



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION

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

July 25, 2024

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Planning Commission 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 Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission 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 Planning Commission 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 Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to Planning Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. Planning Commission Minutes for the Meeting of June 27, 2024.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

PUBLIC COMMENTS - This is an opportunity for the members of the public to address the Planning Commission on any matter within the Planning Commission'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 Planning Division and submit correspondence at least 10 days before the desired date of appearance.

PUBLIC HEARINGS - A public hearing is an open consideration within a regular or special meeting of the Planning Commission, 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.

2. 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 recommending the City Council's consideration of an environmental finding of 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 (7.1-15 dwelling units per acre) designation.

b) Consider Approval - Res. 24-____, Rezone 2024-003, A resolution recommending the City Council's consideration of a rezone of the subject property from the R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District.

Staff: Liz Salazar, Assistant Planner

Recommendation: Approve

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

ADJOURNMENT

MEETINGS & KEY ISSUES

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

August 22

September 26

October 24

CLOVIS PLANNING COMMISSION MINUTES
June 27, 2024

A meeting of the Clovis Planning Commission was called to order at 6:04 p.m. by Chair Antuna in the Clovis Council Chamber.

Flag salute led by Commissioner Bedsted

Present: Commissioners Bedsted, Hatcher, Hinkle, Chair Antuna

Absent: Commissioner Hebert

Staff:
Renee Mathis, PDS Director
Dave Merchen, City Planner
George Gonzalez, Senior Planner
McKencie Perez, Senior Planner
Liz Salazar, Assistant Planner
Marissa Jensen, Assistant Planner
Joyce Roach, Planning Technician II
Sean Smith, Supervising Civil Engineer
Ruben Amavizca, Engineer II
Jeff Brown, Engineer II
Christopher Kelly, Civil Engineer
Matt Lear, City Attorney

MINUTES – 6:05

ITEM 1 – APPROVED.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, to approve the May 23, 2024, minutes. Motion carried 2-0-3 with Chair Antuna and Commissioner Hinkle abstaining and Commissioner Hebert absent.

COMMISSION SECRETARY – 6:07

None.

PLANNING COMMISSION MEMBERS COMMENTS – 6:07

Commissioner Hinkle informed that residents of the area behind the Clovis Nissan dealership on Peach and Magill Avenues had approached him with complaints regarding lights from the business shining brightly into their bedrooms at night and employees of the business parking in front of their houses and along Peach Avenue during the day.

PUBLIC COMMENTS – 6:08

Robert Martin of 1238 N. Locan Avenue stated that he does not receive project notifications due to addressing issues stemming from the annexation of his area, resulting in him and several neighbors using post office boxes to receive regular mail. In addition, he informed regarding ongoing drainage issues along Nees Avenue. Chair Antuna referred him to Supervising Civil Engineer Smith.

PUBLIC HEARINGS

ITEM 1 - 6:14 – APPROVED – **RES. 24-17, CUP2024-004**, ADOPTING A CLASS 11 CATEGORICAL EXEMPTION FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA AND A REQUEST TO

APPROVE A CONDITIONAL USE PERMIT TO ALLOW OPERATION OF A PARKING LOT WITH SPECIAL PARKING STANDARDS AT 201 BULLARD AVENUE. WATERHOUSE FAMILY INVESTMENTS, LLC, APPLICANT AND OWNER; HARBOUR & ASSOCIATES ENGINEERS, INC., REPRESENTATIVE.

Motion by Commissioner Bedsted, seconded by Commissioner Hinkle, for the Planning Commission to approve **Resolution 24-17**, a resolution approving an adoption of a Class 11 Categorical Exemption from further environmental review under CEQA and a conditional use permit to allow operation of a parking lot with special parking standards at 201 Bullard Avenue. Motion carried 4-0-1 with Commissioner Hebert absent.

ITEM 2 - 6:24 – APPROVED – **RES. 24-18, CUP2024-003**, ADOPTING A CLASS 32 CATEGORICAL EXEMPTION FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA AND APPROVING A CONDITIONAL USE PERMIT FOR AN 18-BED CONGREGATE CARE FACILITY FOR THE PROPERTIES LOCATED AT 2901 AND 2939 ARMSTRONG AVENUE. CHERYL NELSON, OWNER; ARK CONGREGATE LIVING – FRESNO, LLC, APPLICANT; ORLANDO RAMIREZ, REPRESENTATIVE.

Motion by Chair Antuna, seconded by Commissioner Bedsted, for the Planning Commission to approve **Resolution 24-17**, a resolution approving an adoption of a Class 32 Categorical Exemption from further environmental review under CEQA and a conditional use permit for an 18-bed congregate care facility for the properties located at 2901 and 2939 Armstrong Avenue. Motion carried 4-0-1 with Commissioner Hebert absent.

ITEM 3A – 7:44 – APPROVED – **RES. 24-19, GPA2021-007**, A RESOLUTION RECOMMENDING CITY COUNCIL’S CONSIDERATION OF AN APPROVAL OF AN AMENDMENT TO 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 WITHIN THE MU-BC LAND USE DESIGNATION; ITEM 3B – APPROVED – **RES. 24-20, OA2021-004**, A RESOLUTION RECOMMENDING CITY COUNCIL’S CONSIDERATION OF AN APPROVAL OF AN AMENDMENT TO 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 THOSE CAMPUS-AFFILIATED HOUSING USES AND ESTABLISH AN R-T OVERLAY ZONE DISTRICT; ITEM 3C – APPROVED – **RES. 24-21, R2021-010**, A RESOLUTION RECOMMENDING CITY COUNCIL’S CONSIDERATION OF AN APPROVAL OF A REZONE OF 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 ITEM 3D – APPROVED – **RES. 24-21**, A RESOLUTION RECOMMENDING CITY COUNCIL’S CONSIDERATION OF AN APPROVAL OF AN AMENDMENT TO THE CLOVIS RESEARCH AND TECHNOLOGY ARCHITECTURAL GUIDELINES TO ADD DEVELOPMENT AND DESIGN STANDARDS FOR CAMPUS RELATED HOUSING CONSISTENT WITH THE GENERAL PLAN AND DEVELOPMENT CODE.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 24-19**, a resolution approving a recommendation that the City Council consider an

amendment to 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 within the MU-BC land use designation. Motion carried 4-0-1 with Commissioner Hebert absent.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 24-20**, a resolution approving a recommendation that the City Council consider an amendment to 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 those campus-affiliated housing uses and establish an R-T overlay zone district. Motion carried 4-0-1 with Commissioner Hebert absent.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 24-21**, a resolution approving a recommendation that the City Council approve a rezone of 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. Motion carried 4-0-1 with Commissioner Hebert absent.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 24-22**, a resolution approving a recommendation that the City Council consider an amendment to the Clovis Research and Technology Architectural Guidelines to add development and design standards for campus related housing consistent with the General Plan and Development Code. Motion carried 4-0-1 with Commissioner Hebert absent.

ADJOURNMENT AT 9:06 P.M. UNTIL the Planning Commission meeting on July 25, 2024.

Alma Antuna, Chairperson



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission
 FROM: Planning and Development Services
 DATE: July 25, 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 recommending the City Council's consideration of an environmental finding of 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 (7.1-15 dwelling units per acre) designation.

b) Consider Approval - Res. 24-____, Rezone 2024-003, A resolution recommending the City Council's consideration of a rezone of the subject property from the R-1 (Single-Family Residential Low Density) Zone District to the R-2 (Multifamily Medium High Density) Zone District.

Staff: Liz Salazar, Assistant Planner

Recommendation: Approve

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

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission adopt resolutions recommending that the City Council approve the California Environmental Quality Act (CEQA) exemption, general plan amendment, and rezoning.

EXECUTIVE SUMMARY

The Project requests the re-designation of the property's land use from the Medium Density Residential (4.1-7.0 dwelling units per acre) to the Medium High Density Residential (7.1-15 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 General Plan Amendment (GPA) 2024-004 and Rezone (R) 2024-003 to allow the development of 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**). 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. The Project planned by the applicant is eligible for a density bonus and other incentives as provided by Chapter 9.26 of the Clovis Municipal Code (CMC) - Affordable Housing Incentives: Density Bonus. The applicant will be required to enter into a density bonus agreement with the City.

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 Planning Commission'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

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 (7.1-15 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).

The General Plan provides policies and actions to guide the orderly development of the City. A range of allowed 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. A public notice was mailed to the adjacent property owners within 800 feet of the subject property. In attendance were the Project team, City staff and approximately 20 neighbors. During that meeting, the applicant described their revised plan to develop a 47-unit, 100% affordable, senior housing project. As described above, the land use classifications proposed in conjunction with 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 increase of 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.

The applicant explained that a traffic study was commissioned and will be completed prior to the Planning Commission hearing. Details of the traffic study are explained further in this report. Additionally, the applicant completed a parking study in November of 2023 of five (5) comparable affordable senior rental projects. The parking study concluded that the overall average parking demand is 0.83 stalls per unit, which is under the one-to-one parking ratio proposed for this Project.

The applicant will coordinate a second neighborhood meeting prior to the Project being heard by the City Council.

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 Planning Commission'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 Osmun Avenue on the west; however, the site has been designed with the 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
- Osmun 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 development 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 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 age 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.

Amenities, Landscape and Open Space

The proposed Project includes both private and shared open space. The building has been designed with covered breezeways that open to a central courtyard that will serve as a main community gathering space. The Project also includes an indoor community center, library room, trash chutes, and two (2) elevators.

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.

Public Comments

A public hearing notice was sent to area residents within 800 feet of the property boundaries for the July 25, 2024, Planning Commission hearing. 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 (**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 of 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 the 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.

The City published a notice of this public hearing in *The Business Journal* on Wednesday, July 10, 2024

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. Staff therefore recommends that the Planning Commission approve resolutions recommending that the City Council adopt an exemption from pursuant to AB 1449, and approve GPA2024-004 and R2024-003.

ACTIONS FOLLOWING APPROVAL

This Project will continue to the City Council for final consideration.

NOTICE OF HEARING

Property owners within 800 feet notified: 178

Prepared by: Liz Salazar, Assistant Planner

Reviewed by:



Dave Merchen
City Planner

RESOLUTION 24-____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING THE CLOVIS CITY COUNCIL ADOPT A FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.40; AND RECOMMENDING APPROVAL OF 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 (7.1-15 DWELLING UNITS PER ACRE) DESIGNATION.

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

WHEREAS, the proposed GPA is consistent with the intent and purpose of the General Plan; 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 July 10, 2024, and mailed public notices to property owners within 800 feet of the Property area on July 10, 2024, more than ten (10) days prior to the hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, the duly noticed public hearing was held on July 25, 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 Planning Commission 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 Planning Commission 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 (“Administrative Record”).

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

1. The Planning Commission finds and hereby recommends that the City Council find that the Project meets the requirements for an exemption from further environmental review under CEQA pursuant to AB 1449.
2. The Project satisfies the required findings for approval of a general plan amendment, as follows:
 - a. GPA2024-004 is internally consistent with the goals, policies, and actions of the General Plan.
 - b. 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.
3. The bases for the findings are detailed in the July 25, 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. The Planning Commission hereby recommends that the City Council approve GPA2024-004.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on July 25, 2024, upon a motion by Commissioner _____, seconded by Commissioner _____ and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 24-____
DATED: July 25, 2024

Alma Antuna, Chair

ATTEST: _____
Renee Mathis, Secretary

RESOLUTION 24-____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING THAT THE CLOVIS CITY COUNCIL ADOPT A FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.40; AND APPROVE REZONE 2024-003, 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

LEGAL DESCRIPTION:

See **Attachment A**

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

WHEREAS, the City published notice of the public hearing in the *Fresno Business Journal* on July 10, 2024, and mailed public notices to property owners within 800 feet of the Property area on July 10, 2024, more than ten (10) days prior to the hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on July 25, 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 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 Planning Commission 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 Planning Commission 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 (“Administrative Record”).

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

1. The Planning Commission hereby finds and recommends that the City Council find that the Project meets the requirements for an exemption from further environmental review under CEQA pursuant to AB 1449.
2. The Project satisfies the required findings for approval of a rezone, as follows:
 - a. R2024-003 is consistent with the goals, policies, and actions of the General Plan.
 - b. R2024-003 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
 - c. R2024-003 is internally consistent with other applicable provisions of the Development Code.
 - d. 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.
3. The bases for the findings are detailed in the July 25, 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. The Planning Commission hereby recommends the City Council approve R2024-003.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on July 25, 2024, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 24-____
DATED: July 25, 2024

Alma Antuna, Chair

ATTEST: _____
Renee Mathis, Secretary

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.

TOGETHERWITH

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.

TOGETHERWITH

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.

TOGETHERWITH

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
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Luca Trumbull
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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. 2.

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. 2.

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. 2.

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.



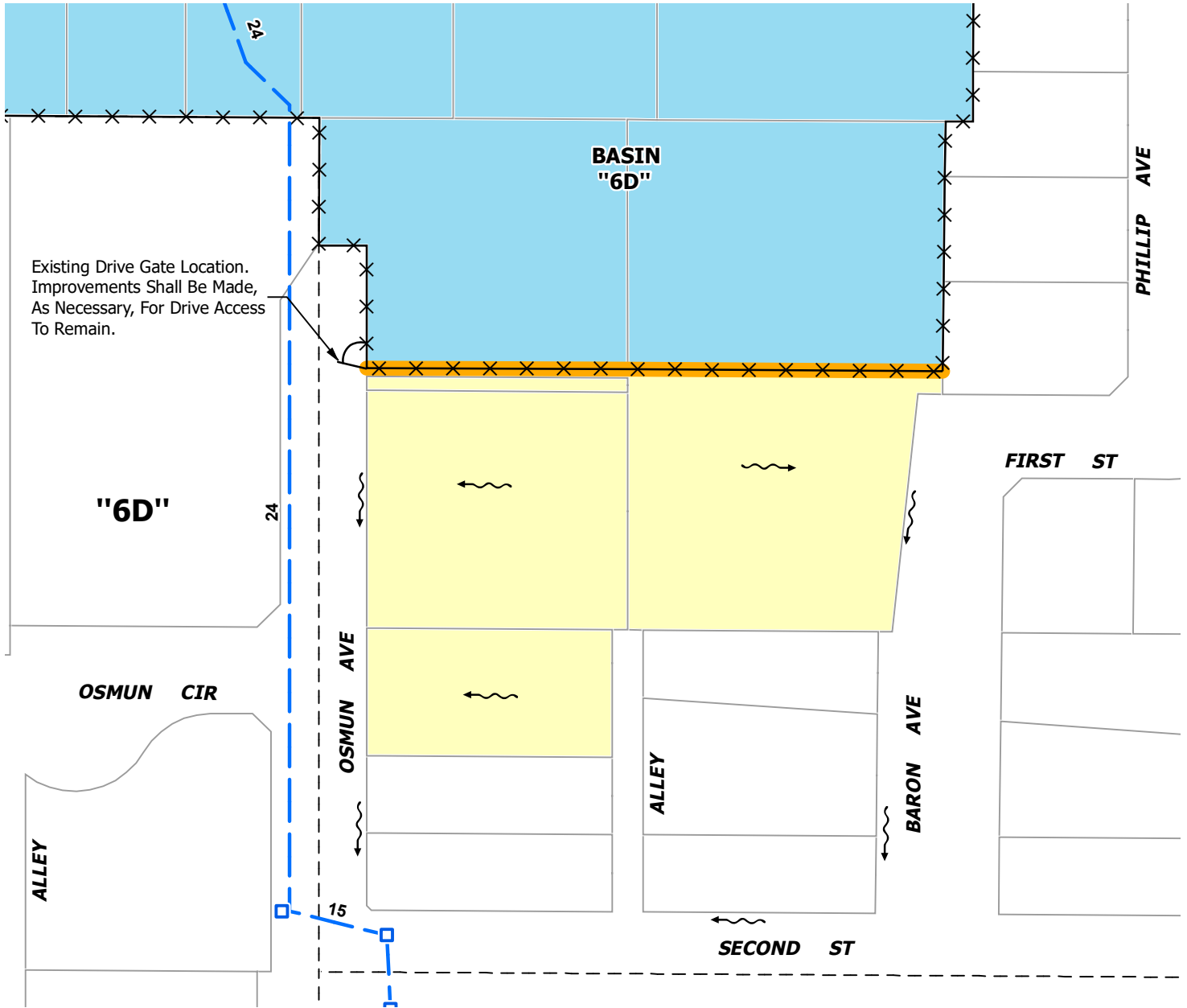
Brent Sunamoto
District Engineer, RCE

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

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- 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 Osmon 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:

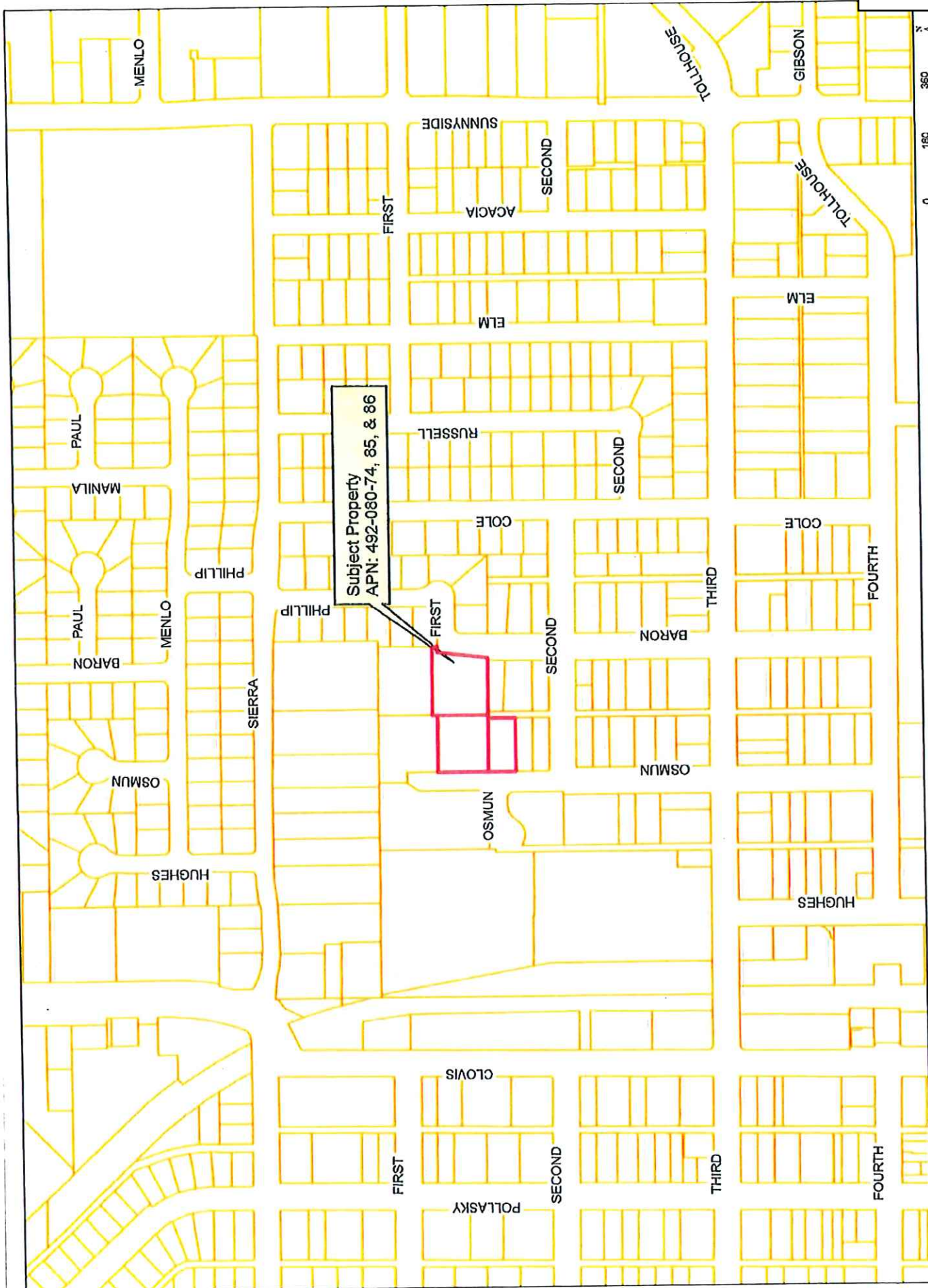
1. FID previously reviewed and commented on the subject property on December 20, 2023, as Development Review Committee Application DRC2023-050, and on July 30, 2018 as Site Plan Review 2018-18. Those comments still apply, and a copy has been attached for your review.

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.

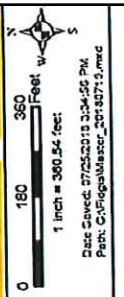
Sincerely,

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
 - Abandoned Canal
 - FIMCD Acquired Basins
 - Other-Creek/River
 - Private Pipeline
 - Private Canal
 - Abandoned Pipeline
 - FIMCD Proposed Basins
 - Other-Pipeline
 - Abandoned Pipeline
 - Railroad
 - Streets & hwy's

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: July 27, 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.*

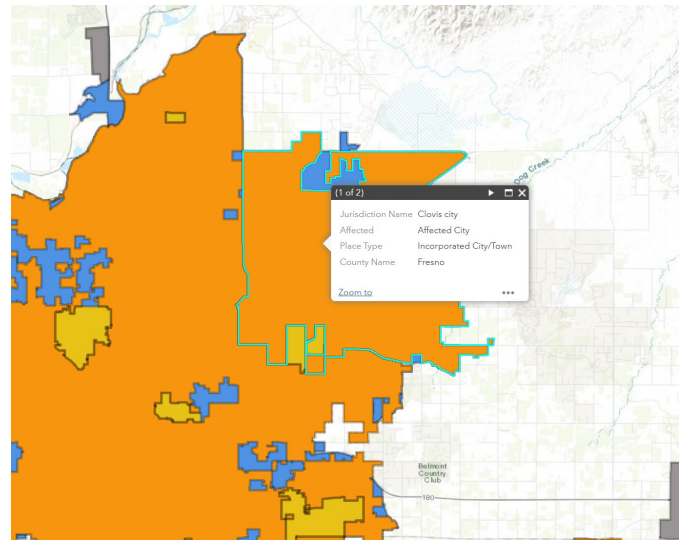
³ Pub. Res. Code § 21080.40(d).

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.

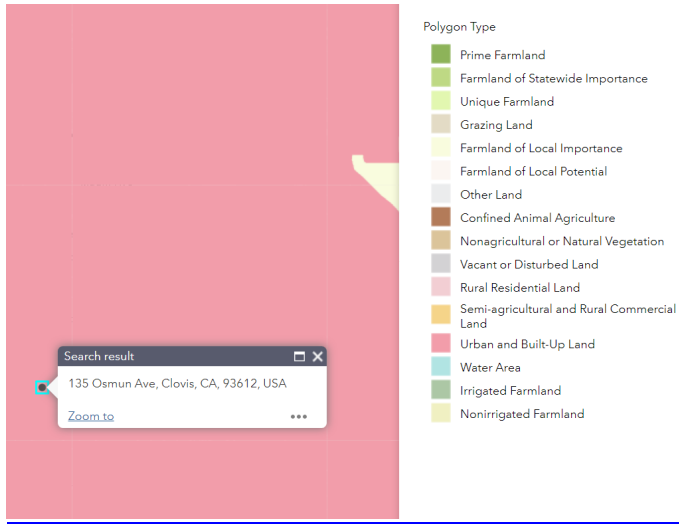


⁵ HCD lists urbanized areas on its SB 330 Affected Cities and Counties Map, found here: <https://cahcd.maps.arcgis.com/apps/webappviewer/index.html?id=5a63b04d7c494a6ebb2aa38a2c3576f5>

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/>

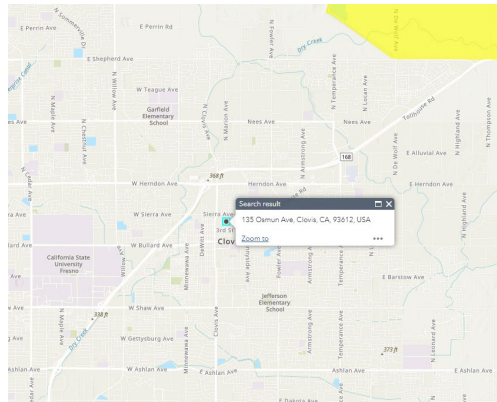
(Section 65913.4(a)(6)(C))



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>

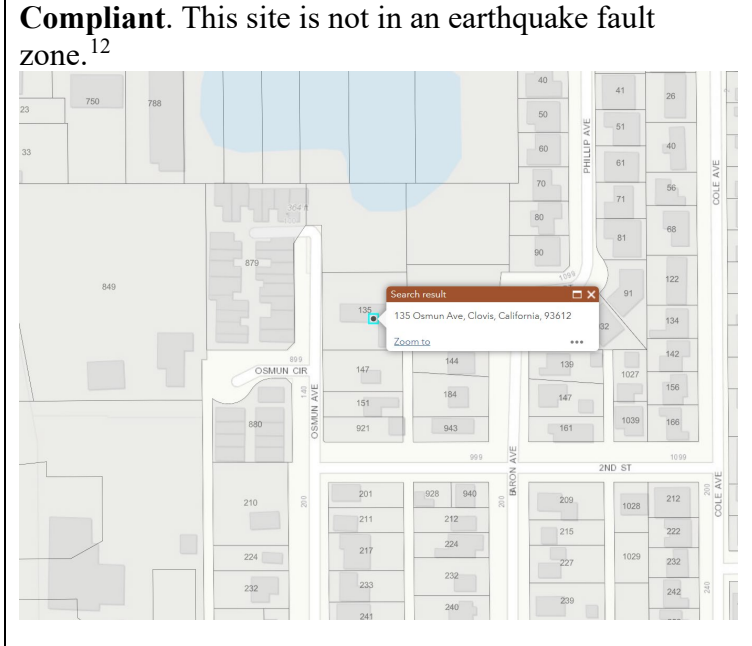
¹¹ The Department of Toxic Substance Control's EnviroStor tool is accessible here: <https://www.envirostor.dtsc.ca.gov/public/map/>. Additionally, the site is not listed in the DTSC EnviroStor database as a hazardous waste site.

(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))

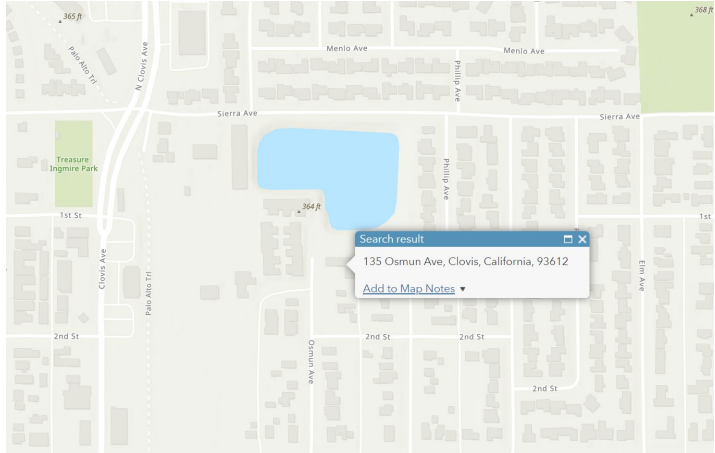


¹² The California Geological Survey’s Earthquake Zones of Required Investigation Map is accessible here: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

<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/>

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.

(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.

(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.

(Section 21080.40(c)(3)(C))

Krazan & Associates (Jan. 9, 2024) at 1 (relevant excerpt provided in Exhibit B).

For a project site where multifamily housing is not a permitted use, all of the following are met:

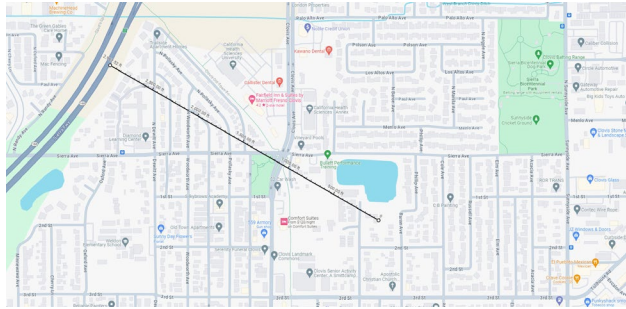
(i) None of the housing is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.

(ii) None of the housing is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

(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.

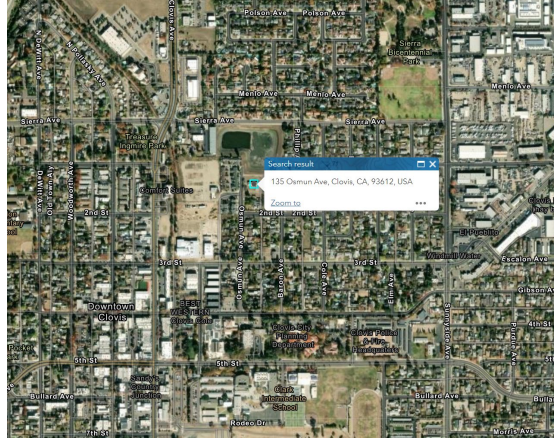
(Section 21080.40(c)(3)(D))

Compliant. The site is over 2,500 feet from a freeway.



There are no active oil or gas refineries within 3,200 feet.¹⁷

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.