

CLOVIS PLANNING COMMISSION MINUTES
May 23, 2019

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

Flag salute led by Commissioner Cunningham

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

Absent: None

Staff: Bryan Araki, City Planner
Orlando Ramirez, Deputy City Planner
Ricky Caperton, Senior Planner
Thad Avery, Associate Civil Engineer/CIP Manager
Sean Smith, Associate Civil Engineer

MINUTES

1. The Commission approved the April 18, 2019, minutes by a vote of 5-0.

COMMISSION SECRETARY

City Planner Bryan Araki informed that agenda items were no longer placed in a Dropbox account but distributed solely through Municode and expressed his hope that all worked well. He also informed that new equipment has arrived for those members of the Commission who wish to take advantage of it, as well as the creation of new email accounts to be devoted solely to Planning Commission business. Finally, he expressed his gratitude to the Public Utilities Department for their hospitality at the barbeque the previous day.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Cunningham seconded City Planner Araki's gratitude for the luncheon, as well as for the City's Employee Appreciation Dinner the previous week. He remarked that the high attendance at both functions emphasizes the teamwork of City staff.

Commissioner Hinkle inquired as to whether there had been any more consideration to placing a stop sign at the intersection of 8th Street and Pollasky Avenue, concerned as he has witnessed two accidents at this location since the first of the year. He expressed his belief that there cannot be a high expense to place north- and south-bound stop signs on Pollasky Avenue. Though the accidents he witnessed were minor fender-benders, he fears the potential for serious injury, especially for school children, in what has become an acceleration zone. Associate Civil Engineer Sean Smith responded that he would look into it and report back to the Commission.

COMMUNICATIONS AND REFERRALS

Items of correspondence related to Agenda Item X-4.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

2. Consider approval Res. 19-___, General Plan Consistency Finding for the Proposed 2019-2020 Community Investment Program.

Associate Civil Engineer/CIP Manager Thad Avery presented the staff report.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Cunningham to approve the General Plan Consistency Finding for the Proposed 2019-2020 Community Investment Program. The motion was approved by a vote of 5-0.

3. Consider approval Res. 19-___, **TM6268**, A request to approve a tentative tract map for a 10-lot single-family residential development for property located on the east side of Clovis Avenue, south of Riordan Avenue. John Sobaje, owner/applicant; Dale G. Mell & Associates, representative.

Commissioner Bedsted entered into the record that Mr. Sobaje is the father of a friend and this will have no influence on his decision.

Senior Planner Ricky Caperton presented the staff report.

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

Dale Mell of Dale G. Mell & Associates, 2090 Winery Avenue, Fresno, provided some background on the project, expressed gratitude to Senior Planner Caperton for the thoroughness of his report as well as his work on the project, and offered to answer questions.

Commissioner Hinkle inquired as to whether there were any plans to replace, in accordance with City policy, the trees that would be removed. Mr. Mell responded that it will depend on individual lot development, but that for the rest, the applicant recognized the City's ordinance and replacement recommendations, assuring that they will be followed.

Commissioner Hinkle followed up by seeking and receiving confirmation that a project requirement would dictate the size of the replaced trees. Mr. Mell confirmed this, then explained, with Senior Planner Caperton, that an alternative would be to pay a fee that would be used to plant trees elsewhere in the city through the parks system, providing details.

Commissioner Hinkle inquired as to whether the fee is annual. Senior Planner Caperton responded in the negative, explaining the nature of the fee.

Commissioner Hinkle followed up with an inquiry as to whether there is anything that would require the homeowner to do anything other than pay a fee. Senior Planner Caperton responded that the tree replacement program would have to come from the applicant before they remove the tree, therefore before the home is developed on that site. He also informed that landscape standards, which would require trees, would have to be complied with as each home gets built.

Commissioner Hinkle stated that the tree replacement program needs to be revisited due to the multi-faceted value of trees, and that he would like to see that happen.

Senior Planner Caperton informed that, earlier this day, Parks Manager Eric Aller visited the project site and performed a preliminary assessment, providing some details of that assessment.

Commissioner Hinkle stated that he understood, but that it is time to look fifty years down the road instead of twenty years in terms of what the City will need. Due to this, he requests the Planning and Development Services Department revisit that and use it to re-address what will be happening with trees in this project.

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

A member of the public inquired about the correspondence received, particularly regarding two-story homes. He inquired as to whether the intent is to build two-story homes on the lots. Mr. Mell responded that currently, the intent is to give the public the option of having two-story homes, therefore leaving it up to the individual buyers. He also remarked that two-story homes are common in this area, and that others should have this option, providing a detailed explanation.

A member of the public expressed gratitude for that clarification, and reiterated his understanding that the ability to build two-story is by-right in this area. He then inquired as to whether there is any intention of renovating an existing fence that may be in poor condition. Mr. Mell responded that this fence belongs to the adjoiner and not to Mr. Sobaje. If it is in need of repair and a new fence is being considered, then, due to liability issues, a new fence would be built behind it or otherwise on Mr. Sobaje's property.

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

Randy Dunne of 897 Loyola Avenue spoke against the project as he objects to a single home being replaced by ten homes and to the possibility of two-story homes overlooking the fence. He stated that it makes no sense that the applicant wants to build high-end homes without taking responsibility for the fence. He finished by stating that this is the first he has heard of this project and he feels that the applicant is trying to pass it without consideration for the neighbors.

Randy Bustillos of 1749 N. Osmun Avenue stated that his yard is immediately on the other side of this project site, and one of the reasons they purchased this house a year ago was for the view from the backyard, which would be blocked and lose trees due to this project. He also expressed concern regarding noise from construction, two-story homes looking into his backyard, and the possibility of the fence being damaged during the construction and not replaced.

Terry Riordan Warth of 1799 N. Osmun Avenue apologized to the audience, stating that when her family sold the property, they were under the impression it would be a single family building on it, not dozens of lots. She inquired as to the reason there were trees on the first map that were excluded from removal (and could easily be kept) and now they are not, giving background on the trees and informing that

statements regarding those trees being dangerous are new and did not come from her family. She expressed concern regarding the state of the fence, stating that it is falling down and she has had to reinforce it on her side. She also expressed concern for privacy if the trees are removed. The properties on Osmun Avenue, including her own, will be negatively impacted by two-story homes. She finished by inquiring as to why the tree plan was changed and if the applicant can give a commitment to mitigate the dust, dirt, and noise generated by demolition.

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

Mr. Mell addressed the tree removal issue in detail, then he addressed the fence issue, finishing with some information regarding lot size and house placement on the lots.

Commissioner Cunningham remarked that Mr. Mell had stated the developer's intention to comply with the City ordinance regarding trees. He also sought and received confirmation that the fence mentioned several times had been built by the gated development west, south, and east of this project, and that it therefore should be maintained by the HOA for that property.

At this point, the Chair closed the public portion.

Commissioner Hinkle stated that the homeowners around this development may want to consider the alternative that would come from state legislative changes, such as twenty homes reaching up to three or even four stories, and that they may wish to go along with this project rather than risk that alternative.

Commissioner Cunningham endorsed Commissioner Hinkle's statements, informing that the legislation referred to is Senate Bill 50, providing details on SB50 and on the pending Senate Bill 48 and what both will allow, encouraging the audience to read both bills.

Commissioner Antuna remarked that there is a lot of legislative activity attempting to address the housing shortage in California that will affect Clovis, without considering the City's nature, but rather focusing on the need for housing. The City is attempting to manage growth responsibly while abiding by rules and regulations being created by the state legislature. She expressed her appreciation for the audience coming and exercising their right to speak, and that though she loves trees and had to fight to keep one particular tree in an area of her home, she understands the developer and their right to develop the property. She also referred to less palatable possible alternatives to this project, echoing her fellow commissioners' comments.

Chair Hatcher inquired as to whether notices are sent out and posted for demolition. City Planner Araki responded that demolition is not a publicly-noticed activity, though it does require a permit, and dust and debris are regulated by the San Joaquin Valley Air Pollution Control District. Concerns can be directly phoned in to the District or phoned in to City inspectors, who will pass on the information. He stated that a provision can be added to include some notification of at least a general timeframe for work.

Chair Hatcher responded that she would like to see such a condition added, then inquired as to why the City did not require a fence around this project. City Planner Araki responded that ordinances do not require fences around single-family properties; however, there is an existing fence that it is part of the HOA, which is responsible for maintaining at least the community fence. It is up to the parties to work out replacement together, as the City generally does not get involved in requiring wooden fences. The developer leaning towards putting up a new fence next to the existing one, which can be removed later, is the path of least resistance.

Chair Hatcher sought and received confirmation that the developer is not required to build fences around the backyards of the new lots unless there is a pool.

Chair Hatcher expressed her gratitude to the members of the public for coming out and her hope that they have understood that the developer can create ten lots by right and build two-story homes by right. The Planning Commission does not have the right to tell them not to build a two-story home. She also expressed regret that the construction of a better fence cannot be conditioned, and that those who live in the development and have observed the fence falling down should contact the HOA, as it is being paid by them to perform tasks such as fence maintenance.

At this point a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve TM6268 subject to modification of notification of any demolition on the property. The motion was approved by a vote of 5-0.

City Planner Araki briefed the public regarding two housing legislative updates to the City Council in the last two meetings, providing the location of the presentation, and encouraged the public to contact local legislators if they have concerns.

4. Consider items associated with approximately 35.43 acres of property located at the southeast corner of Bullard and Leonard Avenues. Las Brisas Builders, Inc., owners; WCP Developers, LLC., applicant/representative.
 - a. Consider Approval, Res. 19-___, **CUP2017-10A2**, A request to approve a conditional use permit amendment for the increase in lots, revise house plans, and a revision in circulation, for a 249-lot single-family Planned Residential Development with public and private streets, gated entry, reduced setbacks, reduced lot widths, and increased lot coverage.
 - b. Consider Approval, Res. 19-___, **TM6186A**, A request to amend an approved vesting tentative tract map, increasing the lot count from 229-lots to 249-lots, for a single-family residential subdivision.

Deputy City Planner Orlando Ramirez presented the staff report.

Chair Hatcher sought clarification, as page 1 of the staff report states that the project will be gated, yet during Deputy City Planner Ramirez's report, he stated that one of the proposed modifications is to make the project ungated. Deputy City Planner Ramirez responded that there had been many modifications and discussions, and the legal notice had already gone out while the staff report was being prepared and thus couldn't be modified.

Commissioner Cunningham noted that on page 107 of the agenda packet, second paragraph, 'on October 1st, 2019' should read '2017.'

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

Adrienne Burns, Vice President of Forward Planning and Land Development for Wathen-Castanos Homes, expressed gratitude for staff, provided background on the revisions, and offered to answer any questions.

Commissioner Cunningham inquired as to which company was the initial developer. Ms. Burns responded that it had been Granville Homes.

Commissioner Cunningham followed up with an inquiry as to the reason for Granville stopping midway. Ms. Burns responded that she cannot say, only that it was an opportunity that came before Wathen-Castanos.

Commissioner Cunningham sought confirmation that the applicant understands that their proposal rolls the project back to 'square one' in terms of interaction with the community around the site. Ms. Burns responded that she hopes it is not 'square one,' as they have been in communication with City staff and have been made aware of the neighbors' concerns as well as receiving correspondence.

Commissioner Cunningham inquired as to how many community meetings the applicant had held with the surrounding area residents. Ms. Burns replied that they had not held any community meetings on this project, as they remained in compliance and did their best to minimize the changes to the tract.

Commissioner Cunningham noted that this applicant is seeking to increase the lot count from 229 to 249, and inquired as to whether they were aware that the previous applicant had done the exact reverse. Ms. Burns responded that they were aware but did not understand the circumstance behind the change, and that when they do a land plan, especially when changing circulation, they try to find the best land plan while maintaining consistency with zoning and the general plan.

Commissioner Cunningham expressed appreciation for Ms. Burns' remarks, then noted that as the applicant is going into a site partly-bordered by an established community, it seems common sense to him to perform outreach and to attempt to mitigate recognized issues before the project reaches the Planning Commission. Not doing so puts the Commission in a difficult position. He also informed that the proposal of placing sidewalks on one side of the streets contradicts a decision made in a joint meeting with the City Council, to require sidewalks on both sides of streets, especially public streets. Ms. Burns informed that the project will remain a PRD despite the lack of gating and requested that the Commission take into consideration the pedestrian circulation pattern as initially proposed in the prior map.

Commissioner Cunningham remarked that though he cannot speak for the other commissioners, he would definitely vote 'no' on this project due to it lacking sidewalks on both sides of the streets. Ms. Burns expressed gratitude for his honesty.

Commissioner Hinkle sought confirmation that Granville had passed on information regarding all of the considerations they had agreed to in discussions with the City and the area citizens. Ms. Burns responded that Wathen-Castanos's review of the considerations was done through review of the conditions of approval and through direct correspondence with the City.

Commissioner Hinkle again sought confirmation that the applicant was aware of the considerations. Ms. Burns responded that they were aware that the lot number had been reduced and she did not know what other considerations were being referred to. Wathen-Castanos had taken the conditions of approval into consideration and attempted to minimize the changes to the map.

Commissioner Hinkle sought confirmation that the applicant was aware that the conditions of approval resulted as an agreement reached by Granville, the City Council, and the neighboring citizens, for the total development. Ms. Burns responded that she was unsure as to what he was referencing.

Commissioner Hinkle sought and received confirmation that the applicant is aware of everything that was approved by the City Council previously for this development. He then sought and received confirmation that the applicant is aware that many of those approvals resulted from meetings with the nearby homeowners, so that it was a joint meeting of minds, with the actions of the Planning Commission therefore being transparent and ensuring that all are in agreement.

Commissioner Hinkle inquired as to the side yard setbacks on the small lots. Ms. Burns responded that they will be four feet on both sides.

Commissioner Hinkle inquired as to whether the applicant was aware of how first responders would enter a backyard if trash containers are placed behind the fence. Ms. Burns responded that this had already been addressed previously with the Planning Commission, when the side setbacks were changed from five-feet and three-feet to four-feet on both sides. The applicant had had first responders on site at that time who had stated that they had no issue accessing the yard, thereby leading to the Planning Commission approving those side yard setbacks.

Commissioner Hinkle stated that discussions since then revolving around ensuring first responder access found such access almost impossible with the trash totes in place, resulting in him being troubled by the side yard setbacks. Ms. Burns responded that she appreciated his honesty, and that another issue with the three-foot side setback was that it did not meet building codes, which had been their primary reason for changing to four-feet on both sides.

Chair Hatcher sought clarification regarding the original agreement for seven single-story lots and the new proposal keeping only four of them. Ms. Burns explained the reasoning behind the difference in their chosen number lots to restrict to single-story from the original map and how they have remained in compliance with the original intent behind the restriction.

Chair Hatcher sought confirmation that the intent behind the restriction was not in regards to numbers but rather in regards to location. Deputy City Planner Ramirez provided clarification on the issue.

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

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

Kathy Ferrasci of 8427 and 8403 E. Bullard Avenue stated that she did not understand why the applicant could not stay with the previously-approved plan, as one everyone had agreed on. Then she inquired as to what happens to this land if it is never able to get out of the FEMA flood zone.

Jason Andrews of 5825 N. Leonard Avenue informed that the construction entrances for this project and for an adjacent Bonadelle development are in front of his house. He stated that one of the mitigations from the original Granville proposal was the relocation of the development entrance, the location of which is a major concern for his family, especially with the adjacent Bonadelle development. He also expressed concern regarding the proposed median on Leonard Avenue and the effect it would have on his ability to access his property. The street has been in a state of construction for two years, which leads him to wanting this development to begin. On the other hand, he also wants previous agreements to be honored. Finally, he remarked that it is interesting to him that the original applicant owns the property but a new developer will be doing the building, and he wondered if returning to the previous developer would prompt a return to the previous, agreed-on and approved proposal.

Blanca Neves of 734 Agua Dulce expressed her concern that there is backpedaling on issues previously agreed on. She and her family moved into the Bonadelle development in part because they were told that this site under review would hold a gated community. She looks forward to the resolution of several problems that would result from construction being completed, and pleads for the development to actually happen while returning to what was previously approved. As a possible concession, she suggested leaving Outlot E as a closed, fenced off area only open to emergency vehicle access, believing that more exit points add to traffic congestion and safety issues. She also requested that the Planning Commission

rectify the fact that only two property owners on Agua Dulce Avenue were offered the opportunity to restrict the lots behind them to single-story construction, despite there being approximately seventeen such property owners, including herself.

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

Ms. Burns addressed the various issues that had been brought up.

At this point, the Chair closed the public portion.

Commissioner Antuna sought clarification from staff regarding the median and traffic circulation issues. Assistant Civil Engineer Smith provided a detailed explanation.

Commissioner Cunningham expressed his understanding and sensitivity to the ongoing situation of the area homeowners and remarked that, though Wathen-Castanos is a reputable builder, and with no disrespect to Ms. Burns, he is uneasy with this proposal. The previous developer had worked well and reached at least acquiescence with the neighbors, but the current developer seems to be displaying, to his mind, an attitude that they can disregard the neighbors as long as they comply with regulations and laws. He finds this unfortunate and believes that the City Council will have an interesting reaction to such an attitude. He is struggling with the changes that seem diametrically opposed to the previous project and so will vote against this proposal.

Commissioner Hinkle expressed agreement with many of Commissioner Cunningham's statements. Commission and Council have spent a lot of time on this project but the developer has not spent any time at all talking with the neighbors. Part of Clovis is everyone sharing ideas to create communities everyone can be happy with, yet he sees none of that with this project. He stated his belief that not having sidewalks on both sides of the street will create ADA problems. People often become handicapped later in life, after purchasing a home, and so simply buying a house on the side with sidewalk isn't a feasible option. He is against developments with single-side sidewalks, and knowing that one of the initial problems with the original proposal was lack of communication, he has a hard time voting for this project.

Assistant Civil Engineer Smith pointed out for the Commission's consideration that one of the Engineering Division conditions requires sidewalks on both sides of the streets, as the Division is under the impression that the applicant can make it work.

Commissioner Bedsted remarked that, as the newest member of the Commission, he prefers to get the history of projects and staff did a good job of providing that, allowing him to learn from precedents already set. He expressed appreciation for staff's report and for the applicant's rationale for how they reached the changes they've proposed. However, he shares his fellow commissioners' wish for more collaboration with the neighbors, as there had been a lot of such before the original project approval. Both the residents and the Commission want to see this area built out, and the Commission wants to promote responsible growth. Inherent in that is collaborating with neighbors, especially on something that may be controversial. It is hard for him to not hear the voice of the neighbors, who feel like the goal line was moved; happy or not, everything had been settled before and now it is no longer. Clovis is promoted as bike-able and walkable, and the Commission takes safety seriously. He would like to see this move forward but shares in the concerns he has heard tonight and believes there was a better approach to be taken.

Commissioner Antuna inquired as to whether this project could be continued to a date uncertain rather than taking a vote, as the Commission wishes for there to be more communication between the developer

and the neighbors without starting over again from the beginning. City Planner Araki provided several options available to the Commission.

Chair Hatcher inquired of the applicant as to whether they would like to be offered a continuance after seeing how the meeting had been going, or if they would prefer that the Commission take a vote. Ms. Burns responded that they would be willing to do sidewalks on both sides of the streets, and that though it may have been shortsighted of them not to have any neighborhood meetings, it had been their understanding that a lot of work and effort, including neighborhood outreach and negotiations, had gone into putting together the original conditions, so they took that as being what the neighborhood had agreed to. She concluded by asking for a vote.

Chair Hatcher sought and received confirmation that the applicant was aware that having sidewalks on both sides would not be an issue, as it is a condition of approval and therefore going forward their land plan would have to include them.

Chair Hatcher expressed her understanding that Wathen-Castanos was put in a hard spot, taking ownership when their lot sizes and houses are different from those of the original developer, which enables them to fit twenty more houses on the site. She expressed agreement with Ms. Burns' statement that it was maybe shortsighted not to have any communication with neighbors, knowing that getting input from the City Council and the neighbors in terms of lot sizes and count had a substantial effect, and that the lot count is just one small portion of the changes from what had been presented before. She is glad to see full driveways, as that has been a previous point of contention for the Commission, as well as sidewalks on both sides. However, she agrees with her fellow commissioners that there needs to be more outreach and communication, and expressed that she also cannot vote for the project as presented tonight.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to deny CUP2017-10A2. The motion to deny the project was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to deny TM6186A. The motion to deny the project was approved by a vote of 5-0.

OLD BUSINESS

None

NEW BUSINESS

5. Receive, Update on the North Kings Groundwater Sustainability Agency related to the Sustainability Groundwater Management Act. Verbal presentation - No staff report.

Adam Claes, Fresno Irrigation District, North Kings Groundwater Sustainability Agency, presented the update.

Commissioner Cunningham inquired as to whether the basin is a geopolitical entity. Mr. Claes confirmed this, providing some details.

Commissioner Cunningham followed up with an inquiry into whether this is in concert to sustain our aquifer, and how large the aquifer is. Mr. Claes confirmed this and provided details regarding the size of the aquifer.

Commissioner Hinkle inquired as to whether a possible future requirement for water meters on wells on the west side, in the Westlands Water District, is likely to be pushed out to all areas if implemented. Mr. Claes responded with a detailed explanation.

Commissioner Hinkle inquired as to whether there had been any further, recent discussion regarding Temperance Flat, as it has been said that the project would solve up to 90% of California's water problem yet it will likely never be done due to politics. Mr. Claes responded that there had been a lot of discussion on the topic, providing details.

6. Special Meeting Request for July 11, 2019.

City Planner Bryan Araki presented the request.

Commissioner Bedsted sought and received confirmation that this would be in addition to the regularly scheduled meeting on July 25, 2019.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Bedsted to approve the conduction of a special meeting on July 11, 2019. The motion was approved by a vote of 5-0.

ADJOURNMENT AT 8:22 P.M. UNTIL the Planning Commission meeting on June 27, 2019.



Amy Hatcher, Chair