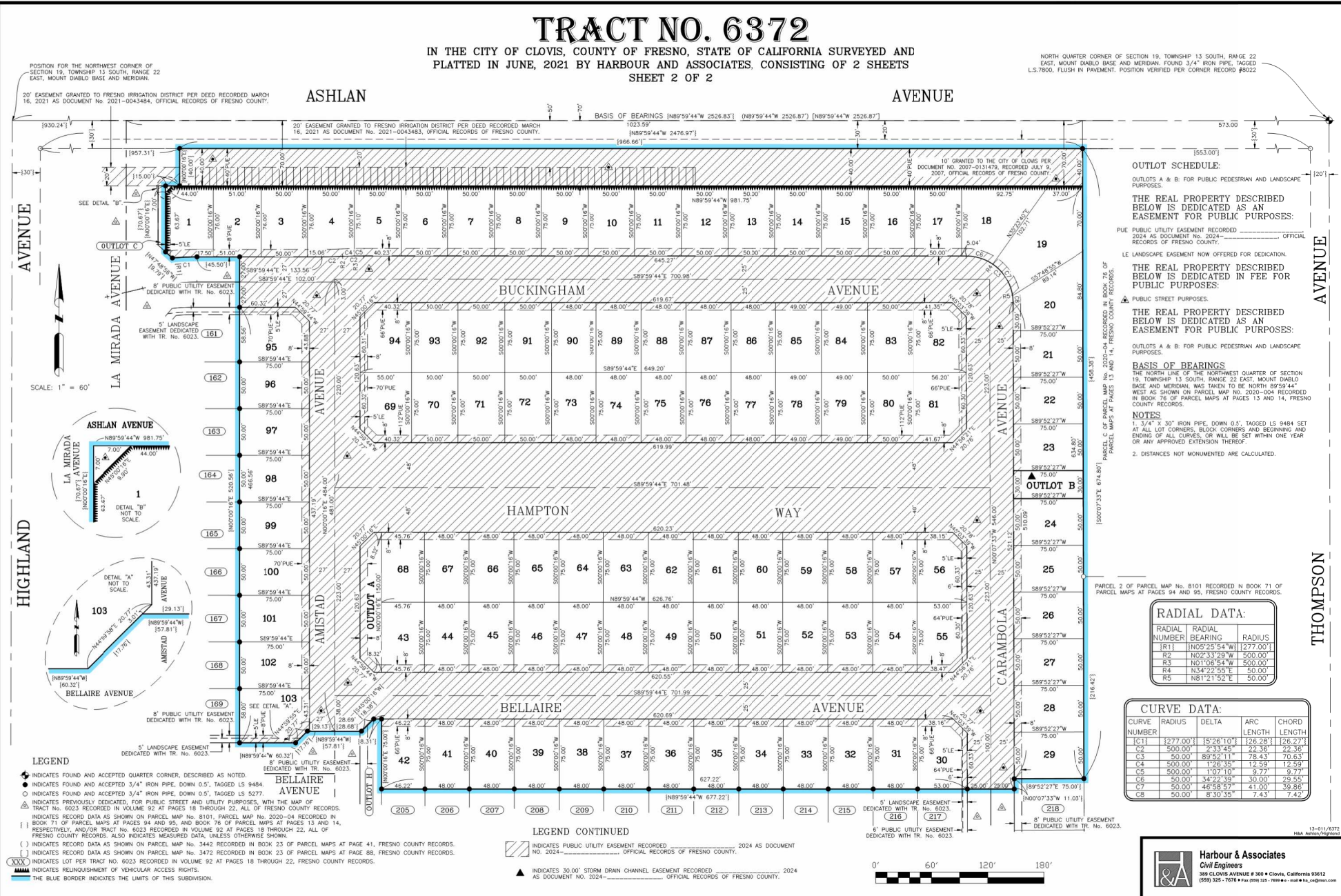


Harbour & Associates Civil Engineers 369 Clovis Avenue, Suite 300 • Clovis, California 93612 (559) 325-7676 • Fax (559) 325-7699

TRACT NO. 6372

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA SURVEYED AND PLATTED IN JUNE, 2021 BY HARBOUR AND ASSOCIATES, CONSISTING OF 2 SHEETS SHEET 2 OF 2

NORTH QUARTER CORNER OF SECTION 19, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 3/4" IRON PIPE, TAGGED L.S.7800, FLUSH IN PAVEMENT. POSITION VERIFIED PER CORNER RECORD #8022



OUTLOT SCHEDULE:
 OUTLOTS A & B: FOR PUBLIC PEDESTRIAN AND LANDSCAPE PURPOSES.
 THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:
 PUBLIC UTILITY EASEMENT DEDICATED WITH TR. No. 6023-2024 AS DOCUMENT NO. 2024-04 OFFICIAL RECORDS OF FRESNO COUNTY.
 LANDSCAPE EASEMENT NOW OFFERED FOR DEDICATION.
 THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:
 OUTLOTS A & B: FOR PUBLIC PEDESTRIAN AND LANDSCAPE PURPOSES.

BASIS OF BEARINGS
 THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, WAS TAKEN TO BE NORTH 89°59'44" WEST AS SHOWN ON PARCEL MAP NO. 2020-04 RECORDED IN BOOK 76 OF PARCEL MAPS AT PAGES 13 AND 14, FRESNO COUNTY RECORDS.
NOTES
 1. 3/4" X 30" IRON PIPE, DOWN 0.5", TAGGED LS 9484 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF.
 2. DISTANCES NOT MONUMENTED ARE CALCULATED.

RADIAL DATA:

RADIAL NUMBER	BEARING	RADIUS
R1	N05°25'54"W	277.00'
R2	N02°33'29"W	500.00'
R3	N01°05'54"W	500.00'
R4	N34°27'55"E	50.00'
R5	N81°21'52"E	50.00'

CURVE DATA:

CURVE NUMBER	RADIUS	DELTA	ARC LENGTH	CHORD LENGTH
C1	277.00'	5°26'10"	126.28'	126.27'
C2	500.00'	2°33'45"	22.36'	22.36'
C3	50.00'	89°52'11"	75.43'	70.63'
C4	500.00'	1°26'35"	12.59'	12.59'
C5	500.00'	1°07'10"	9.77'	9.77'
C6	50.00'	34°22'59"	30.00'	29.55'
C7	50.00'	46°58'57"	41.00'	39.86'
C8	50.00'	8°30'35"	7.43'	7.42'

- LEGEND**
- INDICATES FOUND AND ACCEPTED QUARTER CORNER, DESCRIBED AS NOTED.
 - INDICATES FOUND AND ACCEPTED 3/4" IRON PIPE, DOWN 0.5", TAGGED LS 9484.
 - INDICATES FOUND AND ACCEPTED 3/4" IRON PIPE, DOWN 0.5", TAGGED LS 3277.
 - △ INDICATES PREVIOUSLY DEDICATED, FOR PUBLIC STREET AND UTILITY PURPOSES, WITH THE MAP OF TRACT NO. 6023 RECORDED IN VOLUME 92 AT PAGES 18 THROUGH 22, ALL OF FRESNO COUNTY RECORDS.
 - INDICATES RECORD DATA AS SHOWN ON PARCEL MAP NO. 8101, PARCEL MAP NO. 2020-04 RECORDED IN BOOK 71 OF PARCEL MAPS AT PAGES 84 AND 85, AND BOOK 76 OF PARCEL MAPS AT PAGES 13 AND 14, FRESNO COUNTY RECORDS. ALSO INDICATES MEASURED DATA, UNLESS OTHERWISE SHOWN.
 - INDICATES RECORD DATA AS SHOWN ON PARCEL MAP NO. 3442 RECORDED IN BOOK 23 OF PARCEL MAPS AT PAGE 41, FRESNO COUNTY RECORDS.
 - INDICATES RECORD DATA AS SHOWN ON PARCEL MAP NO. 3472 RECORDED IN BOOK 23 OF PARCEL MAPS AT PAGE 88, FRESNO COUNTY RECORDS.
 - INDICATES LOT PER TRACT NO. 6023 RECORDED IN VOLUME 92 AT PAGES 18 THROUGH 22, FRESNO COUNTY RECORDS.
 - INDICATES RELINQUISHMENT OF VEHICULAR ACCESS RIGHTS.
 - THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

- LEGEND CONTINUED**
- INDICATES PUBLIC UTILITY EASEMENT DEDICATED WITH TR. No. 2024 AS DOCUMENT NO. 2024-04 OFFICIAL RECORDS OF FRESNO COUNTY.
 - ▲ INDICATES 30.00" STORM DRAIN CHANNEL EASEMENT RECORDED AS DOCUMENT NO. 2024-04 OFFICIAL RECORDS OF FRESNO COUNTY.



Harbour & Associates
 Civil Engineers
 389 CLOVIS AVENUE # 300 • Clovis, California 93612
 (559) 255-1878 • Fax: (559) 255-1888 • email: h&a@h-a.com



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 3, 2024

SUBJECT: Planning and Development Services - Approval – Res. 24-____, Annexation of Proposed Tract 6372, located at the southwest area of Ashlan Avenue and Thompson Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, LLC, a California limited liability company).

ATTACHMENTS: 1. Res. 24-____

RECOMMENDATION

For the City Council to approve Res. 24-____, which will annex proposed Tract 6372, located at the southwest area of Ashlan Avenue and Thompson Avenue to the Landscape Maintenance District (LMD) No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Lennar Homes of California, LLC, a California limited liability company, acting as the subdivider, has requested to be annexed to the LMD No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract 6372.

BACKGROUND

Lennar Homes of California, LLC, a California limited liability company, the developer of Tract 6372, 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

	<u>Tract 6372</u>	<u>Year to Date</u>
LMD Landscaping added:	1.177 acres	1.741 acres
Resource needs added:	0.118 persons	0.174 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 have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6372 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

CONFLICT OF INTEREST

None.

Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager *AH*

RESOLUTION 24-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
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. 6372, 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, BE IT RESOLVED, by the City of Clovis 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 September 3, 2024, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

ATTACHMENT A

Legal Description

Lots 1 through 103, inclusive, of Tract Map 6372 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 Department

DATE: September 3, 2024

SUBJECT: Planning and Development Services - Approval – Res. 24-____, Final Map Tract 6406, located at the southwest corner of Perrin Avenue and Baron Avenue (Lennar Homes of California, LLC, a California limited liability company).

ATTACHMENTS: 1. Res. 24-____
2. Vicinity Map
3. Final Map Copy

RECOMMENDATION

For the City Council to approve Res. 24-____, which will:

1. Accept the offer of dedication of parcels and public utility easements within Tract 6406; and
2. Authorize the recording of the final map.

EXECUTIVE SUMMARY

The owner, Lennar Homes of California, LLC, a California limited liability company, 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, streetlights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is at the southwest corner of Perrin Avenue and Baron Avenues. It contains approximately 8 acres and consists of 51 residential units, zoned R-1.

BACKGROUND

None.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, fire hydrants, street paving, sanitary sewer, water mains, and landscaping, which will be perpetually maintained by the City of Clovis. For the streetlights, the City will pay for the power and PG&E will provide the maintenance.

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 the 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.

CONFLICT OF INTEREST

None.

Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager *AH*

RESOLUTION 24-__**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6406**

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6406, 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 of Clovis as follows:

1. The final map of Tract 6406, consisting of five (5) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. The subdivision improvement plans for said tract have been approved 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 \$2,453,253.00.
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 \$2,453,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$1,227,000.00 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 \$245,300.00 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 September 3, 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

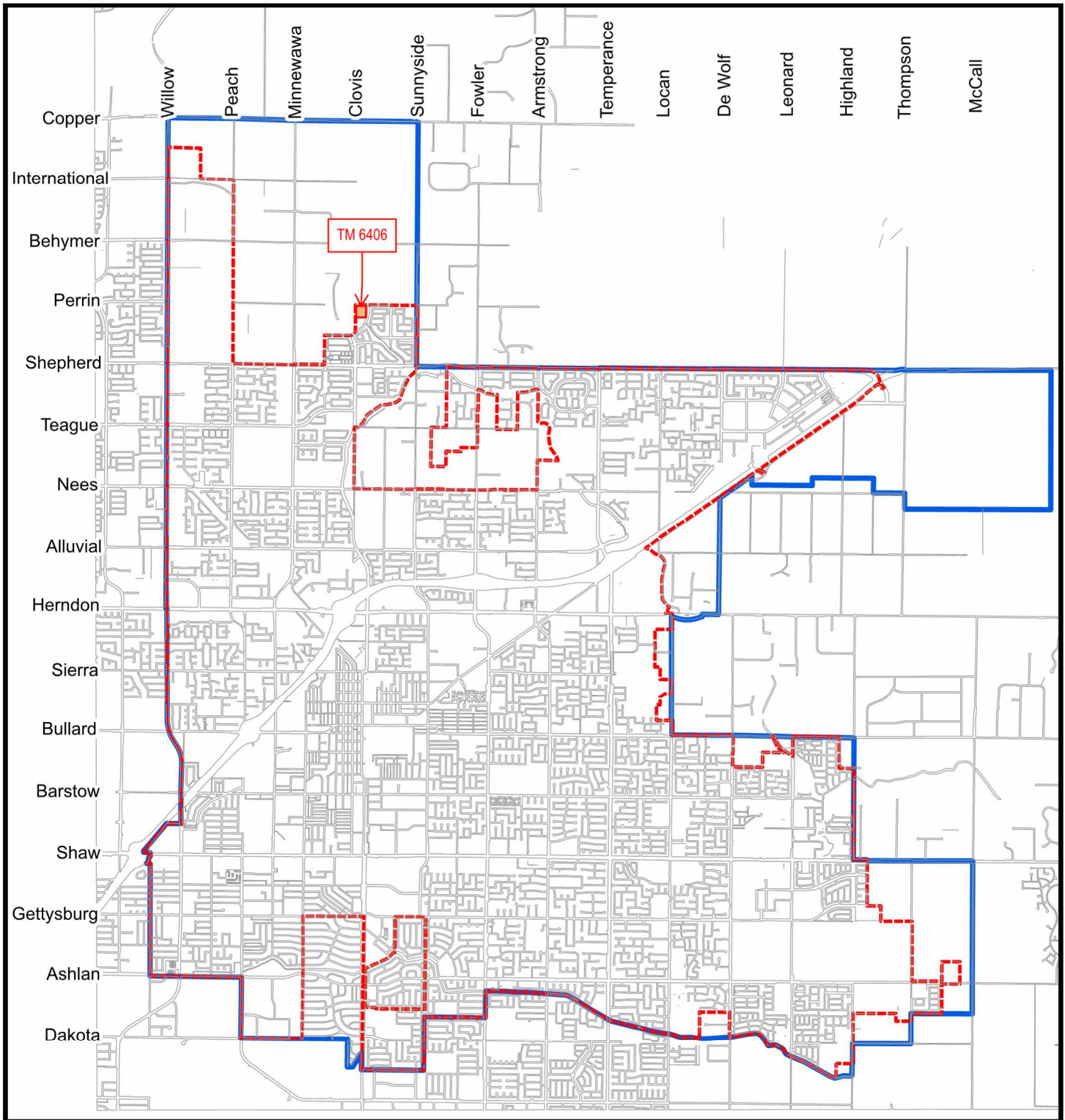
DATED:

Mayor

City Clerk

VICINITY MAP

TM 6406 (Lennar Homes of California, LLC, a California limited liability company)



ATTACHMENT 2



 CITY LIMITS
 SPHERE OF INFLUENCE



FINAL MAP OF
TRACT NO. 6406
A PLANNED DEVELOPMENT OF VESTING TENTATIVE MAP NO. 6200
PHASE FIVE OF VESTING TENTATIVE TRACT NO. 6200
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN AUGUST 2018 BY YAMABE & HORN ENGINEERING, INC.
CONSISTING OF 5 SHEETS, SHEET 1 OF 5



RECORD TITLE INTEREST STATEMENT:

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

TPG AG EHC III (LEN) CA 2, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: STEVEN S. BENSON, MANAGER OF ESSENTIAL HOUSING ASSET MANAGEMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY AUTHORIZED AGENT OF TPG AG EHC III (LEN) CA 2, L.P., A DELAWARE LIMITED PARTNERSHIP

FRESNO IRRIGATION DISTRICT, AN EASEMENT HOLDER:

THE FRESNO IRRIGATION DISTRICT, A CALIFORNIA IRRIGATION DISTRICT

BY: BILL STRETCH, GENERAL MANAGER

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 2024 BEFORE ME, NOTARY PUBLIC, PERSONALLY APPEARED STEVEN S. BENSON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITIES UPON BEHALF OF WHICH THE PERSONS 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.

PRINT NAME SIGNATURE
MY COMMISSION EXPIRES COUNTY OF
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 2024 BEFORE ME, NOTARY PUBLIC, PERSONALLY APPEARED BILL STRETCH, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITIES UPON BEHALF OF WHICH THE PERSONS 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.

PRINT NAME SIGNATURE
MY COMMISSION EXPIRES COUNTY OF
COMMISSION NUMBER

LEGAL DESCRIPTION:

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 177 AS SHOWN ON THE FINAL MAP ENTITLED "TRACT 6200", RECORDED IN THE OFFICE OF THE FRESNO COUNTY RECORDER ON DECEMBER 24, 2019, IN VOLUME 89 OF PLATS AT PAGE(S) 39-45 OF SAID COUNTY.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF OF THE UNDERLYING MINERALS, OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND GEOTHERMAL STEAM DEPOSITS IN AND UNDER SAID LAND, AS RESERVED IN FAVOR OF SUNLAND VINEYARDS COMPANY, A CORPORATION, WHICH ACQUIRED TITLE AS ALTA VINEYARDS COMPANY, A CALIFORNIA CORPORATION, IN THAT CERTAIN DEED RECORDED MARCH 17, 1978, IN BOOK 6991, AT PAGE 209, OF OFFICIAL RECORDS OF FRESNO COUNTY.

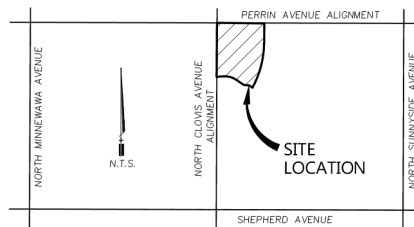
FURTHER EXCEPTING THEREFROM ALL THE INTEREST CONVEYED TO THE CITY OF CLOVIS, A MUNICIPAL CORPORATION, AS DESCRIBED IN THE DOCUMENT RECORDED AUGUST 10, 2020, AS INSTRUMENT NO. 2020-102724, FRESNO COUNTY RECORDS.

FURTHER EXCEPTING THEREFROM ALL THAT PORTION OF LAND CONVEYED TO THE CITY OF CLOVIS, A MUNICIPAL CORPORATION, AS DESCRIBED IN THE DOCUMENT RECORDED AUGUST 4, 2022, AS INSTRUMENT NO. 2022-99029, FRESNO COUNTY RECORDS.

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", RECORDED JULY 31, 1995 AS INSTRUMENT NO. 95092128, OFFICIAL RECORDS FRESNO COUNTY.
- 2. RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LYING WITHIN EAST SHEPHERD AVENUE AND SUNNYSIDE AVENUE.
- 3. AN EASEMENT FOR DITCH, CANAL AND WATERWAY AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 25, 1907 IN BOOK 367 OF DEEDS, PAGE 405.
- 4. AN EASEMENT FOR ENTERPRISE CANAL AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 28, 1912 IN BOOK 499 OF DEEDS, PAGE 53.
- 5. AN EASEMENT FOR DITCH KNOWN AS BEHYMER DITCH NO. 427 AND INCIDENTAL PURPOSES, RECORDED JUNE 19, 1941 AS INSTRUMENT NO. 21501 IN BOOK 2060, PAGE 188 OF OFFICIAL RECORDS.
- 6. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CERTIFICATION OF COMPLETION FOR SIERRA AND NAVELENCIA RESOURCE CONSERVATION DISTRICT CONSOLIDATION" RECORDED FEBRUARY 15, 2009 AS INSTRUMENT NO. 2009-0023421-1 OF OFFICIAL RECORDS.
- 7. A DOCUMENT ENTITLED "CERTIFICATE OF COMPLETION SHEPHERD-SUNNYSIDE NORTHWEST REORGANIZATION" RECORDED DECEMBER 19, 2018 AS INSTRUMENT NO. 2018-0150987 OF OFFICIAL RECORDS.
- 8. EASEMENTS, DEDICATIONS, RESERVATIONS, PROVISIONS, RELINQUISHMENTS, RECITALS, CERTIFICATES AND ANY OTHER MATTERS AS PROVIDED FOR OR DELINEATED ON THAT CERTAIN MAP ENTITLED "TRACT 6200", RECORDED DECEMBER 24, 2019, IN VOLUME 89 OF PLATS AT PAGE(S) 39 THROUGH 45 AND MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO.
- 9. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED AGREEMENT FOR DEFERMENT OF DEVELOPMENT REQUIREMENTS OF THE CITY OF CLOVIS, TO DO WORK AFTER NOTICE AND CREATING LIEN ON REAL PROPERTY, EXECUTED BY AND BETWEEN CITY OF CLOVIS, A MUNICIPAL CORPORATION AND LENNAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION AND PATRICK VINCENT RICCIUCCI, AS TRUSTEE OF THE PATRICK VINCENT RICCIUCCI FAMILY TRUST DATED MAY 17, 1985, RECORDED DECEMBER 24, 2019, AS INSTRUMENT NO. 2019-0155582 OF OFFICIAL RECORDS.
- 10. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT", RECORDED DECEMBER 24, 2019 AS INSTRUMENT NO. 2019-0155583 OF OFFICIAL RECORDS.
- 11. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED MAINTENANCE AGREEMENT, EXECUTED BY AND BETWEEN CITY OF CLOVIS, A CALIFORNIA MUNICIPAL CORPORATION AND LENNAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION AND PATRICK VINCENT RICCIUCCI, AS TRUSTEE OF THE PATRICK VINCENT RICCIUCCI FAMILY TRUST DATED MAY 17, 1985, RECORDED DECEMBER 24, 2019, AS INSTRUMENT NO. 2019-0155586 OF OFFICIAL RECORDS.

VICINITY MAP:



SURVEYOR'S STATEMENT:

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 LENNAR HOMES OF CALIFORNIA, LLC ON AUGUST 5, 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP IF ANY, THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DAVID C. HORN, LS 8204 DATE

CITY ENGINEER'S STATEMENT:

I THAD AVERY, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND 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.

BY: THAD AVERY, RCE 62251 DATE
CITY ENGINEER

CITY SURVEYOR'S STATEMENT:

I JEFFREY S. LAND, CITY SURVEYOR OF THE CITY OF CLOVIS, HEREBY STATE THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT, PURSUANT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT.

BY: JEFFREY S. LAND, PLS 8634 DATE
CITY SURVEYOR

CITY CLERK'S STATEMENT:

I ANDREW HAUSSLER, CITY CLERK OF THE CITY OF CLOVIS, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED 2024 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.

BY: ANDREW HAUSSLER, DATE
CITY CLERK

RECORDER'S STATEMENT:

DOCUMENT NO. _____ FEE: \$ _____
FILED THIS _____ DAY OF _____, 2024, AT _____ M.
IN VOLUME _____ OF PLATS MAPS, AT PAGE _____, FRESNO COUNTY RECORDS
AT THE REQUEST OF CALATLANTIC TITLE, INC.

PAUL DICTOS, CPA,
FRESNO COUNTY ASSESSOR/CLERK-RECORDER

BY: _____ DATE
DEPUTY COUNTY RECORDER

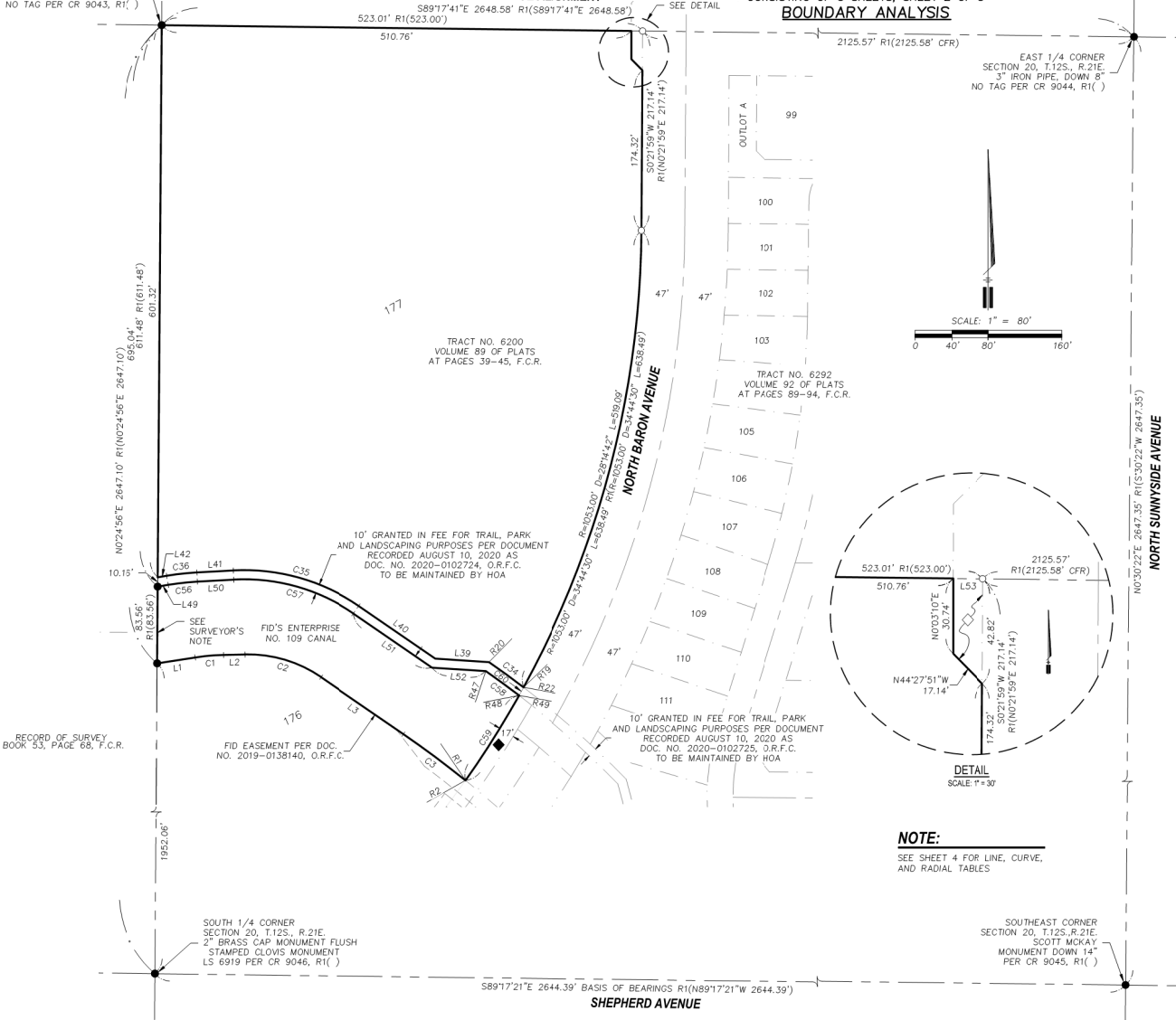
Yamabe & Horn Engineering, Inc.
CIVIL ENGINEERS • LAND SURVEYORS
2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
TEL: (559) 244-3123 WEBSITE: YANDHENG.COM

FINAL MAP OF TRACT NO. 6406

A PLANNED DEVELOPMENT OF VESTING TENTATIVE MAP NO. 6200
 PHASE FIVE OF VESTING TENTATIVE TRACT NO. 6200
 IN THE CITY OF CLOVIS, COUNTY OF FRESNO,
 STATE OF CALIFORNIA
 CONSISTING OF 5 SHEETS, SHEET 2 OF 5
BOUNDARY ANALYSIS

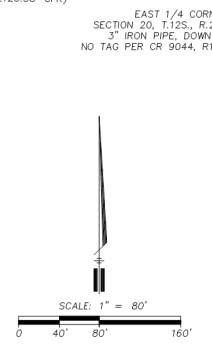
PARCEL 2
 PARCEL MAP NO. 3489
 BOOK 23 OF PARCEL MAPS
 AT PAGE 74, F.C.R.

CENTER 1/4 CORNER
 SECTION 20, T.12S., R.21E.
 3/4" IRON PIPE DOWN 6"
 NO TAG PER CR 9043, R1()



LEGEND:

- FOUND AND ACCEPTED 3/4" X 30" IRON PIPE, TAGGED LS 7923, DOWN 6", UNLESS OTHERWISE NOTED
- FOUND AND ACCEPTED 3/4" X 30" IRON PIPE, TAGGED LS 8204, DOWN 6", UNLESS OTHERWISE NOTED
- LIMITS OF SUBDIVISION
- PROPERTY LINE/RIGHT OF WAY LINE
- SECTION LINE
- EASEMENT LINE
- R1() RECORD DATA PER TRACT NO. 6200 RECORDED IN VOLUME 89 OF PLATS AT PAGES 39-45, F.C.R.
- (R) DENOTES RADIAL BEARING
- CR CORNER RECORD ON FILE WITH THE FRESNO COUNTY SURVEYOR
- CFR CALCULATED FROM RECORD DATA
- F.C.R. FRESNO COUNTY RECORDS
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- ◆ 17' GRANTED TO THE CITY OF CLOVIS FOR PUBLIC STREET AND UTILITY PURPOSES PER THE FINAL MAP OF TRACT NO. 6292, RECORDED APRIL 28, 2023 IN VOLUME 92 OF PLATS, AT PAGES 89 THROUGH 94, F.C.R.
- ◇ GRANTED TO THE CITY OF CLOVIS IN FEE FOR PUBLIC STREET AND UTILITY PURPOSES PER DOCUMENT NO. 2022-0099029, O.R.F.C.



SURVEYOR'S NOTE:
 THE POSITION OF THE NORTH-EAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, LIES IN THE BOTTOM OF THE ENTERPRISE CANAL. WITNESS CORNERS WERE FOUND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER AT 50.30 FEET NORTH AND 33.27 FEET SOUTH OF THE CORNERS POSITION. BEING THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST QUARTER WITH THE FUTURE FRESNO IRRIGATION DISTRICT RIGHT OF WAY LINES ON THE NORTH AND SOUTH SIDES OF THE CANAL.

BASIS OF BEARINGS:
 THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN PER TRACT NO. 6200, RECORDED IN VOLUME 89 OF PLATS AT PAGES 39-45, F.C.R.
 TAKEN TO BE NORTH 89°17'21" WEST

CURVE TABLE			R1() RECORD CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CURVE	RADIUS	DELTA	LENGTH
C1	230.00'	7°43'19"	31.00'	C1	230.00'	7°43'19"	31.00'
C2	140.00'	35°46'11"	87.40'	C2	140.00'	35°46'11"	87.40'
C3	1080.00'	4°27'29"	84.03'	C3	1080.00'	4°27'29"	84.03'

LINE TABLE			R1() RECORD LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N81°04'55"E	41.67'	L1	N81°04'55"E	41.67'
L2	S88°48'14"W	23.35'	L2	S88°48'14"W	23.35'
L3	N55°25'35"W	109.39'	L3	N55°25'35"W	109.39'

NOTE:
 SEE SHEET 4 FOR LINE, CURVE, AND RADIAL TABLES

Yamabe & Horn Engineering, Inc.
 CIVIL ENGINEERS • LAND SURVEYORS
 2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
 TEL: (559) 244-3123 WEBSITE: YANDHENG.COM

FINAL MAP OF TRACT NO. 6406

A PLANNED DEVELOPMENT OF VESTING TENTATIVE MAP NO. 6200
 PHASE FIVE OF VESTING TENTATIVE TRACT NO. 6200
 IN THE CITY OF CLOVIS, COUNTY OF FRESNO,
 STATE OF CALIFORNIA
 CONSISTING OF 5 SHEETS, SHEET 3 OF 5

LEGEND:

- FOUND AND ACCEPTED 3/4" X 30" IRON PIPE, TAGGED LS 7923, DOWN 6", UNLESS OTHERWISE NOTED
- FOUND AND ACCEPTED 3/4" X 30" IRON PIPE, TAGGED LS 8204, DOWN 6", UNLESS OTHERWISE NOTED
- LIMITS OF SUBDIVISION
- PROPOSED PROPERTY LINE
- PROPERTY LINE/RIGHT OF WAY LINE
- - - SECTION LINE
- EASEMENT LINE
- ▲ RELINQUISHMENT OF VEHICULAR ACCESS RIGHTS
- R1 () RECORD DATA PER TRACT NO. 6200 RECORDED IN VOLUME 89 OF PLATS 39-45, F.C.R.
- (R) DENOTES RADIAL BEARING
- CR CORNER RECORD ON FILE WITH THE COUNTY SURVEYOR
- F.C.R. FRESNO COUNTY RECORDS
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- ▲ 10' GRANTED IN FEE TO THE CITY OF CLOVIS FOR TRAIL, PARK, AND LANDSCAPING PURPOSES PER DOCUMENT RECORDED AUGUST 10, 2020 AS DOC. NO. 2020-0102725, O.R.F.C.
- ◆ 17' GRANTED TO THE CITY OF CLOVIS FOR PUBLIC STREET AND UTILITY PURPOSES PER THE FINAL MAP OF TRACT NO. 6292, RECORDED APRIL 28, 2023 IN VOLUME 92 OF PLATS, AT PAGES 89 THROUGH 94, F.C.R.
- ◇ GRANTED TO THE CITY OF CLOVIS IN FEE FOR PUBLIC STREET AND UTILITY PURPOSES PER DOCUMENT NO. 2022-0099029, O.R.F.C.

NOTES:

1. SET 3/4" X 30" LONG IRON PIPE DOWN 6" TAGGED LS 8204 AT ALL LOT CORNERS, ANGLE POINTS AND POINTS OF CURVATURE, UNLESS OTHERWISE NOTED.
2. SEE SHEET 2 FOR FULL BOUNDARY ANALYSIS, EXISTING MONUMENT CALLOUTS AND REFERENCE INFORMATION.
3. SEE SHEET 4 FOR LINE, CURVE, AND RADIAL LINE TABLES

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

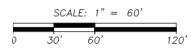
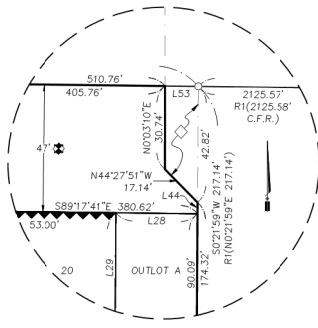
- PUE NOW OFFERED FOR DEDICATION FOR PUBLIC UTILITY EASEMENT PURPOSES
- PE NOW OFFERED FOR DEDICATION FOR PEDESTRIAN EASEMENT PURPOSES
- LE NOW OFFERED FOR DEDICATION FOR LANDSCAPE EASEMENT PURPOSES

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:

- ◆ NOW OFFERED FOR DEDICATION FOR PUBLIC STREET AND UTILITY PURPOSES FOR PUBLIC USE.
- ▲ OUTLOTS A AND B NOW OFFERED FOR DEDICATION FOR TRAIL, PARK AND LANDSCAPING PURPOSES, TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

THE REAL PROPERTY DESCRIBED BELOW IS RETAINED IN FEE TITLE AS FOLLOWS:

OUTLOT C IS A COMMON LOT TO BE USED FOR OPEN SPACE PURPOSES AND RETAINED BY TPG AG EHC III (LEN) CA 2, L.P., A DELAWARE LIMITED PARTNERSHIP



TRACT NO. 6200
 VOLUME 89 OF PLATS
 AT PAGES 39-45, F.C.R.

TRACT NO. 6292
 VOLUME 92 OF PLATS
 AT PAGES 89-94, F.C.R.

Yamabe & Horn
Engineering, Inc.
 CIVIL ENGINEERS • LAND SURVEYORS
 2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
 TEL: (559) 244-3123 WEBSITE: YANDHENGRCOM

FINAL MAP OF
TRACT NO. 6406
 A PLANNED DEVELOPMENT OF VESTING TENTATIVE MAP NO. 6200
 PHASE FIVE OF VESTING TENTATIVE TRACT NO. 6200
 IN THE CITY OF CLOVIS, COUNTY OF FRESNO,
 STATE OF CALIFORNIA
 CONSISTING OF 5 SHEETS, SHEET 4 OF 5

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S81°04'55"W	41.67'
L2	S88°48'14"W	23.35'
L3	N55°25'35"W	109.39'
L4	S02°4'56"W	61.14'
L5	S44°26'23"E	13.37'
L6	S89°17'41"E	5.75'
L7	S02°1'59"W	10.28'
L8	S02°1'59"W	27.01'
L9	S02°1'59"W	5.61'
L10	S39°48'24"E	12.84'
L11	S81°17'45"E	32.26'
L12	N54°36'11"E	14.36'
L13	S45°33'37"W	13.30'
L14	S44°27'51"E	13.38'
L15	S02°1'59"W	25.51'
L16	N49°19'27"E	14.26'
L17	N44°26'23"W	13.37'
L18	S02°4'56"W	141.14'

LINE TABLE		
LINE	BEARING	DISTANCE
L19	S45°33'37"W	13.30'
L20	S38°35'39"E	12.19'
L21	N74°37'29"E	12.31'
L22	N55°23'01"W	44.78'
L23	N44°26'23"W	13.40'
L24	S02°4'56"W	106.16'
L25	N51°17'15"E	14.69'
L26	S81°17'45"E	32.26'
L27	S35°07'33"E	13.85'
L28	S89°17'41"E	30.00'
L29	S02°4'56"W	58.51'
L30	N44°56'44"E	74.87'
L31	N44°56'44"E	66.87'
L32	S89°17'41"E	33.07'
L33	S02°1'59"W	5.61'
L34	N74°13'09"W	35.87'
L35	N74°13'09"W	47.13'
L36	N89°17'41"W	9.97'

LINE TABLE		
LINE	BEARING	DISTANCE
L37	N89°17'41"W	120.96'
L38	N55°23'01"W	63.77'
L39	N86°17'33"W	58.38'
L40	N55°23'01"W	100.91'
L41	S86°58'44"W	39.59'
L42	S80°14'37"W	9.88'
L43	N0°24'56"E	47.00'
L44	N0°21'59"E	4.17'
L45	S89°17'41"E	25.08'
L46	S89°17'41"E	67.57'
L47	S44°26'23"E	13.37'
L48	N45°33'37"E	13.30'
L49	S80°14'37"W	11.67'
L50	S86°58'44"W	39.59'
L51	N55°23'01"W	103.68'
L52	N86°17'33"W	58.35'
L53	S89°17'41"E	12.25'
L54	S81°17'45"E	42.90'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	
C5	236.00'	28°09'22"	115.97'	
C6	48.00'	83°57'18"	70.33'	
C7	48.00'	0°36'41"	0.51'	
C8	917.00'	12°02'12"	192.64'	
C9	292.00'	24°52'00"	126.73'	
C10	48.00'	34°54'34"	29.25'	
C11	48.00'	35°48'36"	30.00'	
C12	48.00'	18°56'31"	15.87'	
C13	973.00'	2°08'36"	36.40'	
C14	973.00'	2°28'24"	42.00'	
C15	973.00'	2°13'54"	37.90'	
C16	318.00'	5°00'33"	27.80'	
C17	262.00'	6°13'38"	28.48'	
C18	973.00'	2°05'02"	35.39'	
C19	973.00'	2°21'20"	40.00'	
C20	973.00'	2°21'20"	40.00'	
C21	973.00'	2°21'20"	40.00'	
C22	973.00'	2°21'20"	40.00'	
C23	973.00'	2°21'20"	40.00'	
C24	973.00'	0°02'12"	0.62'	

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C25	48.00'	56°17'39"	47.16'
C26	48.00'	42°45'09"	35.82'
C27	917.00'	2°48'58"	45.07'
C28	917.00'	4°25'31"	70.82'
C29	917.00'	5°43'47"	91.70'
C30	917.00'	6°18'26"	100.94'
C31	292.00'	8°14'54"	42.04'
C32	292.00'	16°37'06"	84.65'
C33	1010.00'	3°06'05"	54.67'
C34	1010.00'	2°38'19"	46.51'
C35	220.00'	37°38'15"	144.52'
C36	280.00'	6°44'07"	32.91'
C37	48.00'	83°20'37"	69.82'
C38	264.00'	32°03'01"	147.68'
C39	290.00'	7°59'56"	40.45'
C40	1053.00'	2°04'03"	38.00'
C41	1053.00'	2°04'05"	38.01'
C42	1053.00'	2°28'24"	45.46'
C43	1053.00'	2°11'52"	40.35'
C44	1053.00'	2°26'19"	44.82'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C45	1053.00'	2°21'20"	43.29'
C46	1053.00'	2°21'20"	43.29'
C47	1053.00'	2°21'20"	43.29'
C48	1053.00'	2°21'20"	43.29'
C49	1053.00'	2°21'20"	43.29'
C50	1053.00'	3°04'42"	56.58'
C51	1053.00'	2°08'36"	39.39'
C52	1053.00'	6°48'51"	125.23'
C53	48.00'	89°39'40"	75.11'
C54	973.00'	6°50'54"	116.30'
C55	973.00'	13°53'55"	236.03'
C56	270.00'	6°44'07"	31.74'
C57	210.00'	37°38'15"	137.95'
C58	1000.00'	2°33'58"	44.79'
C59	1053.00'	5°56'47"	109.28'
C60	1053.00'	0°33'01"	10.12'
C61	917.00'	7°14'28"	115.89'

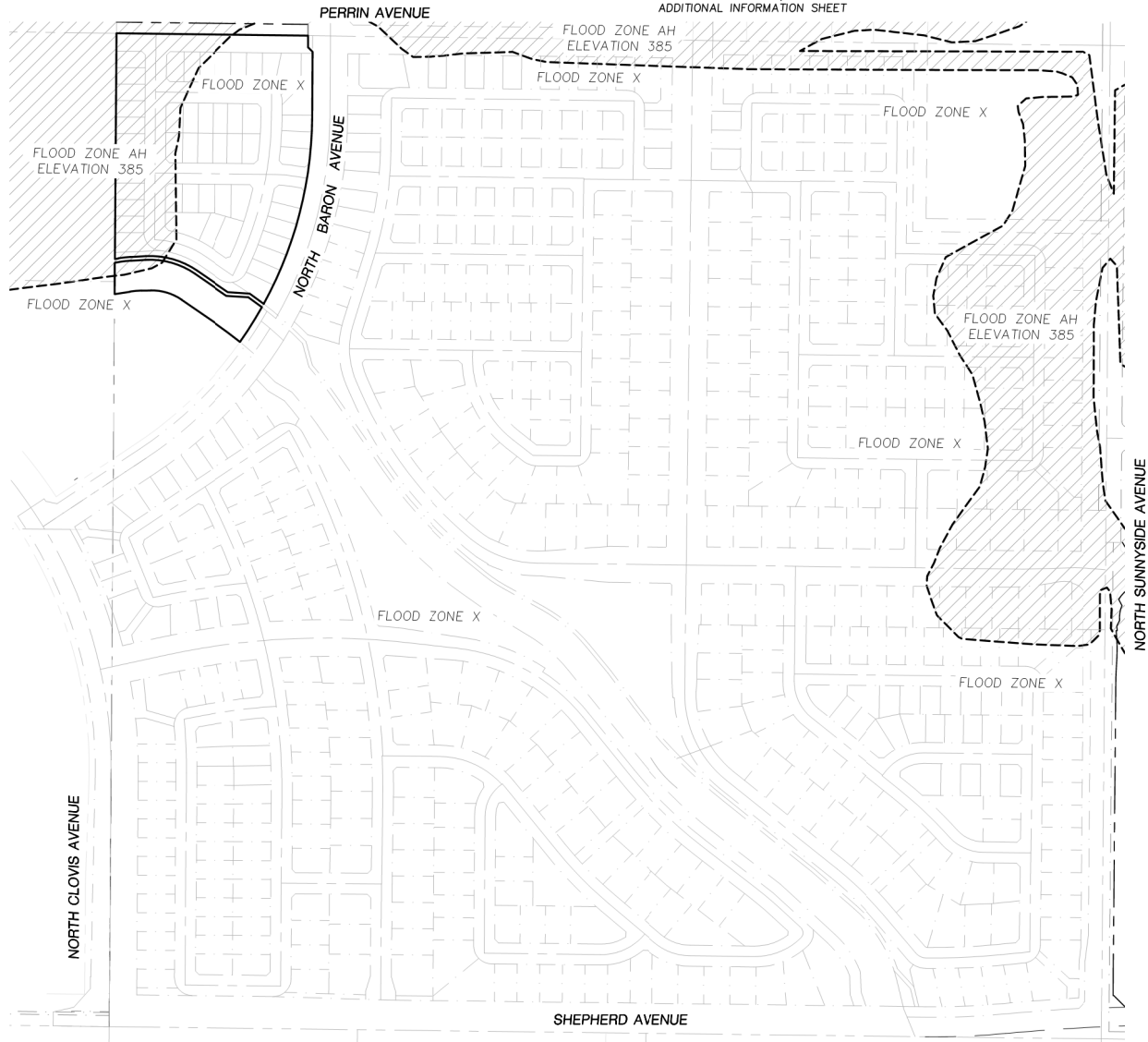
RADIAL TABLE	
RADIAL LINE	DIRECTION
R1	S54°53'31"E
R2	N39°01'54"E
R3	N87°29'25"W
R4	N85°01'01"W
R5	N82°47'06"W
R6	S3°41'42"W
R7	S2°28'37"W
R8	N76°14'42"W
R9	N73°53'22"W
R10	N71°32'02"W
R11	N69°10'42"W
R12	N66°49'21"W
R13	N64°28'01"W
R14	N64°25'49"W
R15	N8°08'10"W
R16	N89°48'15"E
R17	N89°35'04"W

RADIAL TABLE	
RADIAL LINE	DIRECTION
R18	S9°44'59"W
R19	S37°30'37"W
R20	N34°52'17"E
R21	S31°46'12"W
R22	N61°23'19"W
R23	N86°49'03"W
R24	N82°23'32"W
R25	N77°39'06"W
R26	N71°55'19"W
R27	N65°36'53"W
R28	N87°29'25"W
R29	N85°01'01"W
R30	N82°49'09"W
R31	N78°41'01"W
R32	N76°14'42"W
R33	N73°53'22"W
R34	N71°32'02"W

RADIAL TABLE	
RADIAL LINE	DIRECTION
R35	N69°10'42"W
R36	N66°49'21"W
R37	N64°28'01"W
R38	S26°22'05"W
R39	S6°27'37"W
R40	N2°33'58"E
R41	S63°00'44"E
R42	S80°18'24"E
R43	S78°19'44"E
R44	S80°45'06"E
R45	N35°36'52"E
R46	N71°25'28"E
R47	N35°01'51"E
R48	S37°35'50"W
R49	N60°50'18"W
R50	N34°36'59"E

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FINAL MAP OF
TRACT NO. 6406
 A PLANNED DEVELOPMENT OF VESTING TENTATIVE MAP NO. 6200
 PHASE FIVE OF VESTING TENTATIVE TRACT NO. 6200
 IN THE CITY OF CLOVIS, COUNTY OF FRESNO,
 STATE OF CALIFORNIA
 CONSISTING OF 5 SHEETS, SHEET 5 OF 5
 ADDITIONAL INFORMATION SHEET



LEGEND:

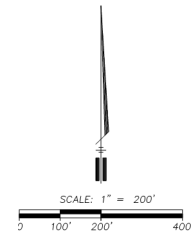


AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

FLOOD INFORMATION:

THE INFORMATION ON THIS SHEET IS BASED ON THE FLOOD INSURANCE RATE MAP (FIRM) FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AS SHOWN ON MAP NUMBER 06019C1580H, COMMUNITY PANEL NUMBER 060044 WITH AN EFFECTIVE DATE OF FEBRUARY 18, 2009 IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA.



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CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 3, 2024

SUBJECT: Planning and Development Services - Approval – Res. 24-____, Annexation of Proposed Tract 6406, located at the southwest corner of Perrin Avenue and Baron Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, LLC, a California limited liability company).

ATTACHMENTS: 1. Res. 24-____

RECOMMENDATION

For the City Council to approve Res. 24-____, which will annex proposed Tract 6406, located at the southwest corner of Perrin Avenue and Baron Avenue to the Landscape Maintenance District (LMD) No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Lennar Homes of California, LLC, a California limited liability company, acting as the subdivider, has requested to be annexed to the LMD No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract 6406.

BACKGROUND

Lennar Homes of California, LLC, a California limited liability company, the developer of Tract 6406, 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

	<u>Tract 6406</u>	<u>Year to Date</u>
LMD Landscaping added:	0.660 acres	2.401 acres
Resource needs added:	0.066 persons	0.240 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 have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6406 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

CONFLICT OF INTEREST

None.

Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager *AH*

RESOLUTION 24-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
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. 6406, 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, BE IT RESOLVED, by the City of Clovis 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 September 3, 2024, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

ATTACHMENT A

Legal Description

Lots 1 through 51, inclusive, of Tract Map 6406 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: Public Utilities Department

DATE: September 3, 2024

SUBJECT: Public Utilities – Approval – Bid Award for CIP 24-15, Tarpey Village Water Meter Installation Project, in the Total Amount of \$459,680.00 to West Valley Construction, Inc.; and Approval - Authorize the City Manager to Execute the Contract on Behalf of the City.

ATTACHMENTS: 1. Vicinity Map

RECOMMENDATION

1. For the City Council to award a contract for CIP 24-15, Tarpey Village Water Meter Installation Project, to West Valley Construction, Inc. in the total amount of \$459,680.00; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the contract with West Valley Construction, Inc. in the amount of \$459,680.00. West Valley Construction, Inc. was the lowest responsible bidder from the bid opening that took place on August 20, 2024.

This project involves the installation of a City standard water meter connection, including the meter box and water meter, on the remaining 308 unmetered homes within Tarpey Village.

BACKGROUND

This project is intended to meet the guidelines of California Assembly Bill 2572 (AB 2572), which stipulates that all municipal and industrial service connections must have a water meter installed and be billed according to the volumetric water use passing through that meter. This project will install a standardized City water service connection and a corresponding water meter on all remaining unmetered connections to meet the requirements of the AB 2572, including the State-imposed installation deadline of January 1, 2025.

Council authorized Staff on August 19, 2024, to proceed with a Proposition 218 hearing and majority protest to assess a water meter installation fee for the remaining properties in Tarpey Village. If the Proposition 218 is not rejected by a majority of the fee payers at the public hearing tentatively scheduled for December 2, 2024, the City will be able to recover most of the costs associated with the contractor-installed water service and meters. Based on the contractor’s bid, the water meter installation fee to be included in the Proposition 218 public hearing notice is estimated to be \$1,490 per unmetered parcel. The water meter installation fee will be charged through a payment plan over 36 months with no interest, instead of the historically offered 24-month no-interest plan. Staff recommends a 36-month period to maintain a similar per month cost to those who have previously volunteered and paid to have a water meter installed at the City’s most recent charge of \$980.

The following is a summary of the bid results of August 20, 2024.

BIDDERS	BASE BID
West Valley Construction, Inc.	\$459,680.00
ENGINEER’S ESTIMATE	\$451,000.00

The bid was examined, and the bidder’s submittals were found to be in order. Staff have validated the bidder’s contractor’s license.

FISCAL IMPACT

The project is included in the 2024-2025 fiscal year budget and will be initially paid for by the Water Enterprise Fund. The majority of the project costs will be reimbursed to the Water Enterprise Fund via collection of a water meter installation fee. Miscellaneous costs not included in the fee will be paid for by water service fees and penalties collected in the Water Enterprise Fund. If the water meter installation fee is rejected by a majority protest by affected fee payers following the public hearing, the City will still need to proceed with the work to comply with the State mandate and will most likely be burdened with all costs.

REASON FOR RECOMMENDATION

West Valley Construction, Inc. is the lowest responsible bidder. The installation of a water meter is required prior to January 1, 2025, per Assembly Bill 2572.

ACTIONS FOLLOWING APPROVAL

The contract will be prepared and executed, subject to the contractor providing performance security that is satisfactory to the City. A public hearing will be scheduled for a date which is not less than 45 days after the mailing date of the notice, which is tentatively scheduled for December 2024.

CONFLICT OF INTEREST

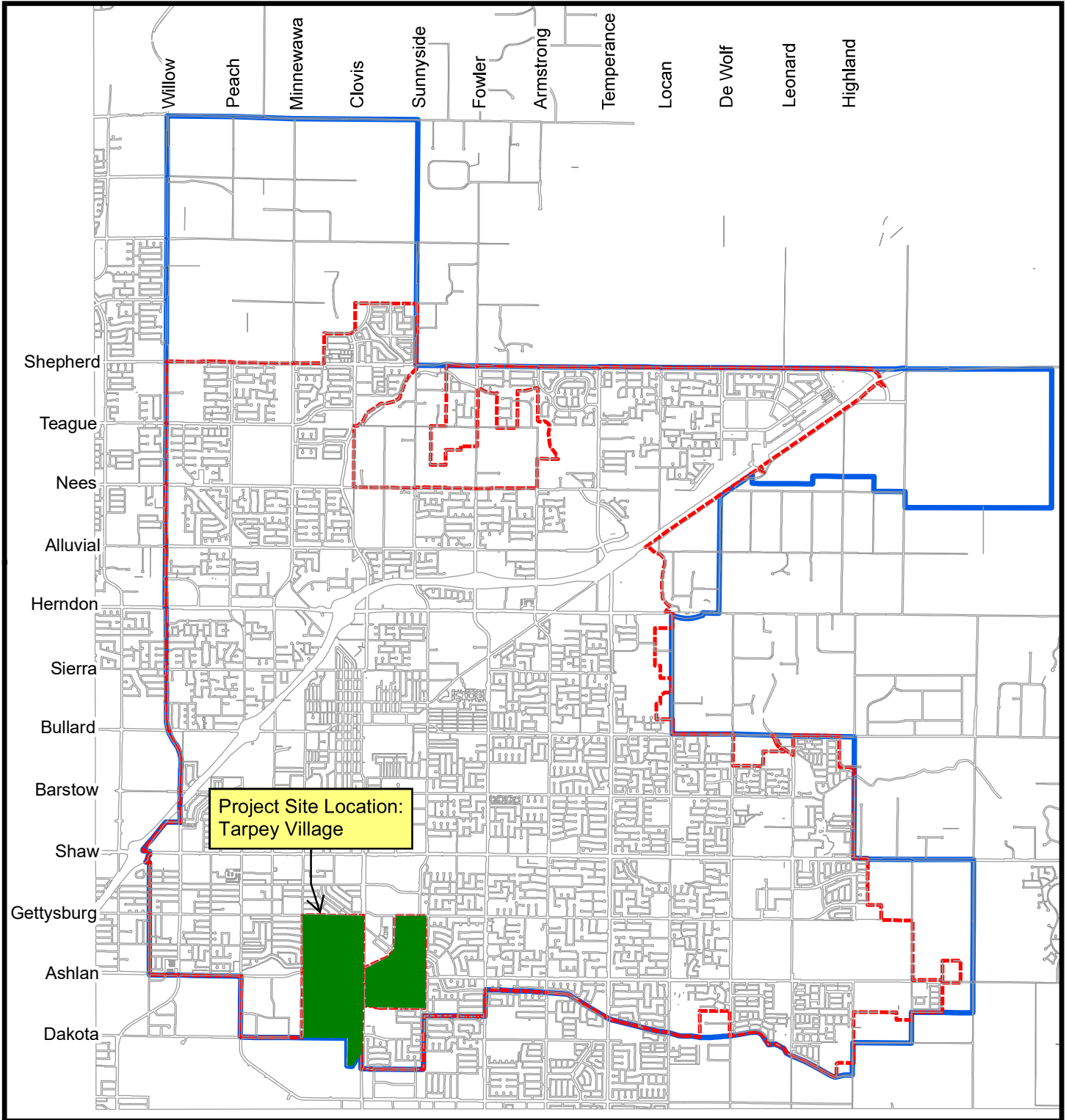
None.

Prepared by: Kevin Tuttle, Supervising Civil Engineer

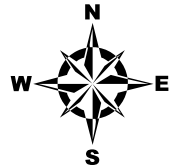
Reviewed by: City Manager *AH*

VICINITY MAP

CIP 24-15 - Tarpey Village Water Meter Installation Project



ATTACHMENT 1





CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: September 3, 2024

SUBJECT: Public Utilities – Approval – Waive Formal Bidding Requirements and Reauthorize the Purchase of Two (2) Fire Department 2024 Ford F-250 Crew Cab 4x4 Trucks from Fahrney Ford of Selma to Replace model year 2004 and 2007 Trucks that have Reached the End of Their Useful Life.

ATTACHMENTS: None

RECOMMENDATION

For the City Council to approve waiving the City's formal bidding requirements and reauthorize the purchase of two (2) Fire Department 2024 Ford F-250 Crew Cab 4x4 trucks for \$70,656.30 each, for a combined total of \$141,312.60 (including tax and delivery fees) from Fahrney Ford of Selma to replace model year 2004 and 2007 trucks that have reached the end of their useful life.

EXECUTIVE SUMMARY

There are funds in this fiscal year's Fleet Renewal budget to purchase two (2) 2024 Ford F-250 Crew Cab 4x4 trucks for the Fire Department. The existing equipment needs to be replaced due to age, mileage, and condition. Fahrney Ford of Selma provided a bid price of \$141,312.60 for the two replacement trucks, including tax and delivery fees. The two replacement trucks meet current emissions requirements.

City staff also requested a bid from the Sourcewell contracted dealer National Auto Fleet Group. However, Fahrney Ford of Selma has supplied a lower bid.

The Sourcewell purchasing contract, formerly the National Joint Powers Alliance (NJPA) contract, is a nationwide public procurement service that makes the governmental procurement process more efficient. All contracts available to participating members have been awarded by virtue of a public competitive procurement process compliant with state statutes.

The recommended action is a request for reauthorization of a purchase previously approved by Council in September of 2023.

BACKGROUND

On September 18, 2023, Council approved purchasing two (2) Fire Department 2024 Ford F-250 Crew Cab 4x4 trucks for \$74,337.91 each, for a combined total of \$148,675.82 (including tax and delivery fees), from National Auto Fleet Group utilizing the Sourcewell purchasing contract 091521-NAF. After Council approval, staff opened a purchase order for the vehicles to begin the purchasing process and provided them to the dealership. Since providing the purchase order, no progress has been made on the manufacturing of the vehicles. Therefore, staff is requesting reauthorization and approval to purchase the vehicles from Fahrney Ford of Selma at a lower price than the originally approved amount.

The recommended equipment is available from Fahrney Ford of Selma and meets the Department's needs. The vehicles are available to be ordered and will be built by Ford according to Fire Department's needs.

The Fleet Fund includes a vehicle and equipment replacement program where the different divisions within City departments budget for and contribute a set amount of money annually for the future scheduled replacement of a vehicle or piece of equipment. This allows each department, and the divisions within the departments, to financially plan for the large capital expense of purchasing vehicles and equipment that need to replace existing vehicles due to age, wear and tear, or to meet regulatory requirements. Depending on the condition and need of the vehicle or equipment being replaced, it will be moved from front-line operation and may be kept as a back-up, or it will be auctioned off in the City's vehicle and equipment surplus program.

FISCAL IMPACT

Funds were originally allocated in the 2023-2024 budget year and were re-encumbered in the 2024-2025 Fleet Capital Acquisition budget, often referred to as the Fleet Renewal or Fleet Replacement budget. The Fire Department has the necessary funds for equipment replacement.

REASON FOR RECOMMENDATION

The existing trucks have been in service for over 10 years and are scheduled for replacement. Sufficient funds have been collected for replacement equipment. Staff has evaluated the available equipment and determined that it meets the needs of the Fire Department. The proposed method of purchasing the equipment is cost-effective and sufficient funds are available.

ACTIONS FOLLOWING APPROVAL

Purchase orders will be prepared for the City Manager's approval and sent to the vendor. The previous vehicle orders and corresponding purchase orders will be cancelled.

CONFLICT OF INTEREST

None.

Prepared by: Jim Stringfield, Fleet Manager

Reviewed by: City Manager *AS*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: September 3, 2024

SUBJECT: Public Utilities – Approval – Final Acceptance for CIP 23-15, Gas Collection and Control Systems (GCCS) Flare Station Improvements at the Clovis Landfill, with a Final Contract Cost of \$464,752.11.

ATTACHMENTS: None

RECOMMENDATION

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

EXECUTIVE SUMMARY

Staff is recommending that Council accept the work performed by BSE General Engineering, Inc. and authorize the recording of the notice of completion.

This project involved the construction work necessary to install a Low-NOx flare and associated components at the City of Clovis Landfill to be in compliance with the Rule 4311 (Flares). Specifically, the work involved furnishing, installing, and constructing reinforced concrete pads; installing a Low-NOx flare and associated components; blower systems; an air compressor system; electrical wiring; modification of the existing electrical system main panel; and all additional work necessary for the gas collection and control systems (GCCS) flare station improvements at the Clovis Landfill.

BACKGROUND

The San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted amendments to Rule 4311 pertaining to flares on December 17, 2020. The purpose of Rule 4311 is to limit the emissions of volatile organic compounds (VOCs), nitrogen oxides (NOx), and sulfur oxides (SOx) from the operation of flares. The emission requirements for NOx for landfill flares has essentially been cut in half and is now at 0.025 lb/MMBtu. The previous Clovis Landfill flare exceeded the NOx requirement with an output of 0.047 lb/MMBtu. The SJVAPCD granted an Authority to Construct (ATC) to the City of Clovis to replace the existing non-compliant flare to meet the new emission requirements of Rule 4311.

The project was awarded by City Council to BSE General Engineering, Inc., on October 2, 2023. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

FISCAL IMPACT

1. Award	\$453,592.11
2. Contract Change Orders	
CCO No. 1	\$2,053.00
This change order provided the drilling and epoxy wet set of the alternative flare anchor bolts.	
CCO No. 2	\$9,107.00
This change order provided the necessary labor and procurement of materials (i.e. inlet pipe support, concrete for footing, 6-quantity 8" gaskets, mount air dryer, stainless steel air line adder, propane adder, rotate compressor, electrical outlet for compressor sensor, 3/8" air line valve, & vinyl tubing for air compressor oil separator) in order to proceed with the project without delays.	
3. Liquidated Damages	<u>\$0.00</u>

Final Contract Cost **\$464,752.11**

This project was budgeted in the 2023-2024 annual budget and is fully funded from the Refuse Enterprise funds as listed in the Community Sanitation Improvement section of the Community Investment Program. There are adequate funds in the Refuse Fund to pay for the project costs, including the contract change orders.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

1. The Notice of Completion will be recorded; and
2. All remaining retention funds will be released no later than 35 calendar days following recordation of the notice of completion, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either (a) beneficial use and occupancy and cessation of labor, or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

CONFLICT OF INTEREST

None.

Prepared by: Rey Empleo, Civil Engineer

Reviewed by: City Manager *AA*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 3, 2024

SUBJECT: Consider Adoption - **Ord. 24-11**, OA2021-004, A request to amend the Clovis Development Code as a cleanup action to further define the MU-BC land use designation to allow for certain ancillary campus-affiliated housing uses in the R-T zone district, add development standards for the campus-affiliated housing uses and establish an R-T overlay zone district. (3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing)

Staff: Briana Parra, City Clerk
Recommendation: Adopt

ATTACHMENTS: None

This item is on the regular agenda because at introduction it was approved with a less than unanimous vote.

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



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 3, 2024

SUBJECT: Consider Adoption - **Ord. 24-12**, R2021-010, A request to rezone approximately 63 properties inconsistently zoned within the designated Research and Technology Park plan area from the R-A, R-1-AH, R-1-7500, R-1-8500 and C-P zone districts to the R-T zone district or R-T overlay zone district. (3-1-0-1, with Mayor Ashbeck voting no and Councilmember Basgall recusing)

Staff: Briana Parra, City Clerk

Recommendation: Adopt

ATTACHMENTS: None

This item is on the regular agenda because at introduction it was approved with a less than unanimous vote.

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



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 3, 2024

SUBJECT: Consider items associated with approximately 1.73 acres of land located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street. Clovis 135 Osmun, LP, owner/applicant.

a. Consider Approval - Res. 24-____, General Plan Amendment 2024-004, A resolution approving a CEQA exemption from further environmental review and an amendment to the General Plan to re-designate the subject property from the Medium Density Residential (4.1-7.0 dwelling units per acre) designation to the Medium High Density Residential (7.1-20 dwelling units per acre) designation.

b. Consider Introduction - Ord. 24-____, Rezone 2024-003, An ordinance rezoning the subject property from the R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District, associated with approximately 1.73 acres of land located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street.

Staff: Liz Salazar, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Draft Resolution, GPA2024-004
2. Draft Ordinance, R2024-003
3. Applicant's Justification Letter
4. Applicant's Design Narrative
5. Correspondence from Agencies and Departments
6. Notice of Exemption

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve General Plan Amendment (GPA) 2024-004, including the California Environmental Quality Act (CEQA) exemption, and introduce Rezone (R) 2024-003.

EXECUTIVE SUMMARY

The Project requests the re-designation of the property’s land use designation from the Medium Density Residential (4.1-7.0 dwelling units per acre) to the Medium High Density Residential (7.1-20 dwelling units per acre) classification. Coupled with the change in land use designation is a request to rezone the property from the existing R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District. Approval of these land use entitlements will allow the developer to proceed with the site plan review process where site specific details of the development are reviewed by staff.

BACKGROUND

- General Plan Designation: Medium Density Residential (4.1-7.0 du/ac)
- Specific Plan Designation: Central Clovis Specific Plan
- Existing Zoning: R-1 (Single-Family Residential Low Density)
- Lot Size: ±1.73 acres
- Current Land Use: Dilapidated Church
- Adjacent Land Uses:
 - North: Ponding Basin
 - South: Single-family Residential
 - East: Single-family Residential
 - West: Multifamily Residential
- Previous Entitlements: None

PROPOSAL AND ANALYSIS

The applicant requests approval of GPA2024-004 and R2024-003 to allow the development of a multi-family senior rental housing development on a ±1.73-acre parcel that is located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street (see **Figure 1** below). The Project site is mostly vacant with the exception of a dilapidated building formerly utilized as a church, along with an accessory structure. The Project is considered an infill development that is surrounded by existing single-family residences to the east and south, multifamily apartments to the west, and a ponding basin to the north.

Affordable Housing Project & Density Bonus Provisions

The applicant is an affordable housing developer and has described a plan to develop a 100% affordable, senior housing project on the site. State law and the City’s municipal code provide “Density Bonus” incentives for affordable housing projects, which allow an increase in maximum density above the standard density range together with incentives that may include adjustments to typical development standards (height, setbacks, parking, etc.). The Project planned by the applicant is eligible for up to an 80% density bonus and other incentives as provided by Chapter 9.26 of the Clovis Municipal Code (CMC) - Affordable Housing Incentives: Density Bonus.

The circumstances involved with the project create a very unusual situation where the applicant has met with the neighborhood and described their intention to build a 47-unit complex (up to 3 stories), while the land use criteria under consideration by the City allow less-intense development, only 35 units and 2 stories. It is critical to note that the additional density and/or adjustments to development standards that are available through the density bonus provisions described above are not subject to a discretionary approval by, or part of, the City Council’s

consideration. (See CMC § 9.26.030, subd. (D), and Gov. Code §§ 65589.5, subd. (j)(3) and 65915, subd. (f)(5).) The Project being evaluated is limited to the proposed Medium High Density General Plan Designation and R-2 Zone District, and the development that is permitted under these classifications.

FIGURE 1
Project Location



■ = Project Site (1.73 acres)

General Plan Amendment

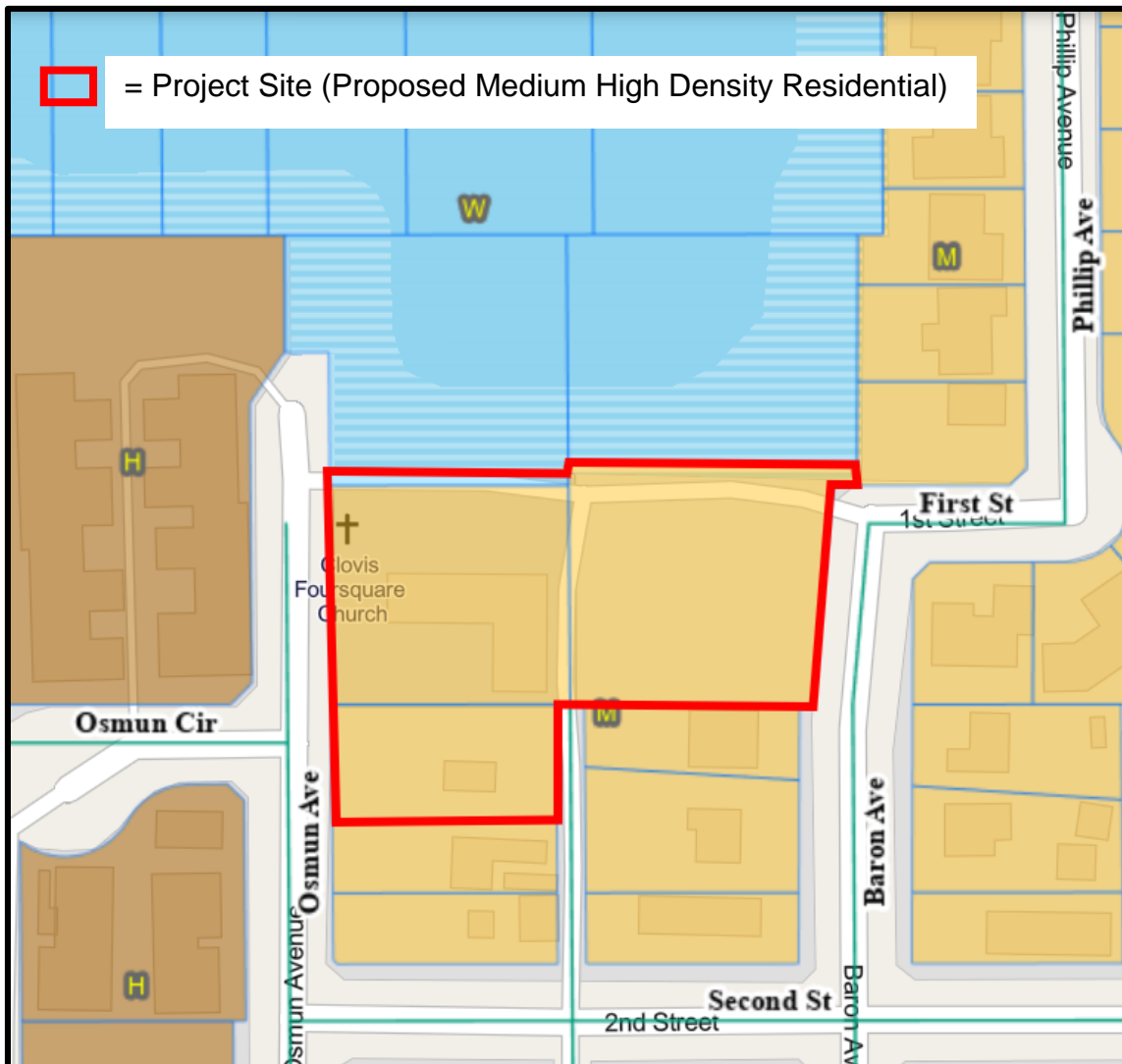
General Plan Amendment Cycles

State law prohibits a local agency from amending its general plan more than four times during any calendar year with certain exceptions for affordable housing projects, court orders, etc. – (Gov. Code § 65358). Because this GPA is in association with development of an affordable housing project, the GPA does not count against the limits established by Government Code § 65358.

General Plan Amendment Proposal

The applicant is requesting to amend the General Plan to modify the land use designation of the subject property from the current Medium Density Residential (4.1-7.0 du/ac) designation to the Medium High Density Residential (7.1-20.0 du/ac) designation. Under the existing General Plan land use designation (Medium Density Residential), the Project site could support the development of up to a maximum of twelve (12) residential units. With the proposed land use designation (Medium High Density Residential), the site could accommodate development of up to 35 residential units (not considering any additional units permitted under the applicable Density Bonus provisions). As illustrated in **Figure 2** below, a narrow strip of land along the northern property line of the subject property is designated with the W (Water) land use designation. This narrow strip of land is now owned by the Project applicant and intended for site development. Staff is recommending that the Water designation be eliminated and that a consistent land use designation be placed across the entire property.

FIGURE 2
General Plan Land Use Diagram



The General Plan provides policies and actions to guide the orderly development of the City. A range of allowable density and intensity for each land use designation is provided within the Land Use Element of the General Plan. A general plan amendment is a change in City policy and therefore requires a compelling reason for such a change. According to the justification letter provided by the applicant, the change will have positive impacts by advancing several important goals of the General Plan, providing additional revenue for the City as a result of the development of an underutilized site, and providing a greater quantity of affordable rental units to meet lower income affordability needs. The details are further discussed in the justification letter provided by the applicant as part of the application (see **Attachment 3**).

GPA Neighborhood Meetings

On January 24, 2024, the applicant held an informational neighborhood meeting prior to submittal of the Project applications. During that meeting, the applicant described their initial plan to develop a 51-unit, 100% affordable, senior housing project. Based on comments received during the informational meeting, neighborhood concerns included the three-story height, additional traffic in the neighborhood, and overflow of parking into the adjacent streets. As a result of this meeting, the applicant modified the height of the building along the eastern elevation as an effort to create a more compatible transition adjacent to the single-family residences to the east and south of the Project. The height reduction along the eastern elevation resulted in the removal of four (4) units from the original proposal.

Per City policy for projects that include a general plan amendment, the applicant held a formal neighborhood meeting prior to the Planning Commission on June 26, 2024, at 6:00 p.m. at the Clovis Transit Center. In attendance were the Project team, City staff, and approximately 20 neighbors. During that meeting, the applicant again described their plan to develop a 100% affordable senior housing project along with their modifications from the previous community meeting, including removing four (4) units and lowering the height of some buildings. As described above, the land use classifications proposed in conjunction with The Project will allow up to 35 units. The 47-unit total described by the applicant relies on receiving a density bonus, which is only available to an affordable housing project. Neighbors expressed the following remarks/concerns:

- Appreciated the applicant reducing the height to 2 stories on Baron Avenue, however, still have concerns for the 3-story portion.
- Concerns for an increase in traffic, including speeding on Baron and Osmun Avenues.
- Concerns that the Project is not providing enough parking stalls and will cause overflow street parking.
- Concerns that residents will create nuisances in the neighborhood.

At the time of this neighborhood meeting, the applicant explained that a traffic study had been commissioned and would be completed prior to the Planning Commission hearing. Details of the traffic study are explained further in this report. Additionally, the applicant completed an initial parking study in November of 2023 of five (5) comparable affordable senior rental projects and followed up with a second study in July of 2024 of seven (7) comparable projects. Collectively,

the parking studies concluded that the overall average parking demand is 0.76 stalls per unit, which is under the one-to-one (1.0 stalls per unit) parking ratio proposed for this Project.

The applicant held a second required formal neighborhood meeting prior to the City Council meeting on August 15, 2024, at 6:00 p.m. at the Clovis Transit Center. Four neighbors attended the meeting. A few questions were asked pertaining to traffic, parking, and trash enclosure details along with a comment from one neighbor expressing appreciation and support of the applicant's development proposal.

Staff Evaluation of Neighborhood Concerns Focusing on Density and Height

Though the applicant has described a plan to develop a 47-unit complex with up to three-story buildings, these criteria are only possible through a Density Bonus agreement. The potential for a density bonus agreement is not a consideration for the proposed land-use change. Development under the proposed Medium High Density General Plan Designation and R-2 Zone District would be limited to 20 units per acre, with a total of 35 units, and with two-story construction. This density, development pattern, and height are generally consistent with the multifamily development that exists immediately west of the Project site. The additional units and building height that would be available through a density bonus agreement are not part of the City Council's consideration of the Project.

Traffic Study and Circulation

A general plan amendment that requests to increase residential density needs to carefully address any potential traffic and circulation impacts. The Project's main entrance is served by Osmon Avenue on the west, however, the site has been designed with a second access point along Baron Avenue so that vehicular traffic is distributed to either side of the development. The Project does not propose any modifications to the current General Plan street-circulation patterns.

The applicant provided a traffic study dated July 3, 2024, prepared by Peters Engineering Group. The traffic study evaluated the 47-unit Project envisioned by the applicant in conjunction with a density bonus agreement, although only 35 units would otherwise be permitted by the proposed land use designations. Therefore, the evaluation completed by Peters Engineering should be viewed as a "worst-case" scenario. The traffic study analyzed the following intersections:

- Clovis and Sierra Avenues
- Phillip and Sierra Avenues
- Clovis Avenue and Third Street
- Osmon Avenue and Third Street
- Baron Avenue and Third Street
- Clovis Avenue and Fourth Street
- Clovis Avenue and Fifth Street

The Project is expected to generate approximately 154 vehicle trips per day with peak-hour traffic volumes at ten (10) trips during the a.m. peak hour and twelve (12) trips during the p.m. peak hour. As a comparison, if the Project site were developed consistent with the existing land use designation of Medium Density Residential, approximately 104 vehicle trips would be

generated per day with nine (9) trips during the a.m. peak hour and eleven (11) trips during the p.m. peak hour. Therefore, the proposed Project would generate fifty (50) additional trips per day, with two (2) additional trips during the a.m. peak hour and one (1) additional trip during the p.m. peak hour. No impacts to the intersections evaluated in conjunction with the traffic study were identified.

Vehicle Miles Traveled (VMT)

The City provides guidelines for the evaluation of transportation impacts for projects. The City guidelines indicate that certain projects are determined to screen out of a required vehicle miles traveled (VMT) analysis. If a project is determined to generate fewer than 500 vehicle trips per day, the project can be presumed to cause less-than-significant transportation impacts. The Project is expected to generate 154 trips per day; therefore, it is presumed to cause a less-than-significant transportation impact. Furthermore, the Project is located in a low-VMT area as identified in the City guidelines. No further analysis of VMT impacts is required.

Pedestrian Connectivity

The Project site is situated in close proximity to the Old Town Trail, which connects residents to a City-wide amenity and conveniences such as dining, entertainment, shopping, and employment within Old Town Clovis. To create pedestrian connectivity to Landmark Square amenities, such as the existing senior, transit centers, and future public library, the Project will be required to improve or establish a complete sidewalk connection. This will be reviewed and finalized through the site plan review process.

Water and Sewer Facilities

The Project has been evaluated by the Engineering Division for sewer and water services and has concluded that the Project would not negatively impact the City's ability to provide a supply of water to the foreseeable users. Additionally, the City can adequately serve the Project without expansion of the current sewer system or treatment plant.

Consistency with General Plan Goals and Policies

The proposed Project would change the land use designation from Medium Density Residential to Medium High Density Residential. The change in land use designation would not conflict with goals and policies of the General Plan land use element. The following goals and policies reflect Clovis' desire to maintain tradition of responsible planning and well-managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life.

- Goal 1: The quality of buildings and neighborhoods within the older parts of Clovis is in the same class as the quality of those in recently developed areas.
- Policy 1.5 **Open to changes.** Be open to potential changes in land use circulation, and development standards to reposition areas identified on Figure LU-5 if necessary for revitalization and redevelopment.
- Goal 5: A city with housing, employment, and lifestyle opportunities for all ages and incomes of residents.

Policy 5.2 **Ownership and rental.** Encourage a mixture of both ownership and rental options to meet varied preferences and income affordability needs.

Goal 6: A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

Policy 6.1 **Amendment criteria.** The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met:

- The proposed change is and will be fiscally neutral or positive.
- The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.

Policy 6.2 **Smart growth.** The city is committed to the following smart growth goals.

- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.
- Enhance the economic vitality of the region.

Findings for General Plan Amendments

The findings to consider when deciding on a general plan amendment application and staff's response to each of those findings are listed below.

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

Although the request will modify the land use diagram of the General Plan, as described in the section above, the proposed amendment is consistent with several goals and policies of the General Plan, including the development of a mix of different housing types and sizes. (See "Consistency with General Plan Goals and Policies" section above.) Therefore, the amendment is internally consistent with the General Plan.

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

The Project was determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the City. The Project will serve the public interest by providing additional housing options for the senior population. The Project is expected to comply with all applicable municipal code standards. Furthermore, the Project was determined to be exempt from the California Environmental Quality Act because the proposed Project meets certain requirements per Public Resources Code section 21080.40, subdivision (c).

3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.

The Project site is physically suitable for the type and intensity of the proposed Project. The Project site is a ±1.73-acre infill site that is surrounded by existing residential developments to the east, west, and south, and a ponding basin to the north. The future residential development of the site will blend into the existing neighborhood as there are two multi-family projects to the west and the site is situated in close proximity to the Old Town Trail. The Project would not negatively impact the City's ability to provide a supply and delivery of water to foreseeable users. Regarding sewer services, the Engineering Division has confirmed that the City can adequately serve the Project without modification or expansion of the sewer system or treatment plant.

4. There is a compelling reason for the amendment.

The project is infill development and is consistent with several goals and policies of the General Plan. If approved, the Project would develop an otherwise underused property, provide a City-wide needed housing type for seniors facing housing barriers, and contribute to the City's housing stock.

Rezone

The proposed change in the land use designation also requires a change in the property's assigned zone district. The applicant is requesting to rezone the subject property from the current R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District. The R-2 Zone District is associated with moderately dense residential uses, including multifamily apartments, duplexes, townhouses, and small parcel, attached and detached single-family uses. With this Project, the applicant is proposing the development of multifamily apartments restricted to seniors aged 62 and older. The proposed zone district is consistent with the proposed Medium High Density Residential land use designation.

Site Plan Review

If approved, the Project will be reviewed in compliance with the site plan review process. Additionally, the Project will be subjected to the CMC standards, which include quantifiable and measurable features of the building and the property, such as building height, required setbacks from property lines, building articulation, landscaping, lighting, etc.

Findings for Rezones

The findings to consider when deciding on a rezone application and staff's response to each of those findings are listed below.

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

Although the request will modify the zoning district, as described in the above section, the proposed amendment is consistent with several goals and policies of the General Plan, including the development of a mix of different housing types and sizes. (See “Consistency with General Plan Goals and Policies” section above.) Therefore, the amendment is internally consistent with the General Plan. The proposed rezone to the R-2 Zone District is also consistent with the proposed Medium High Density Residential land use designation.

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

The Project was determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the City. The Project will serve the public interest by providing additional housing options for the senior population. The Project is expected to comply with all applicable municipal code standards. Furthermore, the Project was determined to be exempt from the California Environmental Quality Act because the proposed Project meets certain requirements per Public Resources Code section 21080.40, subdivision (c).

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

If approved, the proposed Project would be subject to review under the City’s multifamily design review and/or site plan review process as specified in the Development Code. Future development of the property will be subject to the development standards as specified for the R-2 zone district and the City’s adopted multifamily objective standards. To the extent the future development is eligible for a density bonus as specified in the Development Code, the provisions of Chapter 9.26 will be applied. Site-specific details for future development will be evaluated to ensure that all applicable development requirements of the municipal code are met.

4. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects.

See number 3 under the “Findings for General Plan Amendment” section.

Planning Commission

The Planning Commission considered GPA2024-004 and R2024-003 at its regular meeting on July 25, 2024. Commissioners posed various questions related to the density and site development details that were addressed by staff.

There were a few neighbors in attendance and three individuals spoke against the project. Their concerns related to the project causing a change to the neighborhood’s characteristics and its impact on increased traffic, speeding, and parking.

The Planning Commission approved GPA2024-004 and R2024-003 with a 5-0 vote.

Public Comments

The City published a notice of this public hearing in *The Business Journal* on Friday, August 16, 2024. A public notice of this project was also mailed to property owners within 800 feet of the property boundaries. As of the completion of this staff report, staff has not received any comments from the public.

Review and Comments from Agencies

The Project was distributed to all City divisions as well as outside agencies, including Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, and the County of Fresno.

Comments received are attached (see **Attachment 5**) 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.

California Environmental Quality Act (CEQA)

In November of 2021, the City Council adopted Resolution 21-132, approving an environmental finding of a mitigated negative declaration for a 40-unit multi-family project proposed on the subject property. A notice of determination (NOD) was filed by the City in conjunction with the approval of the mitigated negative declaration. The land use applications under consideration at that time (GPA 2018-003 and Rezone 2018-009) were not approved. However, the approval of the environmental document for the previous project remains intact. The applications currently under review would permit development up to 20 units per acre, resulting in a total of 35 units, which is similar to, but slightly less intense than, the Project evaluated under the previously approved mitigated negative declaration.

Notwithstanding the City's adoption of Resolution 21-132, a review of the Project features as currently proposed has been completed, assessing the Project's impact on natural and manmade environments, as required by the State of California. The evaluation determined that the Project qualifies for an exemption from further CEQA review pursuant to Public Resources Code section 21080.40, subdivision (b) ("AB 1449"). AB 1449 exempts the issuance of entitlements, including the issuance of general plan amendments and rezones related to eligible affordable housing projects. (Pub. Res. Code § 21080.40, subd. (b)(1) and (5).)

In summary, AB 1449 exempts 100% affordable projects from CEQA that meet certain standards, including but not limited to:

- At least two-thirds of the square footage of the project is designed for residential use;
- The project meets specified labor standards;
- Certain project location prerequisites;
- 75% of the perimeter of the project site adjoins developed urban uses;
- Subject to a recorded California Tax Credit Allocation Committee regulatory agreement;
- The project site can be served by existing utilities or extensions;

- The project is not built on environmentally sensitive or hazardous land, does not contain tribal cultural resources, not within a very high fire hazard severity zone, or an earthquake fault zone; and
- Satisfies the requirements specified in Government Code section 65913.4, subdivision (a)(6)(B)-(K).

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

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed infill development will provide additional housing for an underserved population and a quality residential environment for this area of the City as envisioned by the General Plan. The Project does not substantially impact City sewer and water infrastructure, or other public services. As indicated in the sections above, the Project is consistent with the goals and policies of the General Plan and Clovis Municipal Code. Therefore, staff and the Planning Commission recommend that the City Council approve an environmental finding of CEQA exemption pursuant to AB 1449, approve GPA2024-004, and introduce R2024-003.

ACTIONS FOLLOWING APPROVAL

The second reading of the rezoning ordinance will be brought back to the City Council for consideration at the September 16, 2024 meeting or as soon thereafter as possible. After final action on the general plan amendment and rezone, the developer will proceed with the site plan review where site specific details of the development are reviewed by staff.

CONFLICT OF INTEREST

None.

Prepared by: Liz Salazar, Assistant Planner

Reviewed by: City Manager *AS*

RESOLUTION 24-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING GENERAL PLAN AMENDMENT 2024-004 TO AMEND THE 2014 CLOVIS GENERAL PLAN LAND USE ELEMENT FOR APPROXIMATELY 1.73 ACRES LOCATED ALONG THE EAST SIDE OF OSMUN AVENUE AND THE WEST SIDE OF BARON AVENUE, NORTH OF SECOND STREET FROM MEDIUM DENSITY RESIDENTIAL (4.1-7.0 DWELLING UNITS PER ACRE) DESIGNATION TO THE MEDIUM HIGH DENSITY RESIDENTIAL (7.1-20.0 DWELLING UNITS PER ACRE) DESIGNATION AND FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.40

WHEREAS, the Project proponent, Clovis 135 Osmun, LP, 3128 Willow Avenue, Suite 101, Clovis, CA 93612, submitted an application for General Plan Amendment (GPA) 2024-004 in connection with the proposed development of a 47-unit 100% affordable senior rental housing project ("Project") on approximately 1.73 acres of property located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street ("Property"); and

WHEREAS, GPA2024-004 proposes to amend the 2014 Clovis General Plan for the Property from the Medium Density Residential designation to the Medium High Density Residential designation; and

WHEREAS, the Planning Commission considered GPA2024-004 at a duly noticed public hearing on July 25, 2024, at which time the Planning Commission adopted a resolution recommending approval of the Project; and

WHEREAS, because GPA2024-004 is in association with development of an affordable housing project, the GPA does not count against the limits established by Government Code section 65358, subdivision (c), which otherwise prohibits local agencies from amending a general plan more than four (4) times during any calendar year; and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on August 16, 2024, mailed public notices to property owners within 800 feet of the Property more than 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 September 3, 2024; and

WHEREAS, in November of 2021, the City Council adopted Resolution 21-132, approving an environmental finding of a mitigated negative declaration for a 40 unit multi-family project on the Property. A notice of determination (NOD) was filed by the City in conjunction with the approval of the mitigated negative declaration. The land use applications under consideration at that time (GPA 2018-003 and Rezone 2018-009) were not approved. However, the approval of the environmental document for the project remains intact. The applications currently under review would permit development similar to, but slightly less intense than, the project evaluated under the previously approved mitigated negative declaration; and

WHEREAS, notwithstanding the City's adoption of Resolution 21-132, the City Council considered the California Environmental Quality Act (CEQA) analysis outlined in the staff report and elsewhere in the administrative record, which determined the specific features of the current Project meet the requirements for an exemption from further environmental review under CEQA pursuant to Public Resources Code section 21080.40, subdivision (b) ("AB 1449"); 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 RESOLVES AND FINDS AS FOLLOWS:

1. The Project satisfies the required findings for approval of a general plan amendment, as follows:
 - a. The GPA2024-004 is internally consistent with the goals, policies, and actions of the General Plan.
 - b. The GPA2024-004 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
 - c. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the development of the Project.
 - d. There is a compelling reason for the amendment, namely, to facilitate development of an underutilized lot and to provide housing to an underserved population in a manner that will help the City to achieve its goals and policies under the General Plan.
2. The City Council finds that there is no possibility the Project could have a significant effect on the environment and that the Project meets the requirements for an exemption from further environmental review under CEQA pursuant to AB 1449.
3. The basis for the findings is detailed in the September 3, 2024 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.
4. GPA2024-004 is hereby approved.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 3, 2024, by the following vote, to wit:

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

DATED: September 3, 2024

Mayor

City Clerk

ORDINANCE 24-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 9.080.020 OF CHAPTER 9.08 OF TITLE 9 OF THE CLOVIS MUNICIPAL CODE TO REZONE APPROXIMATELY 1.73 ACRES FROM THE R-1 (SINGLE-FAMILY RESIDENTIAL LOW DENSITY) ZONE DISTRICT TO THE R-2 (MULTIFAMILY MEDIUM HIGH DENSITY) ZONE DISTRICT FOR PROPERTY LOCATED ALONG THE EAST SIDE OF OSMUN AVENUE AND THE WEST SIDE OF BARON AVENUE, NORTH OF SECOND STREET AND FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.40

WHEREAS, Clovis 135 Osmun, LP, 3128 Willow Avenue, Suite 101, Clovis, CA 93612, submitted an application for Rezone (R) 2024-003 in connection with the proposed development of a 47-unit 100% affordable senior rental housing project (“Project”) on approximately 1.73 acres of property located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street (“Property”); and

WHEREAS, R2024-003 proposes to rezone the Property from the R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 25, 2024, 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 R2024-003; 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 Business Journal* on August 16, 2024, mailed public notices to property owners within 800 feet of the Property at least 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 September 3, 2024, to consider approval of R2024-003; and

WHEREAS, in November of 2021, the City Council adopted Resolution 21-132, approving an environmental finding of a mitigated negative declaration for a 40-unit multi-family project on the subject Property. A notice of determination (NOD) was filed by the City in conjunction with the approval of the mitigated negative declaration. The land use applications under consideration at that time (GPA 2018-003 and Rezone 2018-009) were not approved. However, the approval of the environmental document for the project remains intact. The applications currently under review would permit development similar to, but slightly less intense than, the project evaluated under the previously approved mitigated negative declaration; and

WHEREAS, notwithstanding the City’s adoption of Resolution 21-132, the City Council considered the California Environmental Quality Act (CEQA) analysis outlined in the staff report and elsewhere in the administrative record, which determined the specific features of the current Project meet the requirements for an exemption from further environmental review under CEQA pursuant to Public Resources Code section 21080.40, subdivision (b) (“AB 1449”); 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 proposed rezone is internally consistent with other applicable provisions of the Development Code.
5. The City Council finds that the Project meets the requirements for an exemption from further environmental review under CEQA, pursuant to AB 1449.
6. The basis and evidence for the findings are detailed in the September 3, 2024 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 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 Low Density) Zone District to the R-2 (Multifamily Medium High 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: September 3, 2024

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on September 3, 2024, and was adopted at a regular meeting of said Council held on September 16, 2024, by the following vote, to wit:

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

DATED: September 16, 2024

City Clerk

ATTACHMENT A
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF FRESNO, CITY OF CLOVIS, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, LYING EAST OF THE CENTERLINE OF OSMUN STREET PRODUCED NORTHERLY AND WEST OF THE CENTER-LINE OF THE ALLEY IN BLOCK 11 OF EAST CLOVIS ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2 OF RECORD OF SURVEYS AT PAGE 47, FRESNO COUNTY RECORDS, WHEN SAID CENTER-LINE OF ALLEY IS PRODUCED NORTHERLY.

EXCEPTING THEREFROM THE NORTH 173 FEET THEREOF.

TOGETHER WITH

THE SOUTH 150 FEET OF THE EAST 475.73 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS;

EXCEPTING THEREFROM THE EAST 275.73 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL FOR STREET PURPOSES; BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT NO. 2860, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 32 PAGE 40 OF PLATS, RECORDS OF FRESNO COUNTY, ALSO BEING A POINT ON THE CENTERLINE OF BARON AVENUE; THENCE NORTH 00° 35' 42" EAST, A DISTANCE OF 150 FEET; THENCE WESTERLY A DISTANCE OF 16.00 FEET ALONG A LINE PARALLEL TO SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS APPROVED BY THE SURVEYOR GENERAL ON JULY 15, 1854; THENCE SOUTHWESTERLY A DISTANCE OF 152 FEET, TO AN INTERSECTING POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4, BEING 31.00 FEET WEST OF THE SOUTHWEST CORNER OF TRACT NO. 3860; THENCE EASTERLY ON SAID SOUTH LINE A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN REAL PROPERTY LOCATED IN THE EAST 475.73 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS APPROVED BY THE SURVEYOR GENERAL ON JULY 15, 1854.

EXCEPTING THE EAST 275.73 FEET; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 17 FEET OF THE NORTH 180 FEET OF THE EAST 475.73 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 4, EXCEPTING THE EAST 275.73 FEET.

TOGETHER WITH

LOTS 21 AND 22 OF BLOCK 11 OF EAST CLOVIS, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2, PAGE 47 OF RECORDS OF SURVEYS, RECORDS OF SAID COUNTY

TOGETHER WITH, THAT PORTION OF AN UNNAMED PUBLIC STREET AS ABANDONED BY AND PURSUANT TO THE PROVISIONS AS DISCLOSED RESOLUTION NO. 96-65, RECORDED AUGUST 23, 1996, AS INSTRUMENT NO. 96104979, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 22, BLOCK 11, OF THE TOWN OF EAST CLOVIS AS SHOWN ON MAP THEREOF RECORDED IN BOOK 2 OF RECORD OF SURVEYS, AT PAGE 47, FRESNO COUNTY RECORDS; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 22 TO THE NORTHEAST CORNER OF SAID LOT 22; THENCE NORTHERLY ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 22, SAID EASTERLY LINE ALSO BEING THE WESTERLY LINE OF THE ALLEY IN SAID BLOCK 11, TO THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL, RECORDED JUNE 29, 1960, IN BOOK 4407 AT PAGE 465, OFFICIAL RECORDS OF SAID COUNTY, SAID SOUTHERLY LINE ALSO BEING THE NORTHERLY LINE OF SAID SOUTH HALF; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO ITS INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 22, LAST SAID WESTERLY LINE ALSO BEING THE EASTERLY LINE OF OSMUN STREET AS SHOWN ON SAID MAP OF THE TOWN OF EAST CLOVIS; THENCE SOUTHERLY ALONG LAST SAID NORTHERLY PROLONGATION TO THE POINT OF BEGINNING.

TOGETHER WITH

THE SOUTH 9.06 FEET OF THE NORTH 173.00 FEET OF SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, LYING EAST OF THE CENTER-LINE OF OSMUN STREET PRODUCED NORTHERLY AND WEST OF THE CENTER-LINE OF THE ALLEY IN BLOCK 11 OF EAST CLOVIS ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2 OF RECORD OF SURVEYS AT PAGE 47,

FRESNO COUNTY RECORDS, WHEN SAID CENTERLINE OF ALLEY IS PRODUCED
NORTHERLY.

EXCEPTING THEREFROM THE WEST 35.00 FEET THEREOF.

560 Mission Street, Suite 1900 | San Francisco, CA 94105 | T 415.743.6900 | F 415.743.6910
Holland & Knight LLP | www.hklaw.com

Daniel R. Golub
+1 415-743-6976
Daniel.Golub@hklaw.com

Luca Trumbull
+1 213-896-2521
Luca.Trumbull@hklaw.com

March 7, 2024

Department of Planning and Development Services
City of Clovis
1033 5th Street
Clovis, CA 93612

Re: General Plan Amendment Justification Letter for the Proposed Affordable Housing Development Project at 135 Osmun Avenue

To whom it may concern:

This letter of justification is submitted on behalf of Clovis 135 Osmun, LP (“Applicant”) and pertains to the Applicant’s proposed 47-unit, 100% affordable housing development project (“Project”) located at 135 Osmun Avenue (APNs 492-080-74, 492-080-85, 492-080-86) (“Project Site”). The Project Site is currently designated as Medium Density Residential (4.1-7.0 du/ac) in the Clovis General Plan and is located within the R-1 zone. The Applicant proposes a General Plan amendment and a corresponding rezoning to facilitate the development of a multi-family residential housing development project with a base density of at least 15.0 du/ac.

Pursuant to the City of Clovis submittal requirements for General Plan amendments, Applicant is required to submit this letter of justification explaining in detail the request to amend the General Plan. Exhibit A of this letter identifies key goals, policies, and objectives that support the requested land use change, as well as justifications for each required finding needed to approve a General Plan amendment pursuant to the Clovis Municipal Code (“CMC”).

Sincerely yours,

HOLLAND & KNIGHT LLP

Daniel R. Golub
Luca Trumbull

Exhibit A

General Plan

Provided below is an analysis of how the Project will advance the goals stated in the Clovis General Plan. All relevant goals and policies are found within the Land Use Element of the Clovis General Plan. Responses to each policy are italicized.

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

Policy 5.2 Ownership and rental. Encourage a mixture of both ownership and rental options to meet varied preferences and income affordability needs.

The Project will advance Goal 5 by providing dense affordable rental housing consisting of diverse unit types that reflect the preferences of individuals at every stage of life. The Project proposes affordable multifamily housing in a location largely surrounded by single-family uses and will constitute one piece of a diverse neighborhood containing individuals with varied housing preferences from all income backgrounds.

Policy 5.6 Workforce housing. Encourage the development of workforce housing that serves the needs of those working in Clovis.

The Project will advance Goal 5 by increasing the supply of housing that is affordable to Clovis' working population and will increase the inventory of such housing in the City's core, thus enabling the City's workforce to live near where they work. As of January 1, 2024, minimum wage earners in Clovis earn \$16 per hour or approximately \$33,280 per year before taxes, and the U.S. Census Bureau calculates that the median rent in Clovis from 2018-2022 was \$1,482 per month, or \$17,784 annually¹, indicating that many minimum wage workers likely spend greater than 30% of their annual income on rent. This Project will reduce the financial burdens on working class families by enabling additional workers to live in Clovis in affordable dwelling units.

Goal 6: A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

Policy 6.1 Amendment criteria. The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met:

- A. The proposed change is and will be fiscally neutral or positive.

¹ <https://www.census.gov/quickfacts/fact/table/cloviscitycalifornia/PST045223>

The proposed change will be fiscally positive for the City over time because property taxes are directly correlated with property values. The assessed value of the Project Site according to the Fresno County Assessed Value Lookup tool is \$300,747.² For comparison, in the years since a developer received approval to construct a multifamily residential project on Ashlan and Temperance Avenues (APN 555-110-52), the property value increased from \$491,878 to \$10,158,020 – an increase of 1,965.15%.³⁴ Even if one applies a more conservative estimate of the Project Site’s appreciation, the increased value of the Project Site will translate into increased tax revenues for the City due to the proposed General Plan amendment.

- B. The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.

An initial study conducted in October 2021 examined the same site for a different proposed project and concluded that the Project Site is capable of being served by public facilities. It noted that connection to existing infrastructure would only require “[m]inor trenching and digging [for] the installation of necessary pipelines typical of multifamily development.”⁵

- C. The proposed change is consistent with the Urban Village Neighborhood Concept when within an Urban Center.

The Project Site is not located within an Urban Center.

- D. General Plan amendments proposing a change from industrial, mixed-use business campus, or office (employment generating) land use designations to non-employment-generating land use designations shall be accompanied by an analysis of the potential impacts on the City’s current and long-term jobs-housing ratio, as well as an evaluation on the change or loss in the types of jobs.

The Project does not propose a change from an industrial, mixed-use business campus, or office use. The current land use designation at the Project Site is medium density residential (with R-1 zoning).

We note further that it is only necessary that a project be “in agreement or harmony with” the terms of the applicable plan, not in rigid conformity with every detail thereof.” San Franciscans Upholding the Downtown Plan v. City & County of San Francisco (2002) 102 Cal.App.4th 656, 678 (citations omitted). “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies

² <https://www.fresnocountyca.gov/Departments/Assessor/Value>

³ *Id.*

⁴ https://www.zillow.com/homedetails/2617-Ashlan-Ave-Clovis-CA-93611/119596038_zpid/

⁵ See Osmun & Baron Multifamily Project Initial Study/Mitigated Negative Declaration at p. 8, found here: https://cityofclovis.com/wp-content/uploads/2021/10/GPA2018-003-R2018-009-SPR2018-018_ISMND.pdf

when applying them, and it has broad discretion to construe its policies in light of the plan's purposes." Save our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal.App.4th 99, 142. The proposed project and requested approvals easily meet the applicable legal requirement to be generally in harmony with the City's General Plan.

Clovis Municipal Code

CMC section 9.86.060 provides that General Plan amendments may only be approved if the Project can satisfy all of the following findings:

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

See above. This General Plan amendment seeks to change the land use designation on the Project Site to allow for a greater quantity of affordable rental units than currently permissible. In all other aspects, the General Plan remains unchanged. Affordable rental units will advance the goals of the General Plan by accommodating for the needs of low income renters in Clovis, thus helping to produce an income-diverse City within which workers can afford to live.

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

The Project will be beneficial to the public interest, health, safety, convenience, or general welfare of the City because it will provide housing for economically diverse communities in fulfillment of the City's stated General Plan goals. Furthermore, the Osmun & Baron Multifamily Project Initial Study examined the Project Site and did not identify any significant environmental impacts at the Project Site that could not be successfully mitigated, and the Project as designed will comply with all applicable local and state laws governing design.

3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities for the requested/anticipated project.

The Osmun & Baron Multifamily Project Initial Study examined the Project Site in the context of a proposed 40-unit multifamily development and concluded that the Project Site is physically capable of supporting a large-scale multifamily development with no unmitigable significant environmental impacts and can connect to existing utility infrastructure with relative ease. Additionally, the Project is compatible with adjoining land uses because it will develop another residential use in an area predominated by residential uses.

4. There is compelling reason for the amendment.

Fresno Council of Government's Sixth Cycle Regional Housing Needs Assessment ("RHNA") provides that the City needs to construct 8,977 residential dwelling units, of which 4,475 must be

affordable to very-low or low income residents.⁶ The Project will meaningfully contribute to the City's RHNA and General Plan goals by offering affordable housing to Clovis residents. The current land use designation at the Project Site allows for a residential density of 4.1-7.0 du/ac. Under this land use designation, the Project as proposed would violate the City's General Plan because it would exceed the maximum permissible base density. For this Project to advance the City's stated General Plan goals, the Project requires this General Plan amendment.

⁶ https://fresnocog.wpenginepowered.com/wp-content/uploads/2022/11/FCOG_RHNP_Public_Review_Final_November_2022_Compiled.pdf

This site is approximately 1.5 acres near downtown Clovis. It is located in a residential neighborhood with a mix of single-family homes, duplexes, and multifamily housing. The site is a couple blocks away from the new Landmark Square Senior Center and Transit Center. This proximity lends itself well to a senior housing population. The project will be 47 units of affordable senior residences, including 1 manager’s unit. There will be two elevators, amenity spaces, and an outdoor central courtyard. The building will be a two-and-three-story, type V-A wood frame building.

The project will have a mix of (44) one-bedroom units, (2) two-bedroom units, and (1) three-bedroom manager’s unit. All units will have an outdoor patio area or balcony. Property amenities include a community center, a library room, a lounge, trash chutes, laundry facilities, a courtyard with large and small-scale gathering areas, and a sports court. Two elevators provide redundancy in the event of maintenance.

The project provides generous outdoor areas, both private and shared. Units along the north side will have views toward the open field area that is used for flood management. This can be a focal point for residents, whether it is dry, green, or full of water, and is not likely to be built upon, meaning this view is expected to remain for the foreseeable future. A pass-through open space at the ground floor creates an additional connection between that natural space and the central courtyard. The south facing community spaces and courtyard provide access to sunlight and fresh air as well as a sense of gathering and community that is shared by all. The large patio space immediately adjacent to the community room blends indoor and outdoor space. This emphasis on outdoor gathering will enhance the health and social interaction of the residents.

The building has been setback 10-15 feet on the west, north, and south sides, and more than 100’ on the east side to provide a buffer to the single-family residences on Baron Avenue, 1st Street, and Phillip Avenue. The massing of the building has been lowered to 2-stories on the east side, to better relate to the single-family nature on that side of the site.

The community has been designed with “walkability” in mind. Interior sidewalks will have a direct connection to the public sidewalk and interior routes of travel are easily defined with sufficient access to common open space and parking. Sidewalks along Osmun Avenue and Baron Avenue are proposed to connect the residents with the nearby senior and transit center and the downtown area better. This will promote walking to local shops and restaurants, which will boost sales for the area and keep residents active. Both street frontages will

include a parkway strip for shade trees to lower summer temperatures on-site and for the broader neighborhood.

Architecturally, the bulk of the building will have a white board-and-batten look, utilizing a fiber-cement siding product. The façade articulations have a green gradient color scheme to avoid a monotonous streetscape. Metal sunshades and balconies will provide additional façade articulation. The community areas will deviate from the board-and-batten and relate to Landmark Square using large volumes of glass, wood materials and colors, and expressed structure. Low-wattage LED lighting on the north elevation will gently reflect off the flood basin, giving subtle interest from Sierra Avenue. A low slope roof with deep overhangs will make up most of the roof, with parapets at the community space. The project intends to maximize space for rooftop photovoltaics.

The Clovis Zoning Code requires a 1.25 to 1 parking ratio for a senior population, which would require 59 stalls. Affordable housing typically needs substantially less parking than market rate, with seniors needing even less than other populations. The project will provide 47 parking spaces, or 1 space per residence. State density bonus law will be applied to accommodate the reduced parking.

We feel strongly that this design enhances the opportunity for residents that may be coming from challenging life circumstances to form new relationships that will help stabilize their lives. It will be a wonderful place to live for both active and limited mobility seniors because of its location and the form of the building we have conceived. The architecture relates to the surrounding neighborhood and the new senior center. This project will be an asset to its neighborhood and to the City of Clovis.



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.432 “2024-021”
210.434 “2024-003”
210.435 “2024-003”
400.11

June 21, 2024

Liz Salazar, Assistant Planner
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612


Dear Ms. Salazar,

Rezone Application No. 2024-003
General Plan Amendment 2024-003
North of Second Avenue on Osmun Avenue
Drainage Area “6D”

The proposed rezone and general plan amendment lie within the District’s Drainage Area “6D”. Based on information submitted at this time, the District’s system can accommodate the proposed rezone and general plan amendment.

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

Sincerely,


Anthony Zaragoza
Engineer III

AZ/lrl

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

AGENDA ITEM NO. 15.

Page 1 of 3

PUBLIC AGENCY

LIZ SALAZAR
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

DEVELOPER

CLOVIS 135 OSMUN, LP
3128 WILLOW AVENUE SUITE #101
CLOVIS, CA 93612

PROJECT NO: **2024-021**

ADDRESS: **135 OSMUN AVE.**

APN: **492-080-74, 85, 86, 492-080-93**

SENT: **June 21, 2024**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
6D	\$23,843.00	NOR Review	\$69.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$351.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$23,843.00		Total Service Charge: \$420.00		

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 2/28/25 based on the site plan submitted to the District on 5/30/24 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.) Creditable storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Creditable drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Creditable 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 SPR No. 2024-021

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 15.

Page 2 of 3

CL SPR No. 2024-021

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

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

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

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

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

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

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. 15.

Page 3 of 3

CL SPR No. 2024-021

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.



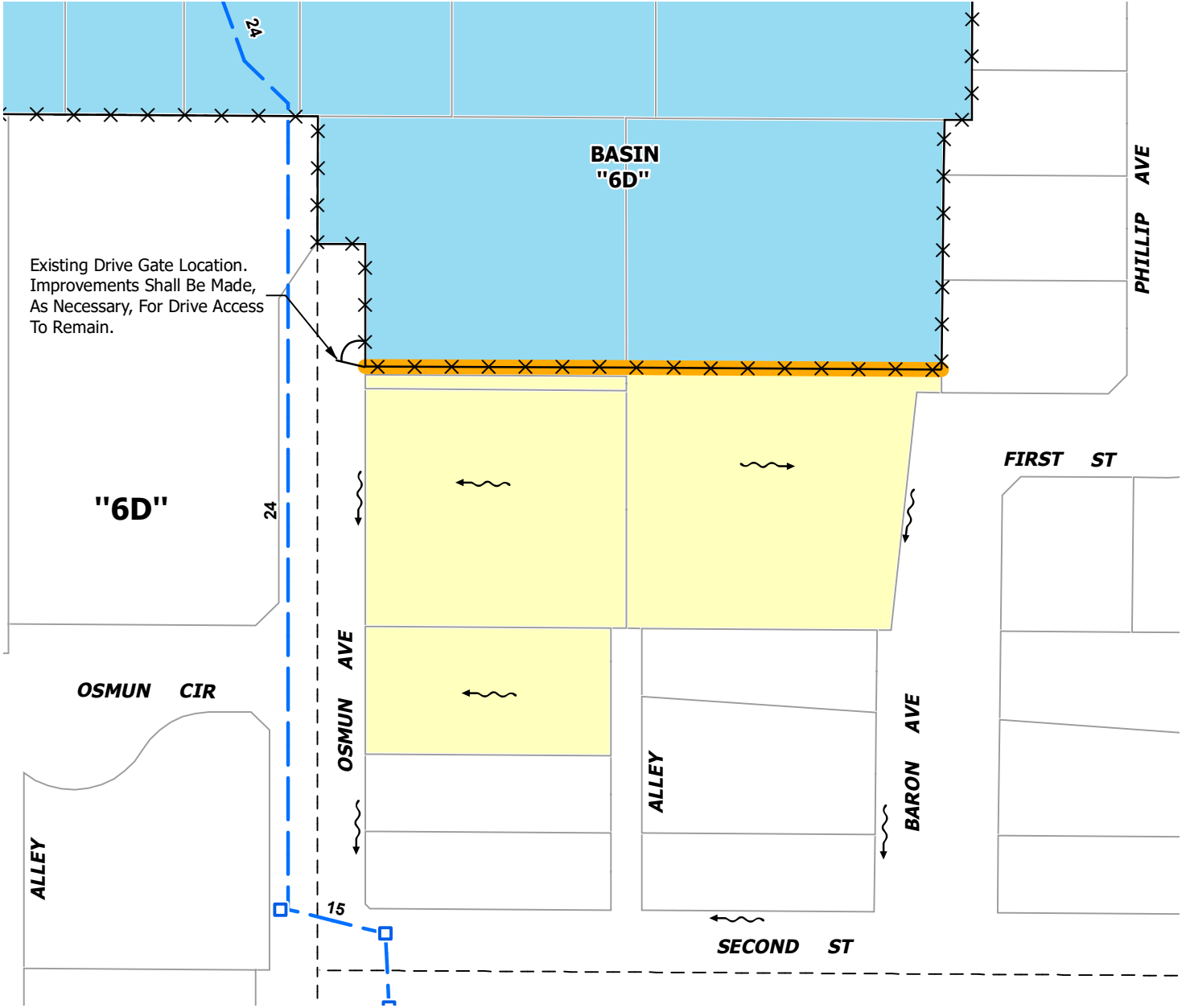
Brent Sunamoto
District Engineer, RCE

Digitally signed by Brent Sunamoto Date: 6/21/2024 9:47:23 AM



Anthony Zaragoza
Engineer III

Digitally signed by Anthony Zaragoza Date: 6/18/2024 9:27:29 AM



LEGEND

- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage
- Existing 6' Chain Link Fence
- Master Plan Facilities To Be Constructed By Developer - Mowstrip (Eligible For Fee Credit)
- Limits Of CL SPR 2024-021



CL SPR 2024-021
DRAINAGE AREA "6D"



EXHIBIT NO. 1
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

OTHER REQUIREMENTS

EXHIBIT NO. 2

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

The minimum finish floor elevation shall be 362.61 (U.S.G.S. Datum).

No surface runoff shall be directed towards the alley.

No surface runoff shall be directed towards the District basin. The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

The District recommends a single fence between the site and the District's basin. The developer should contact the District so that alternatives to a dual fence can be reviewed. If a fence other than the existing chain link fence is proposed, District review and approval of the proposed fence is required.

There is an existing basin drive gate at the southwest corner of Basin "6D", as shown on Exhibit No. 1. This drive gate provides access from Osmun Avenue to the District's basin. The developer of CL SPR 2024-021 shall construct drive approach improvements, as necessary, to maintain access from Osmun Avenue to the basin drive gate.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
Environmental Health Division

December 4, 2023

LU0022458
2604

Lily Cha-Haydostian, Assistant Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Ms. Cha-Haydostian:

PROJECT NUMBER: DRC2023-050

DRC2023-050; Three-story affordable, senior (age restricted) apartment community that is comprised of 51 dwelling units consisting of 48 one-bedrooms units, 2 two-bedrooms units, and 1 three-bedroom manager unit on approximately 1.73 acres.

APN: 492-080-08, -74, -85, -86

ZONING: R-1

ADDRESS: 135 Osmun Avenue

Recommended Conditions of Approval:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Promotion, preservation and protection of the community's health

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

(559) 600-3357 • FAX (559) 455-4646

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

The following comments pertain to the demolition of any existing structure(s):

- Should the structure(s) have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structure(s) in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structure(s), the contractor may encounter asbestos containing construction materials and materials coated with lead-based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structure(s) were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:
 - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
 - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
 - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

REVIEWED BY:



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

(559) 600-33271

KT

cc: Deep Sidhu- Environmental Health Division (CT. 57.01)
TGP Investments- Applicant (ldoyle@ahhdcinc.com)

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 908-7064 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



June 20, 2024

FRE-168-R6.553

GPA – General Plan Amendment

GPA 2024-004, R 2024-003, SPR 2024-021

<https://ld-igr-gts.dot.ca.gov/district/6/report/33131>

SENT VIA EMAIL

Liz Salazar, Assistant Planner
Planning and Development Services Department
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Liz Salazar:

Thank you for the opportunity to review General Plan Amendment (GPA) 2024-004, Rezone (R) 2024-003, and Site Plan Review (SPR) 2024-021 which proposes to conduct a general plan amendment and rezone a residential parcel from Medium Density Residential to Medium-High Density Residential to allow for the construction of a three-story, 47-unit senior apartment complex. The project is located on the northeast quadrant of Osmun Avenue and 2nd Street in the City of Clovis, approximately 0.7 miles southeast of the State Route (SR) 168 and Herndon Avenue interchange.

Our office previously reviewed and provided comments for a project at this site in 2018 which at the time was a residential development that included two three-story apartment buildings with about forty-five residential units.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans is supportive of infill and high-density developments as these will assist in reducing vehicle miles traveled (VMT) and provide more opportunities to implement multi-modal transportation strategies resulting in safe and sustainable communities.
2. Caltrans recommends that the City consider creating a VMT Mitigation Impact Fee to help reduce potential impacts on the State Highway System.

Liz Salazar, Assistant Planner
June 20, 2024
Page 2

3. It is recommended that the project contribute to all applicable Impact Fee programs, such as the City's Development Fee and the Regional Transportation Mitigation Fee (RTMF) program to ensure that the developments contribute to its fair share toward future improvement needs.
4. Caltrans recommends the project proponents consider working with the City to convert a portion of the planned residential units to affordable housing units.
5. Alternative transportation policies should be applied to the development. An assessment of multimodal facilities should be conducted to develop an integrated multimodal transportation system to serve and help alleviate traffic congestion resulting from the project and related development in the area of the City. The assessment should include the following:
 - a. Pedestrian walkways should not only be limited to the project's internal connectivity but be connected to existing walkways and transit facilities outside the project area.
 - b. The project should consider coordinating connections to local and regional bicycle pathways to encourage the use of bicycles for commuter and recreational purposes.
 - c. If transit is not available within 1/4-mile of the project area, transit should be extended to provide services to high-activity centers of the project.
6. As part of the statewide effort to reduce greenhouse gas emissions, Caltrans recommends the project proponents consider the installation of public Level 2 Electric Vehicle (EV) and DC Fast Charging EV charging stations into the development.
7. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood that people will use and benefit from a multimodal transportation network.

If you have any other questions, please call or email Christopher Xiong at (559) 908-7064 or Christopher.Xiong@dot.ca.gov.

Sincerely,



DAVID PADILLA, Branch Chief
Transportation Planning – North



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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

June 9, 2023

Liz Salazar
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: General Plan Amendment 2024-004
N/E Clovis Avenue and Third Street

Dear Ms. Salazar:

The Fresno Irrigation District (FID) has reviewed General Plan Amendment 2024-004 for which the applicant proposes to amend the General Plan from Medium Density Residential to Medium-High Density Residential and apply for a State Density Bonus Law, APN: 492-080-74, 85, 86, and 93. FID is reviewing this concurrently with R2024-021, SPR2024-021, and PME2024-004. FID has the following comments:

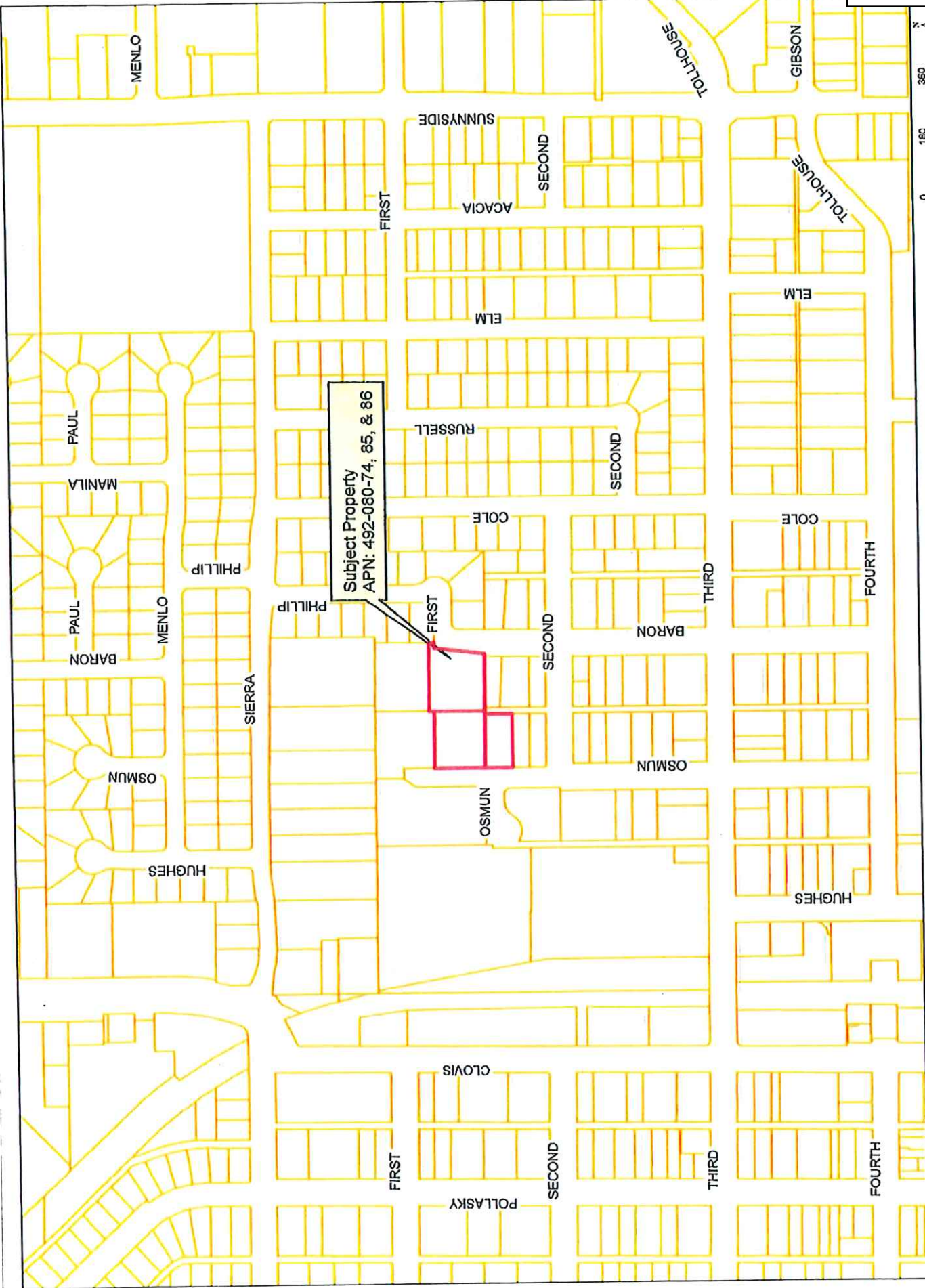
1. FID previously reviewed and commented on the subject property on December 20, 2023, as Development Review Committee Application DRC2023-050, and on July 30, 2018 as Site Plan Review 2018-18. Those comments still apply, and a copy has been attached for your review.

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 Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

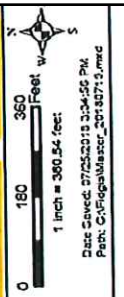
Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment



Subject Property
 APN: 492-080-74, 85, & 86



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

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





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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

December 20, 2023

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

RE: Development Review Committee Application No. DRC2023-050
 N/E Clovis Avenue and Third Street

Dear Ms. Cha-Haydostian:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. DRC2023-050 for which the applicant proposes a multi-family development, APNs: 492-080-08, 74, 85, and 86. FID has the following comment:

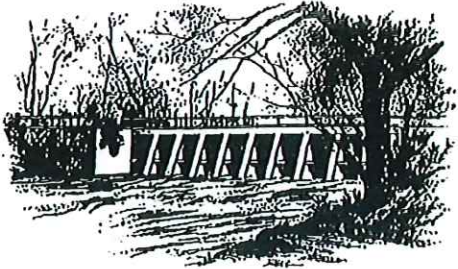
1. FID previously reviewed and commented on the subject property on July 30, 2018, as Site Plan Review SPR2018-18. Those comments and conditions still apply and a copy has been attached for your review.

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 Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
 Chief Engineer

Attachment



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
 FAX (559) 233-0227
 2907 S. MAPLE AVENUE
 FRESNO, CALIFORNIA 93726-2208

July 30, 2018

Orlando Ramirez
 Planning Division
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612

RE: Site Plan Review SPR2018-18
 N/E Clovis Avenue and Third Street

Dear Mr. Ramirez:

The Fresno Irrigation District (FID) has reviewed the Site Plan Review SPR2018-18 for which the applicant proposes a three story 45-unit multifamily development, APNs: 492-080-74, 85, 86. This request is being processed concurrently with GPA2018-03, R2018-09, and PME2018-10. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property as shown on the attached FID exhibit map.
2. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area is currently mostly open land or limited with little to no 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.
3. 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

G:\Agencies\Clovis\Site Plan Review\SPR2018-18.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.
 CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

Orlando Ramlrez
RE: SPR2018-18
July 30, 2018
Page 2 of 2

impacts of the development on the City's ability to comply with requirements of SGMA.

4. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Clovis and FID service area. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.

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 Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



CITY *of* CLOVIS

PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

NOTICE OF EXEMPTION General Plan Amendment 2024-004 Rezone 2024-003

The City of Clovis has determined that the project described below will not have a significant effect on the environment and shall be exempt from the provisions of CEQA.

Exemption Filed With: Fresno County Clerk, 2221 Kern Street, Fresno, California.
Office of Planning & Research, 1400 10th Street #100, Sacramento, CA

Lead Agency: City of Clovis, 1033 5th Street, Clovis, California.

Project Title: General Plan Amendment 2024-004, Rezone 2024-003

Project Location: Approximately 1.73 acres of land located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street, APN(s): 492-080-74,85,86,93

Project Description: A request to approve an amendment to the General Plan to re-designate the subject property from the Medium Density Residential (4.1-7.0 dwelling units per acre) designation to the Medium High Density Residential (7.1-15 dwelling units per acre) designation and rezone the subject property from the R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District.

Project Applicant: Clovis 135 Osmun, LP

Exempt Status: Public Resources Code section 21080.40, subdivision (b) ("AB 1449")

Reasons Why Project Is Exempt: The Project listed is exempt from further environmental review under CEQA pursuant to AB 1449. AB 1449 exempts certain actions including issuance of general plan amendments and rezones related to eligible affordable housing projects. The City has determined the Project meets the requirements of AB 1449.

Evidence for Exemption: See attached memo dated February 13, 2024.

Lead Agency Contact Person: Liz Salazar, Assistant Planner

Telephone Number: (559) 324-2305

Signature:

Liz Salazar
Assistant Planner

Date: September 3, 2024

560 Mission Street, Suite 1900 | San Francisco, CA 94105 | T 415.743.6900 | F 415.743.6910
Holland & Knight LLP | www.hklaw.com

Daniel R. Golub
+1 415-743-6976
Daniel.Golub@hklaw.com

Luca Trumbull
+1 213-896-2521
Luca.Trumbull@hklaw.com

Memorandum

Date: February 13, 2024

To: Planning and Development Services Department
City of Clovis

From: Daniel R. Golub
Luca Trumbull
Holland & Knight LLP

Re: 135 Osmun Apartments CEQA Exemption

We have been retained by Clovis 135 Osmun, LP to provide land use, permitting and environmental review analysis with respect to the 135 Osmun Apartments housing development project (“Project”) located at 135 Osmun Avenue in Clovis (“Project Site”). Our firm’s West Coast Land Use & Environmental Practice Group focuses particularly on California’s recently enacted and amended laws advancing the approval of affordable housing developments.

This memorandum analyzes whether the Project qualifies for a statutory exemption from the requirements of the California Environmental Quality Act (“CEQA”), Pub. Res. Code § 21000, *et. Seq.*, pursuant to Public Resources Code section 21080.40 (“AB 1449”). As set forth below, the Project is entitled to this exemption.

AB 1449 was signed into law by Governor Newsom on October 11, 2023 and became effective on January 1, 2024. It added a significant new CEQA exemption for qualifying affordable housing projects. The CEQA exemption applies to the following:¹

- The issuance of an entitlement by a public agency for an affordable housing project.
- An action to lease, convey, or encumber land owned by a public agency for an affordable housing project.
- An action to facilitate the lease, conveyance, or encumbrance of land owned or to be purchased by a public agency for an affordable housing project.

¹ Pub. Res. Code § 21080.40(b).

- Rezoning, specific plan amendments, or general plan amendments required specifically and exclusively to allow the construction of an affordable housing project.
- An action to provide financial assistance in furtherance of implementing an affordable housing project.

Actions by the City to approve entitlements for the Project, including but not limited to a rezoning and general plan amendment, fall within these specified activities. Note that the exemption is a statutory, rather than “categorical” exemption, and is not subject to exceptions.² If a lead agency confirms that the project is entitled this exemption and approves an activity subject to the exemption, the lead agency must file a notice of exemption with the Office of Planning and Research and the county clerk of the county.³ As set forth below, the Project is entitled to this CEQA exemption.

Requirement ⁴	Compliance Analysis
<p>“Affordable housing project” means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the project designated for residential use. (Section 21080.40(a)(1))</p>	<p>Compliant. As designed, this project will be two-thirds residential or greater.</p>
<p>All of the residential units within the project, excluding managers’ units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.</p> <p>(Section 21080.40(a)(1)(A))</p>	<p>Compliant. This project will comply by design.</p>
<p>The project meets the labor standards set forth in Section 65912.130 of the Government Code.</p> <p>(Section 21080.40(a)(1)(B)(i))</p>	<p>Compliant. The Applicant confirms that the Project will meet the labor standards in this section.</p>
<p>For a project with 50 or more residential units, the project meets the labor standards set forth in Section 65912.131 of the Government Code.</p> <p>(Section 21080.40(a)(1)(B)(ii))</p>	<p>Inapplicable. Since the Project will consist of less than 50 units, the Project is not required to comply with this labor standard.</p>

² Pub. Res. Code § 21080 *et seq.*

³ Pub. Res. Code § 21080.40(d).

⁴ All code sections refer to the Public Resources Code.

The project is located on a legal parcel or parcels in any of the following locations:

(i) In a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

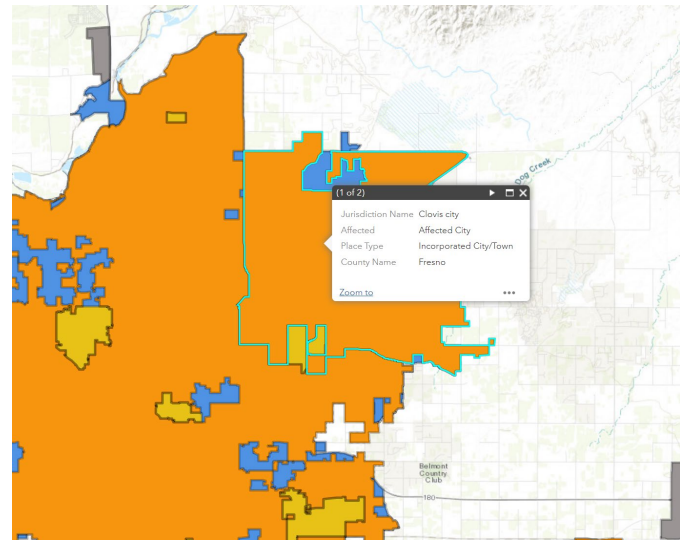
(ii) Within one-half mile walking distance to either a high-quality transit corridor or a major transit stop.

(iii) In a very low vehicle travel area.

(iv) Proximal to six or more amenities pursuant to paragraph (3) as of the date of submission of the application for the project.

(Section 21080.40(a)(1)(C)).

Compliant. The parcel is wholly within an urbanized area as defined by HCD, which applies the US Census Bureau’s definition of “urbanized area.”⁵ Pub. Res. Code § 21080.40(a)(1)(C)(i). Note that the US Census Bureau definition of “urbanized area,” which has historically meant a city with a population of greater than 50,000 persons, is no longer in use following the 2020 Census. *See* 67 FR 11663 at page 11667 for the Census Bureau’s historic definition of “urbanized area.”⁶ *See also* an explanation of the US Census Bureau’s definition in the 2020 Census Urban Areas FAQ document (provided by the US Census Bureau) at page 6-7.⁷ This definition differs from the CEQA definition of “urbanized area,” which refers to incorporated cities with a population of greater than 100,000 persons. Pub. Res. Code § 21071(a)(1). Because the population of Clovis exceeds 100,000 and the City is incorporated, the City qualifies under both definitions.




⁵ HCD lists urbanized areas on its SB 330 Affected Cities and Counties Map, found here:

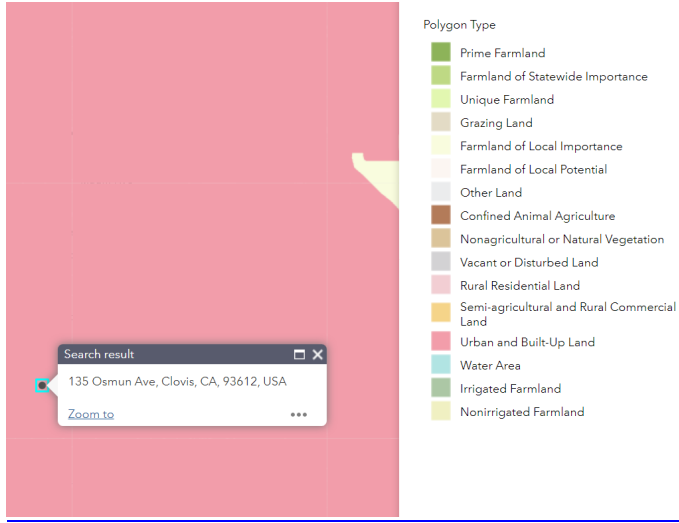
<https://cahcd.maps.arcgis.com/apps/webappviewer/index.html?id=5a63b04d7c494a6ebb2aa38a2c3576f5>

⁶ 67 FR 11663 is found here: <https://www.federalregister.gov/documents/2002/03/15/02-6186/urban-area-criteria-for-census-2000>

⁷ The 2020 Census Urban Areas FAQ document is found here:

https://www2.census.gov/geo/pdfs/reference/ua/Census_UA_2020FAQs.pdf

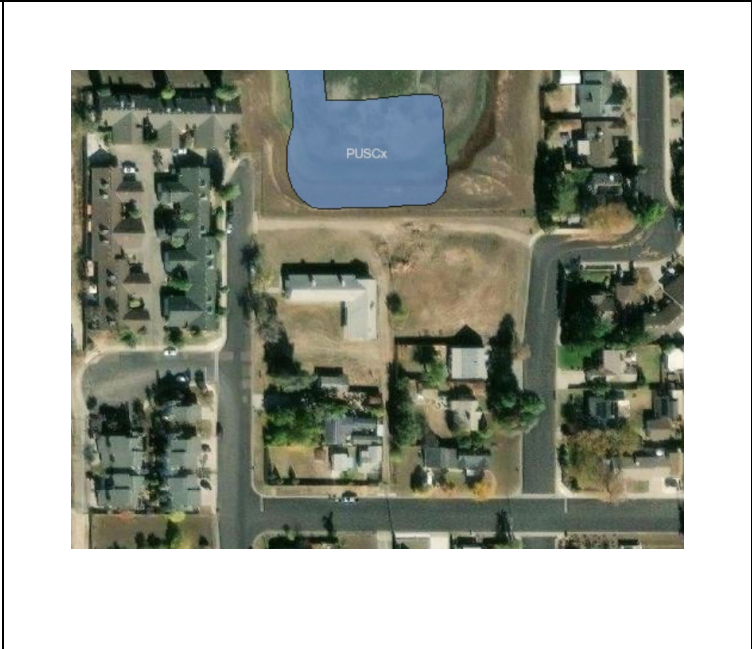
<p>Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site or at least three sides of a four-sided project site. For purposes of this paragraph, parcels that are only separated by a street or highway shall be considered to be adjoined.</p> <p>(Section 21080.40(a)(1)(D))</p>	<p>Compliant. According to Section 21072, “qualified urban use” means “any residential, commercial, public institutional, transit or transportation facility, or retail use, or any combination of those uses.” The site adjoins parcels developed with residential uses on at least three of four sides.</p> 
<p>The affordable housing project will be subject to a recorded California Tax Credit Allocation Committee regulatory agreement.</p> <p>(Section 21080.40(c)(1))</p>	<p>Compliant. The Applicant confirms that the Project will meet this standard.</p>
<p>The affordable housing project site can be adequately served by existing utilities or extensions.</p> <p>(Section 21080.40(c)(2))</p>	<p>Compliant. A previous CEQA document notes that because the Project Site is considered an infill site, primary infrastructure “is already in place and would be able to serve the site, as planned for in the 2014 General Plan.” Osmun & Baron Multifamily Initial Study and Mitigated Negative Declaration (“Osmun IS/ MND”), Chapter (H)(14) at 48 (provided in Exhibit A).</p>

	<p>Utility service connection to the Project would only require “minor excavation” including “trenching and ground-disturbing activities” in order to install water and power lines, but these processes are “typical of multifamily development.” Osmun IS/MND, Chapter (E)(4) at 7, 8; Chapter (H)(20) at 60 (provided in Exhibit A).</p>
<p>A public agency confirms all of the following:</p> <p>(A) The project site satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.</p> <p>(Section 21080.40(c)(3)(A))</p>	<p>Compliant. Analyzed below.</p>
<p>Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.</p> <p>(Section 65913.4(a)(6)(B))</p>	<p>Compliant. The appropriate inventory does not categorize this land as farmland.⁸ <i>See also</i> Osmun IS/MND, Chapter (H)(2) at 19 (provided in Exhibit A).</p> 
<p>Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).</p>	<p>Compliant. This site does not contain a wetland.⁹ <i>See also</i> Osmun IS/MND Chapter (H)(4) at 26 (provided in Exhibit A).</p>

⁸ The Department of Conservation’s Important Farmland Finder tool is accessible here: <https://maps.conservation.ca.gov/dlrp/ciff/>

⁹ The U.S. Fish and Wildlife Service National Wetland Inventory tool is accessible here: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

(Section 65913.4(a)(6)(C))



Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(Section 65913.4(a)(6)(D))

Compliant. This site is not within a fire hazard severity zone.¹⁰

A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

Compliant. This site is not a hazardous waste site.¹¹

The Department of Toxic Substances Control's Envirostor tool shows that there is no contamination on the site.

¹⁰ The CalFire Fire Hazard Severity Zones in State Responsibility Areas Map tool is accessible here: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>

¹¹ The Department of Toxic Substance Control's EnviroStor tool is accessible here: <https://www.envirostor.dtsc.ca.gov/public/map/>. Additionally, the site is not listed in the DTSC EnviroStor database as a hazardous waste site.

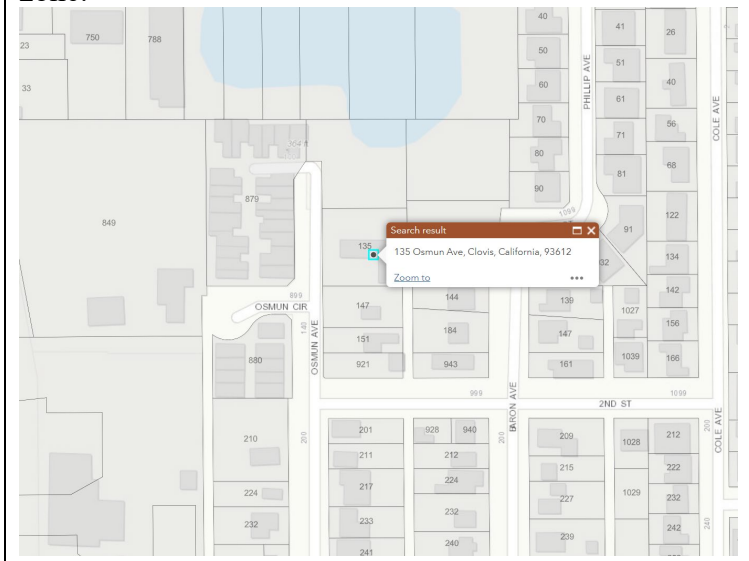
(Section 65913.4(a)(6)(c))




Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.

(Section 65913.4(a)(6)(F))

Compliant. This site is not in an earthquake fault zone.¹²

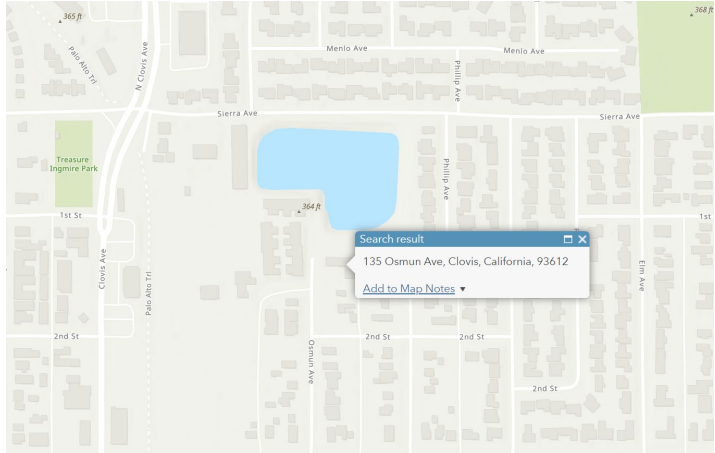


¹² The California Geological Survey's Earthquake Zones of Required Investigation Map is accessible here: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

<p>Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.</p> <p>(Section 65913.4(a)(6)(G))</p>	<p>Compliant. This site is not within a special flood hazard area.¹³</p> 
<p>Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.</p> <p>(Section 65913.4(a)(6)(H))</p>	<p>Compliant. This site is not within a regulatory floodway. See above.</p>
<p>Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.</p> <p>(Section 65913.4(a)(6)(I))</p>	<p>Compliant. This site is not within a natural community conservation plan or a habitat conservation plan.¹⁴</p>

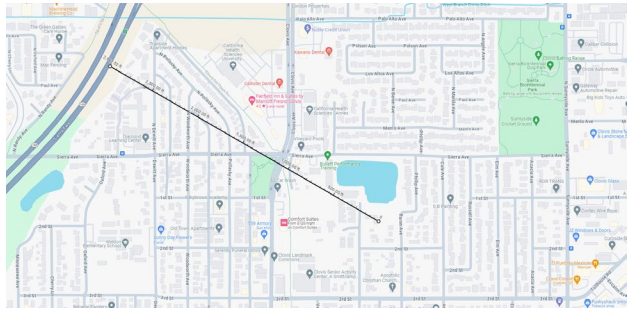
¹³ The FEMA Flood Map Service Center is accessible here: <https://msc.fema.gov/portal/search>

¹⁴ A list of California Natural Community Conservation Plans and Habitat Conservation Plans can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>

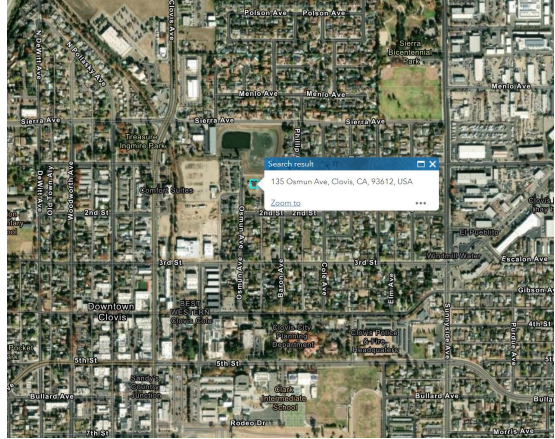
<p>Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).</p> <p>(Section 65913.4(a)(6)(J))</p>	<p>Compliant. This site does not contain habitat for the identified species.¹⁵ <i>See also</i> Osmun IS/MND Chapter (H)(4) at 25 (relevant excerpt provided in Exhibit A).</p> 
<p>Lands under conservation easement.</p> <p>(Section 65913.4(a)(6)(K))</p>	<p>Compliant. The project is not subject to a conservation easement.¹⁶</p>
<p>For a vacant site, the project site does not contain tribal cultural resources that could be affected by the development that were found pursuant to a consultation described in Section 21080.3.1 and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2.</p> <p>(Section 21080.40(c)(3)(B))</p>	<p>Compliant. After providing an opportunity for consultation to affected tribes pursuant to the process described in Section 21080.3.1, a Cultural Resources Survey was prepared for a prior project’s IS/MND which found no known cultural resources at the Project site. <i>See</i> Osmun IS/MND Chapter (H)(5) at 28 (relevant excerpt provided in Exhibit A).</p>
<p>(i) The development proponent has completed a phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code. If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to</p>	<p>Compliant. A January 9, 2024 phase I environmental assessment performed by Krazan & Associates “identified no evidence of recognized environmental conditions (RECs), controlled RECs (CRECs), or historical RECs (HRECs) in connection with the subject site.” <i>See</i> Phase I Environmental Assessment,</p>

¹⁵ The U.S. Department of Fish and Wildlife’s Critical Habitats Map is accessible here: https://www.arcgis.com/home/webmap/viewer.html?url=https%3A//services.arcgis.com/QVENGdaPbd4LUkLV/ArCGIS/rest/services/USFWS_Critical_Habitat/FeatureServer&source=sd

¹⁶ The National Conservation Easement Database is accessible here: <https://www.conservationeasement.us/>

<p>determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.</p> <p>(ii) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.</p> <p>(iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.</p> <p>(Section 21080.40(c)(3)(C))</p>	<p><i>Krazan & Associates</i> (Jan. 9, 2024) at 1 (relevant excerpt provided in Exhibit B).</p>
<p>For a project site where multifamily housing is not a permitted use, all of the following are met:</p> <p>(i) None of the housing is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.</p> <p>(ii) None of the housing is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.</p> <p>(iii) The project site is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 or as designated pursuant to subdivisions (a) and (b) of Section 51179 of the Government Code.</p> <p>(Section 21080.40(c)(3)(D))</p>	<p>Compliant. The site is over 2,500 feet from a freeway.</p>  <p>There are no active oil or gas refineries within 3,200 feet.¹⁷</p>

¹⁷ The CalGEM Wellfinder tool is accessible here: <https://maps.conservation.ca.gov/doggr/wellfinder/>



The site is not within a very high fire hazard severity zone. See Section 65913.4(a)(6)(D) analysis.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 3, 2024

SUBJECT: Consider Approval – Res. 24-____, Authorizing the submittal of an application to the State of California Housing and Community Development Department’s Local Housing Trust Fund (LHTF) Program for the 135 Osmun Senior Apartments, requesting \$1,000,000 in LHTF, approving the City award and match of Clovis Housing Trust Fund in the amount of \$1,000,000 and authorizing the City Manager, or designee, to execute the LHTF Program Application, Standard Agreement, Agreement Documents, and any amendments thereto.

Staff: Claudia Cazares, Housing Program Manager

Recommendation: Approve

ATTACHMENTS: 1. Resolution

RECOMMENDATION

For the City Council to authorize the submittal of an application to the State of California Housing and Community Development Department’s Local Housing Trust Fund (LHTF) Program for the 135 Osmun Senior Apartments, requesting \$1,000,000 in LHTF, approve the City award and match of Clovis Affordable Housing Trust Fund in the amount of \$1,000,000 and authorize the City Manager, or designee, to execute the LHTF program application, standard agreement, related agreement and program documents, and any amendments thereto.

EXECUTIVE SUMMARY

The Clovis City Council approved the creation of the Clovis Affordable Housing Trust Fund (AHTF) Program at its April 8, 2024, meeting. Subsequently, Council approved the AHTF Program Guidelines at its August 5, 2024, meeting. Staff then published a Request for Proposals for the Housing Trust Fund on August 6, 2024, with the goal of selecting a project and applying for matching funds through the State of California’s LHTF Program before the State’s application due date of September 17, 2024. Action today will approve selection of the 135 Osmun Senior Apartments Project for the Clovis AHTF program monies in the amount of \$1,000,000 and adopt

the attached resolution authorizing submittal of the California LHTF application for matching funds for an additional \$1,000,000.

BACKGROUND

The City of Clovis Housing Trust Fund Program was approved by City Council on April 8, 2024, in accordance with the terms of the Judgment entered in the Martinez v. City of Clovis case. Council then approved the Clovis Affordable Housing Trust Fund (AHTF) Program Guidelines at its August 5, 2024, council meeting. Immediately following approval of the Program Guidelines, City staff published a Request for Proposals (RFP) in anticipation of proposing a project for Council review and approval before the California LHTF application deadline of September 17, 2024.

The City received the following two applications for the Housing Trust Fund Program:

- 135 Osmun Senior Apartments (\$1,000,000 for 46 units)
- The Cottages at Magnolia Crossing (\$500,000 for 7 units)

Although both applications can and will be submitted as “pipeline” projects, as is required by the State, only one application can be designated as the selected application requesting California LHTF award of matching funds.

Both applications were reviewed by staff for eligibility, adherence to the City’s Program Guidelines and for compatibility with the CA-LHTF Program. Both applications were additionally scored using the CA-LHTF scoring rubric to determine what score they were likely to obtain from the State program. Finally, both projects were published for public comment, and presented to the members of the City’s Housing and Community Development Citizens Advisory Committee (CAC) for review and funding recommendation to the City Council.

The CAC reviewed the projects and concurred with staff’s recommendation to propose City Council approval of the 135 Osmun Senior Apartments for Housing Trust Fund monies. CAC members commented on the high need of multi-family apartments and senior apartments for low-income households. The group also commented that the 135 Osmun project clearly provided far more affordable units for the dollar amount requested, than the Cottages project. The group also commented that both projects were deserving of the award, but the 135 Osmun project was the preferred project.

Therefore, the 135 Osmun Senior Apartments project is recommended for selection and award of Housing Trust Fund monies in the amount of \$1,000,000; and for submittal to the State of California Local Housing Trust Fund Program requesting matching funds of an additional \$1,000,000. Of the total proposed funding amount of \$2,000,000, a maximum of 5%, or up to \$100,000, may be set aside for City activity delivery and administration costs.

The 135 Osmun Senior Apartments project includes construction of a 47-unit affordable development project located at 135 Osmun Avenue, just east of the new Clovis Senior Center. One of the units will be a manager’s unit. All the other 46 rental units will be set aside for those seniors earning less than 60% of the Area Median Income. The 135 Osmun project has a higher

probability of receiving matching funds from the California LHTF than the second application received (in part due to the income targeting). The 135 Osmun project is at present progressing through the Development Review process and all funding will be contingent on the approval of the development of the project.

Award of the Clovis AHTF monies will also be contingent on the project receiving an award from the California LHTF Program for matching funds. If selected for funding, the 135 Osmun Senior Apartments project will have a total of up to \$2,000,000 in Housing Trust Fund monies available for development purposes. Housing Trust Fund Program monies will be provided as a construction and/or permanent financing loan, with simple interest, of no higher than 3 percent per annum. The loan will be a "residual receipts loan", payable in fifty-five (55) years, or other term of years as may be required by senior financing to the City's loan. The City will enter into a funding/development agreement with the developer, and record affordability covenants on the project to ensure adherence to affordability and loan requirements.

Council approval of the attached Resolution is required by the State of California for submission to the CA-LHTF Program. If approved by Council, the 135 Osmun Senior Apartments project will be submitted to the State of California LHTF Program through its online application portal before the application due date of September 17, 2024.

FISCAL IMPACT

The City approved \$1,000,000 in General Fund dollars for the Clovis Affordable Housing Trust Fund Program as part of its 2024-2025 Budget. If successful, the matching fund application to the State of California will provide 1:1 match for these Program monies, for a total of \$2,000,000 available for the project. A total of up to 5% of these total funds will be used for activity delivery and program administration by City Staff.

REASON FOR RECOMMENDATION

Selection of the 135 Osmun Senior Apartments project for AHTF Program monies, and application for California LHTF Program, is recommended as it will 1) provide additional affordable housing units, 2) maximize the utilization of AHTF monies per unit, 3) meet the high demand for senior affordable housing, 4) score higher in the State of California scoring rubric, and 5) allow staff to submit the CA-LHTF application on time.

ACTIONS FOLLOWING APPROVAL

Staff will prepare a Letter of Intent to fund the 135 Osmun Senior Apartments project for City Manager signature and submit an application to the State of California LHTF for \$1,000,000 in matching funds for the 135 Osmun Senior Apartments project, and the Cottages at Magnolia Crossings will be listed as a pipeline project, by the State's deadline of September 17, 2024.

CONFLICT OF INTEREST

None.

Prepared by: Claudia Cazares, Housing Program Manager

Reviewed by: City Manager *AA*

RESOLUTION 24-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
 APPROVING THE 135 OSMUN SENIOR APARTMENTS PROJECT FOR CLOVIS
 AFFORDABLE HOUSING TRUST FUND AWARD AND SUBMITTAL TO THE STATE
 OF CALIFORNIA FOR THE LOCAL HOUSING TRUST FUND PROGRAM**

WHEREAS, a necessary quorum and majority of the Council Members of City of Clovis (“Applicant”) hereby consents to, adopts and ratifies the following; and

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (“Department”) is authorized to provide up to \$53 million under the Local Housing Trust Fund (“LHTF”) Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 3)) (“Program”); and

WHEREAS, the Department issued a Notice of Funding Availability (“NOFA”) dated July 9, 2024, under the LHTF Program; and

WHEREAS, Applicant is an eligible New Local Housing Trust Fund applying to the Program to administer one or more eligible activities using Program Funds; and

WHEREAS, Applicant has issued its own Request for Proposals for LHTF, received two requests for funding (pipeline projects), and of these, has selected the 135 Osmun Senior Apartments Project, an eligible project, for financing and submittal for LHTF, and submittal of Cottages at Magnolia Crossings as the second pipeline project; and

WHEREAS, the Department may approve funding allocations for the LHTF Program, subject to the terms and conditions of H&S Code Section 50842.2, the LHTF Program Guidelines, NOFA, Program requirements, the Standard Agreement and other related contracts between the Department and LHTF award recipients.

NOW, THEREFORE, BE IT RESOLVED, If Applicant receives an award of LHTF funds from the Department pursuant to the above referenced LHTF NOFA, it represents and certifies that it will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts Applicant may have with the Department (“Eligible Project”).

ATTACHMENT 1

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Clovis Affordable Housing Trust Fund is hereby authorized to act as the manager in connection with the Department's funds to Eligible Projects pursuant to the above described Notice of Funding Availability in an amount not to exceed \$1,000,000 (the "LHTF Award").

NOW, THEREFORE, BE IT FURTHER RESOLVED, Applicant hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. Applicant hereby agrees to utilize matching finds on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used, as required by HSC Section 50843.5(c). Attachment A to this Resolution identifies how the Applicant will utilize Program funds and Matching Funds.

NOW, THEREFORE, BE IT FURTHER RESOLVED, Pursuant to Attachment A and the Applicant's certification in this resolution, the LHTF funds will be expended only for Eligible Projects and consistent with all program requirements.

NOW, THEREFORE, BE IT FURTHER RESOLVED, Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, H&S Section 50842.2 and LHTF Program Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Clovis City Manager, or designee, is/are authorized to execute the LHTF Program Application, the LHTF Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the LHTF Award to Applicant, as the Department may deem appropriate and as may be necessary to fund the Project.

* * * * *

The undersigned, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the City of Clovis Council, which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 3, 2024, by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

Attachment A

The City of Clovis ("Applicant") commits to use Program Funds and Matching Funds for the 135 Osmun Senior Apartments project, an Eligible Project. The Project is located at 135 Osmun Ave, in Clovis, CA. Applicant will provide a construction and/or permanent financing loan at simple interest no higher than 3% per annum for payment of eligible costs associated with the development of affordable rental housing. Five percent (5%) of the funds requested will be used for Administrative expenses.

- 30% of the funds requested, after deduction of administrative expenses, will be utilized for development of the 135 Osmun Senior Apartments Project and will be rented by households earning no more than 30% of Area Median Income.
- 70% of the funds requested, after deduction of administrative expenses, will be utilized for development of the 135 Osmun Senior Apartments Project and will be rented by households earning no more than 60% of Area Median Income.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: September 3, 2024
 SUBJECT: Consider Approval – Change of Council Meeting Schedule.

Staff: John Holt, City Manager

Recommendation: Approve

ATTACHMENTS: None.

RECOMMENDATION

For the City Council to approve the cancellation of the regular Council meeting scheduled for Monday, September 9, 2024.

EXECUTIVE SUMMARY

There is a need to change the schedule of meetings for the City Council in September. Staff is recommending that City Council approve the cancellation for the meeting of Monday, September 9, 2024.

BACKGROUND

Staff was also able to consolidate the agenda items to the first and third Council meetings in September. Therefore, staff is recommending Council consider canceling the meeting of September 9, 2024, due to the limited number of items on the agenda. Given adequate notice, staff will be able to amend the timing of actions coming forward so that operations will not be affected by the cancellations.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Pursuant to the Clovis Municipal Code, the City Council meets in regular session on the first, second, and third Monday of each month, except when those Mondays occur on a recognized City holiday. The City Council needs to confirm any change to the schedule of meetings in order to properly notice the public of the City Council's schedule of meetings.

ACTIONS FOLLOWING APPROVAL

A revised schedule of meetings will be published in conformance with law.

CONFLICT OF INTEREST

None.

Prepared by: Rebecca Simonian, Executive Assistant

Reviewed by: City Manager *RS*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 3, 2024

SUBJECT: Consider Introduction – Ord. 24-___, Amending Section 2.1.01 of Chapter 2 of Title 2 of the Clovis Municipal Code Relating to City Council Meeting Day and Time.

Staff: John Holt
Recommendation: Approve

ATTACHMENTS: 1. Draft Ordinance 24-___

RECOMMENDATION

For the City Council to approve the introduction of an ordinance amending Section 2.1.01 of Chapter 2 of Title 2 of the Clovis Municipal Code changing the City Council meetings from Monday at 6:00 p.m. to Tuesday beginning at 4:00 p.m.

EXECUTIVE SUMMARY

Section 2.1.01 of the Clovis Municipal Code mandates that the City Council shall meet in regular session three times each month. These meetings are scheduled for the first, second, and third Mondays of each month at 6:00 p.m., unless a Monday falls on a legal holiday, in which case the meeting will be held on the next business day.

At the last Council meeting on August 19, 2024, City Manager Holt was directed to bring back a proposal for the Council's consideration to change the day and time of Council meetings to Tuesdays beginning at 4:00 p.m. If approved, the ordinance includes an effective date of January 1, 2025, (instead of the typical effective date 30 days after adoption of an ordinance) to allow time for a smooth transition by coordinating with all stakeholders.

BACKGROUND

City Council has been meeting on Mondays since 1912 and has been meeting the first three (3) Mondays at 6:00 p.m. since April 1, 2010. City Council meeting day and times are codified, and any change would therefore require an amendment to the municipal code. Approval of the introduction of the ordinance will begin the process to change the meeting day from Mondays at 6:00 p.m. to Tuesdays beginning at 4:00 p.m.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The City has grown to a point where council meetings are extending late into the night, which can hinder the effectiveness of decision-making. Moving the meetings from Mondays to Tuesdays would provide staff with additional time to prepare, leading to more productive sessions. This change would take effect on January 1, 2025.

ACTIONS FOLLOWING APPROVAL

If approved, this item will be considered for adoption on September 16, 2024, with an effective date of January 1, 2025. During that time, staff will reach out to all stakeholders to inform them of the change.

CONFLICT OF INTEREST

None.

Prepared by: Briana Parra, City Clerk

Reviewed by: City Manager *AA*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 2.1.01 OF CHAPTER 2 OF TITLE 2 OF THE CLOVIS MUNICIPAL CODE RELATING TO CITY COUNCIL MEETING TIME

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

Section 1 Section 2.1.01 of Chapter 2 of Title 2 of the Clovis Municipal Code is hereby amended to read as follows:

2.1.01 Meetings: Time:

The Council shall meet three times (3) each month in regular session. Such meetings shall be held on the first, second, and third Tuesdays of each month beginning at 4:00 p.m, unless such Tuesday is a legal holiday, in which event such meeting shall be held on the next business day beginning at 4:00 p.m. and be a regular meeting for all purposes.

Section 3 This Ordinance shall go into effect and be in full force beginning on January 1, 2025.

APPROVED: September 3, 2024

Mayor City Clerk
* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on September 3, 2024, and was adopted at a regular meeting of said Council held on _____, 2024, by the following vote, to wit:

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

DATED:

City Clerk