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# CITY of CLOVIS

## AGENDA • PLANNING COMMISSION

**Thursday, October 25, 2018**

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2340

[www.cityofclovis.com](http://www.cityofclovis.com)

Commission Members: Paul Hinkle, Chair, Amy Hatcher, Chair Pro Tem, Alma Antuna, Brandon Bedsted, Mike Cunningham

The Planning Commission welcomes you to this meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate at this meeting, please contact Planning Division staff at (559) 324-2340. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City of Clovis Planning Division, located in the Planning and Development Services building, between 8:00 a.m. and 3:00 p.m. Monday through Friday. In addition, such writings and documents may be posted on the City's website at [www.cityofclovis.com](http://www.cityofclovis.com).

### ABOUT THE MEETING

The Planning Commission consists of five Clovis residents appointed by the City Council to make decisions and recommendations on City planning issues. Decisions made by the Planning Commission may be appealed to the City Council.

After the approval of minutes, the Chairperson of the Planning Commission will ask for business from the floor. If you wish to discuss something which is NOT listed on the agenda, you should speak up at this time.

Next, the Planning Commission will discuss each item listed on the agenda. For the items on the agenda which are called "public hearings," the Planning Commission will try to follow the procedure listed below:

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing. Once this is complete, the Chairperson will close the public hearing and the Commission will discuss the item and cast their votes.

If you wish to speak on an item, please step to the podium and clearly state your name and address for the record. The Planning Commission wants to know how you feel about the items they are voting on, so please state your position clearly. In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition to the project will be limited to five minutes per person. In order for everyone to be heard, please limit your comments to 5 minutes or less.

\* \* \* \* \*

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- 1. Minutes from the September 27, 2018, Meeting

Recommendation: Approve

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

COMMUNICATIONS AND REFERRALS

BUSINESS FROM THE FLOOR

This is an opportunity for the members of the public to address the Planning Commission on any matter that is not listed on the Agenda.

CONSENT CALENDAR

- 2. Consider Approval, **TM6076**, A request to approve the second one-year extension to an approved tentative map for property located at the northeast corner of Dakota and Clovis Avenues. Clovis Colony Investors, LLC, owner/applicant.

Staff: Bryan Araki, City Planner  
Recommendation: Approve

PUBLIC HEARINGS

3. Consider Approval, Res. 18-\_\_\_, **CUP2017-10A**, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.

Staff: Orlando Ramirez, Deputy City Planner  
Recommendation: Approve

4. Consider Approval, Res. 18-\_\_\_, **CUP2018-04**, A request to approve a conditional use permit for a 10-unit multiple-family condominium complex for the property located at 1855 Austin Avenue. Mohamed Annan, owner/applicant; Elias Saliba, Architect, representative.

Staff: Orlando Ramirez, Deputy City Planner  
Recommendation: Approve

5. Consider Approval, Res. 18-\_\_\_, **CUP2018-09**, a request to approve a conditional use permit for a new tire sales and service facility located on a portion of a 12.9 acre property located at the northeast corner of Herndon and Helm Avenues. Peter Klein Trustee, Owners; America’s Tire, Halle Properties, applicant; Sol Development, representative.

Staff: Orlando Ramirez, Deputy City Planner  
Recommendation: Approve

6. Consider Approval, Res. 18-\_\_\_, **CUP2018-10**, A request to approve a conditional use permit for a bar with ancillary micro brewing at 2700 Clovis Avenue, suites 103 and 104. Rodney and Dana Heinrich, owners; Ish Brewing Company, LLC., applicant.

Staff: Lily Cha, Assistant Planner  
Recommendation: Approve

ADJOURNMENT

<b>Meetings and Key Issues</b>			
October 25, 2018	6:00 P.M.	Regular Meeting	Council Chamber
November 5, 2018	6:00 P.M.	Joint Meeting with Council	Council Chamber
November 15, 2018	6:00 P.M.	Regular Meeting	Council Chamber
December 20, 2018	6:00 P.M.	Regular Meeting	Council Chamber
January 24, 2019	6:00 P.M.	Regular Meeting	Council Chamber
February 28, 2019	6:00 P.M.	Regular Meeting	Council Chamber

CLOVIS PLANNING COMMISSION MINUTES  
September 27, 2018

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

Flag salute led by Commissioner Cunningham

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

Absent: None

Staff: Bryan Araki, City Planner  
Orlando Ramirez, Deputy City Planner  
George Gonzalez, Associate Planner  
Lily Cha, Assistant Planner  
Maria Spera, Planning Technician II  
Joyce Roach, Planning Assistant  
Sean Smith, Associate Civil Engineer  
Michael Linden, Assistant City Attorney

MINUTES

1. The Commission approved the August 23, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

City Planner Bryan Araki reminded the Commission that on October 1<sup>st</sup> will be a City Council joint meeting with Clovis Unified School District and they are welcome to attend, and also that the following month will be the joint Council-Commission meeting.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Antuna expressed gratitude to the Planning and Development Services Department for allowing the Commission to be part of the Hall of Fame dinner honoring PDS Director Dwight Kroll, and praised the video presented during the dinner.

Commissioner Cunningham echoed the comments.

COMMUNICATIONS AND REFERRALS

Items related to Agenda Items X-4, X-6, and X-7.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

## PUBLIC HEARINGS

2. Consider approval Res. 18-\_\_\_, **CUP2018-04**, A request to approve a conditional use permit for a 10-unit multiple-family condominium complex for the property located at 1855 Austin Avenue. Mohamed Annan, owner/applicant; Elias Saliba, Architect, representative.

Deputy City Planner Orlando Ramirez requested a continuance to the October 25, 2018, Planning Commission meeting.

Applicant Mohamed Annan confirmed his request for a continuance, explaining that it is to allow him time to work with neighbors.

Chair Hinkle expressed gratitude to Mr. Annan for working with his neighbors on this project.

At this point, the Chair opened the floor to anyone wishing to speak on this.

There being none, the Commission approved by consensus to continue the project to October 25, 2018.

3. Consider approval Res. 18-46, **V2018-02**, A request to approve a variance to reduce the street side setback requirements of the R-1 (Single-Family Medium Density) Zone District for lot 110 of Tract 6181, located at the northeast corner of Shaw and Leonard Avenues. Century Communities, applicant/owner; Urpi Arriola, representative.

Planning Technician II Maria Spera presented the staff report.

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

Dennis Gaab with Century Communities, 7815 N. Palm Avenue, Fresno, provided a brief background statement and offered to answer any questions.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Bedsted and seconded by Commissioner Hatcher to approve V2018-02. The motion was approved by a vote of 5-0.

4. Consider items associated with approximately 18.13 acres of land located at the northeast corner of Ashlan and Locan Avenues. Peter G. & Laura L. Herzog Trs., Sunrise Baptist Church of Clovis, CA, owners; Wilson Premier Homes, Inc., applicant; Harbour & Associates, representative.
  - a. Consider Approval, Res. 18-47, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-01, Rezone R2018-07, and Vesting Tentative Tract Map TM6225.

- b. Consider Approval, Res. 18-48, **GPA2018-01**, A request to amend the General Plan and Loma Vista Specific Plan to re-designate approximately 11.37 acres of land from Public/Quasi-Public Facilities classification to Medium High Density Residential (7.1 to 15.0 DU/Ac) classification.
- c. Consider Approval, Res. 18-49, **R2018-07**, A request to approve a rezone of approximately 18.13 acres of land from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-PRD (Planned Residential Development) and P-F (Public Facilities) Zone Districts.
- d. Consider Approval, Res. 18-50, **TM6225**, A request to approve a vesting tentative tract map for a 94-lot single-family planned residential development on approximately 11.37 acres of land.

Associate Planner George Gonzalez presented the staff report.

Commissioner Cunningham inquired as to how many tract maps the Commission has approved lacking sidewalks as this project proposes. Associate Planner Gonzalez referenced a recent Woodside project.

Commissioner Cunningham pointed out that one difference is the lack of proposed gating for this project, expressing concern regarding traffic entering and exiting the development and potentially endangering pedestrians due to the lack of sidewalk. City Planner Bryan Araki provided examples of similar, previously-approved projects.

Commissioner Cunningham asked if the discussion of streets will be part of the joint meeting with the City Council. City Planner Bryan Araki indicated that it was likely it will be part of the discussion.

Commissioner Hatcher inquired as to what sorts of uses could be developed on this property if the designation remained Public/Quasi-Public Facilities. Associate Planner Gonzalez provided some examples.

Commissioner Cunningham inquired as to the proposed use for the previous, denied project at this location in 2013. Associate Planner Gonzalez responded that the denial was for a senior housing facility with ancillary commercial uses. City Planner Araki clarified that this previous project was for the southern third of the project site.

Chair Hinkle sought and received confirmation that a lot line adjustment not only would be needed between the church property and the south end property in order to straighten out the border between them, but that it had already been completed.

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

Dirk Poeschel of 923 Van Ness Avenue, Fresno, provided some background information on the project and offered to answer questions.

Commissioner Cunningham inquired as to the thought process behind the lack of sidewalks in the project. Mr. Poeschel provided an explanation.

Commissioner Cunningham followed up by seeking and receiving confirmation that the development would be ungated. He expressed concern about there being nothing to prevent speeders from traversing the development streets, then inquired as to the width of the streets. Mr. Poeschel responded that the streets are a typical width, thirty-six feet curb-to-curb.

Chair Hinkle corrected the applicant regarding the placement of the trail on the east side of the project site.

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

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

Blake Simon of 2950 Richert Avenue stated that he had attended a meeting with the applicant, expressed concern regarding the proposed density of the project and potential overflow parking, and also regarding the change to the view from his property.

Chair Hinkle inquired as to Mr. Simon's opinion regarding the placement of four-story, fifty foot tall buildings on the subject property. Mr. Simon responded that such a development would be out of place. Chair Hinkle followed up with a recommendation that Mr. Simon stay for the end of the meeting in light of that view, explaining that similar concerns have been raised before the Planning Commission previously and that sometimes it is better to accept the project before you than what may come down the road. He recommended Mr. Simon remain to learn what will be the other option for this site.

Chris Gardner of 3070 Holland Avenue, who had submitted an item of correspondence, expressed concern regarding the lack of paseos in the project and the density change, particularly on the north end of the project, stating that the setbacks, lot widths, and lack of sidewalks and paseos are all inadequate. He also stated that he had driven through a similar neighborhood as indicated by a letter from the applicant, and found it overcrowded by cars with limited mobility due to street widths and setbacks, referencing a similar approved McCaffrey project with parking overflowing onto Locan Avenue.

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

Mr. Poeschel stated that the letter referenced by the Mr. Gardner is for the Elevations project, not this one, and clarified the differences between the two projects regarding street widths, setbacks, and parking space.

At this point, the Chair closed the public portion.

Commissioner Hatcher inquired as to whether there is reason to be concerned regarding correspondence from Clovis Unified School District stating that it cannot necessarily accommodate the population change associated with the proposed rezoning. Associate Planner Gonzalez responded that similar letters have been received in the past for residential projects and that they reflect concern rather than opposition and a continuing discussion between the city and the school district.

Chair Hinkle sought confirmation that a recent announcement had been made regarding a new school east of the subject site. City Planner Araki responded that a new elementary school is

under construction and a high school campus would be further developed, both south of the project site. The school district has some room in their numbers but are monitoring the situation closely as attendance is getting close to being impacted.

Commissioner Antuna inquired as to the mechanism for determining contribution to public parks for an infill project such as this. Associate Planner Gonzalez and Leo Wilson of 7550 N. Palm Avenue, Fresno, provided an explanation.

Chair Hinkle sought confirmation that, as this site is not be part of the paseo system, the applicant only needs to provide access. City Planner Araki provided clarification on this and on the issue of treatment of the entries to identify them as private streets.

Chair Hinkle inquired as to the necessity of restricting left turns at the south end of the tract map, where Locan Avenue connects to Ashlan Avenue, for traffic safety. Associate Civil Engineer Sean Smith explained that there is an Engineering condition to place a physical median at that point to prevent left-in left-out turns too close to the signal light.

Chair Hinkle inquired as to whether there will be paving walkways to facilitate the transport of totes from streets to back yards, as the laying of bark seems to discourage this transport, resulting in the totes remaining on the streets in other projects nearby. He intends to bring up the issue of requiring this from now on in the joint City Council meeting.

Commissioner Cunningham inquired as to whether the subject of no sidewalks had come up in discussions with the Police Department regarding this project, as he is concerned about pedestrian safety. City Planner Araki responded that the issue occasionally comes up but is generally not an issue with staff, providing details on which aspects of traffic were examined more closely and why.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve a finding of a Mitigated Negative Declaration for GPA2018-01, R2018-07, and TM6225. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve GPA2018-01. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve R2018-07. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve TM6225 with a modification to setbacks standard. The motion was approved by a vote of 5-0.

5. Consider approval Res. 18-51, **CUP2018-08**, A request to approve a conditional use permit to allow for the addition of two modular buildings (a classroom and library) and an increase in the number of students from 120 students to 220, at an existing private school facility located at 108 N. Villa Avenue. Charlie Keyan Armenian Community School, owner/applicant; Shaunt Yemenjian, AIA, representative.

Deputy City Planner Orlando Ramirez presented the staff report.



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

Shaunt Yemenjian of 5280 N. Vicewood Avenue, provided background on the project and offered to answer questions.

Commissioner Bedsted sought and received confirmation as to the start and stop times for the school. Mr. Yemenjian also mentioned that a neighbor had expressed concern regarding basketballs going over the fence, hence the relocation of the basketball court to be adjacent to the Japanese church parking lot to the northwest.

Commissioner Bedsted stated that he had noticed that the staff for a daycare down the street tended to park on the street and inquired as to how many of the school's staff also parked on the Villa Avenue, as that type of overflow parking tended to cause traffic issues. Mr. Yemenjian provided details regarding the school's parking situation.

Curtis Shamlin of 434 E. Cole Avenue, Fresno, the principal of the school, also provided background information on the project.

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 Hatcher and seconded by Commissioner Antuna to approve CUP2018-08. The motion was approved by a vote of 5-0.

6. Consider approval Res. 18-\_\_\_, **CUP2018-10**, A request to approve a conditional use permit for a bar with ancillary micro brewing at 2700 Clovis Avenue, Suites 103 and 104. Rodney and Dana Heinrich, owners; Ish Brewing Company, LLC., applicant.

Assistant Planner Lily Cha requested a continuance to the October 25, 2018, Planning Commission meeting.

Commissioner Cunningham inquired as to the identity of the writer of one of the pieces of correspondence in the memo supplied to the Commission regarding this item. Assistant Planner Cha responded that the correspondent had not provided their information.

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

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

Camelia Brown of 266 Dewitt Avenue, writer of the aforementioned anonymous email, expressed her desire to have her questions regarding the operation of the brewery answered as she would in effect have a bar in her backyard. She also expressed concern for the early-rising, hard-working residents of the neighborhood due to potential noise from the business.

Commissioner Cunningham stated that he had driven by the subject site and noticed that the alleyway separating the businesses from the residences to the west (including Ms. Brown's) was blocked off and appeared to be in disrepair. He inquired of Ms. Brown as to whether, to her

knowledge, any vehicles were permitted in the alley. Ms. Brown responded that as far as she knows, no vehicles are allowed there, but that there has been significant noise from the businesses using the alley like a backyard.

Commissioner Cunningham apologized, explaining that he dislikes receiving anonymous correspondence. Ms. Brown apologized, explaining that she had written the email in a hurry during her lunch break. Assistant Planner Cha pointed out that she did respond to Ms. Brown's email and provided the project's operational statement, which includes the operational hours. Ms. Brown responded that she hadn't yet had a chance to read that response.

Chair Hinkle invited Ms. Brown to return on October 25<sup>th</sup> and to check online to ensure that the project would be scheduled for that session.

Commissioner Hatcher pointed out a typo in the staff report.

At this point, the Commission approved by consensus to continue the project to October 25, 2018.

7. Consider approval Res. 18-52, **CUP2018-11**, A request to approve a conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue. Hodges Investment Group, LLC, owner; Shanna Collotzi and Jeff Spraetz, applicants.

Planning Assistant Joyce Roach presented the staff report.

Commissioner Antuna sought and received confirmation that the submitted parking agreement meant that the applicant would be able to use Flooring Liquidator's parking lot after the business closes.

Commissioner Antuna followed up with an inquiry into the operational hours for Flooring Liquidators. Planning Assistant Roach responded that staff did not have that information was not available at this time.

Commissioner Antuna inquired as to the proposed hours of operation for the event. Planning Assistant Roach responded with the proposed hours.

Commissioner Antuna sought and received confirmation that the applicants intend to hold an event during Rodeo Week that would include live entertainment and food vendors.

Commissioner Antuna expressed concern regarding the limited parking and the traffic intensity of Clovis Avenue.

Commissioner Cunningham sought and received confirmation that the photos in the memo provided for this item were sent anonymously. He noted for the record that, if the photos are considered, there are no dates to indicate that the photographed flyer and activity are for this year rather than a different one, especially as he had driven by the site three days previous and noted no such facility present. Assistant Planner Cha responded that staff had driven by the site the previous day and noted that the site had been enclosed, and that the tent in the pictures was up this morning. Commissioner Cunningham expressed his objection to anonymous correspondence based on lack of ability to verify and lack of dates.

Commissioner Bedsted inquired as to whether there is a condition requiring each event be fenced in or enclosed. His concern was for the safety of children there for the attractions, with the level of traffic intensity on Clovis Avenue. Assistant Planner Cha responded that there is no such condition of approval currently, as the submitted site plan indicated gating around the property, but that such a condition could be added if the Commission wished. In addition, the subject site is currently fenced off by chain link fence, which may be visible in the memo photos.

Commissioner Hatcher inquired as to how many parking stalls would be available if the project is approved. City Planner Araki deferred this question to the applicants.

Chair Hinkle inquired as to when this project was brought to staff for consideration and addition to the Planning Commission agenda. Assistant Planner Cha responded that the proposal had been put forward for Development Review Committee in mid-August. Chair Hinkle sought and received confirmation that it was not in time for the previous Planning Commission meeting, with the September meeting being the earliest able to accommodate the project with proper noticing.

Chair Hinkle inquired as to whether approval of this conditional use permit would invalidate the previously-approved conditional use permit for vehicle sales. City Planner Araki responded that it would not, explaining that that approval was grandfathered in with the zoning of the property.

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

Shanna Collotzi of 841 Clovis Avenue provided background on the project.

Chair Hinkle sought and received confirmation that the applicant understands the process for acquiring a conditional use permit, then inquired if the applicants felt that they had the right to circumvent this process, putting up the tent before going through the necessary steps for approval. Ms. Collotzi apologized, having believed that it would be acceptable to secure the area and put up the tent in order to meet the October event dates, with the understanding that they would have to take down the tent if the project did not receive approval.

Chair Hinkle expressed dissatisfaction with the applicants circumventing the process, stating that such actions raise doubt for him that they will respect rules or adhere to conditions that are set for the project. Ms. Collotzi again apologized, stating that they were working with Associate Civil Engineer Smith regarding ADA improvements and that she didn't realize they would be circumventing the conditional use permit process.

Chair Hinkle inquired as to whether the applicants intend to run any events in conflict with Big Hat Days or other functions put on by other organizations. Ms. Collotzi responded in the negative, providing an explanation.

Commissioner Cunningham echoed the concerns of the Chair, citing a case of a different conditional use permit wherein the applicant performed the work before their request to do so was heard by the Commission.

Commissioner Cunningham sought and received confirmation that objects visible in the memo pictures are boxes of pumpkins. He expressed dissatisfaction with everything being set up for the first event before the project has been heard by the Commission, as that is not how the

process works. Ms. Collotzi responded that they had been hoping to have their project heard during the August Planning Commission meeting and had not understood in the Development Review Committee meeting that they were too late for that.

Commissioner Hatcher inquired as to whether the applicants own the subject property, thereby granting them the right to put up a tent. Ms. Collotzi explained that the property is owned by Hodges Investment Group, from whom they lease it for their day-to-day business. City Planner Araki confirmed that there is a process for businesses to put up tents, seasonal decorations are encouraged, and that staff would want to review fencing through a permitting process. He also confirmed that the applicants are aware that they were taking an expensive risk, and that there were timing issues with scheduling this project for Planning Commission. Deputy City Planner explained that the Fire Department had done a preliminary inspection that found no issues, but that it would be formalized on Monday, October 1<sup>st</sup>.

Commissioner Antuna expressed concern regarding small children being attracted to events on a street busy enough that she herself sometimes has difficulty getting out of her car when parked on Clovis Avenue due to the frequency and speed of traffic. She expressed approval of this type of project but is concerned about the location, due to that safety issue as well as concern over how the project events would affect traffic flow on Clovis Avenue. Ms. Collotzi echoed the concern for the safety of small children, providing some statements regarding traffic and parking for the site.

Associate Civil Engineer Smith stated that the traffic issue was not one covered previously, as he was not aware of the applicants' parking plan and had instead been discussing improvements in the property's drive approach, trash enclosures, and fencing. He explained that the improvements were being deferred until a large enough period between events to implement them without creating safety issues for customers.

Jeff Spraetz of 841 Clovis Avenue also provided background on the project.

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

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

There being none, the Chair closed the public portion.

Commissioner Antuna assured all of her attention to and appreciation of all of the applicants' statements as well as the Commission's desire for business and special events to come to Clovis, but expressed her doubt regarding the suitability of this particular location.

Commissioner Bedsted expressed that he shares Commissioner Antuna's concern, hence his attention to the fencing issue. He approved of the possibility of full enclosure of the Clovis Avenue frontage as a procedural safeguard.

Commissioner Hatcher expressed her approval of this idea, suggesting the addition of a condition requiring the enclosure of the Clovis Avenue frontage. While she understands the concern about somewhat circumventing procedure, she also understands that there were timing issues and applauded the applicants' courage in taking that risk, and believes that this is a good idea.

Commissioner Cunningham recognized the time constraints under which the applicants were operating, but stated that the commissioners put in a lot of time and effort, nearly as volunteers, and will not react well when it seems that the Commission is being ignored. He expressed his appreciation of Commissioner Antuna's concern regarding location and suggested adding conditions to mitigate that concern.

Chair Hinkle expressed his disapproval of applicants going around the Commission, as it exists to serve the people of Clovis and ensure that things are done properly. He also expressed doubt about this location being appropriate for this project and concern regarding the applicants adhering to conditions, wondering as to the possible actions to be taken in such an event and the possible costs of correction. He views this project as having a bad start that will set the trend for its future.

Commissioner Hatcher expressed understanding of the Chair's point while also expressing her belief in the unfairness of penalizing an applicant and something potentially beneficial to the City due to timing issues.

Chair Hinkle responded that he also sees safety issues.

City Planner Araki explained that one of the conditions of approval was amended to state that the conditional use permit will be reviewed in one year's time and recommended potentially bringing the project, if approved, back for review after the holiday season, near the time the applicants would need to begin the improvements. This would give City staff a chance to evaluate how the project worked, if it was truly a benefit to the community, and work with the applicant on the parking issue.

Ms. Collotzi and Mr. Spraez interjected with clarification on parking and site access.

Commissioner Antuna sought and received confirmation, with a detailed explanation, that the fence currently up on the property completely closes off site access to Clovis Avenue.

Chair Hinkle suggested making conditions of use that there will be no access from the Clovis Avenue side, having it be completely fenced off during these events, and reviewing the project in January after the holiday season.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve CUP2018-11 with added conditions to use fencing to preclude access from Clovis Avenue and to review the conditional use permit for compliance at the January 24<sup>th</sup>, 2019, Planning Commission meeting. The motion was approved by a vote of 5-0.

8. Consider items associated with the 2015-2023 Housing Element's Regional Housing Needs Assessment. City of Clovis, applicant.
  - a. Consider Approval, Res. 18-53, **GPA2018-05**, A text modification to the General Plan to add Multiple-Family Housing to the list of typical uses in Public, Schools, and Water designations and add the RHN (Regional Housing Needs) Zone District as a typical use within residential zoned properties.

- b. Consider Approval, Res. 18-54, **OA2018-03**, A text modification to the Development Code to provide for Multiple-Family Housing as a permitted use in the P-F (Public Facility) Zone District and to add a new RHN (Regional Housing Needs) overlay zone district

City Planner Bryan Araki presented the staff report.

Commissioner Cunningham commended staff for working under a very difficult situation, then sought and received confirmation that the driving force behind this is the state government setting minimum standards, with the City, already out of compliance, attempting to meet standards that appear designed for cities such as San Francisco and Los Angeles while also attempting to meet the needs of citizens who are in favor of less density in development.

City Planner Araki also commended staff for their efforts and finding ways to do things outside of the box, particularly Heidi Crabtree and Andy Haussler of the Housing and Economic Development Department.

Commissioner Hatcher sought and received clarification on the phrase “residential permitted with no area restriction.”

Commissioner Antuna sought confirmation that there are developers interested in building this product. City Planner Araki responded that there are developers interested in building at a high density, and that though there hasn't been interest yet at this higher range, the City needs to be prepared with zoning to accommodate it if/when it does come.

Commissioner Antuna followed up by seeking and receiving confirmation that there are areas identified where this development can occur.

Chair Hinkle sought and received confirmation that, pending adoption of this program, the properties surrounding the church reviewed earlier under GPA2018-01, could potentially have forty units per acre at forty feet, if the current project is not approved.

Chair Hinkle sought and received confirmation that the infill lot on Nees Avenue between Willow and Peach Avenues, which has come before the Planning Commission twice before with projects that were eventually denied, is on the list of properties that would fall under this program, hence his advice to the public to consider carefully before opposing a project in light of what may be allowed under new state legislation. City Planner Araki confirmed that not only is this property a perfect match for the program, but that the neighbor opposition to the previous proposals will not result in it being removed from the list.

Chair Hinkle sought and received confirmation that the applicable lots are dispersed throughout Clovis and that no recharge ponding basins or currently necessary flood control facilities will be used or are even included in consideration currently.

Chair Hinkle sought and received confirmation that this program may change in the future, and that he can personally see developers from the Bay Area coming to take advantage of it.

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 Antuna and seconded by Commissioner Hatcher to approve GPA2018-05. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Hatcher to approve OA201-03. The motion was approved by a vote of 5-0.

#### OLD BUSINESS

None

#### NEW BUSINESS

None

ADJOURNMENT AT 8:24 P.M. UNTIL the Planning Commission meeting on October 25, 2018.



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: October 25, 2018

SUBJECT: Consider Approval, A request to approve the second one-year extension to an approved tentative map for property located at the northeast corner of Dakota and Clovis Avenues. Clovis Colony Investors, LLC, owner/applicant.

ATTACHMENTS: A. Request for Extension  
B. Tentative Tract Map TM6076

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends that the Planning Commission approve an extension of Tentative Map TM6076.

### EXECUTIVE SUMMARY

The applicant is requesting the second one-year extension for Tentative Tract Map TM6076 per the California Subdivision Map Act. The property is located near the northeast corner of Dakota and Clovis Avenues. Approval of the extension will allow the applicant to continue working toward development of an approved multiple-family condominium development on the parcel.

### PROPOSAL AND ANALYSIS

Tentative Tract Map TM6076, is a one lot map which established the boundaries for a future condominium development. The map was approved concurrently with a rezone and conditional use permit for a 144-unit apartment/condominium development near the northeast corner of Dakota and Clovis Avenues.



Tentative Tract Map TM6076 was originally approved by the Planning Commission on August 28, 2014, and Council on October 20, 2014. As provided for in the Subdivision Map Act, an original approval period is granted for three years, after which the applicant may request up to five extensions in one-year increments. This is the second request.

The applicant is requesting a one-year extension for Tentative Tract Map TM6076 which would extend the approval to October 20, 2019.

### Findings for Approval

The findings to consider when making a decision on a tentative map extension include:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative map.

*Staff's Response: Since the approval of TM6076, both the General Plan and Development Code have been updated. However, there have been no changes to the provisions of tentative maps that impact approval of an extension.*

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project.

*Staff's Response: The property has remained vacant since the original map approval and although there has been demolition of buildings on adjacent properties, the change does not affect the tentative map approval.*

3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads, or schools so that there is no longer sufficient remaining capacity to serve the project.

*Staff's Response: Staff concurs that there have been no change to community resources and can accommodate the Project.*

### California Environmental Quality Act (CEQA)

This Project is in substantial conformance with the environmental analysis performed for Rezone R2014-06, CUP2014-07, and TM6076. No major revisions will be required with the adopted Mitigated Negative Declaration to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 10, 2018.

**FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

The proposed extension request is consistent with the General Plan, Development Code, and Subdivision Map Act. Therefore, staff recommends that the Planning Commission approve a one-year extension for TM6076.

**ACTIONS FOLLOWING APPROVAL**

None

**NOTICE OF HEARING**

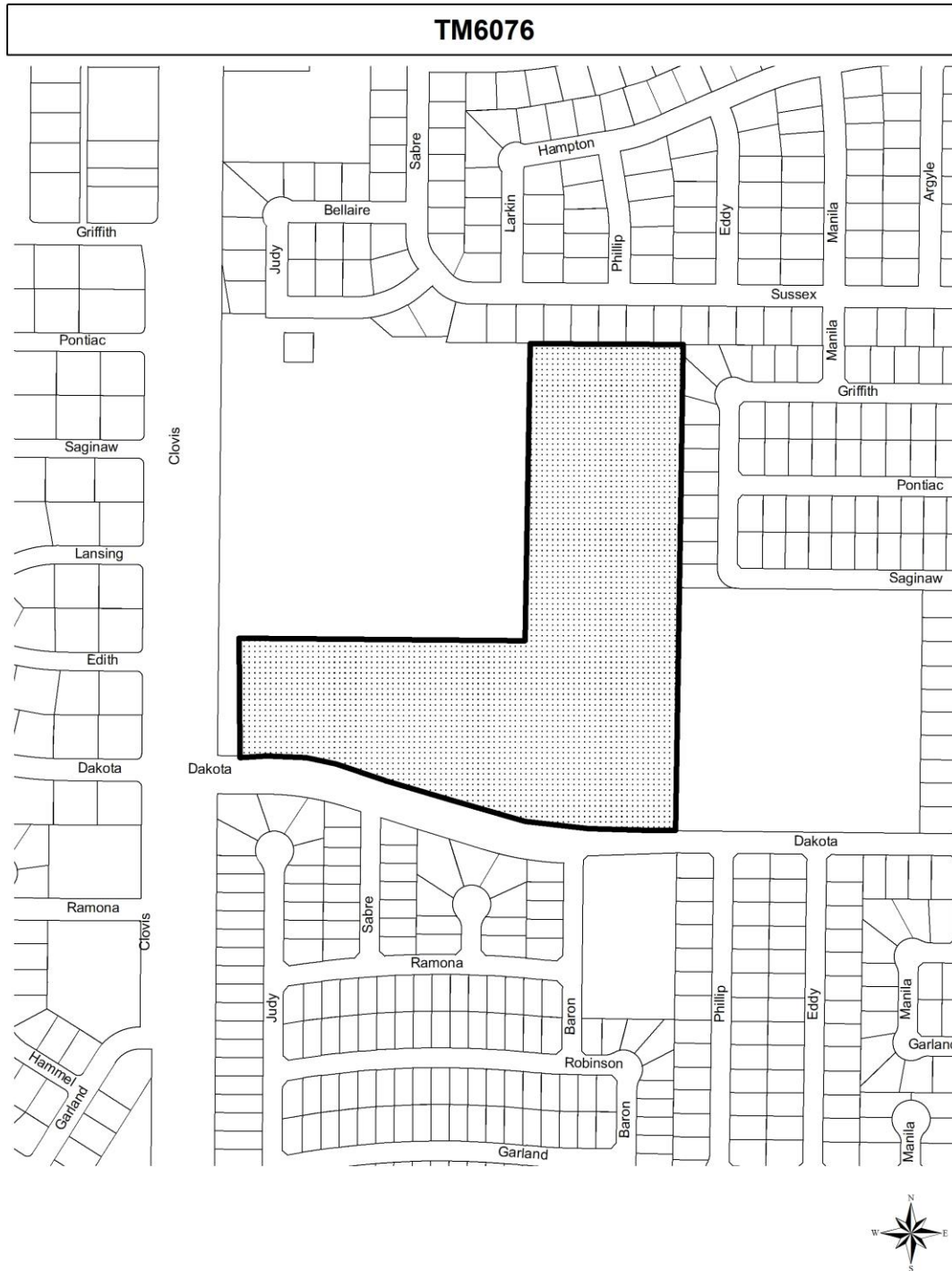
Property owners within 300 feet notified:	97
Interested individuals notified:	10

Prepared by: Bryan Araki, City Planner

Reviewed by: Bryan Araki  
City Planner

J:\Planning Projects\Tract Maps\TM 6000's\TM6076 (Extensions)\PC 10-25-2018\TM6076 Extension PC Staff Report.docx

**FIGURE 1  
PROJECT LOCATION MAP**





September 20, 2018

Mr. Bryan Araki, City Planner  
City of Clovis, Planning Division  
1033 Fifth Street  
Clovis, California 93612

RE: 1075 Dakota Avenue, Clovis, California  
Extension Request Tentative Tract Map No.6076

Dear Bryan:

On behalf of Regal Development Group, Inc., we are formally requesting a 12-month extension of time for the Tentative Tract Map No. 6076 (TM6076) associated with our real property located at 1075 Dakota Avenue, Clovis California (APN#495-220-11). TM6076 was approved by the City Council on October 20, 2014 and is set to expire October 20, 2018. According to the City of Clovis Development Code Section 9.102.120 describing the tentative map time limits and expiration, we are requesting an extension of time.

Should you have any questions or need any further information to process this extension, please contact me.

Thank you for your consideration and we look forward to your response.

Kind Regards,

Laurie Doyle  
Vice President of Development & Finance

# TRACT NO. 6076

FOR CONDOMINIUM PURPOSES  
IN THE CITY OF CLOVIS, COUNTY OF FRESNO,  
STATE OF CALIFORNIA

**LEGEND:**

- ▲ PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES PER DOCUMENT NO. 85032613, O.R.F.C.
- △ EASEMENT FOR PUBLIC STREET PURPOSES AND INCIDENTAL PURPOSES, IN FAVOR OF THE CITY OF CLOVIS PER GRANT OF EASEMENT RECORDED APRIL 26, 1988, AS DOCUMENT NO. 88049815, O.R.F.C.
- R (1) RECORD DATA PER PARCEL MAP NO. 87-9, RECORDED IN BOOK 48 OF PARCEL MAPS AT PAGES 15 & 16, F.C.R.
- R2 (1) RECORD DATA PER LOT LINE ADJUSTMENT NO. 97-8 GRANT DEED RECORDED JANUARY 26, 1998 AS DOCUMENT NO. 98-000981, O.R.F.C.
- R3 (1) RECORD DATA PER FINAL ORDER OF CONDEMNATION RECORDED AUGUST 3, 1993 AS DOCUMENT NO. 93116986, O.R.F.C.
- R4 (1) RECORD DATA PER TRACT NO. 1447 "TARPEY WILLAGS NO. 5" RECORDED IN VOLUME 17 OF PLATS AT PAGES 36 & 37, F.C.R.
- R5 (1) RECORD DATA PER TRACT NO. 3610 "BRENTWOOD ESTATES NO. 3" RECORDED IN VOLUME 42 OF PLATS AT PAGES 51-53, F.C.R.

- F.C.R. FRESNO COUNTY RECORDS  
O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- LIMITS OF SUBJECT PARCEL
  - - - SECTION LINE
  - - - PROPERTY LINE
  - ..... EXTENSION OF LINE TO DIMENSION POINT SHOWN
  - SIDEWALK
  - CURB & GUTTER
  - EDGE OF PAVEMENT
  - BIAN OVERHEAD ELECTRICAL WIRE
  - CHAIN LINK FENCE
  - STORM DRAIN LINE (SIZE AS NOTED)
  - SEWER LINE (SIZE AS NOTED)
- TREE
  - FIRE HYDRANT
  - SIGN
  - WATER VALVE
  - BOLLARD
  - TELEPHONE RISER
  - SANITARY SEWER MANHOLE
  - STORM DRAIN MANHOLE
  - WATER METER
  - STORM DRAIN INLET
  - STREET LIGHT
  - STORM DRAIN GRATE INLET
  - GUY WIRE
  - POWER POLE

**LEGAL DESCRIPTION**

PARCEL ONE:  
PARCEL 2 OF LOT LINE ADJUSTMENT NO. 97-8, AS EVIDENCED BY A GRANT DEED RECORDED JANUARY 26, 1998 AS INSTRUMENT NO. 98-0981 OF OFFICIAL RECORDS, BEING THAT PORTION OF PARCEL B OF PARCEL MAP 87-9 AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, RECORDED JUNE 23, 1988, IN BOOK 48 OF PARCEL MAPS PAGES 15 AND 16 AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B OF PARCEL MAPS NO. 87-9, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED JUNE 23, 1988, IN BOOK 48 PARCEL MAPS PAGES 15 AND 16 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION AS CONDEMNED BY "ORDER OF CONDEMNATION" FOR WELL SITE, RECORDED AUGUST 3, 1993, AS INSTRUMENT NO. 93116986 OF OFFICIAL RECORDS, FRESNO COUNTY RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION DEEDED TO PAT DEFURIA, AS INSTRUMENT NO. 98-9851 OF OFFICIAL RECORDS AND DESCRIBED AS:

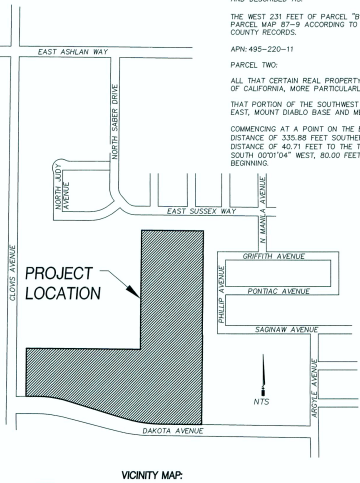
THE WEST 231 FEET OF PARCEL "B" LYING NORTH OF THE EASTERLY PROLONGATION OF THE SOUTH LINE OF PARCEL "A" OF PARCEL MAP 87-9 ACCORDING TO THE MAP THEREOF FILED IN BOOK 48, PAGES 15 AND 16 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

PARCEL TWO:  
ALL THAT CERTAIN REAL PROPERTY KNOWN AS WELL LOT #10, LOCATED IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER, WHICH BEARS SOUTH 07°01'04" WEST, A DISTANCE OF 40.71 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°58'56" WEST, A DISTANCE OF 80.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 07°01'04" WEST, A DISTANCE OF 80.00 FEET TO THE TRUE POINT OF BEGINNING.

**SITE INFORMATION**

- EXISTING TREES TO BE REMOVED
  - EXISTING BUILDINGS
  - NO BUILDINGS EXIST ON PROPERTY
  - EXISTING USE
  - INDUSTRIAL / WELL SITE
  - PROPOSED USE
  - CONDOMINIUMS
  - PROPOSED ZONING
  - C-M AN-1A-2
  - EXISTING ZONING
  - C-M AN-1A-2
  - SOURCE OF WATER
  - CITY OF CLOVIS
  - SOURCE OF SEWAGE DISPOSAL
  - CITY OF CLOVIS
  - SOURCE OF ELECTRICITY
  - PG&E
  - SOURCE OF GAS
  - PG&E
  - SOURCE OF CABLE TV.
  - COMCAST
  - SOURCE OF TELEPHONE
  - AT&T
- ASSESSOR'S PARCEL NUMBER  
495-220-081 SITE AREA  
495-220-11 20.784 AC. GROSS  
19.822 AC. NET
- OWNER  
CLOVIS COLONY INVESTORS, LLC  
3128 WILLOW AVE., #101  
CLOVIS, CA 95612

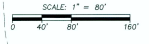


**LINE TABLE**

LINE	BEARING	DISTANCE	BEARING	DISTANCE
L1	N81°4'02"W	40.71'	R3(N89°58'56"W)	R3(40.71')
L2	N81°4'02"W	80.00'	R3(N89°58'56"W)	R3(80.00')
L3	N0°45'58"E	80.00'	R3(S00°01'04"W)	R3(80.00')
L4	N81°4'02"W	80.00'	R3(N89°58'56"W)	R3(80.00')
L5	N0°45'58"E	80.00'	R3(S00°01'04"E)	R3(80.00')

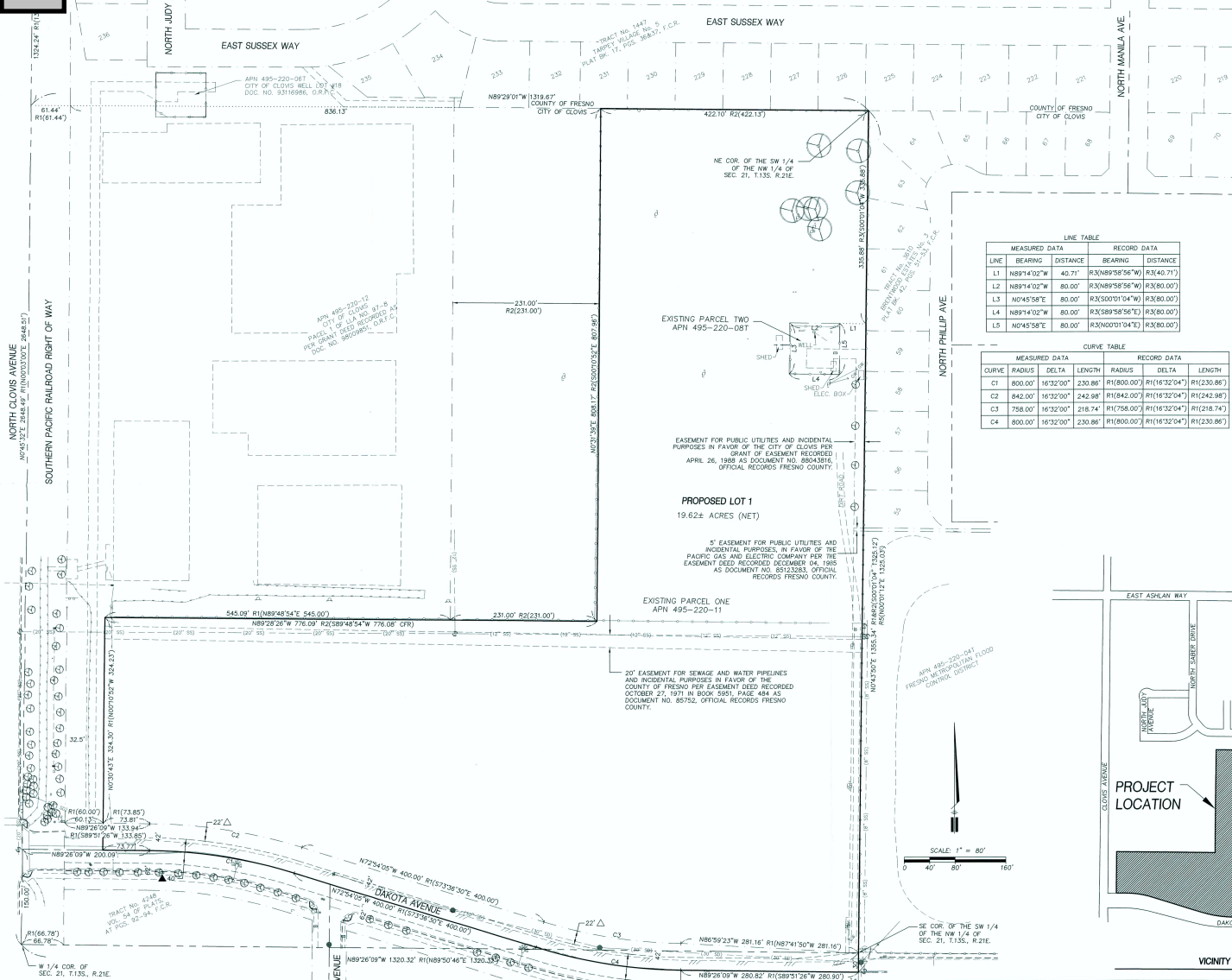
**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	RADIUS	DELTA	LENGTH
C1	800.00'	16'32"00"	230.86'	R1(800.00')	R1(16'32"04")	R1(230.86')
C2	842.00'	16'32"00"	242.98'	R1(842.00')	R1(16'32"04")	R1(242.98')
C3	758.00'	16'32"00"	218.74'	R1(758.00')	R1(16'32"04")	R1(218.74')
C4	800.00'	16'32"00"	230.86'	R1(800.00')	R1(16'32"04")	R1(230.86')



**NOTE:**  
ALL BEARINGS, DISTANCES AND AREAS ARE PER THE FIELD SURVEY FOR THE PREPARATION OF THE FINAL MAP FOR TRACT NO. 6076.

21



 <b>YAMABE &amp; HORN ENGINEERING, INC.</b> 5095 N. MIKE AVENUE SUITE 101 FRESNO, CA 93727 TEL (559) 844-3123 FAX (559) 844-3120	<b>APPROVALS</b> APPROVED (DATE)	<b>REVISIONS</b> DATE APPROVED	<b>CITY OF CLOVIS</b> PROJECT FILE WINERY APARTMENTS	<b>PLANNING AND DEVELOPMENT SERVICES DEPARTMENT</b> Project No.
	<b>CONSTRUCTION MANAGEMENT</b> <b>TRAFFIC DEVELOPMENT REVIEW</b> <b>STREETS</b> <b>PARKS</b> <b>SOLID WASTE</b> <b>UTILITIES</b>	_____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: October 25, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_, **CUP2017-10A**, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.

ATTACHMENTS: Figure 1: Location Map  
 Exhibit "A:" CUP2017-10A Conditions of Approval  
 Attachment 1: Draft Resolution  
 Attachment 2: City Council Resolution 18-22 (TM6186)

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve CUP2017-10A, subject to the conditions of approval listed as Exhibit "A."

### EXECUTIVE SUMMARY

The applicant is requesting to amend the side yard setback requirements for interior and corner lots within Tentative Tract Map TM6186 located at the southeast corner of Bullard and Leonard Avenues. The requested side yard setback modification would apply to lots located adjacent to public streets and lots located within the gated community of the project. Approval of this Project would allow the developer to continue processing development drawings.

**BACKGROUND**

- General Plan Designation: Medium Density Residential (7.1 to 15.0 DU/Ac)
- Specific Plan Designation: Loma Vista Specific Plan (Medium Density Residential)
- Existing Zoning: R-1 (Single Family Residential)
- Lot Size: 36.75 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
  - North: Agriculture & Rural Residential
  - South: Single-Family Residential
  - East: Single-Family Residential
  - West: Rural Residential
- Previous Entitlements:
  - GPA2017-05 (Low Res. to Medium Res.)
  - CUP2013-03 (229-lot PRD)
  - TM6186 (229-lot single-family subdivision)
  - R2014-14 (County AE-20 to R-1)

In January 2018, the City Council considered a 229-lot single-family planned residential development on the subject site, which included public and private streets and open space area. The City Council voted to approve General Plan Amendment GPA2017-05 and associated entitlements for the Project on January 16, 2018.

**PROPOSAL AND ANALYSIS**

**Conditional Use Permit Amendment**

Proposal

The applicant is requesting a modification of the approved side yard setback to living/building for lots within Tentative Tract Map TM6186. Approved setbacks for the Project included a five (5') foot side yard setback on the garage side and a three (3') foot side yard setback on the opposite side. The applicant is requesting a modification which would provide for a four (4') foot setback on the garage side and a four (4') foot side yard setback on the opposite side.

The applicant is requesting this change due to Building Code regulations associated with structures located at three (3') from the property line. Specifically, the applicant is concerned with egress clearance from windows and the distance from future placement of fences and/or walls. Similar setbacks may be found within Tentative Tract Map TM6064, located at the southwest corner of Barstow and Leonard Avenues and within Tentative Tract Map TM6055, located on the south side of Barstow Avenue, between DeWolf and Leonard Avenues.

The Commission has had concerns regarding reduced side yard setbacks, specifically related to trash toters. If the side yard is too narrow to place toters and comfortably maneuver around them, it is possible that the homeowner would leave the toters in front of

the home which is normally a violation of the Municipal Code §5.27.101(i). However, this section relates to leaving totes in the front yard viewable from a public street. Because this tract is primarily served by private streets, the requirement to place totes out of view does not apply to most streets in this development. However, the intent of the Code is to prevent an aesthetic nuisance to the neighborhood. Staff therefore recommend a condition that requires the totes to be placed behind the gate, and enforced by the Homeowners Association. Secondly, there is concern that by reducing the side yard, it could create additional obstacles for fire and medical personnel if access to the backyard is necessary.

A four-foot side yard provides a net area of approximately 42.5" between the home wall finish and the fence posts. Totes measure 30"x35"x45" tall. When placed in the side yard with the tote pushed against the fence, there is a clear area of 12" to 16" depending on fence post placement (see figure below). As stated, the Commission and Council have approved four-foot side yard setbacks in the past.

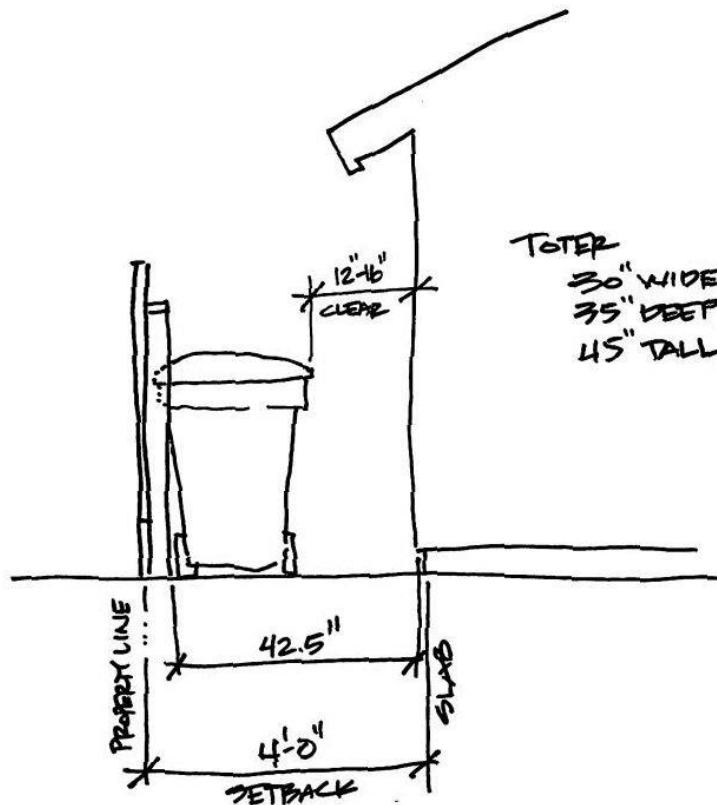


FIGURE A – Toter in Side Yard

Homeowners Association

This project includes a Homeowners Association (HOA) which provides maintenance of open space, and enforcement of parking. Staff recommends that a condition of approval is added to this conditional use permit requiring that the HOA is responsible for enforcement of tote storage in the side yards if and when complaints are submitted.



### Public Comments

A public notice was sent to area residents within 300 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

### Community Facilities District

The fiscal analysis of the Loma Vista Specific Plan identified possible long-term funding shortfalls in the Clovis' Citywide operating and maintenance costs. To address this issue the City of Clovis implemented a Community Facilities District. Community Facilities Districts (CFD's) are a means of providing additional funding for the provision of public facilities and services for public safety in newly developing areas of the community where the city would not otherwise be able to afford to continue to provide an adequate level of service as the City continues to grow. The use of CFD's is fairly common among cities in California experiencing high rates of growth, such as Clovis, due to significant losses of local revenue from tax shifts authorized by the State of California and the need to continue to provide an adequate level of service as growth occurs.

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

### Consistency with General Plan Goals and Policies

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

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

**Policy 3.2 Individual development project.** When projects are proposed in an Urban Center, require a conceptual master plan to show how a proposed project could relate to possible future development of adjacent and nearby properties. The conceptual master plan should generally cover about 160 acres or the adjacent area bounded by major arterials, canals, or other major geographical features. The conceptual master plan should address:

- A. Compliance with the comprehensive design document
- B. A consistent design theme
- C. A mix of housing types
- D. Adequate supply and distribution of neighborhood parks

- E. Safe and direct pedestrian and bicycle linkages between residential areas and school sites, parks, and community activity centers

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

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

#### California Environmental Quality Act (CEQA)

This project is in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186. No major revisions will be required with the adopted Mitigated Negative Declaration to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 10, 2018.

#### **FISCAL IMPACT**

None.

#### **REASON FOR RECOMMENDATION**

The proposed conditional use permit amendment is consistent with the goals and policies of the General Plan, Loma Vista Specific Plan and Development Code. Staff therefore recommends that the Planning Commission approve CUP2017-10A, subject to the conditions of approval attached as Exhibit "A."

The findings to consider when making a decision on a conditional use permit amendment application include:

1. The planned development permit would:
  - a. Be allowed within the subject base zoning district;
  - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;
  - c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property

development and to carry out the purpose, intent, and requirements of this chapter and the subject base zoning district, including prescribed development standards and applicable design guidelines; and

- d. Ensure compatibility of property uses within the zoning district and general neighborhood of the proposed development.
- 2. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, incorporation of a program of enhanced amenities, etc.) than which might otherwise occur from more traditional development applications;
- 3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare;
- 4. Proper on-site traffic circulation and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards);
- 5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
- 6. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection. (§ 2, Ord. 14-13, eff. October 8, 2014); and
- 7. The Planning Commission does find the project in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186.

**ACTIONS FOLLOWING APPROVAL**

This item will continue on to the City Council for final consideration.

**NOTICE OF HEARING**

Property owners within 300 feet notified:	70
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Deputy City Planner

Reviewed by: Bryan Araki  
City Planner

**FIGURE 1  
PROJECT LOCATION MAP**



**PLANNING DIVISION CONDITIONS**  
**(Orlando Ramirez, Division Representative – (559) 324-2345)**

1. This CUP amendment approves a 4-foot interior/ opposite side yard setback for lots within TM6186.
2. All conditions of GPA2017-05, CUP2017-10, TM6186, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
3. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
4. Waste toters shall be stored in the back or side yard behind the fence or gate. The HOA shall enforce this condition in the event of complaints.

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

5. Prior to approval, recordation or filing of an annexation, final map, or site plan, the property covered by the project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD. The CFD applies only to residential projects.
6. The applicant and the property owner acknowledge and agree that if the project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the project within a CFD, the City might not be able to make the finding that the project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the project.
7. The owner/developer shall notify all potential lot buyers prior to sale that this project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation or filing of the project, the City Council has determined that it is not necessary that the project be included in the CFD.

8. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.

**DRAFT RESOLUTION**

**ATTACHMENT 1**

**DRAFT  
RESOLUTION 18-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING AN AMENDMENT TO THE SIDE YARD SETBACK REQUIREMENTS OF CONDITIONAL USE PERMIT CUP2017-10 WITHIN TENTATIVE TRACT MAP TM6186 FOR PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF BULLARD AND LEONARD AVENUES AND FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR GPA2017-05, CUP2017-10 AND TM6186**

**WHEREAS**, WCP Developments, LLC, 1446 Tollhouse Road, Suite 103, Clovis CA 93611, has applied for a Conditional Use Permit Amendment CUP2017-10A; and

**WHEREAS**, this is a request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 to allow a 4 foot interior/ opposite side yard setback for lots within TM6186 for property located at the southeast corner of Bullard and Leonard Avenues, in the City of Clovis; and

**WHEREAS**, a public notice was sent out to area residents within 300 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on October 25, 2018; and

**WHEREAS**, the proposed Conditional Use Permit Amendment CUP2017-10A, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

**WHEREAS**, staff does find this project in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186.

**WHEREAS**, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

1. The planned development permit would:
  - a. Be allowed within the subject base zoning district;
  - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;
  - c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this chapter and the subject base zoning district, including prescribed development standards and applicable design guidelines; and
  - d. Ensure compatibility of property uses within the zoning district and general neighborhood of the proposed development.
  
2. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, incorporation of a program of enhanced amenities, etc.) than which might otherwise occur from more traditional development applications;



- 3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare;
- 4. Proper on-site traffic circulation and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards);
- 5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
- 6. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection. (§ 2, Ord. 14-13, eff. October 8, 2014); and
- 7. The Planning Commission does find the project in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2017-10A, subject to the attached conditions labeled Exhibit "A."

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on October 25, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-\_\_  
 DATED: October 25, 2018

\_\_\_\_\_  
 Paul Hinkle, Chair

ATTEST: \_\_\_\_\_  
 Dwight Kroll, AICP, Secretary

**CITY COUNCIL RESOLUTION 18-22**

**ATTACHMENT 2**

**RESOLUTION 18-22**

**A RESOLUTION OF THE CITY COUNCIL APPROVING TM6186, FOR A 229-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT ON 35.43 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BULLARD AND LEONARD AVENUES AND CONFIRMING ENVIRONMENTAL FINDINGS**

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

**WHEREAS**, a tentative subdivision map of Subdivision Tract No. TM6186 has been filed with and considered by the City Council of the City of Clovis; and

**WHEREAS**, the proposed Project was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the City Council, together with comments received and public comments, and the entire public record was reviewed; and

**WHEREAS**, the Planning Commission has considered said map on November 16, 2017, and adopted its Resolution No. 17-69, approving said tentative map; and

**WHEREAS**, the City Council does approve a Mitigated Negative Declaration pursuant to CEQA guidelines.

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

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;
2. The site is physically suitable for the type and proposed density of development;
3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has

acquired easements of access through or use of property within the proposed subdivision;

- 6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
- 7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and
- 8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.


\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on January 16, 2018, by the following vote, to wit:

AYES: Councilmembers Ashbeck, Mouanoutoua, Flores  
 NOES: None  
 ABSENT: Councilmember Bessinger, Mayor Whalen  
 ABSTAIN: None

DATED: January 16, 2018

  
 \_\_\_\_\_  
 Councilmember

  
 \_\_\_\_\_  
 City Clerk

**EXHIBIT "A"**  
**Conditions of Approval – CUP2017-10 and TM6186**

**Planning Division Conditions**  
 (Orlando Ramirez, Senior Planner – (559) 324-2345)

1. This Project is subject to the development standards of the Loma Vista Specific Plan.
2. This Project requires the submittal and approval of a residential site plan review. Specific color and materials of the models, walls, landscaping, and fencing will be evaluated.
3. The applicant shall notify all property owners along streets where new water and sewer utilities will be constructed to determine if they wish to purchase a lateral connection per City policy.
4. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
5. All setbacks shall be as follows:

**For Public Street Lots**

PUE:	5.5' from PL on sidewalk side, or 3.5' from PL on non-sidewalk side
Front Yard Setback to Projections:	6'
Front Yard Setback to Garage:	18'
Front Yard Setback to Porch/Patio:	6'
Rear Yard Setback to Covered Patio:	5'
Interior Yard Setback to Porch/Patio:	3'
Interior/Opposite Side Yard Setback:	3' and 5'
Corner Fence Street Side Setback:	5'
Reversed Corner Street Side Setback:	5'
Garages:	20' x 20'

**Lots within the gated community**

PUE:	3.5' from PL on sidewalk side, or 1.5' from PL on non-sidewalk side
Front Yard Setback to Projections:	5'
Front Yard Setback to Garage:	5'
Front Yard Setback to Porch/Patio:	5'
Rear Yard Setback to Covered Patio:	5'
Interior Yard Setback to Porch/Patio:	3'
Interior/Opposite Side Yard Setback:	3' and 5'
Corner Fence Street Side Setback:	5'
Reversed Corner Street Side Setback:	5'
Garages:	20' x 20'

6. All transformers for this subdivision can be located above ground subject to review and approval of the required landscape screening material. Landscaping shall be reviewed through the residential site plan review process. Transformers shall not be placed in public space including trails.
7. The developer shall construct a minimum six-foot high solid split face masonry wall along the Leonard and Bullard Avenue frontage. The wall shall incorporate angles corners at entries, and columns at the corners and ends.
8. Applicant shall provide a minimum of a 20-foot setback from garage wall to sidewalk, or shall provide a modified meandering sidewalk that allows for a 20-foot driveway length.
9. The developer shall enter into a Homeowner's Association covenant regarding the prohibited parking of vehicles within driveways of lots within the gated community. Such agreement shall be disclosed to all future home buyers.

10. The developer is responsible for enforcement of violation of any parking agreements within the gated community.
11. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
12. Lots 121 through 124 (east side of Project) shall be limited to single story.
13. Leonard and Bullard Avenues shall be improved per the Loma Vista Specific Plan right-of-way requirements.
14. The applicant shall install the EVA at Roberts Avenue with first phase development.
15. With future development, the applicant shall complete the ultimate build-out of Roberts Avenue as a pedestrian access way, improved outlot, or provide abandonment of Roberts Avenue on the east within Tentative Map TM6082.
16. The developer shall enter into a Covenant Agreement regarding a "right to farm," for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
17. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
18. The applicant shall relay all conditions of approval for Tentative Tract Map TM6186 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
19. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
20. The applicant shall contribute a proportionate share towards the development of the trail system in this quarter section as required by the General Plan land use diagram.
21. The applicant shall utilize Loma Vista Thematic lighting along local and private streets.
22. The applicant shall install pedestrian lighting along the trail. Spacing will be evaluated during residential site plan review.
23. All landscaping (open space and private yards) shall conform the City of Clovis Water Efficient Landscape Ordinance.
24. This tentative map is approved per the attached Exhibit "B" of this report.
25. The developer shall comply with all mitigation measures as identified in the adopted mitigation monitoring program for this conditional use permit.

- a. **3.1-d** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
  - b. **3.4** If possible, the project will be constructed outside of the typical avian nesting season, or between September 1 and January 31. If project activities must take place during the avian nesting season, pre-activity surveys for nesting birds will be conducted, and any active nests identified will be avoided by a suitable disturbance-free buffer. The surveys will be conducted by a qualified biologist no more than 14 days prior to the start of construction, and will consist of walking transects across the project site and accessible surrounding lands within 500 feet while examining trees, shrubs, and the ground for active bird nests.
26. Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on existing conditions, applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.
- a. Implementation of these measures will reduce potential project impacts to nesting raptors and migratory birds to a less than significant level under CEQA, and will ensure compliance with state and federal laws protecting these species.

### **FIRE DEPARTMENT CONDITIONS**

**(Gary Sawhill, Department Representative - 324-2224)**

#### **Roads / Access**

- 27. **Street Width:** Fire apparatus access width shall be determined by measuring from "base of curb" to "base of curb" for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
- 28. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1
- 29. **Street Width for Single Family Residences:** Minimum Access Road Width of 36 feet for Single Family Residences. Roads 36 feet or wider allow for Parking on both sides of street.
- 30. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
- 31. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.



32. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
33. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
34. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation.

### **Water Systems**

35. **Residential Fire Hydrant:** The applicant shall install twenty (20), 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
36. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department

### **Fire Department Operational Impacts**

37. For an unknown period of time the development will not meet the City of Clovis Fire Department travel time response standard of four (4) minutes. It is unknown how long this project or development will have extended response time for both first in fire unit and effective response force (ERF).
38. The City of Clovis Fire Department in its Standard of Cover has an adopted response time standard for the first in fire unit total response time for medical emergencies to be under six minutes and thirty seconds (6:30) and for fire responses to be under seven minutes (7:00). This equates for both types of emergency situations a required travel time of under four (4) minutes for the first in responding fire unit.
39. This adopted standard is derived from many factors and industry standards, but two are the main factors; during medical emergencies where a patient has lost circulation, irreversible brain damage begins to set in around four (4) to six (6) minutes and during a fire, growth of the fire and its associated toxic byproducts will overwhelm occupants and

extend beyond the room of origin within six (6) to ten (10) minutes. All structures within this proposed development will be equipped with fire protection systems, but these do not cover the entire structure and still pose a fire and life safety threat to all occupants. By maintaining this response time standard it enables the Fire Department to reduce the impacts of fire damage and improve life safety outcomes.

40. This emergency response travel time deficiency will only occur until a fire station is built and staffed within the service area. This normally occurs when complete build out reaches greater than 50%. Until then, the projects and developments within this service area are served by fire units located at fire stations which have a greater than four (4) minutes of travel time.

**POLICE DEPARTMENT CONDITIONS**

**(Curtis Shurtliff, Department Representative - 324-2400)**

41. Construction work shall be limited to the hours set forth in the Clovis Municipal Code. (CMC § 5.18.15.)
42. It shall be the responsibility of the property owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 72 hours. (CMC §§ 5.18.02(r), 5.18.06 (b).)
43. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project.
44. All construction materials shall be located within a secured area or monitored by security staff during non-construction hours.

**CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS**

**(Michael Johnston, CUSD Representative – 559-327-9000)**

45. The development of this project is subject to the Clovis Unified School District impact fee. See the attached letter.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**

**(Robert Villalobos, FMFCD Representative - 456-3292)**

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

**FRESNO IRRIGATION DISTRICT CONDITIONS**

**(Jeremy Landrith, FID Representative - 233-7161 ext. 7407)**

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

**FRESNO COUNTY HEALTH COMMENTS**

**(Kevin Tsuda, County of Fresno Representative - 600-3271)**

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

**CALTRANS COMMENTS**

**(David Padilla, County of Fresno Representative – 444-2493)**

49. The Applicant shall pay into the Fresno County Regional Traffic Mitigation Fee to offset any regional impacts to State facilities. The applicant shall contact the District for fee requirements.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT COMMENTS**

**(Seyed Sadredin, District Representative – 230-6061)**

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

**CALTRANS COMMENTS**

**(David Padilla, County of Fresno Representative – 444-2493)**

51. The Applicant shall pay into the Fresno County Regional Traffic Mitigation fee to offset any regional impacts to State facilities. If the list is not attached, please contact the District for the list of requirements.

**ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS**

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

**(Lisa Koehn, Department Representative – 324-2607)**

**Maps and Plans**

52. The conditions of this tract map are written under the assumption that all dedications and improvements have been completed by the adjacent TM 6082 development, and that these dedications and improvements have been accepted by the city. Additional conditions shall be required at the discretion of the City Engineer, if the improvements and dedications by tm 6082 have not been accepted by the City.
53. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
54. The applicant shall submit to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required

improvements. These plans shall be prepared by a registered civil engineer, and shall include a site grading and drainage plan and an overall site utility plan showing locations and sizes of sewer, water, irrigation, and storm drain mains, laterals, manholes, meters, valves, hydrants, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 03-152 shall be paid with the first submittal of said plans. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

55. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
56. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division one bond copy of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City the applicant shall provide (1) reproducible and (3) copies of the AS-BUILTs to the City.

#### General

57. Applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
58. For any sewer or water main, or undergrounding of utilities, or major street to be installed by the applicant and eligible for reimbursement from future developments, the applicant shall submit to the City of Clovis, all reimbursement requests in accordance with the current version of the "Developer Reimbursement Procedures"; a copy can be obtained at the City Engineer's Office.
59. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
60. The applicant shall address all the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
61. The applicant shall contact and address all requirements of the United States Postal Service - Clovis Office for the location and type of mailboxes to be installed. The

location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.

62. The applicant shall contact and address Caltrans requirements.
63. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
64. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
65. The applicant shall provide and pay for any compaction tests in recompacted areas as a result of failure to pass an original compaction test. Original compaction tests shall be provided and paid for by the City and their locations designated by the City Engineer.
66. All existing overhead and new utility facilities located on-site, within alleys, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.

#### Dedications and Street Improvements

67. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
68. Bullard Avenue - along development frontage, provide right-of-way acquisition for 60' (exist 30') south of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, median island, median island landscape and irrigation, landscaping, irrigation, 46' (30+16) of permanent paving, 3' paved swales, and all transitional paving as required. .
69. Bullard Avenue - along development frontage, median island opening shall not be allowed without the approval of the City Engineer. Access into and out of the project on Bullard Avenue shall be right in and right out only.
70. Leonard Avenue - along development frontage, provide right-of-way acquisition for 70' (exist 20') east and 28' (exist 20') west of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, median island, median island landscape and irrigation, landscaping, irrigation, 46' (30+16) of permanent paving, 3' paved swales, and all transitional paving as required.

71. Leonard Avenue - along development frontage, median island opening shall not be allowed without the approval of the City Engineer. access into and out of the project on Leonard Avenue shall be a right in and a right out only.
72. 'L' Avenue - between the south property line and 'D' Avenue, provide sidewalk on both sides of the street, except along the frontage of the trail.
73. 'L' Avenue - provide for a temporary cul de sac on the south end of the street.
74. The applicant shall dedicate and provide for a trail (10' landscape, 10' trail, 10' landscaping) along the project's Leonard frontage between the Enterprise Canal and Bullard Avenue.
75. The applicant shall provide an abandonment plan for Roberts Avenue on the east side of the development that is acceptable to City and shall install all the improvements associated with the abandonment of this street.
76. For gated developments, the applicant shall provide ample vehicle stacking area outside the travel lanes of Bullard Avenue and 'D' Avenue that will allow vehicles to wait as vehicles are accessing the control panel to open the security gates. The applicant shall provide a turn-a-round to allow vehicles that cannot enter the complex to return to the street without backing the vehicle up. The applicant shall provide the Solid Waste Division with remote controls that will allow access for all solid waste and recycling vehicles.
77. Interior streets dedicate to provide for 54' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 36' permanent paving except in cul de sac, and all transitional paving as needed.
78. If the applicant chooses the Narrow Residential Street Policy, the applicant shall dedicate to provide for 50' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 32' permanent paving except in cul de sac, and all transitional paving as needed. The maximum distance for a narrow 50' wide street is 1000' to 54' wide or wider street.
79. Cul de sac bulb - dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
80. Design the traffic signal at Bullard and Leonard Avenues and provide the necessary right-of-way for the signal in its ultimate location. Install the infrastructure at the south-east corner of the intersection.
81. The applicant shall provide transitions and dedicate right-of-way for the bridge along Leonard Avenue to be constructed by the City's Community Investment Program (CIP) project.

82. The applicant shall relinquish all vehicular access to Bullard and Leonard for all the lots backing or siding onto these streets.
83. Applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
84. Applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, legal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
85. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
86. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.
87. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
88. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

#### Sewer

89. The applicant shall identify and abandon all septic systems to City standards.
90. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
  - Leonard Avenue - install 8" main along frontage.
  - Interior streets - install 8" mains.
91. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.

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

### Water

93. The applicant shall identify and abandon all water wells to City standards.
94. The applicant shall provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
- Interior streets - install 8" mains.
95. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
96. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit.
97. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
98. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

### Recycled Water

99. The applicant shall install recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing



improvements. Any alternative routing of the mains will require approval of the City Engineer and may require appropriate calculations.

- Trail – install mains as necessary to serve the trail.

#### Grading and Drainage

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

#### Irrigation and Landscaping Facilities

103. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the trail, landscape strips along Leonard and Bullard Avenues, and the median islands in Bullard and Leonard Avenues. The landscape strip around the planned unit development may be maintained by a perpetual maintenance covenant.
104. All landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the Landscape improvements are not constructed for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of Landscape improvements.

The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.

105. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$431, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
106. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
107. The applicant shall provide a landscape and irrigation perpetual maintenance covenant recorded for landscaping installed in the public right-of-way behind the curb including easements that will not be maintained by the Clovis Landscape Maintenance District. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.
108. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

#### Miscellaneous

109. The applicant shall install street lights on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided.
110. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing

section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

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

**ADMINISTRATION DEPARTMENT CONDITIONS**

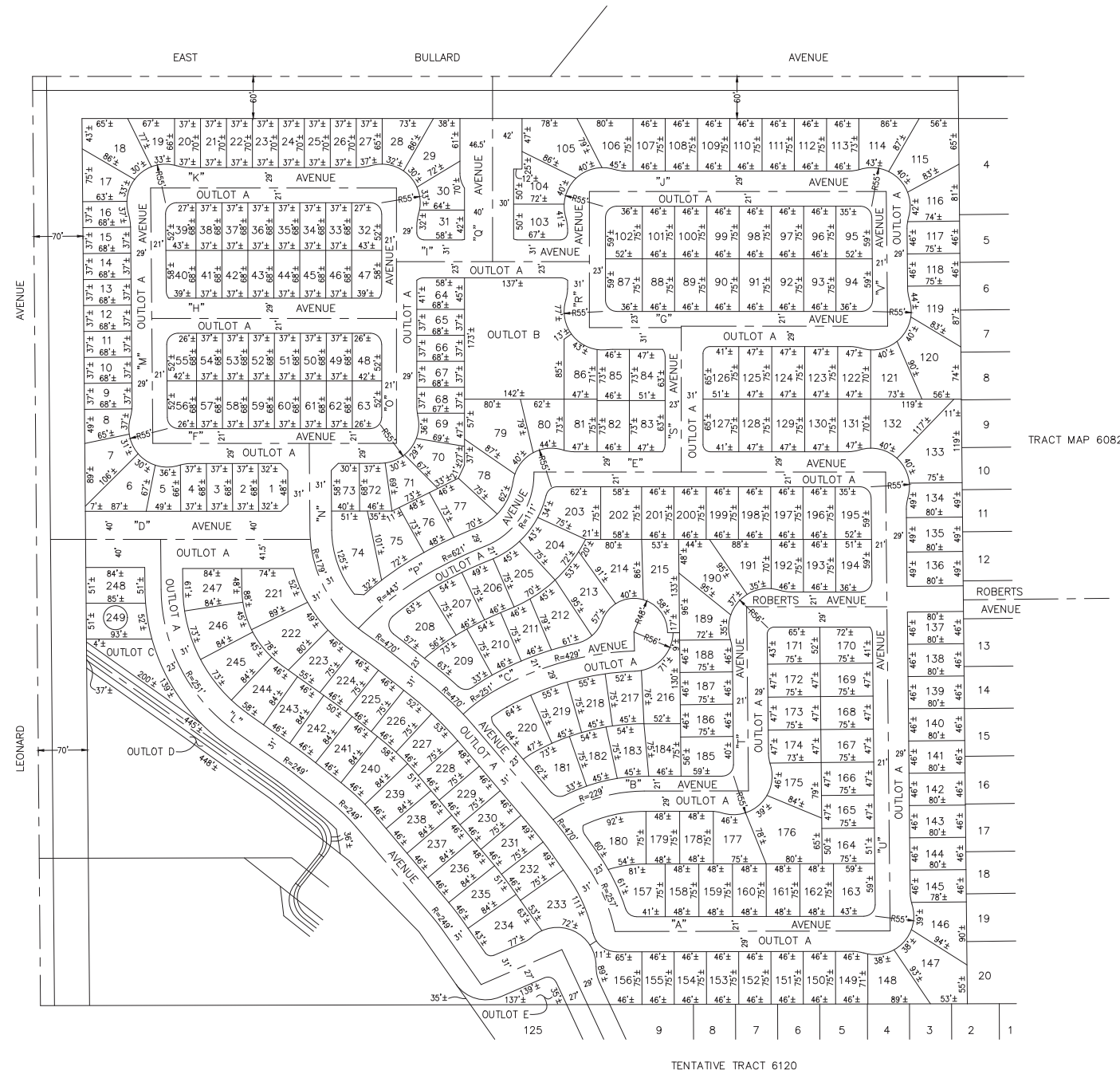
(John Holt, Department Representative – (559) 324-2111)

113. Prior to approval, recordation or filing of an annexation, final map, or site plan, the property covered by the project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD. The CFD applies only to residential projects.
114. The applicant and the property owner acknowledge and agree that if the project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the project within a CFD, the City might not be able to make the finding that the project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the project.
115. The owner/developer shall notify all potential lot buyers prior to sale that this project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation or filing of the project, the City Council has determined that it is not necessary that the project be included in the CFD.

116. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.

# TENTATIVE SUBDIVISION MAP TRACT No. 6186

A VESTING MAP  
A PHASED MAP  
APN 554-030-22S AND 23S  
GROSS AREA = X ACRES  
NET AREA = X ACRES



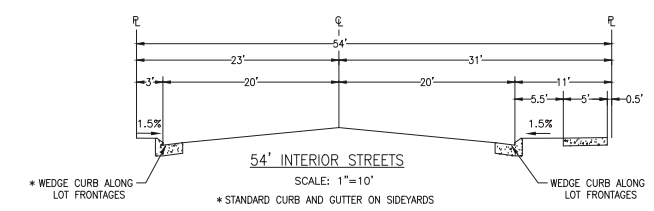
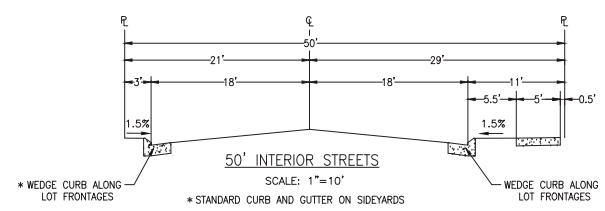
N  
SCALE: 1" = 100'

LOT	AREA (Sq. Ft.)	LOT	AREA (Sq. Ft.)	LOT	AREA (Sq. Ft.)
1	2,769	84	3,712	167	5,000
2	2,528	85	3,344	168	5,000
3	2,528	86	3,793	169	5,000
4	2,517	87	3,879	170	5,000
5	2,733	88	3,450	171	5,000
6	4,718	89	3,450	172	5,000
7	4,316	90	3,450	173	5,000
8	2,731	91	3,450	174	5,000
9	2,516	92	3,450	175	5,000
10	2,516	93	3,450	176	5,000
11	2,516	94	3,854	177	5,000
12	2,516	95	3,800	178	5,000
13	2,516	96	3,450	179	5,000
14	2,516	97	3,450	180	5,000
15	2,516	98	3,450	181	5,000
16	2,421	99	3,450	182	5,000
17	3,712	100	3,450	183	5,000
18	5,530	101	3,450	184	5,000
19	3,341	102	3,879	185	5,000
20	2,565	103	3,807	186	5,000
21	2,590	104	4,483	187	5,000
22	2,590	105	6,615	188	5,000
23	2,590	106	4,477	189	5,000
24	2,590	107	3,450	190	5,000
25	2,590	108	3,450	191	5,000
26	2,590	109	3,450	192	5,000
27	2,504	110	3,450	193	5,000
28	3,969	111	3,450	194	5,000
29	4,870	112	3,450	195	5,000
30	3,271	113	3,441	196	5,000
31	2,832	114	4,679	197	5,000
32	2,859	115	6,903	198	5,000
33	2,516	116	4,435	199	5,000
34	2,516	117	3,447	200	5,000
35	2,516	118	3,450	201	5,000
36	2,516	119	5,000	202	5,000
37	2,516	120	5,000	203	5,000
38	2,516	121	5,000	204	5,000
39	2,877	122	5,000	205	5,000
40	2,883	123	5,000	206	5,000
41	2,516	124	5,000	207	5,000
42	2,516	125	5,000	208	5,000
43	2,516	126	5,000	209	5,000
44	2,516	127	5,000	210	5,000
45	2,516	128	5,000	211	5,000
46	2,516	129	5,000	212	5,000
47	2,903	130	5,000	213	5,000
48	2,805	131	5,000	214	5,000
49	2,516	132	5,000	215	5,000
50	2,516	133	5,000	216	5,000
51	2,516	134	5,000	217	5,000
52	2,516	135	5,000	218	5,000
53	2,516	136	5,000	219	5,000
54	2,516	137	5,000	220	5,000
55	2,823	138	5,000	221	5,000
56	2,786	139	5,000	222	5,000
57	2,516	140	5,000	223	5,000
58	2,516	141	5,000	224	5,000
59	2,516	142	5,000	225	5,000
60	2,516	143	5,000	226	5,000
61	2,516	144	5,000	227	5,000
62	2,516	145	5,000	228	5,000
63	2,805	146	5,000	229	5,000
64	3,049	147	5,000	230	5,000
65	2,516	148	5,000	231	5,000
66	2,516	149	5,000	232	5,000
67	2,516	150	5,000	233	5,000
68	2,514	151	5,000	234	5,000
69	2,766	152	5,000	235	5,000
70	3,910	153	5,000	236	5,000
71	3,289	154	5,000	237	5,000
72	2,832	155	5,000	238	5,000
73	2,870	156	5,000	239	5,000
74	6,235	157	5,000	240	5,000
75	4,774	158	5,000	241	5,000
76	3,491	159	5,000	242	5,000
77	4,331	160	5,000	243	5,000
78	4,490	161	5,000	244	5,000
79	7,473	162	5,000	245	5,000
80	3,854	163	5,000	246	5,000
81	3,516	164	5,000	247	5,000
82	3,358	165	5,000	248	5,000
83	3,712	166	5,000	249	5,000

- NOTES:
1. PROPERTY AREA = X ACRES
  2. DENSITY = X UNITS/ACRE
  3. MINIMUM LOT SIZE = X Sq. Ft.
  4. AVERAGE LOT SIZE = X Sq. Ft.

RECORD OWNER AND SUBDIVIDER:  
GRANTOR FRESNO CLOVIS INVESTMENTS, LLC  
1396 WEST HERNDON, SUITE 101  
FRESNO, CA. 93711  
(559) 436-0900

GARY G. GIANNETTA  
CIVIL ENGINEERING & LAND SURVEYING  
1119 "S" STREET  
FRESNO, CA 93721  
(559) 284-3590 FAX (559) 284-0898  
DATE: 5/31/17





# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: October 25, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_, CUP2018-04, A request to approve a conditional use permit for a 10-unit multiple-family condominium complex for the property located at 1855 Austin Avenue. Mohamed Annan, owner/applicant; Elias Saliba, Architect, representative.

**ATTACHMENTS:**

- Figure 1: Location Map
- Exhibit "A:" Conditions of Approval
- Exhibit "B:" Site Plan, Floor Plans and Elevations
- Attachment 1: Draft Resolution
- Attachment 2: Correspondence from Agencies
- Attachment 3: Neighborhood Correspondence

**CONFLICT OF INTEREST**

None

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2018-04, subject to the conditions listed in Exhibit "A."

**EXECUTIVE SUMMARY**

The applicant is requesting approval of a conditional use permit to allow for the development of a 10-unit multiple-family condominium project on approximately 0.7 acres of land located at 1855 Austin Avenue. Approval of this conditional use permit would allow the applicant to move forward with the development of the site.

**BACKGROUND**

- General Plan Designation: Medium High Residential (7.1 to 15.0 units per acre)
- Existing Zoning: R-2 (Low Density Multiple-Family Residential)
- Lot Size: 0.7 Acres
- Current Land Use: Vacant
- Adjacent Land Uses: North: Single Family Residential  
South: Multiple Family Residential and Commercial  
East: Vacant and Single/Multiple Family Residential  
West: Day Care and Commercial
- Previous Entitlements: Rezone R88-09, R88-09A

**PROPOSAL AND ANALYSIS**

Project Description

The Project is comprised of four parcels and an outlot currently zoned R-2 (Low Density Multiple-Family Residential). Condominium projects are permitted within the R-2 Zone District with an approved conditional use permit. Approval of the use permit would provide the applicant ability to develop the site with five buildings comprised of two units each for a total of ten multiple-family units. The two-story units will utilize access from Austin Avenue and are proposed as a condominium project for the purpose of providing individual ownership for future tenants. Common areas such as access, sidewalks, landscaping and approaches have been concentrated within the project, providing tenants convenient access to and from the project site from Austin Avenue. The proposal is located on a vacant parcel surrounded by developed commercial, multiple-family, single-family residential, and a vacant parcel on the east.

Rezone R88-09A

The applicant received City Council approval on September 10, 2018 for an amendment to the conditions of approval of Rezone R88-09. The amendment (R88-09A), removed the limitation of a maximum square footage for second story development, providing opportunity for future development subject to the Property Development Standards of the R-2 Zone District. Approval included the approval to develop two-story units by right. However, the City Council placed a requirement that future Planning Commission recommendation of the Project be forwarded for review and consideration by the City Council. Approval of the request by the Planning Commission and City Council would allow the developer to move forward with the development of the site.

Planning Commission Continuance

The Project was initially scheduled for Planning Commission on September 27, 2018, subsequent to the Council's September 10<sup>th</sup> approval of the associated zoning amendment (R88-09A). The Council approved the rezone, however provided direction that the applicant address site design concerns specific to the proposed placement of units that would create greater separation from the north property line. Based on Council direction, the applicant requested a continuance to the October 25th, 2018 meeting to allow the applicant time to address the concerns expressed by the Council and area residents.

### Setbacks and Revisions

Initially, the Project included reduced front and rear yard setbacks based on similar condominium and planned unit development projects located in the City. Although the associated rezone amendment was considered a textual change generally not requiring a site plan, the Council was presented an exhibit that reflected the applicant's request to provide reduced setbacks. The applicant proposed 16.5-foot setbacks in the front and 10-foot rear yard setbacks adjacent to existing single-family residences on the north. The Project received opposition from area residents directly to the north of the Project, warranting the Council to provide additional direction for consideration of the forthcoming use permit.

Primary concerns expressed by Council were the proximity of the proposed rear yards adjacent to existing single-family homes. Two abutting neighbors also protested the setbacks, requesting a limitation to single-story development. The applicant felt it important to address the concerns of both the Council and area property owners prior to presenting the Project for Planning Commission consideration. The applicant met with neighbors on several occasions in anticipation of addressing their concerns. Consequently, the applicant has modified the site, proposing the standard 20-foot front yard setback and a standard rear yard 20-foot setback from property line. Additionally, the applicant has modified the internal circulation of the site which now reflects the potential for reciprocal access to the east, should the adjacent property seek use of a shared driveway.

The proposed modifications are reflective of the applicant's desire to address concerns expressed with the initial project layout. The applicant has indicated that the recommendations by staff, the Council and the residents actually provided an opportunity to rework the Project, providing for a much more compatible layout that reflects standard development setbacks of the R-2 Zone District.

### Neighborhood Concerns

Staff received correspondence (Attachment 3) at the City Council rezone hearing from two property owners located directly to the north of the project site. The primary concern is with the proposed two-story construction and proximity to their homes. Subsequent to the Council hearing, the applicant met with one or more of the property owners in order



to try and address their concerns. As indicated previously within the body of this report, the applicant has modified the site to provide a greater distance from the property line. Unfortunately, neighbors still are in objection to two-story development which is permitted by right.

### Parking

The Project is required to meet the parking standards of the R-2 Zone District. The 10-unit development requires two stalls per every one to two-bedroom units, and three-stalls for each three-bedroom unit, with at least one stall per unit being covered. Based on the proposed number of units, the Project is required to include a total of 30 parking stalls, 20 of which are covered via an attached garage and 10 uncovered stalls. The Project meets the requirement.

### Architecture and Aesthetics

The elevations and floor plans (Exhibit "B") submitted by the applicant show the proposed architecture which is consistent with typical multiple-family development in the area.

### Parcel Map

A condominium project must be memorialized through a formal Parcel Map review and approval. The applicant has tentative approval of Parcel Map PM2018-09. Staff has included a condition of this requirement within this report.

### Review and Comments from Agencies

The project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, the County of Fresno Department of Public Health, 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 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.

### Infill Development

The .7 acre Project site is one of the last two remaining vacant properties in the area. The applicant has an opportunity to utilize the property as infill development for the establishment of a multiple-family residential project in accordance with the General Plan policies and Development Code requirements noted above.

### California Environmental Quality Act (CEQA)

The Project is in substantial conformance with the environmental impact report performed for the 2014 General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore subject to CEQA sections 15162 and 15182, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 10, 2018.

### **FISCAL IMPACT**

None.

### **REASON FOR RECOMMENDATION**

The proposed conditional use permit is consistent with the goals and policies of the General Plan and Development Code. Staff therefore recommends that the Planning Commission approve CUP2018-04, subject to the conditions of approval attached as Exhibit "A."

The findings to consider when making a decision on a conditional use permit application include:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural

resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014).

**ACTIONS FOLLOWING APPROVAL**

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

**NOTICE OF HEARING**

Property owners within 500 feet notified: 90  
Interested individuals notified: 11

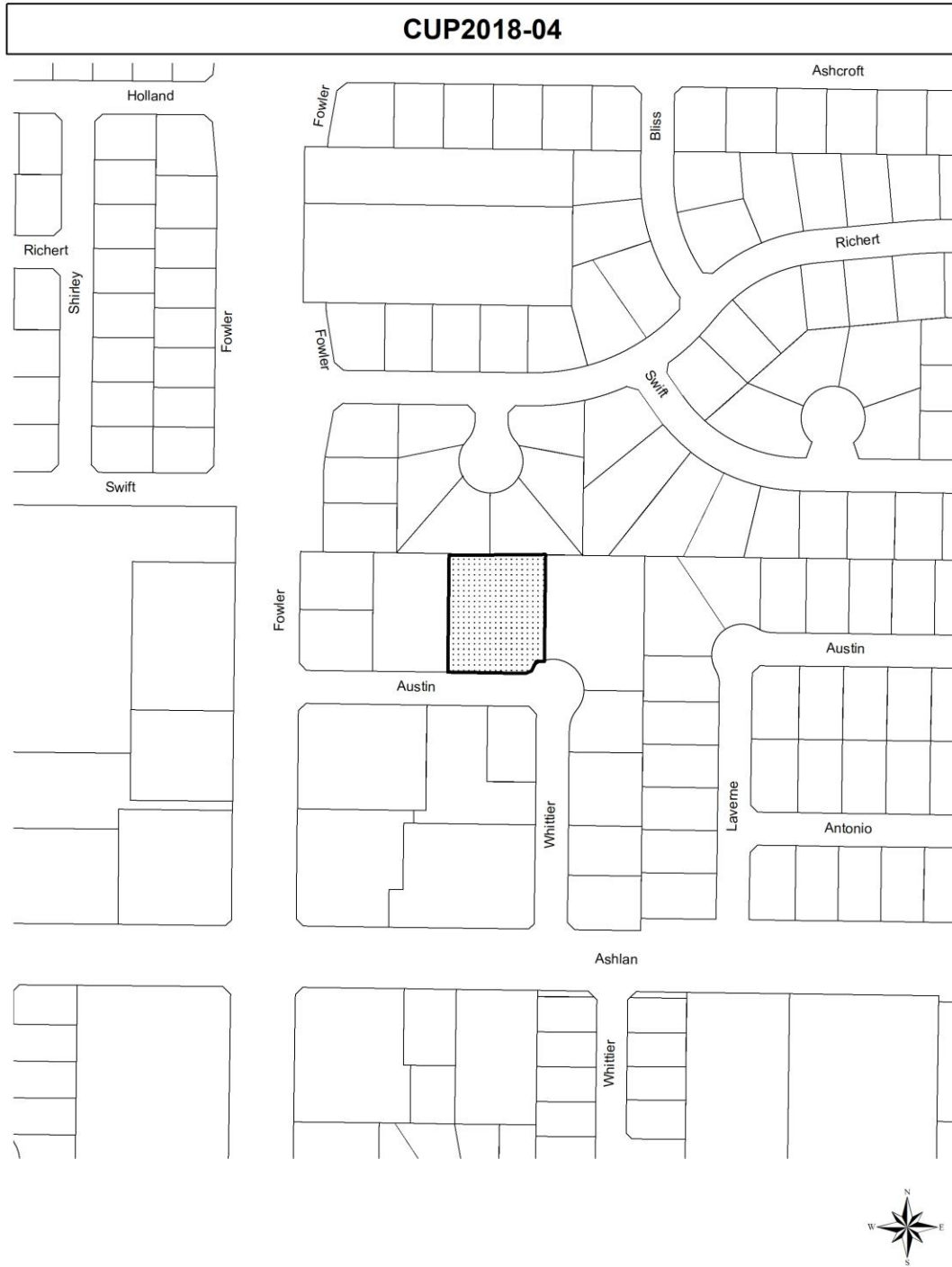
Prepared by: Orlando Ramirez, Deputy City Planner



Reviewed by: Bryan Araki  
City Planner

J:\Planning Projects\CUP\CUP 2018\CUP2018-04 (M. Annan)\PC 10-25-2018\CUP2018-04, PC Staff Report

**FIGURE 1  
PROJECT LOCATION MAP**



**EXHIBIT "A"**  
**Conditions of Approval – CUP2018-04**

**PLANNING DIVISION CONDITIONS**  
**(Orlando Ramirez, Division Representative – (559) 324-2345)**

1. Development of this site shall be consistent with the General Plan, Medium High Density Residential Designation.
2. CUP2018-04 is approved for a 10-unit, two-story multiple-family condominium project per Exhibit "B" of the staff report. Any major modifications or increase in the number of units will require an amendment to the conditional use permit.
3. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
4. Prior to construction, the applicant shall have on file, an approved and recorded parcel map creating the individual parcels.
5. Development on the Project site shall include the standards of the R-2 Zone District:
  - Front Yard Setback: 20 Feet
  - Side Yard Setback: 5 Feet
  - Rear Yard Setback: 20 Feet
6. Maximum building height shall not exceed thirty-five (35) feet.
7. Prior to final of any development, the developer shall construct a six-foot high masonry wall along the north property line.
8. This conditional use permit may be reviewed after a period of one year. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and may present findings of review to the Planning Commission.
9. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010.
10. The applicant shall comply with Section 9-3.215.6 of the Clovis Zone Ordinance requiring a Site Plan Review. Elevations and a colors and materials board shall be submitted during this process.

**FIRE DEPARTMENT CONDITONS**  
**(Gary Sawhill, Department Representative - 324-2224)**

11. **Residential Fire Sprinklers:** The applicant shall install an automatic fire sprinkler system in all new one- and two-family dwellings and manufactured homes as per NFPA 13D, 2016.
12. **Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8.
13. **Fire Lane:** The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan. Signs stating parking allowed only in marked spaces.
14. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**  
**(Robert Villalobos, FMFCD Representative – (559) 456-3292)**

15. Applicant shall comply with the requirements of the FMFCD. If the list is not attached, please contact the District for the list of requirements.

**COUNTY OF FRESNO HEALTH DEPARTMENT CONDITIONS**  
**(Kevin Tsuda, Health Department Representative – 600-3271)**

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

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

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

DRAFT  
RESOLUTION 18-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A  
CONDITIONAL USE PERMIT FOR A 10-UNIT MULTIPLE-FAMILY CONDOMINIUM COMPLEX FOR  
THE PROPERTY LOCATED AT 1855 AUSTIN AVENUE.**

**WHEREAS**, Mohamad Annan, 783 N. Marion Avenue, Clovis CA, 93611, has applied for Conditional Use Permit CUP2018-04; and

**WHEREAS**, this is a request to approve a conditional use permit for a 10-unit multiple-family condominium development for property located 1855 Austin Avenue, in the City of Clovis; and

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

**WHEREAS**, a duly noticed hearing was held on October 25, 2018; and

**WHEREAS**, the Commission has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

- 1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
- 2. The proposed use is consistent with the General Plan and any applicable specific plan;
- 3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
- 4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
- 5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
- 6. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan updated, 2014 Development Code updated.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2018-04, subject to the attached conditions labeled Exhibit "A."

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on October 25, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:

PRESENT:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_

DATED: October 25, 2018

\_\_\_\_\_  
Paul Hinkle, Chair

ATTEST:

\_\_\_\_\_  
Dwight Kroll, AICP, Secretary





# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director  
Dr. Ken Bird, Health Officer

July 24, 2018

LU0019562  
2604

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

Dear Ms. Cha:

PROJECT NUMBER: **CUP2018-04, SPR2018-12, PM2018-09, R88-09A**

**CUP2018-04, SPR2018-12, PM2018-09, R88-09A; Proposal to construct a 10-unit 2 story duplex.**

**APN: 552-330-53**

**ZONING: R-2**

**ADDRESS: 1855 Austin Avenue**

Recommended Conditions of Approval:

- The proposed construction 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.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- 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 Certified Unified Program Agency at (559) 600-3271 for more information.

***Promotion, preservation and protection of the community's health***

*1221 Fulton Street / P. O. Box 11867, Fresno, CA 93775  
(559) 600-3271 • FAX (559) 600-7629*

*The County of Fresno is an Equal Opportunity Employer  
www.co.fresno.ca.us • www.fcdph.org*

Lily Cha

July 24, 2018

66

CUP2018-04, SPR2018-12, PM2018-09, R88-09A

Page 2 of 2

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REVIEWED BY:

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

(559) 600-3271

---

KT

cc: Steven Rhodes- Environmental Health Division (CT. 58.02)  
Mohamad Annan- Applicant ([m-annan@outlook.com](mailto:m-annan@outlook.com))



July 17, 2018

Lily Cha  
Planning and Development Services Dept.  
1033 Fifth St.  
Clovis, CA 93612

SUBJECT: CUP2018-04, R88-09A, PM2018-09, SPR2018-12  
1855 Austin Ave  
APN 552-330-53

Dear Ms. Cha:

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

1. Elementary School Information:

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

School Name: *Gettysburg Elementary*  
Address: *2100 Gettysburg Ave Clovis CA 93611-5254*  
Telephone: *(559) 327-6900*  
Capacity: *768*  
Enrollment: *672 (CBEDS enrollment 2017-18 school year)*

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

**Governing Board**

Sandra A. Budd  
Christopher Casado  
Steven G. Fogg, M.D.  
Brian D. Heryford  
Ginny L. Hovseplan  
Elizabeth J. Sandoval  
Jim Van Volkinburg, D.D.S.

**Administration**

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

Lily Cha  
July 17, 2018  
Page 2

2. Intermediate School Information:

School Name: *Clark Intermediate*  
Address: *902 5th St Clovis CA 93612-1399*  
Telephone: *(559) 327-1500*  
Capacity: *1500*  
Enrollment: *1554 (CBEDS enrollment 2017-18 school year)*

3. High School Information:

School Name: *Clovis High School*  
Address: *1055 Fowler Ave Clovis CA 93611-2099*  
Telephone: *(559) 327-1000*  
Capacity: *3000*  
Enrollment: *2904 (CBEDS enrollment 2017-18 school year)*

- 4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
- 5. The District currently levies a school facilities fee of \$4.87 per square foot (as of July 1, 2018) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

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

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

Sincerely,



Michael Johnston  
Associate Superintendent  
Administrative Services

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

**PUBLIC AGENCY**

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

**DEVELOPER**

MOHAMAD ANNAN  
783 N. MARION AVE.  
CLOVIS, CA 93611

PROJECT NO: **2018-004**  
ADDRESS: **1855 AUSTIN AVE.**  
APN: **552-330-53**

SENT: 8/8/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
1E	\$0.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$123.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$0.00</b>		<b>Total Service Charge: \$173.00</b>		

\* The Development Review Service Charge shown above is associated with CL TPM 2018-009 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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 2/28/19 based on the site plan submitted to the District on 7/16/18 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL CUP No. 2018-004

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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

- 1.  a. Drainage from the site shall BE DIRECTED TO AUSTIN AVE.  
 b. Grading and drainage patterns shall be as identified on Exhibit No.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
- 2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
 Developer shall construct facilities as shown on Exhibit No. 1 as  
 None required.
  
- 3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:  
 Grading Plan  
 Street Plan  
 Storm Drain Plan  
 Water & Sewer Plan  
 Final Map  
 Drainage Report (to be submitted with tentative map)  
 Other  
 None Required
  
- 4. Availability of drainage facilities:  
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.  
 d. See Exhibit No. 2.
  
- 5. The proposed development:  
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
 Does not appear to be located within a flood prone area.
  
- 6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

CL CUP No. 2018-004

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL CUP No. 2018-004

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

  
 \_\_\_\_\_  
 Debbie Campbell  
 Design Engineer

  
 \_\_\_\_\_  
 Robert Villalobos  
 Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CC:

ELIAS SALIBA, AESTHETICS DESIGNS

4668 W. PINE AVE.

FRESNO, CA 93722

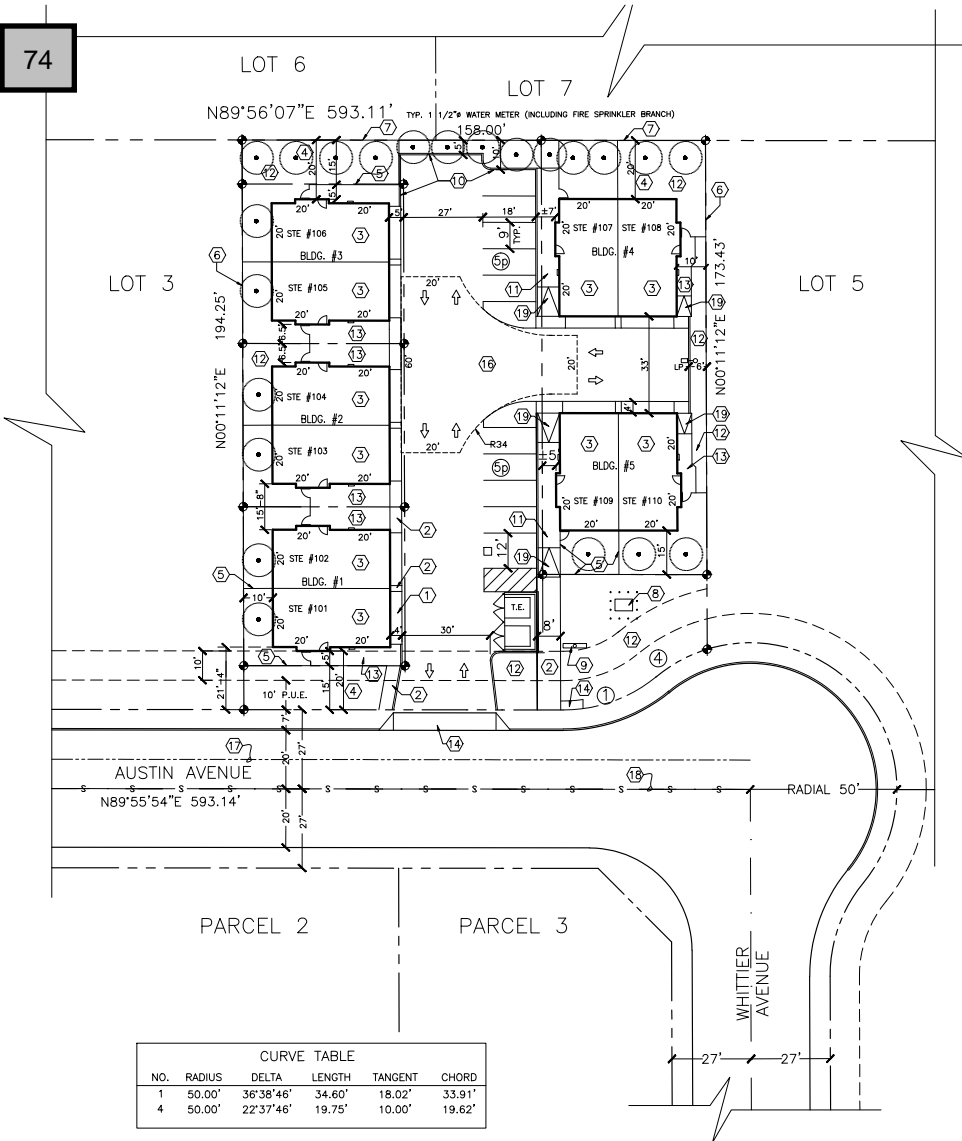
**CL CUP No. 2018-004**



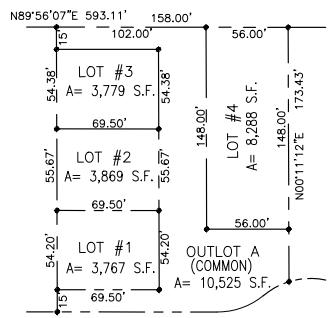
**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

Cross drainage covenants are required for Outlot A and Parcels 1 through 4 to allow surface runoff to reach Austin Avenue.

Development No. Clovis CUP 2018-004



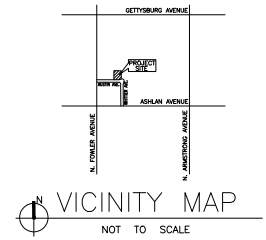
CURVE TABLE					
NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD
1	50.00'	36°38'46"	34.60'	18.02'	33.91'
4	50.00'	22°37'46"	19.75'	10.00'	19.62'



PARCEL MAP KEY  
NOT TO SCALE

LEGEND

- ① TYPICAL GRAY CONCRETE APRON @ GARAGE DOOR
- ② TYPICAL STAMPED COLORED CONCRETE SEPARATION
- ③ 2-CAR GARAGE
- ④ 20' FT. BUILDING SETBACK
- ⑤ PROPOSED 6' FT. HIGH PRIVACY WOOD FENCE
- ⑥ EXISTING 6' FT. HIGH WOOD FENCE
- ⑦ NEW 6' FT. HIGH CMU FENCE
- ⑧ PAD MOUNTED TRANSFORMER
- ⑨ NEW SITE SIGN
- ⑩ RAISED CURB
- ⑪ NEW CONCRETE SIDEWALK
- ⑫ LANDSCAPE
- ⑬ NEW CONCRETE WALKWAY
- ⑭ PROPOSED 35' FT. DRIVEWAY APPROACH
- ⑮ PROPOSED MAILBOX
- ⑯ T-TURNAROUND
- ⑰ EXISTING 8" WATER MAIN LINE.
- ⑱ EXISTING 8" SANITARY SEWER LINE.
- ⑲ PROPOSED RAMP



LEGAL DESCRIPTION:

LOT 4 TRACT NO. 5230, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED IN BOOK 77, PAGE 11 & 12 OF PLATS, CLOVIS COUNTY RECORDS.

PROJECT DATA

AGENCY OF JURISDICTION: CITY OF CLOVIS  
 ASSESSOR PARCEL NO.: 552-330-53  
 PROJ. ADDRESS: 1855 AUSTIN AVE.  
 CLOVIS, CA 93611

LAND USE: MULTI FAMILY (VACANT LAND)  
 CURRENT ZONING: R2  
 PROPOSED USE: 2-FAMILY DWELLINGS  
 TOTAL = 5 DUPLEXES = 10 UNITS

PARCEL AREA: 30,228 S.F. = 0.69 ACRES  
 LOT #1 AREA: 3,767 SQ. FT.  
 LOT #2 AREA: 3,869 SQ. FT.  
 LOT #3 AREA: 3,779 SQ. FT.  
 LOT #4 AREA: 8,288 SQ. FT.  
 OUTLOT A: 10,525 SQ. FT.  
 TOTAL SITE AREA: 30,228 SQ. FT.

DENSITY ALLOWED: 1 DWELLING/ 3,000 S.F. = 10 DU  
 DENSITY PROVIDED: 1 DWELLING/ 3,005 S.F.  
 DENSITY RATIO: 14.5 DU/ ACRE

TYP. DUPLEX GARAGE 410 S.F. x 2 = 820 S.F.  
 GROUND FLOOR 405 S.F. x 2 = 810 S.F.  
 UPPER FLOOR 815 S.F. x 2 = 1,630 S.F.  
 1,220 S.F./UNIT 3,260 S.F./BLDG.

BUILDING AREAS:

STANDARD UNIT LIVING AREA/BLDG (CONDITIONED) = 1,220 S.F. x 10 UNITS = 12,200 S.F.  
 TOTAL GARAGE AREA (NON-COITIONED) = 20'x20.5' x 10 UNITS = 4,100 S.F.  
 TOTAL BLDG. AREA = 16,300 S.F.

TOTAL BLDG. COVERAGE AREA = 8,150 S.F. x 10 = 8,150 S.F.  
 TOTAL BLDG. COVERAGE RATIO: 26.94%

PARKING REQUIRED: 10 DU x 3 (BR) = 30 PS (20) COVERED, 10 PS (OPEN)  
 PARKING PROVIDED: 30 P.S.  
 PARKING RATIO TO FLOOR AREA = 30/12,200 S.F. = 2.46 P.S./1,000 S.F. = 1 P.S./389 S.F.

PAVEMENT AREA = 19,880 S.F.  
 LANDSCAPED AREA = 8,500 S.F.

OCCUPANCY: R3 PER 2016 CRC (CALIF. RESID. CODE)  
 CONSTRUCTION TYPE: VB SPRINKLERED PER NFPA13D  
 SPR # 2018-12  
 CUP # 2018-04  
 REZONE R88-09 A  
 PM 18\_09

OWNER/APPLICANT:  
 MOHAMED ANNAN  
 783 N. MARTIN AVE.  
 CLOVIS CA, 93611  
 PHONE: 559-270-4448  
 EMAIL: ANNAN@OUTLOOK.COM

SEP. 14, 2018
AUG. 17, 2018
AUG. 15, 2018
JUNE 25, 2018
MAY 3, 2018
REVISIONS

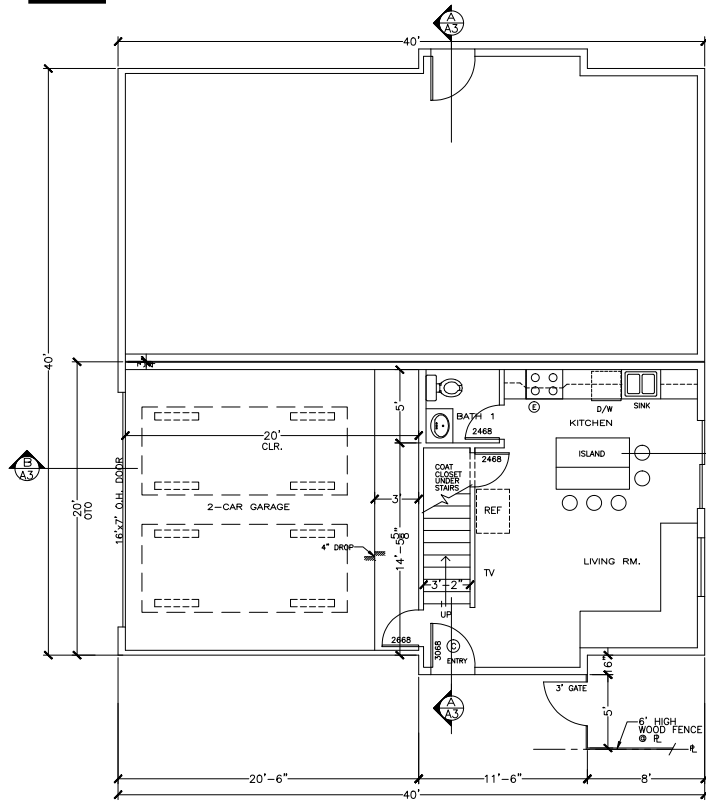
PROJECT/LOCATION  
 ANNAN  
 5-DUPLEXES  
 1855 AUSTIN AVE.  
 CLOVIS, CA 93611

DESIGNER  
**ASSTHETICS**  
 GRADING & EROSION CONTROL CONSULTING PLANS  
 PLANNING, CONSULTING, DESIGN, CONSTRUCTION  
 ELIAS SALIBA, PLS., CDR. REGISTERED CIVIL ENGINEER  
 4408 W. FIRST STREET, SUITE 200  
 FRESNO, CA 93722  
 (559) 276-0479  
 ELIAS@ASSTHETICS.COM

SHEET CONTENTS  
 SITE PLAN

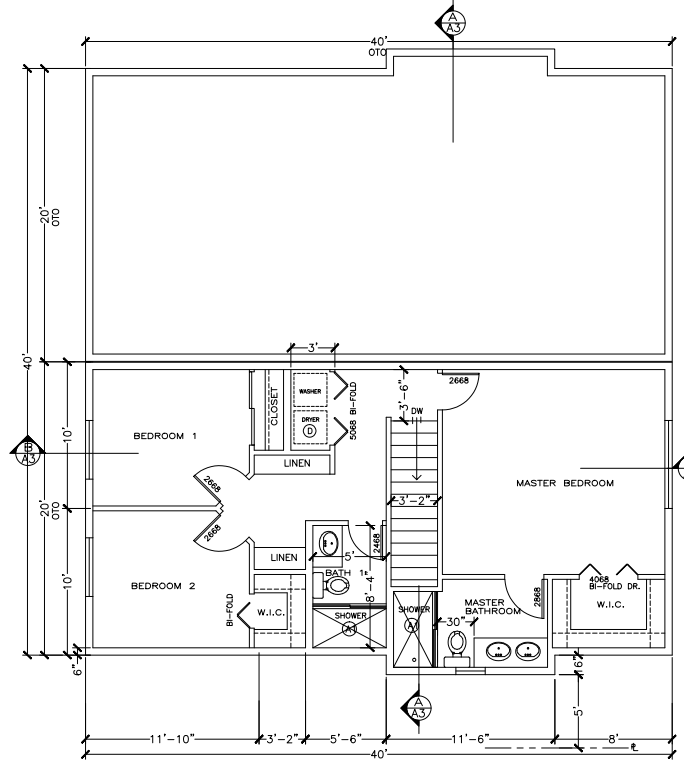
SHEET NO.  
 SP



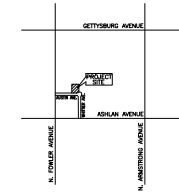


N  
 FIRST FLOOR FIRST FLR AREA= 405 S.F.  
 SCALE: 1/4"=1'-0" GARAGE AREA= 410 S.F.

FIRST FLR AREA= 405 S.F.  
 SECOND FLR AREA= 815 S.F.  
 TOTAL AREA= 1,220 S.F.



N  
 SECOND FLOOR SECOND FLR AREA= 815 S.F.  
 SCALE: 1/4"=1'-0"



VICINITY MAP  
 NOT TO SCALE

PROJECT DATA

AGENCY OF JURISDICTION; CITY OF CLOVIS  
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OWNER/APPLICANT:  
 MOHAMED ANNAN  
 785 N. MARTIN AVE.  
 CLOVIS CA 93611  
 PHONES: 559-270-4448  
 EMAIL: ANNAN@OUTLOOK.COM

JUNE 25, 2018
REVISIONS

PROJECT/LOCATION  
 ANNAN  
 5-DUPLEXES  
 1855 AUSTIN AVE.  
 CLOVIS, CA 93611

DESIGNER  
**AESTHETICS**  
 DESIGNERS  
ARCHITECTURE INTERIORS LANDSCAPE PLANNING  

 ELIAS SALIBA ARCHITECT  
ARCHITECTURE INTERIORS LANDSCAPE PLANNING  
 4800 S. FRIER AVE., SUITE 101, CLOVIS  
 PHONO: (559) 276-2474  
 FAX: (559) 276-1848  
 EMAIL: ELIAS@AESTHETICSDESIGNERS.COM

SHEET CONTENTS  
 FIRST FLOOR PLAN,  
 NOTES, DETAILS

SHEET NO.  
**A1**

# City Council Meeting Sept 10<sup>th</sup>, 2018

R88-09A

(1844 Austin Ave. Clovis, Ca. 93611)

# Summary

Currently the Developer is proposing a site plan that hasn't been done in Clovis before (At least as far as I can see). His plan places (3) 2-story duplexes (6 residential units) within 10' of an R1 property. These 6 residential units will be able to view the backyards of 2 northern properties. His plan dramatically reduces the backyard privacy of the two adjacent R1 properties. His plan will potentially lower the R1 property values because it will be harder to find a buyer who wants to live on the R1 property when there is no backyard privacy.

I have proposed an alternate site plan to the Developer which allows 9 units to be built on his property instead of 10 units. The alternate plan increases the amount of units which can be built on the property with the current height restriction. The alternate plan allows 2-story buildings on the southern end of the property, but has single-story units on the northern end of the property which protects his northern neighbor's privacy. The alternate proposal also follows existing R1 to R2 property boundaries that the City of Clovis has approved in the past. (Examples will be provided later in this presentation.)

I do understand that the city councils vote on Sept. 10<sup>th</sup> is to only remove the height restriction on the property at 1844 Austin Ave, and that the Conditional Use Permit CUP which allows the 2-story duplexes to be build with a 10' rear setback, will be the next step to be voted on in a month or two. However each step in the process is a point in time that allows me to voice my opinion, and since I cannot support the developers proposal with (10) 2-story duplexes, **I humbly request that the City Council will reject the proposal to remove the height restriction on the property of 1844 Austin Ave.**

# Table of Contents

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Additional information since the Planning Commission Meeting on Aug 23 <sup>rd</sup>	5
Site Plan evaluation (Developer's vs. an Alternate Plan)	6-10
Existing R1 to R2 boundaries in the City of Clovis and Neighboring City	11-17
2D layout of the 9 unit alternate plan	18
Appendix "A"	19-26

# **Please do not approve the removal of the height restriction on R88-09A until a compromise on the site plan has been reached.**

I wrote a letter to the Planning Commission asking that the height restriction NOT be removed from the property on 1844 Austin Ave. Below is a summary of the reason why I asked the commission not to approve the request.

1. I purchased my property at 1848 Richert Ave. last year believing that 2-story buildings would not be built directly behind my home. (This was explained on page 1)
2. The **privacy of my backyard will be severely impacted** by building (3) 2-story duplexes along the northern fence line of 1844 Austin Ave.
3. **Lower property values will result for my property** because not as many people may be willing to buy my home without backyard privacy.
4. I believe that the **City of Clovis has a responsibility to preserve the existing Zoning requirements** and restrictions that were established at the time the current residents who live near 1844 Austin Ave. purchased their property
5. I believe that building 2-story housing units along the north fence of 1844 Austin could **negatively impact the ability of my property to access direct sunlight during the months from October to February.**
6. If Mr. Annan only builds 2-story residences on the property of 1844 Austin Ave. with only 400 sq. ft. of living space on the ground floor, this **could defer people with mobility disabilities and other elderly people from living on this property**, especially if a ground floor bedroom is not provided in the residence and/or a stairway lift is not installed so the occupant can access the second story.
7. The **view of the sky line from my backyard will be reduced by about 10 degrees of elevation** if two-story vs single-story buildings are built along the northern fence line of 1844 Austin Ave, with only a 10 ft rear setback to the building.
8. I have question about the legality of the building rear setback of only 10 ft which is proposed on the unapproved site plan of 1844 Austin Ave. Shouldn't the rear setback of the building be 20 ft for an R2 residence per Residential Zoning Districts Chapter 9.10 table 2-3.

<https://www.codepublishing.com/CA/Clovis/html/Clovis09/Clovis0910.html>)



## **Additional Information Since the Planning Commission Meeting**

For more information about items 1-7, please see the letter that was sent to the planning commission for the Aug 23<sup>rd</sup> meeting.

In this document I would like to focus a little more on:

- The current site plan that the developer is proposing, verses an alternate plan
- Item 8 (having a 10ft setback instead of the standard 20 ft rear setback)
- Existing R1 – R2 boundaries that have been approved by the City of Clovis in the past

The Planning Commission did recommend that the developer talk to his neighbors on his northern property line (which I am one of them) to see if a compromise could be reached between the developer and the adjacent neighbors. Since then I have talked to Mr. Annan 3 times.

- After the planning committee meeting (Aug. 23<sup>rd</sup>)
- On the Phone Aug. 29<sup>th</sup>
- In person on Sept 4<sup>th</sup>

**Unfortunately to this date the Developer and I have not been able to come to a compromise. I continue to ask for a single story building along the northern property boundary to protect my families privacy. The Developer prefer his original plan which is more financially profitable.**

## **Developers Proposal verse an Alternate Compromise Proposal**

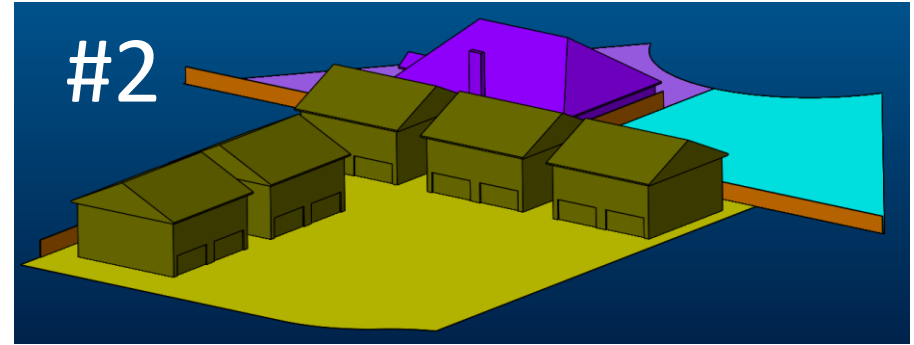
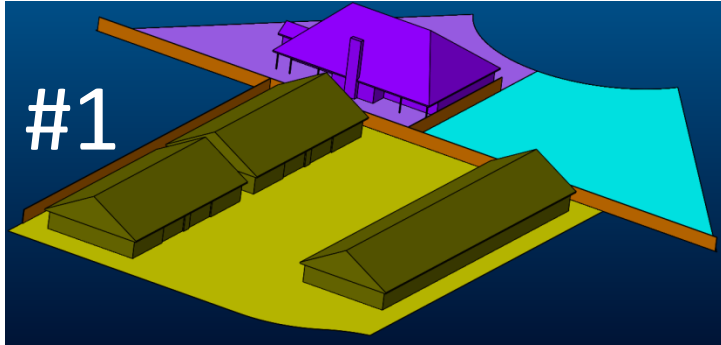
Personally I believe that my alternate proposal of (9) residential units on the property ((3) 2-story duplexes on the south end of his property and (1) single-story triplex on the northern end would be a good compromise.)

It does the following:

- Still provides a good amount of revenue for Mr. Annan
- Improves my backyard privacy greatly and removes the 8 concerns listed on the previous page
- Allows the developer's building complex to appeal to a greater range of people with mobility issues by having single story buildings on the property.

**In the following pages I would like to show you what the developer is proposing to build, verse the construction of the alternate proposal. I would also like to review what similar R2 to R1 properties have done when a 10' rear setback is requested over the standard 20' rear setback.**

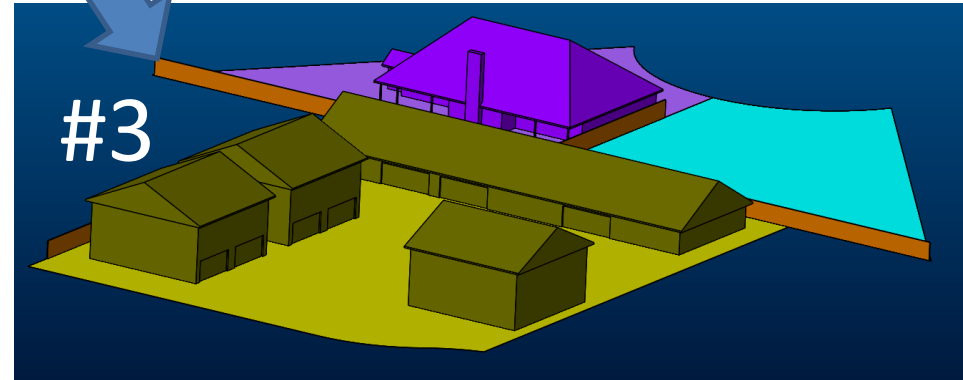
Below you can see three possible site plans. #1 is a single story option if the zoning height restriction was not remove. #2 shows the developers plan with (5) 2-story duplexes. #3 shows a compromise which matches existing property line interfaces in the City of Clovis between R1 and R2 properties when a 10' rear setback is present



#1  
Current Zoning – with height restriction (~7 units)

#2  
Developer's Proposal (10 units)

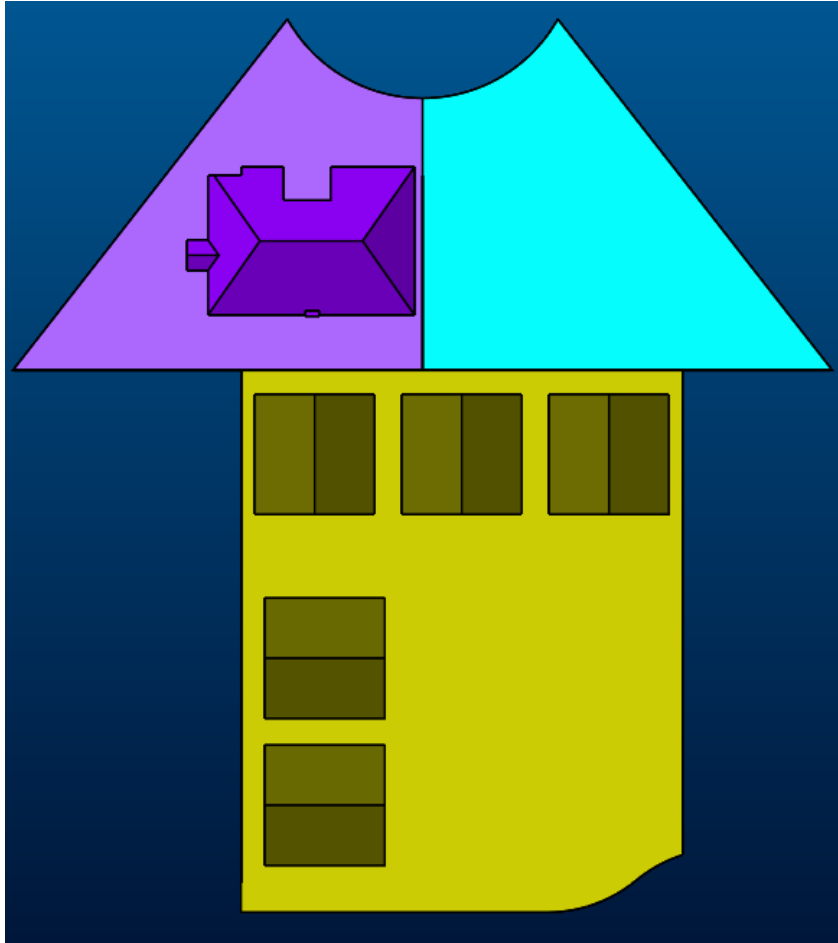
	Current Zoning	Developer's Proposal	Compromise
1-story duplex	2	--	--
2-story duplex	--	5	3
1-story triplex	1	--	1
Total units	7	10	9



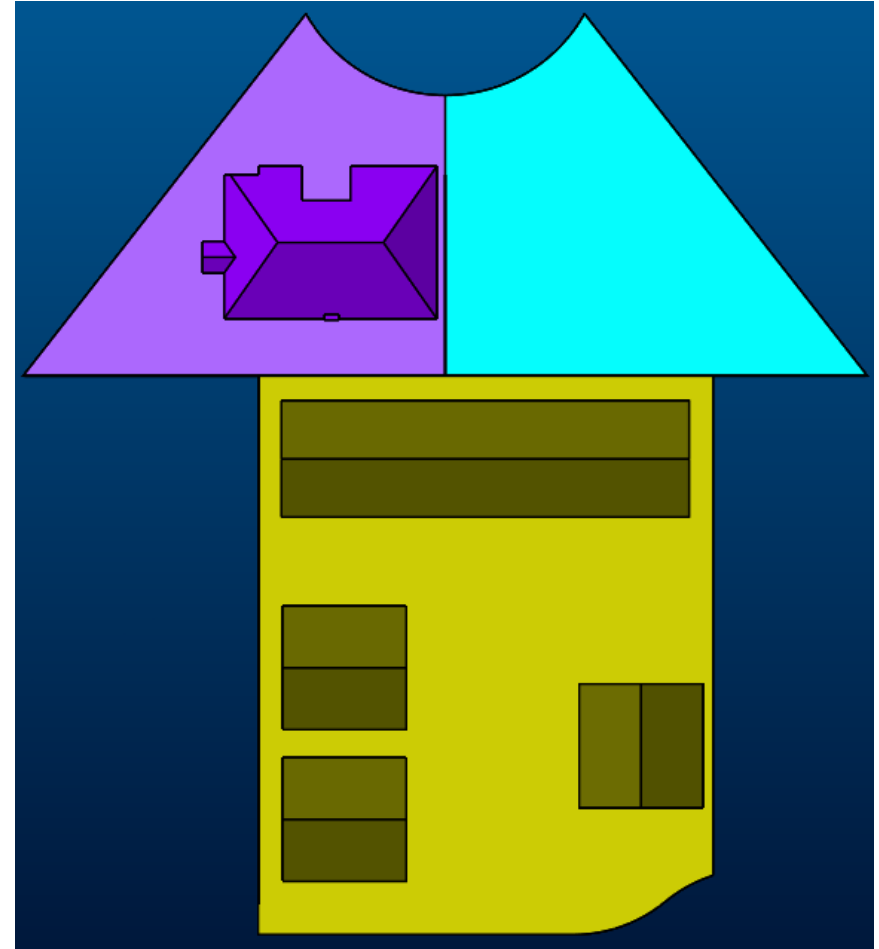
#3  
My Compromise Proposal (9 units)

# Developers vs. Alternant Proposal

Plan View of proposals



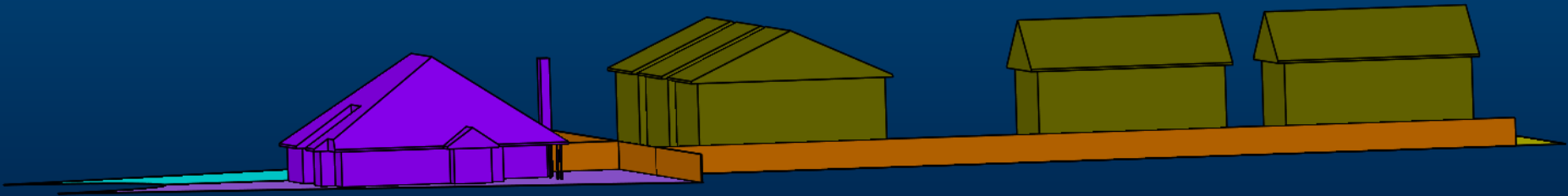
Developer's Proposal



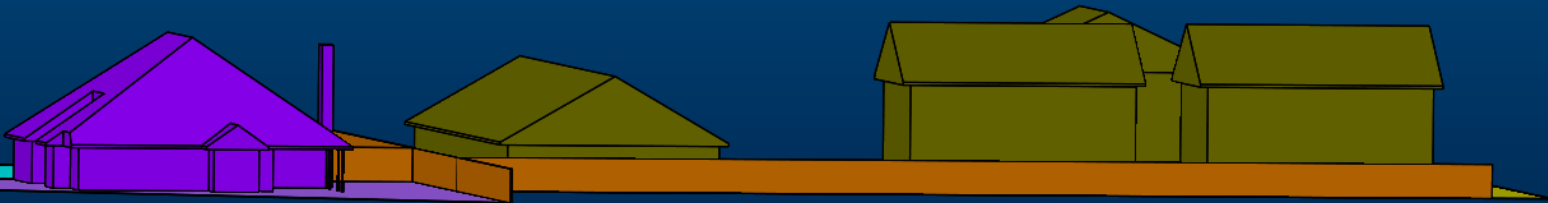
Alternant Proposal

# Developer's Proposal vs Alternant

View of how the two proposals affect the skyline and backyard privacy

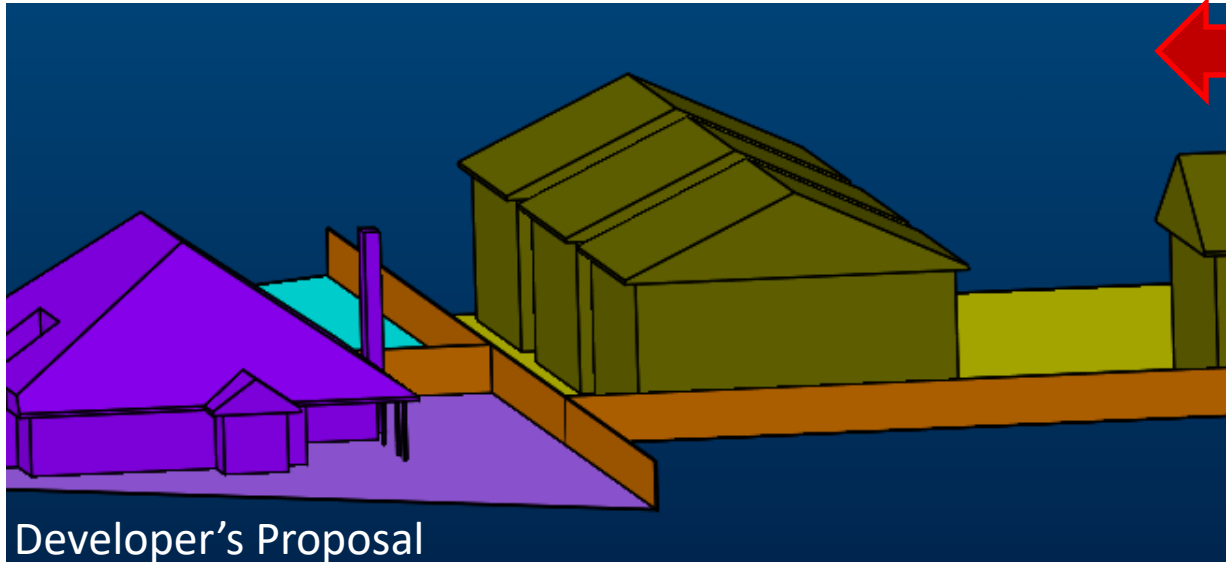


Developer's Proposal



Alternant Proposal

# 86 Developer's Proposal vs Alternant



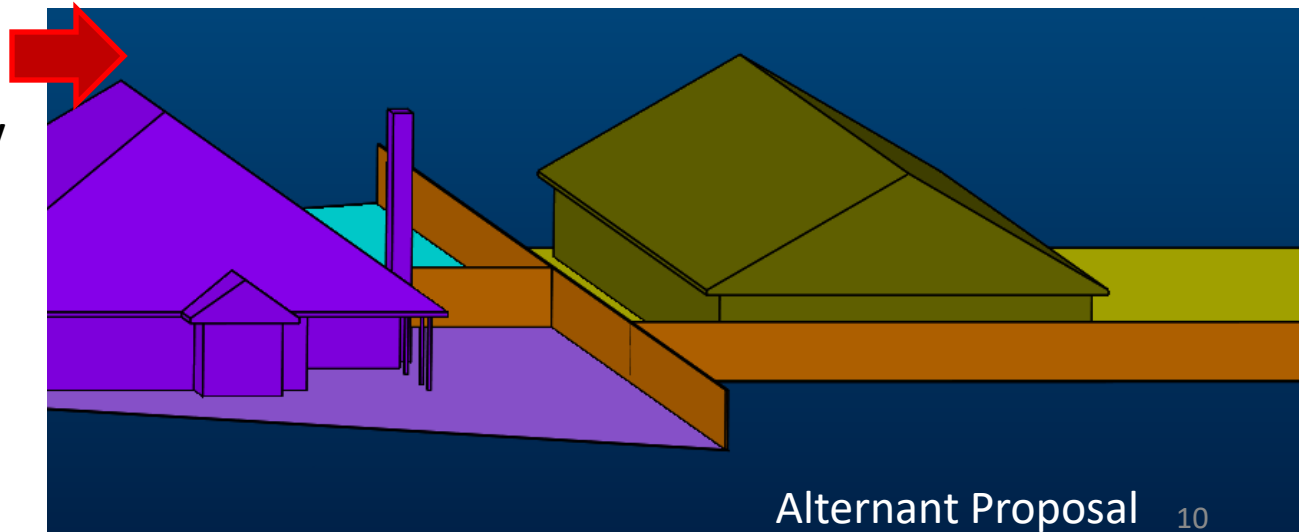
The developer's proposal drastically reduces the backyard privacy for the neighbors who share his northern fence line.

Also I can't find another R2 development that backs up to a R1 property, that has a 2-story building with a 10 ft rear setback.

Developer's Proposal

Single story building(s) along 1844 Austin Ave northern fence line will protect privacy of it's adjoining neighbors

Also this configuration will match existing R2-R1 zoning borders, such as "Dartmouth Towers" at Shaw and Dartmouth.



Alternant Proposal 10

# 87 Existing Example of R1 to R2 Property Boundary Interfaces

I was only able to find two property examples in Clovis that had an R2 property boundary which appears to have a 10' setback to an R1 property boundary.

- Dartmouth and Shaw (Dartmouth Towers)
- Temperance and Bullard (Sunny Hills Apartments)

I've also added another example from another town I grew up in. The town's name is Kerman (~15 miles west of Fresno)

- Kearney and Siskiyou (Pebble Brook Village Apartments)

# Dartmouth and Shaw

The property has single story building along the R1-R2 boundary when the buildings have a 10' rear setback. Then in the middle of the complex and along the northern street there are 2-story buildings





# Dartmouth and Shaw

Here is another view of the property

The alternate proposal matches existing boundary lines between R1 and R2 properties that the City of Clovis have approved in the past.



# Temperance and Bullard SunnyHills Apartments (R2 – 2-story Under construction)

See next page for more information



# Temperance and Bullard SunnyHills Apartments (R2 – 2-story Under construction)



**There is one apartment that is adjacent to an R1 properties side yard. Although I'm not 100% sure I believe the apartment in this location is single-story and the attic venting is showing in the picture (not a window) The privacy of the R1 Neighbor is protected.**



View from side street

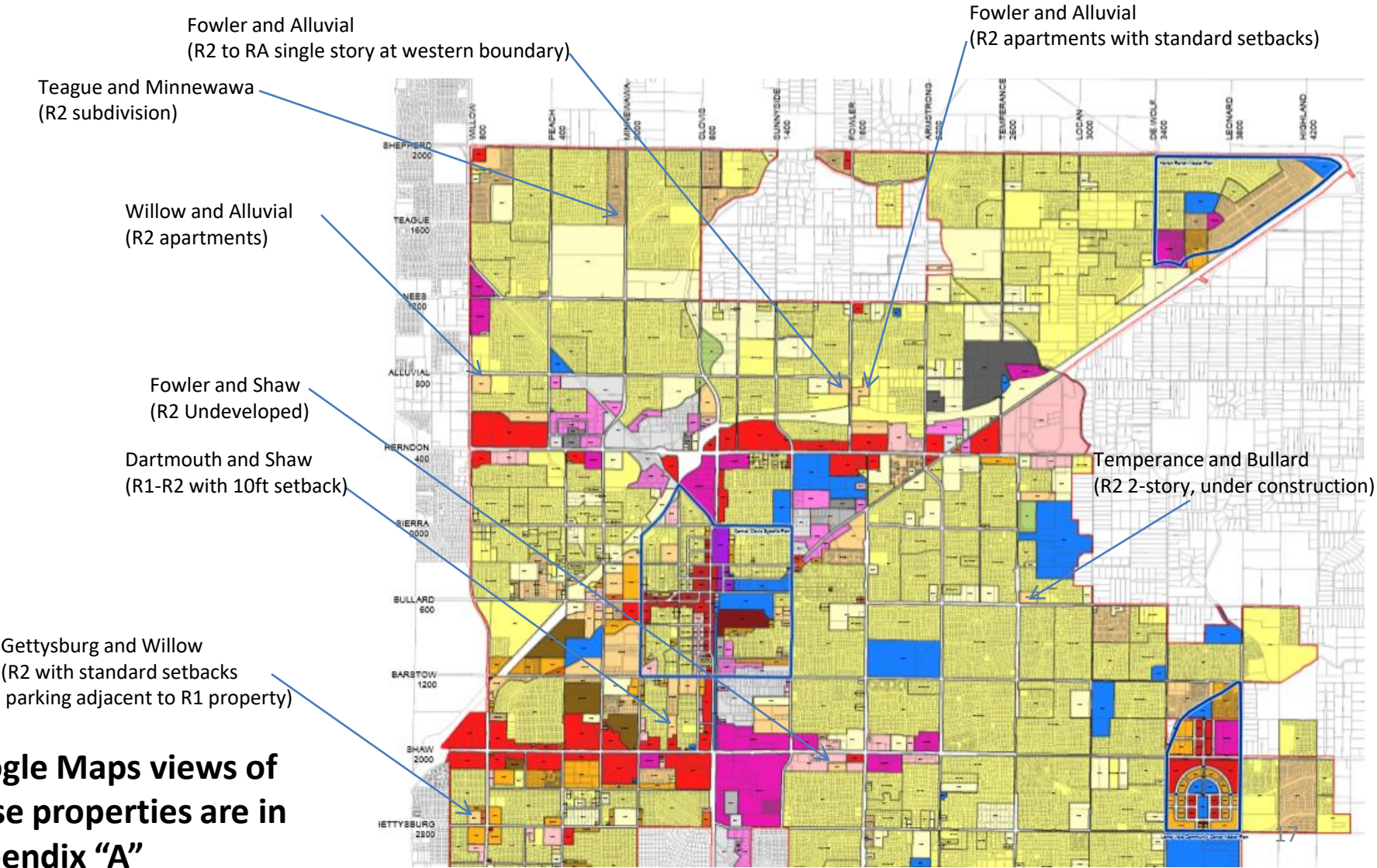
# Kearney and Siskiyou (Kerman)

## Pebble Brook Village Apartments

Pebble Brook is a mixture of one and two story apartments in Kerman Ca. They have 2-story apartments along the main streets, and single-story apartments along the zoning boundary between the R2 and R1 properties.

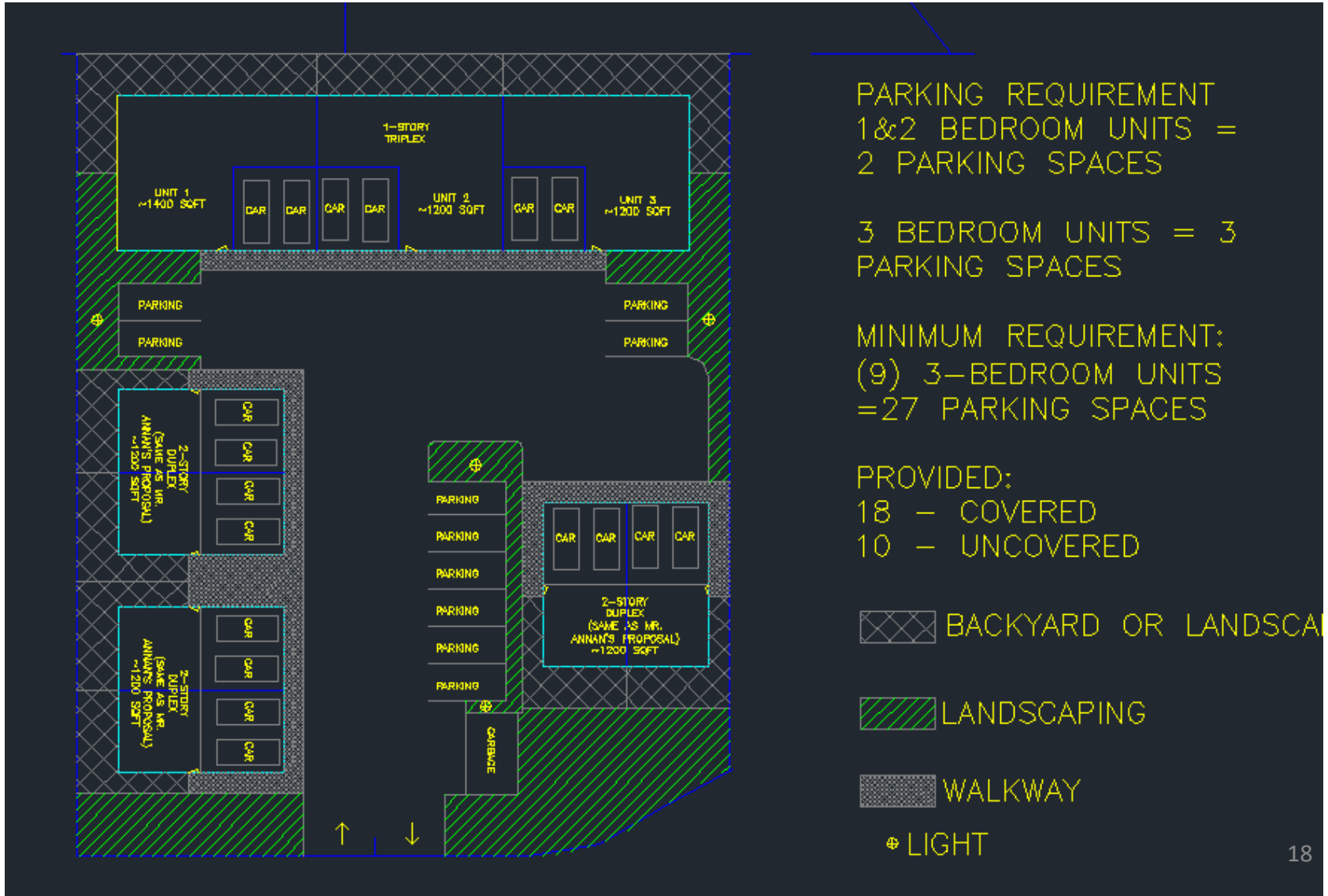


# These are Other R2 Properties that I Reviewed



Google Maps views of these properties are in Appendix "A"

94 Please Consider an Alternant Proposal similar to this one.



PARKING REQUIREMENT  
1&2 BEDROOM UNITS =  
2 PARKING SPACES

3 BEDROOM UNITS = 3  
PARKING SPACES

MINIMUM REQUIREMENT:  
(9) 3-BEDROOM UNITS  
=27 PARKING SPACES

PROVIDED:  
18 - COVERED  
10 - UNCOVERED

BACKYARD OR LANDSCAPE

LANDSCAPING

WALKWAY

LIGHT

# Appendix “A”

Google maps views of different R2 properties

- Teague and Minnewawa
- Fowler and Alluvial (Property 1)
- Fowler and Alluvial (Property 2)
- Willow and Alluvial
- Fowler and Shaw
- Willow and Gettysburg

# Teague and Minnewawa (R2 subdivision)





# Fowler and Alluvial (R2 s-story apartments with standard setbacks)



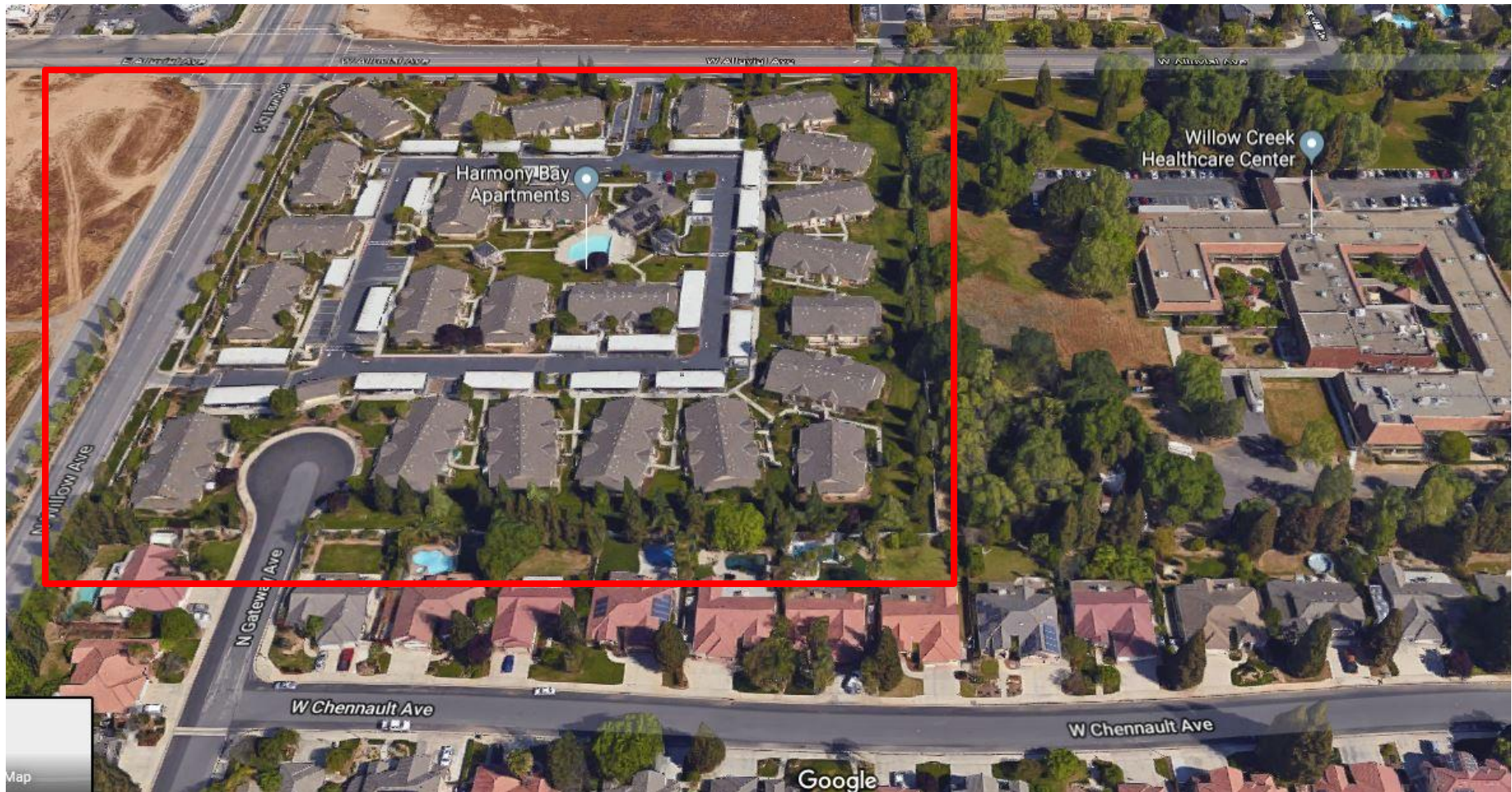
# Fowler and Alluvial

98

(R2 to RA boundary with single story on western border)



# Willow and Alluvial (R2 - Single-Story Apartments)



# Fowler and Shaw

(R2 – developed with single story apartments)

See next page for more information



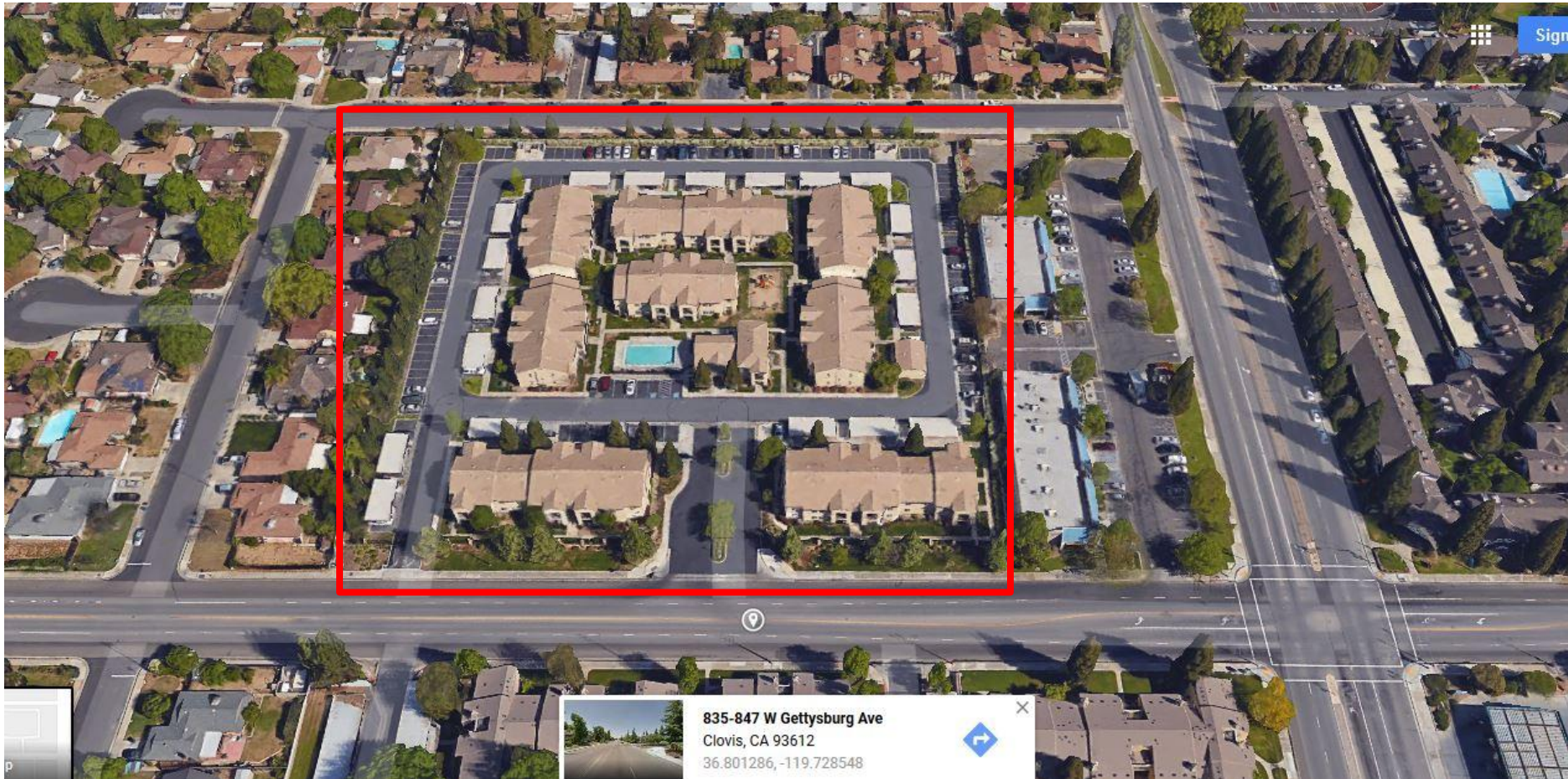
# Fowler and Shaw

(R2 – developed with single story apartments)

The Apartment Complex's name part of "Carmel Village at Clovis"



# Willow and Gettysburg (R2 with standard setbacks) Parking is adjacent to R1 properties



**To:** Marrisa Pena  
**Subject:** RE: 1844 Austin Way Proposal

**From:** Marrisa Pena [mailto:marrisa@yourmissionagent.com]  
**Sent:** Monday, September 10, 2018 3:01 PM  
**To:** Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Ruben Villegas <ruben@yourmissionagent.com>  
**Subject:** 1844 Austin Way Proposal

Mr. Ramirez

Hello I am the owner of the property located directly behind the planned development at 1844 Austin Way Clovis CA 93611.

My back yard faces the lot for the the proposed construction, Kevin and Lisa are my neighbors and their property as well as mine will receive the most negative impact from this build.

I am a REALTOR in Clovis CA and know first hand the huge negative impact Mr. Annan's current plan proposal will have on my property.

Not only will my homes current value and future value decrease substantially it will also affect me in the future if I do decide to relocate or downsize.

I have no plans to move, I purchase my home over 6 years ago and the main reason I fell in love with my home is because of the large outdoor living space.

I love the privacy I have when I walk out of 1 of my sliding glass doors and the lack of noise and traffic allow me to truly enjoy the home I have built, love, raised my 2 oldest daughters in and continue to raise my 2 younger sons in.

To think of having 6 apartment units directly in back of me is something that I never ever thought would be a possibility, it scared me to imaging having to walk into my backyard and have multiple sets of strange eyes encroaching on my privacy but as well as my families safety and well being.

I will never feel comfortable walking out of my bedroom and taking a dip in my pool or reading a book under my pergola or even back porch knowing that my privacy that I value more than anything has the possibility of being non existent if the height restriction is passed by the City of Clovis.

You can ask anyone if they would be comfortable with having to live like that and the answer would be no. I am a Clovis resident, Homeowner and Business owner and I would

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The City of Clovis would take into consideration our neighborhoods charm, family atmosphere and safety before the earnings of an investor that is not even a resident of our Gettysburg Park Community.

Thank you in advance  
Marrisa Pena  
1852 Richert Ave  
Clovis CA 93611  
559-260-6986

--

[Marrisa A. Pena](#)

Mission Mortgage & Realty of Central Valley  
2700 Clovis Ave Suite 108  
Clovis CA 93612

[559-260-6986-Cell](#)  
[559-291-SELL-Office](#)  
[877-561-3777-Fax](#)

BRE#01777687/01910540  
NMLS#329987-925515

[www.missionmortgageandrealty.com](http://www.missionmortgageandrealty.com)



October 16, 2018

Received

OCT 19 2018

ADMIN/CITYMGR

Dear Clovis City Council Members and Planning Commission,

I am writing in regards to CUP2018-04, requesting to approve a conditional use permit for property located at 1855 Austin Avenue. I am voicing a resounding NO to the ten residential units, two story condominiums Mr. Annan is trying to get a permit for. I do not understand how the council thinks this would be a desirable addition to this neighborhood, and would like for you to take a more personal view toward your decision on this. The building of such a monstrosity would indeed lower the existing neighborhoods home values surrounding this proposed idea. We have all worked hard on our residences, and do not wish to see our blood, sweat, and tears overlooked with such low regard. As we have voiced at other council meetings, we feel that this does not blend with existing properties. This must remain a single story neighborhood, as was determined by your council and planning commission of yesterday. Let me walk you through a brief history of this "trac", so that you can be refreshed as to what it's history was:

1988 - R-88-9 Single story Professional Office

2004 - TM5230 Low Density Multiple Family Residential, Single Floor  
(SPR2004-12 and 13 Single Story duplex/triplex to the south)

2008 - CUP2008-05 Low Density Multiple Family to east. Site is  
designated as Office (proposed daycare) Obtained 73 signatures  
against to no avail-

2012 - CUP2008-05A Limits structure to one story

You advertise on your City of Clovis website, that you are "committed to our needs, values, and a quality way of life for all."

We **NEED** to feel safe in our own backyards without prying eyes watching our every move.

We **VALUE** our homes and wish to keep that value when it is time to move on, not lower it because no one would purchase it at market value with those looming white elephants behind it. **QUALITY OF LIFE?** Please tell me how this will be a positive impact on that. Our privacy will be non-existent. The added noise level, congestion and parking problems that already exist because of the day care facility, will be compounded to such extremes, that would hardly represent what you deem "A Clovis Way Of Life."

You really must see past the immediate possible benefit for the city on this.

This is not in any way, shape, or form, a positive conclusion for the families who have been here working, thriving, and contributing most ardently to this town.

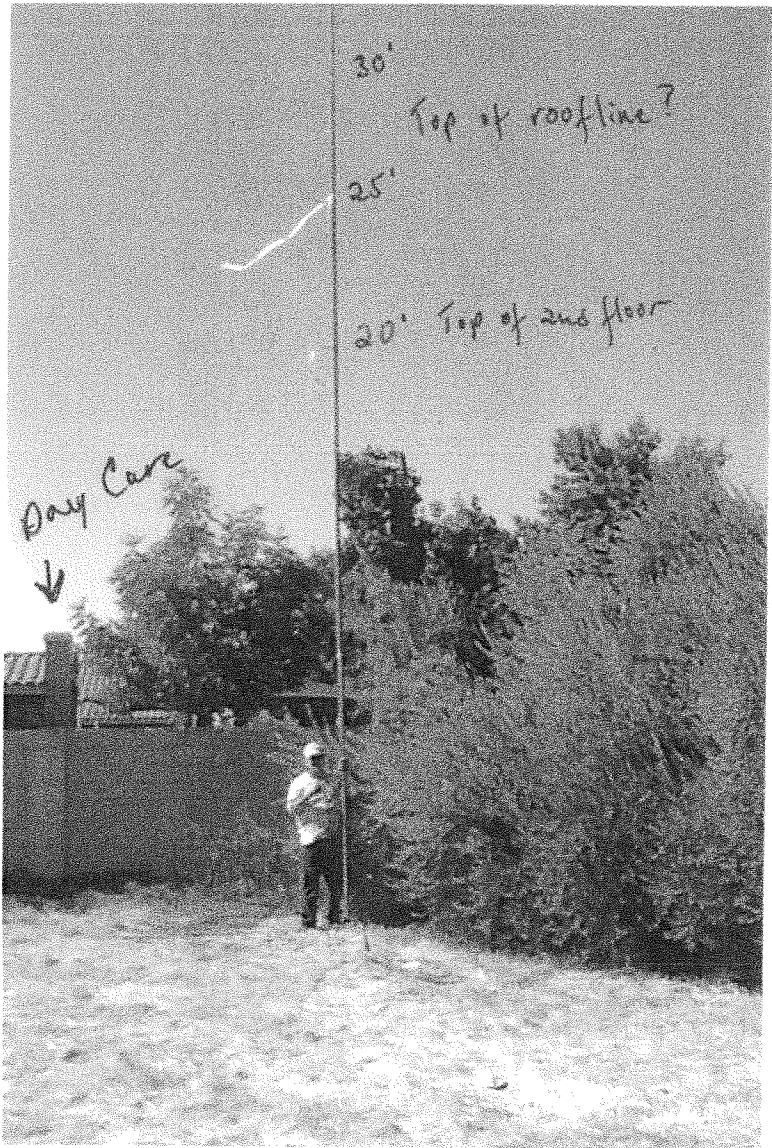
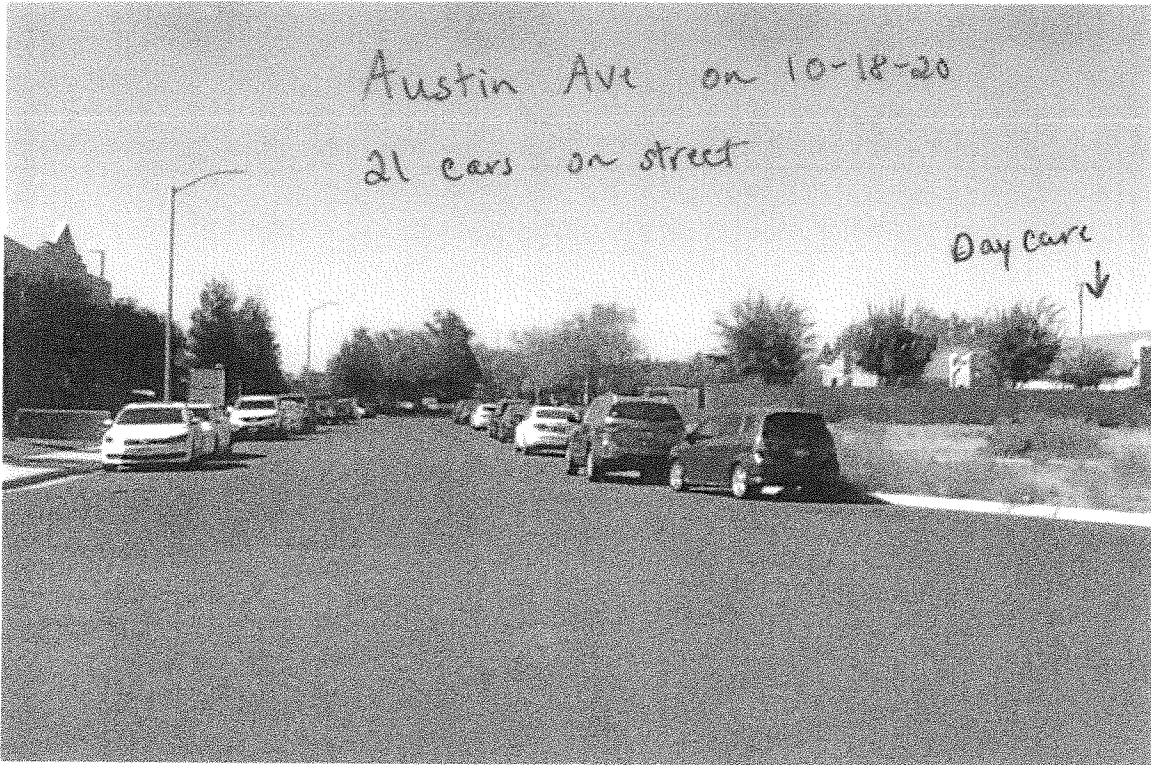
Thank you for your time,



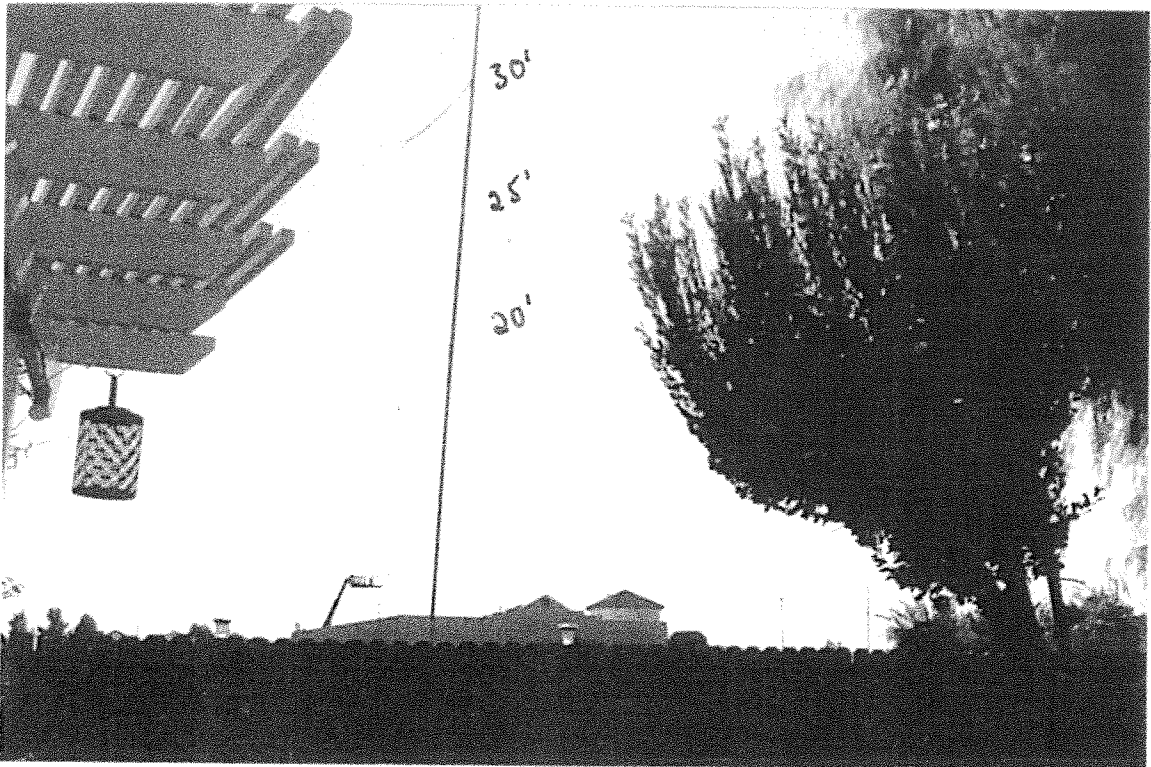
Jeanna Basch

1844 Richert Avenue

Clovis, CA 93611









## Conditions of Approval - R88-9

1. The following development criteria shall be applied to multiple family residential development at this site:
  - a. A two car enclosed garage shall be incorporated for each residential unit.
  - b. No more than one dwelling unit per 3,000 square foot of lot area shall be provided at this site (6,000 square feet for duplexes, 9,000 square feet for triplexes)
  - c. All front yard setbacks within the multiple family development shall be a minimum of 20 feet. A minimum 20 foot front yard setback shall be provided along the Ashlan Avenue frontage.
  - d. Residential units shall be constructed with duplex or triplex lots in an architectural manner and of materials reflective of single family residential development. This shall include:
    - tile, shake or calshake type roofing.
    - a minimum roof pitch of 3:12.
    - a minimum first floor area of 1200.
    - any second floor construction shall not exceed 450 square feet.
    - minimum roof overhang shall be 3 feet.
    - a minimum of one roof break shall be required per each dwelling.
  - e. Height limitations shall reflect the current standards of the Southeast Area Specific Plan. The provisions of condition 1(d), above, regarding second floor are applicable only if Southeast Area Specific Plan is amended to allow two-story residential construction in this area.
2. The following are development standards for the professional office development at this site:
  - a. A minimum 20 foot landscaped setback shall be provided along the Ashlan and Fowler Avenue frontages.
  - b. All development on this site shall not exceed one story in height.
3. Applicant shall dedicate to provide 30 feet east of the section line along the Fowler Avenue frontage of the site for widening of Fowler.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author outlines the various methods used to collect and analyze data. This includes both primary and secondary research techniques. The primary research involves direct observation and interviews, while secondary research involves analyzing existing data sources.

The third section details the results of the data analysis. It shows a clear upward trend in sales over the period studied, which is attributed to several factors, including increased marketing efforts and improved product quality.

Finally, the document concludes with a series of recommendations for future actions. These include expanding the product line, strengthening customer relationships, and continuing to invest in research and development to stay ahead of the competition.



determine the height of the residential structures. Presently, the plan limits structure height to a single floor. (Please see the attached conditions of Exhibit "C").

At the time of zoning, considerable discussion occurred as to whether the continuation of the frontage road along Fowler Avenue should be required. At the request of area residents, the frontage road continuation was not required by the City Council.

A specific condition of approval requires Planning Commission review of any site plan review application on this site.

Reasons for Recommendation

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

Tentative Tract Map TM 5230 would create a five parcel subdivision with parcels 1, 2, and 3 being developed under the C-P (Professional Office) Zone District and parcels 4 and 5 developing under the R-2 (Low Density Multiple Family Residential) Zone District. As mentioned previously, development conditions are attached to the zoning for this site.

The parcels that are being created are consistent with the development standards of the associated zone districts, as conditioned, and the Southeast Area Specific Plan.

Staff does have some concern regarding the placement of additional driveways along the Fowler Avenue frontage. However, as any development will be required to undergo the Site Plan Review process, and as conditions of approval for Rezone R88-9 require Planning Commission review of the Site Plan Review, any Fowler Avenue driveway placements may be specifically reviewed at that phase. Staff recommends the use of reciprocal vehicular access agreements for parcels 1 and 2.

Given the consistency of this map with the zoning and specific plan standards for the site, staff recommends approval, subject to the attached conditions of Exhibit "A".

The findings for approval of a tentative subdivision map application are as follows:

1. The proposed map is consistent with applicable general and specific plans;
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
3. The site is physically suitable for the type of development;
4. The site is physically suitable for the proposed density of development;

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The primary data was gathered through direct observation and interviews, while secondary data was obtained from existing reports and databases.

The third section details the statistical analysis performed on the collected data. It describes the use of descriptive statistics to summarize the data and inferential statistics to test hypotheses. The results of these analyses are presented in a clear and concise manner, highlighting the key findings of the study.

Finally, the document concludes with a summary of the findings and their implications. It discusses the limitations of the study and suggests areas for future research. The author expresses confidence in the reliability of the data and the validity of the conclusions drawn.

May 3, 2008

To:  
City of Clovis  
Department of Planning and Development Services  
City Hall  
1033 Fifth Street  
Clovis, CA 93612

We, the concerned property owners of the "Briarwood West" parcels and surrounding parcels located East of Fowler, North of Ashlan Avenues, wish to oppose the Request to approve a conditional use permit to allow for a proposed day care facility on approximately .55 acres of property located near the northeast corner of Austin and Fowler Avenues. Graham and Kristin Peterson, owners/applicants.

We are concerned about the significant environmental impact of the amount of noise level associated with such a facility, examples of which include opening and closing of vehicle doors, starting of vehicle noises, locking of vehicles (remote chirps), loud interactions between parents and children, that will start very early in the morning and ending late in the evening.

We are concerned to the additional traffic associated with the proposed business adding to the already difficulty of congestion due to the elementary schools nearby, both within a mile of proposed facility.

Give the home owners who have a significant investment in their homes and quality of life, the right to keep that significant, as this proposal will most definitely reduce their existing value.  
Thank you.

NAME	ADDRESS	PHONE
Joanna Basch	1844 Rickett Ave	294-0450
Betty Dada	1848 Rickett Ave	548-1577
Wendell Edwards	1842 Rickett	291-2002
Dan Roper	1902 SWIFT	291 0735
Bill LITTEN	1910 SWIFT	294-1642
Malinda Steele	1938 Swift	292-5002
Daniel Steele	1938 Swift	292-5002
Daniel Leo Studer	1978 SWIFT	291-6073
Don Rau for AM	1988 SWIFT	291-5434

Maria C Sanchez 1988 Austin 291-3126

Eric Sanchez Same Same

Kelly Gill 1978 Austin 292-3901

Heidi Hill 1978 Austin 292-3901

Marylouise 1975 Austin 241-3514

Nancy Adams 1945 Austin Ave 291-1241

Nai Yang 1925 Austin Ave 292-4408

Tchad Tchierig 1925 Austin Ave 348-3882

Mama, Jr 1925 AUSTIN AVE 801-2069

Kristi Williquette 3184 Laverne Ave 291-5449

Marlene Puentes 3194 Laverne Ave-292-0074

Shan Mann 1946 Antonio Ave 292-6787

Cheng Wilson 1957 Antonio Ave 346-0262

Kenneth Wilson 1957 Antonio Ave 346-0262

Antonio Diaz 3133 Burgan 292-2750

Loretta Sheperd 3123 Burgan 292-2097

Al Betel 1851 Robert 348-1067

Judith Clowe 1851 Robert 348-1067

Melvin Anthony 1861 Robert 346-0397

GENE 1861 RICHERT 346 0397

- ~~Mark~~ 1858 Richert Ave 347-9556
- ~~MO~~ 1881 Richert Ave 291-1631
- Jimmie Ailly 1881 Richert Ave 291-0705
- Velva Hoffman 1891 Richert 294-1225
- Latherine Dwyer 1925 Richert Ave Clovis 292 3905
- Lesegs Barber 1955 RICHERT AVE CLOVIS 292 8590
- Barbara Light 1991 Richert Clovis 294-0211
- MARK FORNEY 1991 RICHERT CLOVIS "
- Loretta Baker 2001 Richert Ave. Clovis 348-1251
- ~~PK~~ 2032 Richert Clovis 291-9369
- Dawnette Keffner 2032 Richert Clovis 291-9369
- Conrad J. Young 1946 Richert Clovis 291-9812
- ~~Ray~~ 1936 Richert Clovis 291.9403
- ~~W.D. Jackson~~ 1841 Richert Clovis 340-1328
- ~~W.D. Jackson~~ 1841 Richert Clovis 340-1328
- ~~W.D. Jackson~~ 2073 Fowles
- ~~W.D. Jackson~~ 1841 RICHERT, CLOVIS 294 0000
- ~~W.D. Jackson~~ 3083 Fowles Ave 292-5759
- ~~W.D. Jackson~~ 3148 Whittier Ave 438-0858
- Beri Morris 3146 Whittier #102 840-2142
- Jessy Willy 2125 Whittier #102 291-3463

~~now~~ ~~Latall~~ 3155 Whittier #102 Clovis, CA 93611

~~Rita~~ ~~Brigg~~ 3155 Whittier Ave #103, Clovis, Ca. 93611

~~Mike~~ ~~Zinn~~ 3155 Whittier Ave #103, Clovis, Ca. 93611

~~Gene~~ ~~Kater~~ 3195 Whittier Ave #102 Clovis Ca 93611

~~YMM~~ 3175 Whittier #103 CLOVIS, CA 93611

~~WJGT~~ 3195 Whittier #101 Clovis, Ca. 93611

~~WJ~~ 1835 Ashlan Ave #102 Clovis, CA 93611

~~Alto~~ ~~S.M.~~ 3093 Fowler Ave Clovis, CA 93611

~~Bedwardson~~ 1842 Richert Ave Clovis, CA 93611

~~R.L. Bell~~ 3053 Fowler Clovis 93611

~~George~~ ~~Dado~~ 1845 Richert Ave Clovis 93611

~~Carol~~ ~~Barner~~ 1854 Richert Clovis 93611

~~Sp~~ ~~Gy~~ ~~Hfb~~ 1852 Richert Ave Clovis 93611

~~Jordan~~ ~~Baus~~ 1918 Swift Ave Clovis CA 93611

~~Elizabeth~~ ~~Behler~~ 1928 Swift Clovis CA 93611

~~WJGT~~ 1997 SWIFT AVE Clovis Ca 93611

~~Karen~~ ~~Bulson~~ 1985 Austin Ave, Ca 93611

~~Beth~~ ~~encourt~~ 3195 Whittier Ave #103

~~Mishelle~~ ~~Schoonover~~ 3175 Whittier #102 CLOVIS 93611

GARY MORRIS 1831 RICHERT CLOVIS 93611

Garnett Edvardson 1842 Licket Ave. 93611

Virginia Haro 1929 Ricket Ave. 93611

R. W. O'Neill 2017 Ricket 93611

Jesse Ryan 3033 Boyer 93611

15





R88-9 included a condition of approval that limited structures to one story. The applicant's proposed structure is approximately 21 feet high, consistent with the rezone conditions.

### Flags and Monument Sign

The developer is requesting to construct a monument sign at the corner of Austin and Fowler Avenues including three flag poles at 30 feet in height. The Code permits flag poles up to 24 feet in height. The Code further states that the Commission could consider flag poles higher than 24 feet through a sign review. Staff is requesting that the Commission consider the applicant's request to place three, 30-foot high flag poles at the corner.

### Hours of Operation

During the initial hearings for the existing day care, noise was a major topic of concern for the neighbors. The City Council requested restricted hours in order to address those concerns. CUP2008-05, included restrictions on the hours of operation from 6:00 a.m. to 6:30 p.m. with the use of the play area limited to 8:00 a.m. to 6:00 p.m.

Since the opening of the day care, staff has not received any complaints or concerns of noise from the use. The applicant is not requesting to amend the hours of operation.

### Walls and Fences

The Clovis Municipal Code requires a six-foot high masonry wall along all property lines between office and residential zoned properties. The applicant is proposing a six-foot high wall along the north property line and a three-foot high wall with a three-foot high decorative wrought iron element above, along the west side of the site adjacent to Fowler Avenue. A six-foot high wrought iron fence is proposed on the south side of the project.

### One-Year Review

Per a request by the City Council, staff noticed the neighbors and conducted a one-year review of the existing day care facility and presented findings to the Planning Commission on April 22, 2010. During the hearing, one neighbor stated that there was an issue with the intensity of the patio light on the back side of the facility. Staff worked with the applicant to remedy the issue. No other violations were found and the Planning Commission determined the use to be in compliance with CUP2008-05.

### California Environmental Quality Act (CEQA)

This Project is exempt from CEQA pursuant to a Class 32 categorical exemption. Class 32 exemptions consist of in-fill development less than 5 acres in size meeting the conditions described in California Government Code Section 15332(a), (b), (c), (d) and (e). A Notice of Exemption has been completed during the preliminary review and is kept

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Attn. Planning Commission and City Council members,

As a voting member of this community, I urge you to give your attention to the complaints of your constituents regarding CUP2018-04. I expect you, as leaders, to listen and empathize with your neighbors whose home lives and properties are at risk of losing value. Realistically, the proposed 10-unit multiple-family condominium complex for Austin Avenue, set to be a frustratingly invasive two-story establishment, will bring down the property value of the surrounding homes. Many of the homeowners, when first purchasing their properties, were told that the lots along Austin Avenue were meant to be single-story professional medical facilities—see Exhibit “C” Conditions of Approval-R88-9, provided by the City of Clovis itself (that means you). Upstanding medical institutions, quiet and lacking the high-up windows that could peer over into not-so-private backyards, are not threatening to a homeowner’s property value or privacy.

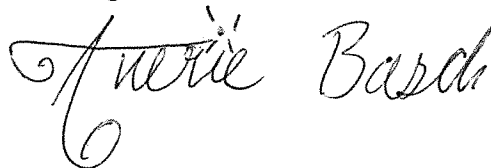
However, a few years ago, a day care, complete with a camera, play place, and screaming children, was established instead. What a betrayal! The City of Clovis that we know and love broke the promises made in the Conditions of Approval R88-9. That was a solid agreement, and it was thrown out the window. Ouch. While many of the inhabitants of the homes near the daycare have or have had children of their own and do not oppose daycares in general, this particular daycare felt—and still feels—rather exposing, not to mention loud. The noise pollution itself is a bother. While I was trying to study for Calculus exams in high school, even the closed windows could not cut off the constant high-pitched screaming of the children or the shouts of the care providers: “EVERYBODY LINE UP!” When I was in kindergarten, my teachers told us to be quiet if we got too loud, because we were near other classrooms. Do homeowners not deserve the same respect?

The issue at hand is not the daycare, however. Instead, the neighborhood faces a TWO-story complex, with leering windows promoting potential new residents to overlook the current inhabitant’s backyards, where we all should be able to live in the privacy that was bought with the home and fences. People should feel comfortable at home, in their backyard. You should. I should. We all should. However, the proposed structure is only twenty feet away (a very short distance) and will simply by existing

shatter any hope of comfort. It will be tall. It will be close. It will be a leering and overshadowing monstrosity that daily undermines the credibility of the City of Clovis, who wrote the aforementioned Conditions of Approval that are in danger of being violated once again. We have measured the proposed dimensions. Believe me, you would not want this on the other side of where you and your families relax, sunbathe, throw birthday parties, etc. You would not want this probing violation. You would not want your trust broken, *again*, especially so close to voting season. You would not want the house you finally paid off to drop in value because the City of Clovis decided to throw away your original agreement. You would not want to lose the value of your property, the privacy of your home and backyard, and your faith in your representatives all at once. You would want to you and your neighbors to be defended by those who were either carefully selected or voted in to do so, because you all spoke up against one threatening unit. We are a team, you and us, and teams only succeed when all members work together, communicating effectively and supporting each other, especially in the face of adversity.

The only way for the city to uphold its credibility in the eyes of these voters is to support those who are demanding help. We have banded together, and ignoring us is a blatant disregard and disrespect of our voices—voices which gave some of you these positions. There is no logical, moral, or even economic reason to why the proposed buildings should be erected on the other side of our fences when they cause so much unease to the patient neighbors who are speaking up now. Please listen to our voices.

Kind regards,

A handwritten signature in cursive script that reads "Averie Basch". The signature is written in black ink and is positioned to the right of the typed name "Averie Basch".

Averie Basch

1844 Richert Ave.

Clovis, CA 93611

Dear Planning Commission and City Council members,

Regarding: CUP2018-04

125

My name is Jeanna Basch

I live at 1844 Richert Ave

Please **do not** allow 2-story buildings to be building along the fence lines that border the R1 properties of 1855 Austin Ave. for CUP2018-04 and also for future development of the neighboring property 1885 Austin Ave. Clovis Ca. 93611 if a CUP is requested in the future by that property owner.

Sincerely,

Jeanna Basch

Date 10/16/18

Dear Planning Commission and City Council members,

Regarding: CUP2018-04

My name is Averie Basch

I live at 1844 Richert Ave

Please **do not** allow 2-story buildings to be building along the fence lines that border the R1 properties of 1855 Austin Ave. for CUP2018-04 and also for future development of the neighboring property 1885 Austin Ave. Clovis Ca. 93611 if a CUP is requested in the future by that property owner.

Sincerely,

Averie Basch

Date Oct 14, 2018



# CITY of CLOVIS (<https://www.ci.clovis.ca.us/>)

- ABOUT ([HTTPS://WWW.CI.CLOVIS.CA.US/ABOUT](https://www.ci.clovis.ca.us/about))      BUSINESS ([HTTP://CLOVIS4BUSINESS.COM/HOME.ASPX](http://clovis4business.com/home.aspx))
- DEPARTMENTS & SERVICES ([HTTPS://WWW.CI.CLOVIS.CA.US/DEPARTMENTS-AND-SERVICES](https://www.ci.clovis.ca.us/departments-and-services))
- EMPLOYMENT ([HTTPS://WWW.CI.CLOVIS.CA.US/EMPLOYMENT](https://www.ci.clovis.ca.us/employment))
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- WEB SERVICES ([HTTPS://WWW.CI.CLOVIS.CA.US/ONLINE-SERVICES](https://www.ci.clovis.ca.us/online-services))
- SEARCH ([HTTPS://WWW.CI.CLOVIS.CA.US/SEARCH](https://www.ci.clovis.ca.us/search))

## Clovis General Plan Introduction

Since the City's incorporation over 100 years ago in 1912, Clovis remains a community that values its citizens, its way of life, and its future as a leader and innovator in the San Joaquin Valley. This General Plan continues this tradition by building on the strengths of previous planning efforts, staying true to the community's values and vision, and addressing future needs in a changing world.

This plan focuses on the preservation and enhancement of the existing Clovis community while allowing the continued development of three Urban Centers to ensure the long-term viability of the Clovis we know and love. The Urban Centers—key components that are carried forward from the 1993 plan (</Portals/0/Documents/Planning/ClovisGeneralPlan/1993GeneralPlan.pdf>)—are unique sub-communities of Clovis that enable the City to grow while maintaining authentic, small town character and overall livability.

Another important focus of this General Plan is to provide a document that is approachable and easy to use. This plan focuses on providing clear, consistent, and substantive goals and policy direction to guide community members, staff, and elected officials when making decisions about Clovis' future.

## General Plan Content

- General Plan Home Page  
(</Departments-and-Services/Planning-and-Development/General-Plan>)
- Land Use Element (</Departments-and-Services/Planning-and-Development/General-Plan/Land-Use-Element>)
- Economic Development Element  
(</Departments-and-Services/Planning-and-Development/General-Plan/Economic-Development>)
- Circulation Element  
(</Departments-and-Services/Planning-and-Development/General-Plan/Circulation-Element>)
- Housing Element  
(<http://www.ci.clovis.ca.us/Departments->

## General Plan Vision

### Vision Statement

**A City that is committed to the Clovis Community Family, their needs, their values, and a quality way of life for all; reflecting that commitment in how it develops and in the activities it undertakes.**

### Community Values and Guiding Principles

**One word symbolizes Clovis of the past, present, and future more than any other: FAMILY—not only the conventional definition, but all of the individuals and households who make Clovis their home or work place. In other words: The Clovis Community Family.**

The physical place called Clovis will continue to reflect the central value of The Community Family as it moves through this century. The Vision for Clovis is the building block of our neighborhoods, schools, and civic institutions and provides the motivation for everything the City and its leaders do jointly to shape the future.

The Clovis Community Family idea embraces the following guiding principles:

#### Small Town Character

Preserve the authenticity of Old Town and plan new development that creates a sense of community and place.

#### Education

Support access to superior lifelong education for all Clovis residents.







# CITY *of* CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: October 25, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_, CUP2018-09, a request to approve a conditional use permit for a new tire sales and service facility located on a portion of a 12.9 acre property located at the northeast corner of Herndon and Helm Avenues. Peter Klein Trustee, Owners; America's Tire, Halle Properties, applicant; Sol Development, representative.

### ATTACHMENTS:

Figure 1: Location Map  
Exhibit "A:" Conditions of Approval  
Attachment 1: Draft Resolution  
Attachment 2: Correspondence from Agencies  
Exhibit "B:" Site Plan  
Exhibit "B-1:" Conceptual Site Plan of Center  
Exhibit "C:" Floor Plan & Elevations

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends that the Planning Commission approve conditional use permit CUP2018-09, subject to the conditions listed in Exhibit "A."

### EXECUTIVE SUMMARY

The applicant, is requesting approval of a conditional use permit to allow for the development of a tire sales and service facility on a portion of a 12.9 acre property located at the northeast corner of Herndon and Helm Avenues. Approval of this conditional use permit will allow the applicant to move forward with site plan review.

**BACKGROUND**

- General Plan Designation: General Commercial
- Specific Plan Designation: Herndon-Shepherd
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 12.9 acre
- Current Land Use: Vacant
- Adjacent Land Uses:
 

North:	R-2 (Medium High Density Residential)
South:	C-P (Professional Office) R-1-AH (Single-Family Residential 18,000 sq. ft.)
East:	C-2 (Community Commercial)
West:	C-2 (Community Commercial)
- Previous Entitlements: GPA84-03A R2001-08, SPR2009-10

**PROPOSAL AND ANALYSIS**

*Project Description and Operation*

The applicant is requesting approval for the development of a tire sales and service facility on a portion of a vacant 12.9 acre parcel located at the northeast corner of Herndon and Helm Avenues. The lease area for this project is approximately one acre located at the southeast corner of the subject parcel. The proposed facility is approximately 8,192 square feet in area with an overall height of 26 feet. The majority of the parcel will remain undeveloped excepting the Project and required access and circulation; however, the applicant has provided a conceptual site plan indicating how future development could connect with future commercial development (Exhibit B-1) of the entire parcel. The property is zoned C-2 (Community Commercial) which requires a conditional use permit for tire facilities.

The proposed building is oriented with the public entrance and service bays facing the west elevation as shown on Exhibit C in order to reduce direct view of the bays from Herndon Avenue. Hours of operation are Monday through Friday from 8:00 am to 6:00 pm, and Saturday from 8:00 pm to 5:00 pm.

### Consistency with General Plan and Zoning

The project site has a general plan designation of General Commercial, is zoned C-2 (Community Commercial), and is within the Herndon-Shepherd Specific Plan. The project is consistent with the General Plan, Herndon Shepherd Specific Plan and the C-2 Zone District.

### Site Characteristics

The Project site is currently vacant and is bounded by vacant parcels on the north and east. To the west of the project site across N. Helm Avenue is the Clovis Commons Shopping Center that includes anchor stores such as Target, Best Buy, and Pet Smart. The Institute of Technology is located south of the project site across Herndon Avenue. The tire center is proposed at the southeast area of the subject parcel and will provide access to and from the site from both N. Helm and W. Spruce Avenues.

The project fronts Herndon Avenue which is designated as an Arterial Street within the Circulation Element of the General Plan with the capacity to accommodate traffic generated by the proposed use.

### Setbacks

The Clovis Commercial Design Standards require a 40-foot setback from the face-of-curb to the structure, and 30-foot setback from the face-of-curb to parking along the Herndon Avenue frontage. A 20-foot landscape setback is required adjacent to north property line along with a 30-foot wide drive lane. The applicant's proposal is consistent with these requirements.

The proposed development will utilize approximately one acre of land within the larger vacant parcel. The southern boundary of the Project is adjacent to Herndon Avenue and will be required to install sidewalk improvements along its leased area of Herndon Avenue. Additionally, the applicant will be required to install access improvements along the Helm and Spruce Avenue street frontages.

### Parking and Circulation

Parking will be provided per the City Standards, at a ratio of 5.0 parking stalls per 1,000 square feet of gross floor area for commercial and service uses. The proposed building is approximately 8,192 square feet, requiring a total of 41 parking stalls for the project site. A total of 43 parking stalls will be provided with this project, meeting the parking requirement.

The project site will be accessible from N. Helm Avenue to the west and W. Spruce Avenue to the north via reciprocal driveways. This phase of development will provide 30 foot wide driveways from both access points through the parcel to the project site. Proposed

driveways for this project are highlighted in grey shown on Exhibit B-1. The reciprocal driveways will provide efficient circulation for city services as well as private delivery vehicles.

Previous site plan approval (SPR2009-10A2), included recommendations for pedestrian and vehicular reciprocal access throughout the development when completed. Specific reciprocal access will be reviewed through the site plan review process as development occurs on the overall site, further defining a comprehensive access plan.

### Signs

The project site will be a part of a larger commercial center and therefore is not permitted an individual freestanding sign. With future center development, the site will be allowed a multi-tenant freestanding sign per the City's Sign Ordinance.

### Public Comments

A public notice was sent to area residents within 500 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

### Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Game, and the County of Fresno. Comments received are attached 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)

The project is in substantial conformance with the environmental impact report performed for the General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project. A Notice of Exemption has been completed during the preliminary review, and is kept for public review with the project file during the processing of the project application. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 10, 2018.

## **FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

The proposed conditional use permit is consistent with the goals and policies of the General Plan, Herndon-Shepherd Specific Plan and Zoning. The project is development that is consistent with adjacent uses. Staff therefore recommends that the Planning Commission approve CUP2018-09, subject to the conditions of approval attached as Exhibit "A."

Findings for approval of a conditional use permit application are as follows:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014)

**ACTIONS FOLLOWING APPROVAL**

None

**NOTICE OF HEARING**

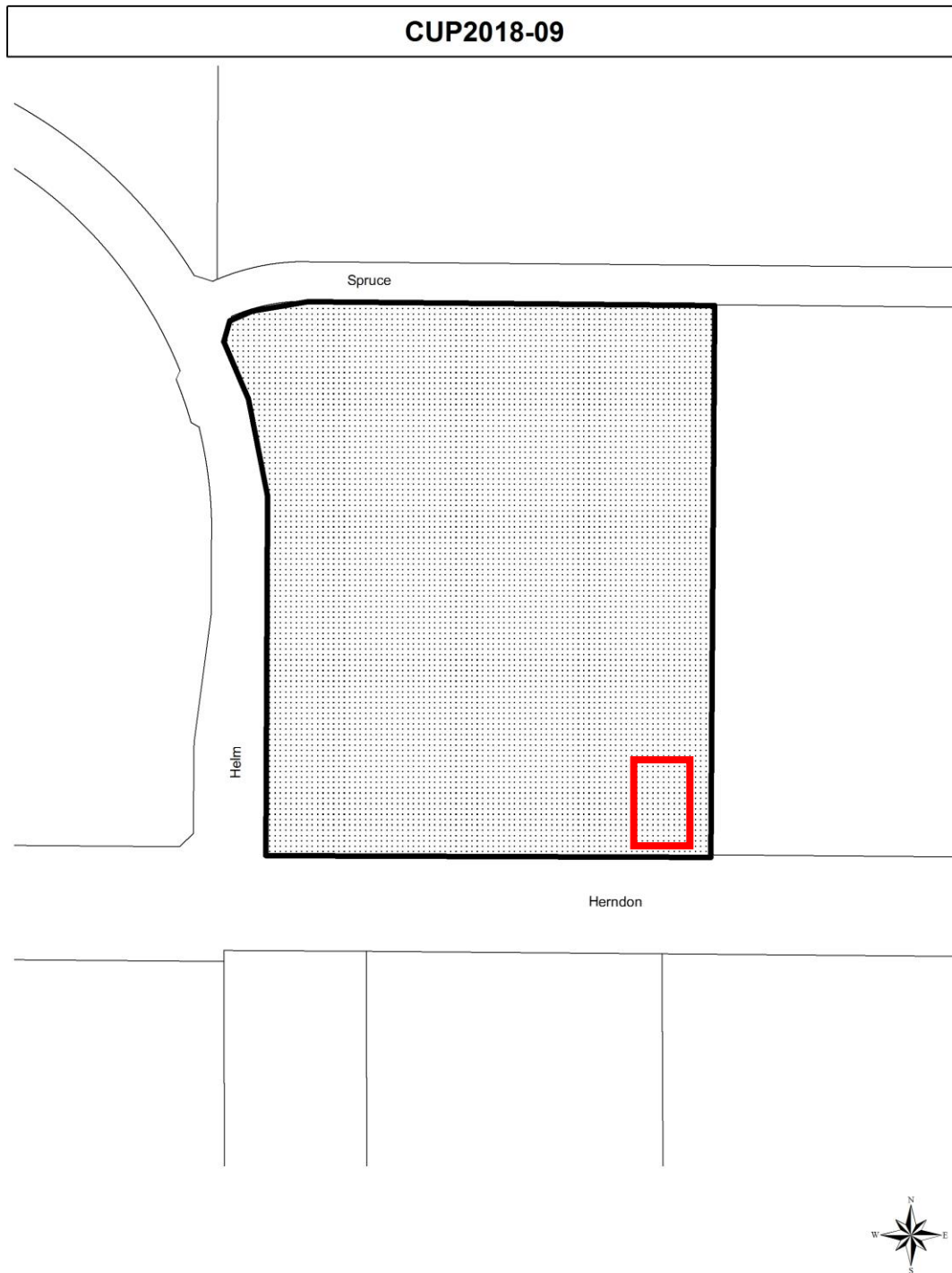
Property owners within 500 feet notified:	25
Interested individuals notified:	11

Prepared by: Orlando Ramirez, Deputy City Planner



Reviewed by: Bryan Araki  
City Planner

**FIGURE 1  
PROJECT LOCATION MAP**



**EXHIBIT "A"**  
**Conditions of Approval – CUP2018-09**

**PLANNING DIVISION COMMENTS**

**Orlando Ramirez – Division representative – 559-324-2345**

1. All conditions of this use permit shall be addressed prior to operation of the facility.
2. The applicant shall submit and comply with the requirements of the site plan review process.
3. This project, CUP2018-09 is approved per Exhibit B.
4. CUP2018-09 may be reviewed in a one year period of time. Staff will conduct a review of the use in regard to the compliance with conditions of approval and present findings of this review to the Planning Commission.
5. All parking of employees shall occur on site.
6. Succession or abandonment of this use for a period of exceeding 90 days shall be cause for scheduling of a revocation hearing for this conditional use permit.
7. Thirty-feet of setback for parking and forty-feet of setback to any building shall be provided along the Herndon Avenue frontage.
8. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
9. Operation of the site shall conform to the Clovis noise and vibration standards (CMC §9.22.080 and §9.22.100).
10. Conditional Use Permit CUP2018-09 approves a new tire sales and installation use and activities shall be limited to service of brakes, shocks and struts, light suspension work, minor tune-ups, lube and oil changes and transmission service.
11. Vehicles shall not be stored or parked outside the building overnight. All storage of materials shall occur within the building.
12. Overnight camping and/or overnight RV parking is not permitted on this site.
13. The developer shall install sidewalk along Herndon Avenue to match adjacent existing development.



14. The developer shall provide reciprocal access to all properties surrounding the development.
15. The sale of vehicles is not approved for this site.
16. All signs shall be consistent with the City's sign ordinance and are subject to a separate sign review and permit.
17. The site is not permitted an individual freestanding sign.
18. No outdoor display of merchandise is permitted unless approved through a separate Administrative Use Permit.
19. Windows signs shall not exceed more than 20% of the glass surface area and/ or allowed by code. Section 9-4.202

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

20. The development of this project is subject to the Clovis Unified School District impact fee. See the attached letter.

**CLOVIS FIRE DEPARTMENT CONDITIONS**  
**(Gary Sawhill, Fire Representative – 324-2224)**

**Roads / Access**

21. ***Turning Radius:*** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
22. ***All Weather Access & Water Supply:*** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
23. ***Fire Lane:*** The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
24. The proposed Phase 1 pavement of the common drive aisles shall be marked as a Fire Lane per Fire Department Standard #1.1 and shown on site plan
25. ***Fire Access – Landscape Obstruction:*** Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.

### Water Systems

26. **Commercial Fire Hydrant:** The applicant shall install one (1), 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site.
27. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department
28. **Vehicle Impact Protection:** The applicant must install protection posts that meet the City of Clovis specifications according to Clovis Fire Department Standard #1.7.

### Systems Fire Protection

29. **Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. Consideration should be given to the fire service water supply for size and fire sprinkler design for the intended Occupancy use. This will insure proper fire protection for uses such as high piled storage or high hazard Occupancies.
30. **Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1.
31. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests. NOTE – When a fire pump is required by the overhead system demand, the FDC shall be connected on the discharge side of the fire pump.
32. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1.
33. This will be reviewed and approved by the Clovis Fire Department before installation.
34. **Monitored Sprinklers:** All valves controlling the water supply for automatic

sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.

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

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**  
**(Michael Maxwell, FMFCD Representative - 456-3292)**

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

**FRESNO IRRIGATION DISTRICT CONDITIONS**  
**(Laurence Kimura, FID Representative - 233-7161)**

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

**FRESNO COUNTY HEALTH DEPARTMENT CONDITIONS**  
**(Kevin Tsuda, Health Dept. Representative - 600- 3271)**

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

DRAFT  
RESOLUTION 18-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A  
CONDITIONAL USE PERMIT FOR A NEW TIRE SALES AND SERVICE FACILITY LOCATED ON A  
PORITON OF A 12.9 ACRE PROPOERTY LOCATED AT THE NORTHEAST CORNER OF HERNDON  
AND HELM AVENUES**

**WHEREAS**, America’s Tire, Halle Properties, 20225 N. Scottsdale Road, has applied for a Conditional Use Permit CUP2018-09; and

**WHEREAS**, this is a request to approve a conditional use permit for a new tire sales and service facility located on a portion of a 12.9 acre property located at the northeast corner of Herndon and Helm Avenues in the City of Clovis, County of Fresno; and

**WHEREAS**, a public notice was sent out to area residents within 500 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on October 25, 2018; and

**WHEREAS**, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit “A” to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

- 1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
- 2. The proposed use is consistent with the General Plan and any applicable specific plan;
- 3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
- 4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
- 5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
- 6. The project is in substantial conformance with the environmental impact report performed for the General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2018-09, subject to the attached conditions labeled Exhibit "A"

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September October 25, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_\_  
DATED: October 25, 2018

\_\_\_\_\_  
Paul Hinkle, Chair

ATTEST: \_\_\_\_\_  
Dwight Kroll, AICP, Secretary

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

**PUBLIC AGENCY**

ORLANDO RAMIREZ  
DEPARTMENT OF PLANNING AND  
DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

MATT JOHNSON, AMERICA'S TIRE  
20225 N. SCOTTSDALE RD.  
SCOTTSDALE, AZ 85255

PROJECT NO: 2018-022  
ADDRESS: NEC HERNDON AND HELM  
APN: 561-260-12

SENT: 9/10/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
CL	\$20,607.00	NOR Review *	\$98.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$497.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$20,607.00</b>		<b>Total Service Charge: \$595.00</b>		

\* The Development Review Service Charge shown above is associated with CL CUP 2018-009 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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 2/28/19 based on the site plan submitted to the District on 8/24/18 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL SPR No. 2018-022

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL SPR No. 2018-022

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

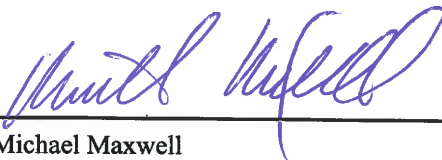
- 1.  a. Drainage from the site shall
- b. Grading and drainage patterns shall be as identified on Exhibit No. 1
- c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
- 2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
  - Developer shall construct facilities as shown on Exhibit No. 1 as
  - None required.
  
- 3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
  - Grading Plan
  - Street Plan
  - Storm Drain Plan
  - Water & Sewer Plan
  - Final Map
  - Drainage Report (to be submitted with tentative map)
  - Other
  - None Required
  
- 4. Availability of drainage facilities:
  - a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
  - b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
  - c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
  - d. See Exhibit No. 2.
  
- 5. The proposed development:
  - Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
  - Does not appear to be located within a flood prone area.
  
- 6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL SPR No. 2018-022

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

  
 \_\_\_\_\_  
 Debbie Campbell  
 Design Engineer

  
 \_\_\_\_\_  
 Michael Maxwell  
 Project Engineer



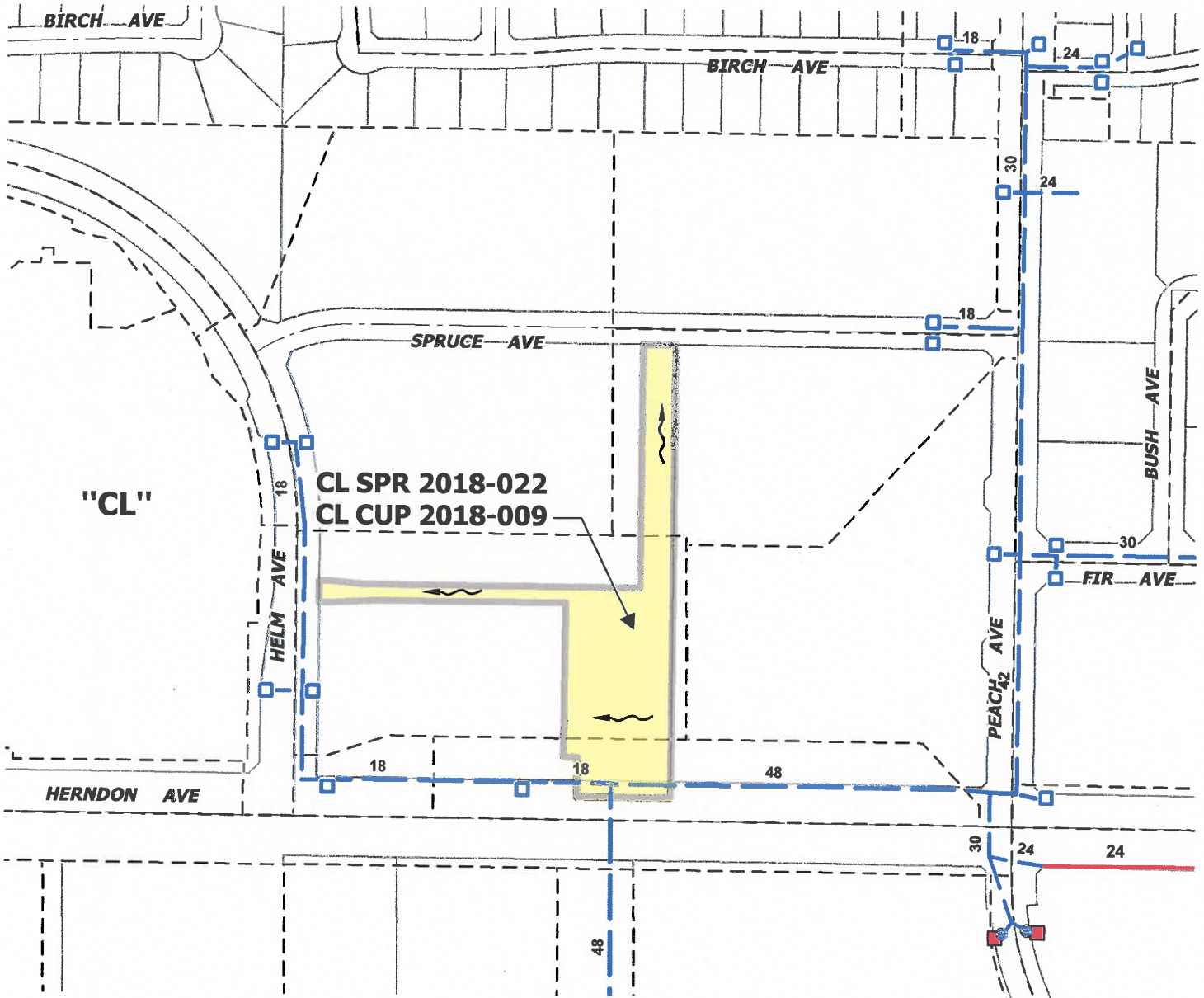
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CC:

BILL ROBINSON, SOL DEVELOPMENT  
\_\_\_\_\_  
906 N STREET, SUITE 100  
\_\_\_\_\_  
FRESNO, CA 93721  
\_\_\_\_\_

**CL SPR No. 2018-022**

NOTE: THIS MAP IS SCHEMATIC.  
DISTANCES, AMOUNT OF CREDITABLE  
FACILITIES, AND LOCATION OF INLET  
BOUNDARIES ARE APPROXIMATE.



### LEGEND

- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage



1" = 300'

**CL SPR 2018-022**  
**CL CUP 2018-009**  
**DRAINAGE AREA "CL"**

### EXHIBIT NO. 1

## FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

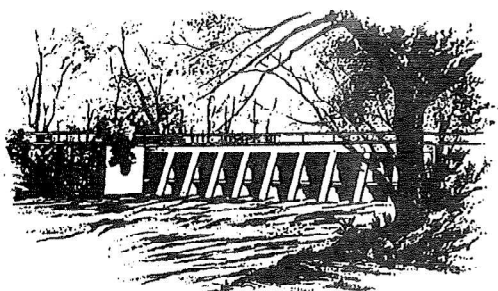
The District's Master Plan drainage system is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the density of the proposed project, which is more equivalent to a commercial type land use density. The developer shall be required to mitigate the impacts of the increased runoff from the proposed commercial type land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a commercial type density development, to a two-year discharge, which would be produced by the property if developed medium density residential. Implementation of the mitigation measures may be deferred until the time of development.

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.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: [www.fresnofloodcontrol.org](http://www.fresnofloodcontrol.org) or contact the District's Environmental Department, Daniel Rourke, for further information regarding these policies related to industrial site requirements.

Development No. Clovis SPR 2018-022



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

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

September 10, 2018

Mr. Orlando Ramirez  
 City of Clovis  
 Planning and Development Services Department  
 1033 Fifth St.  
 Clovis, CA 93612

RE: Conditional Use Permit No. 2018-09 and Site Plan Review No. 2018-22  
 N/E Herndon and Willow avenues

Dear Mr. Ramirez:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit No. 2018-09 and Site Plan Review No. 2018-22 for which the applicant proposes the construction of an America's Tire Store on a portion of APN: 561-260-12. FID has the following comment:

1. FID does not operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's active Helm Colonial W. Br. No. 116 runs westerly along the south side of Herndon Avenue and crosses Willow Avenue approximately 1,500 feet west of the subject property and Herndon Avenue approximately 580 feet east of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Willow Avenue, Herndon Avenue, or in the vicinity of the pipeline, FID requires it review and approve all plans.
3. For informational purposes, FID's active Maupin No. 118 runs southerly along the west side of Willow Avenue and crosses Herndon Avenue approximately 1,500 feet west of the subject property as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Willow Avenue, Herndon Avenue, or in the vicinity of the pipeline, FID requires it review and approve all plans.

G:\Agencies\Clovis\Conditional Use Permit\CUP2018-09.doc

Mr. Orlando Ramirez  
Re: CUP2018-09, SPR2018-22  
September 10, 2018  
Page 2 of 2

4. For informational purposes, FID's active Helm Colonial S.Br. No. 116 runs southwesterly and crosses Herndon Avenue approximately 1,200 feet east of the subject property as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Herndon Avenue or in the vicinity of the pipeline, FID requires it review and approve all plans.

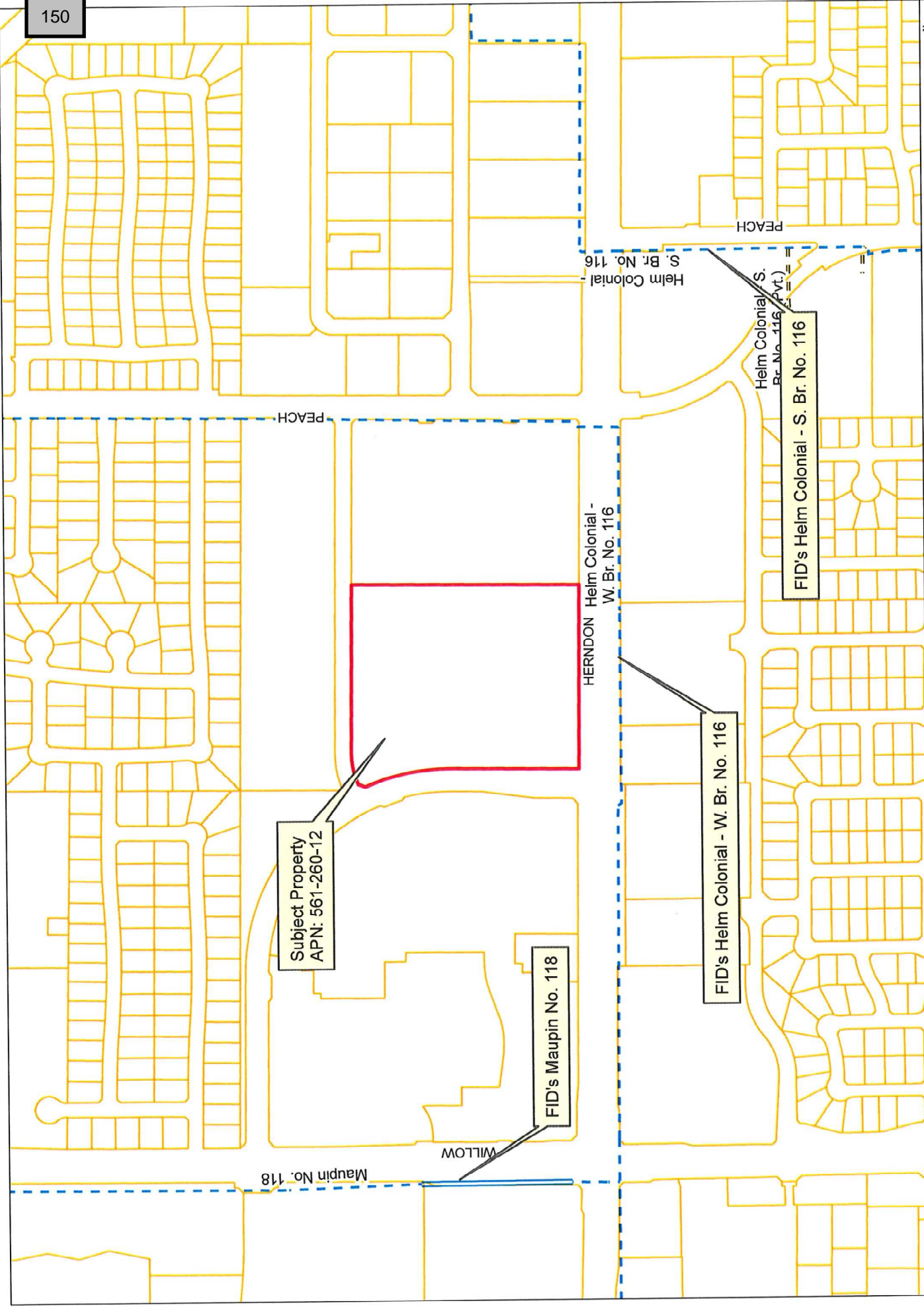
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or [clundeen@fresnoirrigation.com](mailto:clundeen@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



Subject Property  
APN: 561-260-12

FID's Maupin No. 118

FID's Helm Colonial - W. Br. No. 116

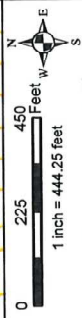
FID's Helm Colonial - S. Br. No. 116

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.



Legend

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





# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director  
Dr. Ken Bird, Health Officer

July 12, 2018

LU0019546  
2604

Joyce Roach, Planning Intern  
City of Clovis  
Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Ms. Roach:

PROJECT NUMBER: **DRC2018-38**

**DRC2018-38**, Construction of a ±8,250sf America's Tire store as Phase I of development of the parcel.

**APN: 561-260-12**

**ZONING:**

**ADDRESS: NEC E Herndon & N Helm Avenues**

Recommended Conditions of Approval:

- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they 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. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, will require the Owners/Operators to obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the local Tire Enforcement Agency at (559) 600-3271 for additional information.
- The proposed construction and retail/commercial project have 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.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should

***Promotion, preservation and protection of the community's health***

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Opportunity Employer

[www.co.fresno.ca.us](http://www.co.fresno.ca.us) • [www.fcdph.org](http://www.fcdph.org)

lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- 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 Certified Unified Program Agency at (559) 600-3271 for more information.

---

REVIEWED BY:

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

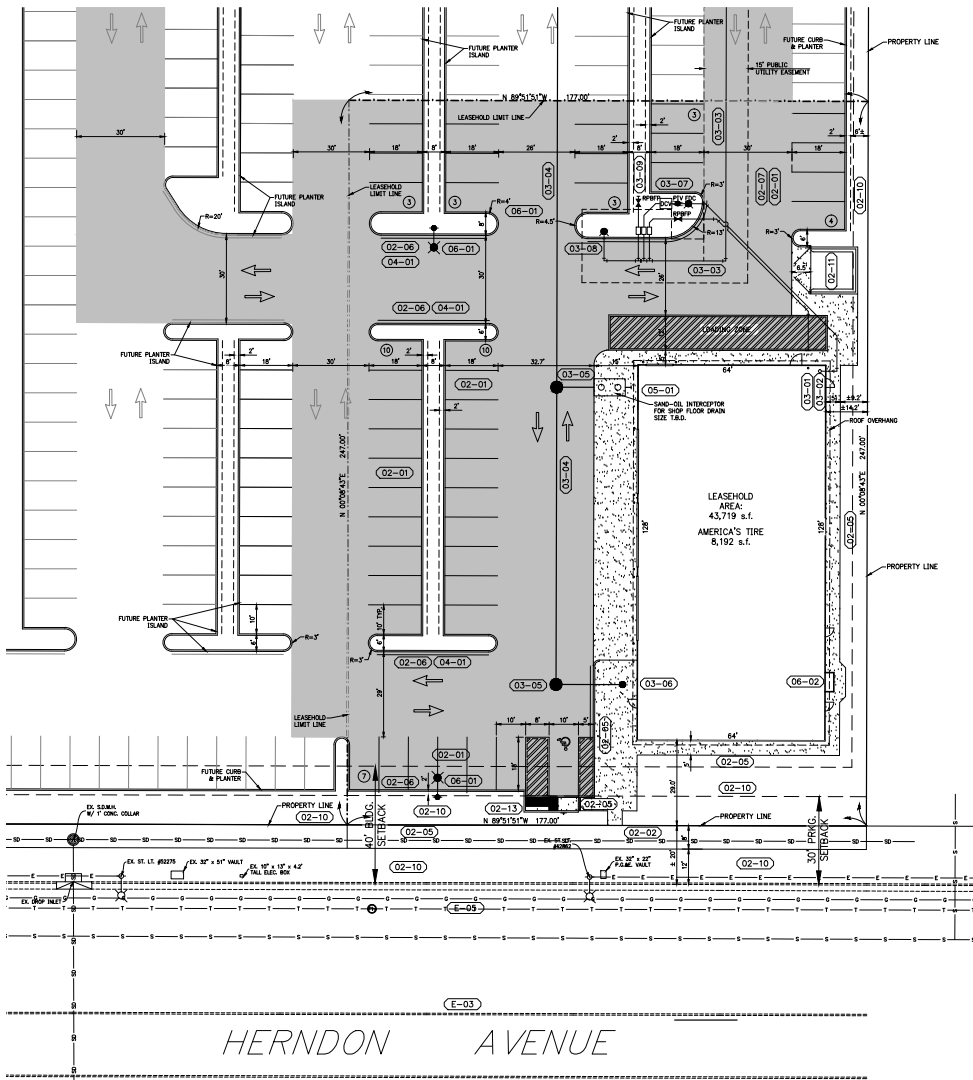
(559) 600-3271

---

KT

cc: Damean Jackson- Environmental Health Division (CT. 55.25)  
Bill Robinson- Applicant ([bill@soldevelopment.com](mailto:bill@soldevelopment.com))



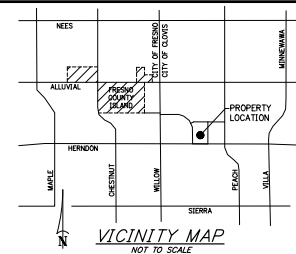


**KEYNOTES**

- E-01 EXIST. SIDEWALK TO REMAIN, PROTECT FROM DAMAGE.
- E-02 EXIST. AC PAVING TO REMAIN, PATCH AS REQUIRED.
- E-03 EXIST. CURB TO REMAIN, PATCH AS REQUIRED.
- E-04 EXIST. TRAFFIC STRIPING PLAN
- E-05 EXIST. CURB, GUTTER TO REMAIN, PATCH AS REQUIRED.
- E-06 EXIST. LOT STRIPING PER CITY OF CLOVIS STANDARDS.
- E-07 EXIST. STREET LIGHT TO REMAIN. (OR AS NOTED)
- 02-01 PARKING LOT STRIPING PER CITY OF CLOVIS STANDARDS.
- 02-02 PEDESTRIAN POINT OF ACCESS
- 02-03 VEHICULAR POINT OF ACCESS
- 02-04 CLEAR LINE OF SIGHT AREA
- 02-05 NEW CONC. SIDEWALK
- 02-06 NEW CONC. CURB.
- 02-07 NEW AC PAVING.
- 02-08 NEW COMMERCIAL DRIVE APPROACH PER CITY STANDARDS.
- 02-09 NEW CONCRETE CURB & GUTTER
- 02-10 NEW LANDSCAPING
- 02-11 PROPOSED TRASH ENCLOSURE, PER CITY OF CLOVIS STANDARDS, TYPE IV
- 02-12 NEW CURB RAMP AND LANDING PER CITY OF CLOVIS STANDARDS
- 02-13 NEW ADA PARKING STALL & RAMP, DETAIL TO BE PROVIDED
- 03-01 PROPOSED WATER SERVICE, PER CITY OF CLOVIS STANDARDS, SIZE T.B.D.
- 03-02 PROPOSED 1" FIRE SPRINKLER SERVICE, PER CITY OF CLOVIS STANDARDS
- 03-03 PROPOSED 8" WATER MAIN, PER CITY STDS.
- 03-04 PROPOSED 8" SEWER MAIN, PER CITY STDS.
- 03-05 PROPOSED 48" SEWER MANHOLE, PER CITY STDS.
- 03-06 PROPOSED 6" SEWER HOUSE BRANCH PER CITY OF CLOVIS STDS.
- 03-07 PROPOSED 8" FIRE SPRINKLER SERVICE, CFD STD. 2.1
- 03-08 PROPOSED COMMERCIAL FIRE HYDRANT, CITY STD. W-2A
- 03-09 PROPOSED PROPOSED LANDSCAPE IRRIGATION SERVICE, SIZE T.B.D.
- 04-01 PROPOSED RED CURBS FOR FIRE LANE, PER CFD STD.
- 05-01 PROPOSED SAND-OIL INTERCEPTOR, SIZE T.B.D.
- 06-01 PROPOSED AREA LIGHT
- 06-02 PROPOSED ELECT. GEAR CABINET
- PHASE 1 PAVEMENT
- INDICATES PROPOSED AMERICA'S TIRE LEASEHOLD LIMITS
- - - - - INDICATES EXISTING 20 FOOT BUILDING SETBACK
- DCV INDICATES PROPOSED DETECTOR CHECK VALVE
- FHV INDICATES PROPOSED FLOW INDICATOR VALVE
- FDIC INDICATES PROPOSED FIRE DEPARTMENT CONNECTION
- RPFP INDICATES PROPOSED REDUCED PRESSURE BACK FLOW PREVENTER

**PARKING REQUIRED:**

AMERICA'S TIRE: 8,192 S.F./1000 S.F. X 5.0 = 41 STALLS



**NOTE TO OWNER AND CONTRACTORS**

THIS DRAWING(S) IS THE EXCLUSIVE PROPERTY OF R. W. GREENWOOD ASSOCIATES, INC. THE INFORMATION SHOWN MAY NOT BE USED FOR THE DRAWING(S) REPRODUCED WITHOUT PERMISSION OF R. W. GREENWOOD ASSOCIATES, INC.

THIS PLAN HAS BEEN PREPARED WITH THE INTENT THAT THE FIRM OF R. W. GREENWOOD ASSOCIATES, INC. WILL BE PERFORMING THE CONSTRUCTION STAKING FOR THE COMPLETE PROJECT. IF, HOWEVER, ANOTHER ENGINEERING AND/OR SURVEYING FIRM SHOULD BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT THE FIRM OF R. W. GREENWOOD ASSOCIATES, INC. WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MIGHT OCCUR AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED, OR MITIGATED IF R. W. GREENWOOD ASSOCIATES, INC. HAD PERFORMED THE STAKING WORK.

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

RESPONSIBILITY FOR PAVEMENT BASE ROCK THICKNESS SHALL BE BORNE BY THE OWNER AND CONTRACTOR.

THICKNESS OF PAVEMENT AND BASE ROCK SHALL BE VERIFIED BY AT LEAST TWO (2) CORINGS MADE AT LOCATIONS DETERMINED BY THE SOILS ENGINEER.



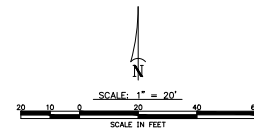
**H.C. PARKING SIGNAGE:**

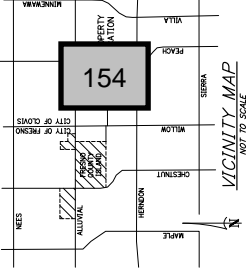
**AMERICA'S TIRE  
HELM & HERNDON AVE.  
SITE PLAN -**

SHEET 3 OF 3 SHEETS

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA

PREPARED FOR  
**HALLE PROPERTIES**





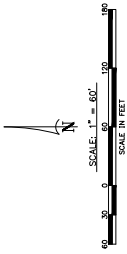
**KEYNOTES**

- E-01 EXIST. SIDEWALK TO REMAIN, PROTECT FROM DAMAGE.
- E-02 EXIST. AC PAVING TO REMAIN, PATCH AS REQUIRED.
- E-03 EXIST. CURB TO REMAIN, PATCH AS REQUIRED.
- E-04 BLANK
- E-05 EXIST. CURB, GUTTER TO REMAIN, PATCH AS REQUIRED.
- E-06 BLANK
- E-07 EXIST. STREET LIGHT TO REMAIN. (OR AS NOTED)
- E-08 PEDESTRIAN POINT OF ACCESS
- E-09 VEHICULAR POINT OF ACCESS
- E-10 NEW CONC. SIDEWALK
- E-11 NEW AC PAVING.
- E-12 NEW COMMERCIAL DRIVE APPROACH PER CITY STANDARDS.
- E-13 NEW CURB RAMP AND LANDING PER CITY OF CLOVIS STANDARDS
- E-14 PROPOSED 8" WATER MAIN, PER CITY STDS.
- E-15 PROPOSED 8" SEWER MAIN, PER CITY STDS.
- E-16 PROPOSED 48" SEWER MANHOLE, PER CITY STDS.
- E-17 PROPOSED PHASE 1 PAVEMENT: 44,548 S.F.
- E-18 PROPOSED PHASE 2 PAVEMENT: 23,642 S.F.
- E-19 LEASEHOLD PARKING LOT = 23,642 S.F.
- E-20 INDICATES PROPOSED AMERICA'S TIRE LEASEHOLD LIMITS

**PARKING REQUIRED:**

AMERICA'S TIRE: 8,192 S.F./1000 S.F. X 5.0 = 41 STALLS  
 RESTAURANT/PATIO(S): 10,400 S.F./100 S.F. X 1.0 = 104 STALLS  
 C-P: 92,278 S.F./1000 X 5.0 = 462 STALLS  
 TOTAL = 607 STALLS

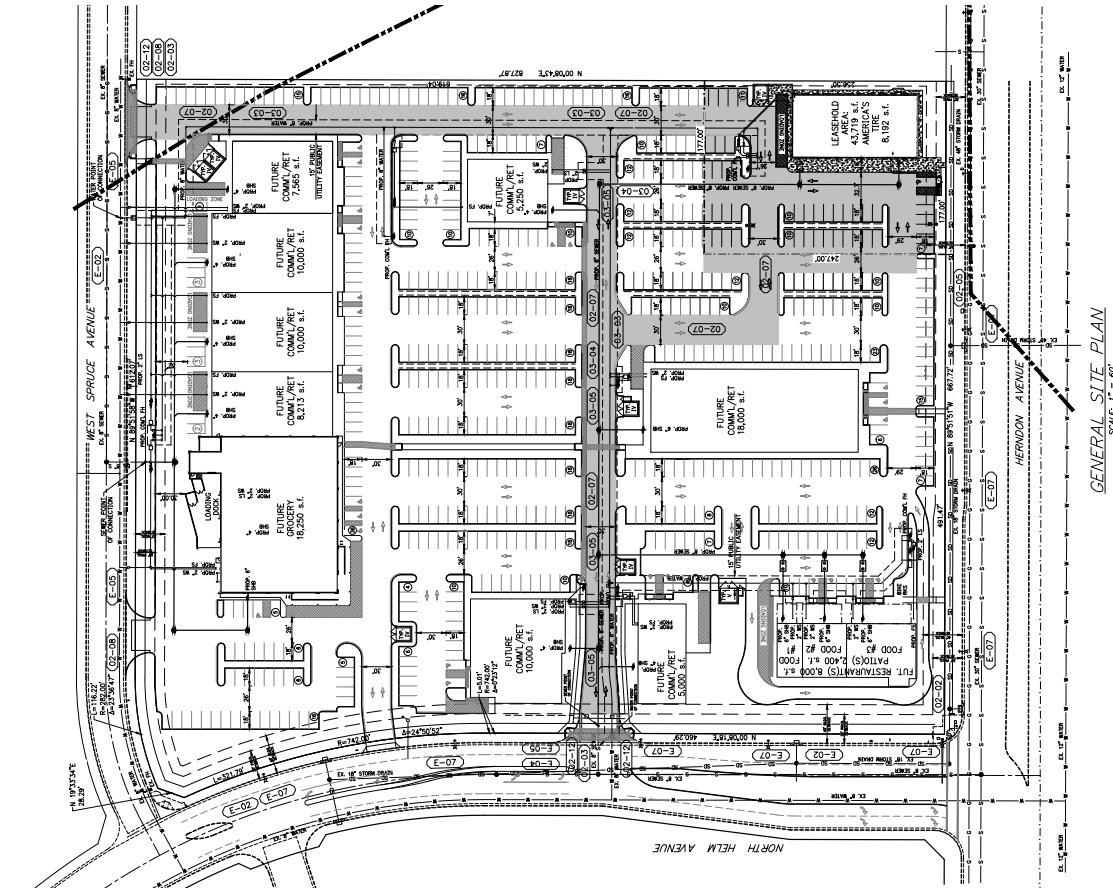
PARKING AVAILABLE:  
 10' X 18' STALLS - 571  
 10' X 20' HANDICAP STALLS - 26  
 TOTAL = 597 STALLS



**AMERICA'S TIRE  
 HELM & HERNDON AVE.  
 SITE PLAN -**

SHEET 2 OF 3 SHEETS  
 IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA  
 PREPARED FOR  
**HALLE PROPERTIES**

R. W. Greenwood Associates, Inc.  
 CIVIL ENGINEERING - LAND SURVEYING  
 2508 EAST OLIVE AVENUE, FRESNO, CALIFORNIA 93701, Ph: (509) 268-7831  
 DATE: \_\_\_\_\_  
 JOB NO.: \_\_\_\_\_  
 DRAWN BY: J. K. HELLER  
 PWP NO.: 5445-E



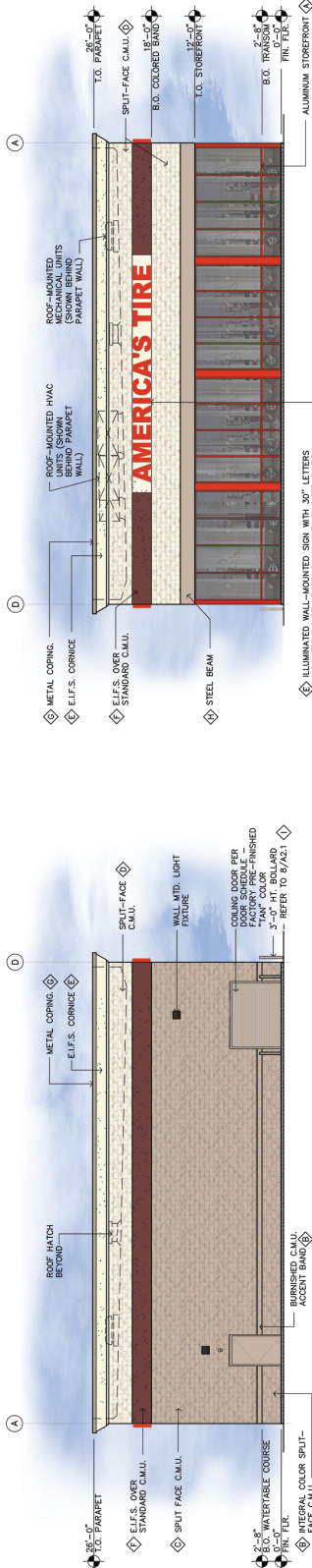
**GENERAL SITE PLAN**  
 SCALE: 1" = 60'

TWO WORKING DAYS PRIOR TO STARTING  
 EXCAVATION, NOTIFY UNDERGROUND SERVICE  
 ALERT (U.S.A.) 1-800-227-2600

**FINISH LEGEND**

155

- ◇ ANODIZED ALUMINUM STOREFRONT SYSTEM
- ◇ MANUFACTURER'S STANDARD COLOR TO MATCH "BANNER RED"
- ◇ INTEGRAL COLOR C.M.U. (SPUT-FACE OR BURSHED COLOR TO MATCH "OAK BARREL")
- ◇ #714 "OAK BARREL"
- ◇ GRAY SPUT-FACE CMU - PAINT SHERWIN WILLIAMS
- ◇ PAINT - SHERWIN WILLIAMS #1919 "ANTIQUE WHITE"
- ◇ E.L.F.S. BAND PAINT SHERWIN WILLIAMS SW7595 "SUNROD TOMATO"
- ◇ METAL CORNING - FACTORY PAINTED / INTEGRAL COLOR TO MATCH SERRAGE "SERRA TAN" COLOR
- ◇ EXPOSED STEEL / E.F.S. - PAINTED TO MATCH "OAK BARREL"
- ◇ STEEL BOLLARDS - PAINTED TO MATCH "OAK BARREL"
- ◇ HOLLOW METAL DOORS - PAINTED TO MATCH "OAK BARREL"
- ◇ "OAK BARREL"
- ◇ ELECTRICAL SWITCHGEAR CABINET - PAINTED TO MATCH "OAK BARREL"

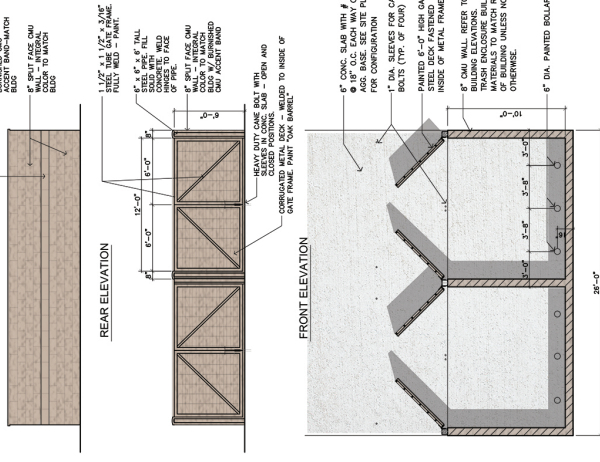


**SOUTH ELEVATION (Herndon Ave.)**  
SCALE: 1/8" = 1'-0"

**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**TRASH ENCLOSURE PLAN / ELEVATIONS**  
SCALE: 1/8" = 1'-0"

**EXHIBIT C**

**Sheet No. A.3**

**Ei Design Inc.**  
1260 Corona Pointe,  
Corona, CA 92879  
951-444-5442 (fl)  
eidesigninc.com

**ALD - 1R**  
REVISION #1 - 07.23.18  
DATE 06.28.18  
SCALE AS NOTED  
PROJECT NUMBER 2018060246

**COLOR ELEVATIONS**  
NEC Herndon Ave. & Helm Ave.  
CLOVIS, CA 93612

**AMERICA'S TIRE**

THIS PLAN IS PROPERTY OF EI DESIGN. THIS DRAWING IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY INFORMATION FOR THE MAKING OF DRAWINGS, INCLUDING PHOTOGRAPHS, SHALL BE THE PROPERTY OF EI DESIGN. ACCEPTANCE OF THIS DRAWING SHALL BE CONSIDERED AS AN ACCEPTANCE OF THE FOREGOING CONDITIONS.





# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: October 15, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_, CUP2018-10, A request to approve a conditional use permit for a bar with ancillary micro brewing at 2700 Clovis Avenue, suites 103 and 104. Rodney and Dana Heinrich, owners; Ish Brewing Company, LLC., applicant.

ATTACHMENTS: Figure 1:Location Map

Exhibit "A:" Conditions of Approval

Attachment 1: Draft Resolution

Attachment 2: Correspondence from Resident

Attachment 3: Correspondence from Agencies

Exhibit "B:" Site Plan

Exhibit "C:" Floor Plan

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends that the Planning Commission approve conditional use permit CUP2018-10, subject to the conditions listed in Exhibit "A."

### EXECUTIVE SUMMARY

The applicant, Ish Brewing Company, LLC. is requesting to operate a bar also known as a tap house at 2700 Clovis Avenue, within the commercial center located at the northwest

corner of Pico and Clovis Avenues. Additionally, the applicant is requesting the ancillary operation of a microbrewery for the manufacturing of the product to be sold for consumption on-site. Approval of this conditional use permit will allow the applicant to move forward with interior tenant improvements and application submittals for the required Alcohol and Beverage Control licensing. This project was scheduled for the September 27, 2018 Planning Commission meeting and was continued to October 25, 2018 to give the applicant time to address concerns from Clovis Unified School District.

**BACKGROUND**

- General Plan Designation: Neighborhood Commercial
- Specific Plan Designation: None
- Existing Zoning: C-1 (Neighborhood Commercial)
- Lot Size: 2.3 acres
- Current Land Use: Neighborhood Commercial Center
- Adjacent Land Uses:
  - North: C-P (Professional Office)
  - South: C-1 (Neighborhood Commercial)
  - East: P-C-C (Planned Commercial Center)
  - West: R-1 (Single-Family residential)
- Previous Entitlements: CUP90-02, PM99-06, V91-07, V90-01, SPR91-82A2

**PROPOSAL AND ANALYSIS**

*Project Description and Operations*

The applicant is requesting to operate a tap house with an ancillary microbrewery. The microbrewery will produce all of the craft beers to be sold for consumption on-site. No outside alcoholic beverages will be sold on the premises. There will also be a limited amount of product to be manufactured that will be sold by kegs to local restaurants and bars. Minor marketing merchandise such as shirts, glasses, etc. will also be sold on site.

Entertainment will be provided to create an atmosphere that is typical of the bar environment. Such activities include televisions, recorded music, and small games (non-arcade). The applicant is also hoping to partner with local restaurants to provide food deliveries to the site for customers. Occasionally, there will be special events hosted to coincide with events such as the Clovis Rodeo, Big Hat Days, etc.

The applicant is proposing initial business hours, open to the public, from Thursday to Sunday. Hours of operation would be from 4pm to 10pm on Thursday and Friday and from 12pm to 10pm on Saturday and Sunday. Operational days and hours are intended to expand as the business grows. Bars must adhere to state requirements in terms of operational hours, therefore staff is not restricting hours of operations for the use.

#### Consistency with the General Plan and Zoning

The property has a General Plan designation of neighborhood commercial and is zoned C-1 (Neighborhood Commercial). The C-1 Zone District allows for bars and alcoholic drinking places subject to conditional use permit approval. Bars and alcoholic beverage drinking places are defined as "A structure or tenant space within a structure where alcoholic beverage are sold for on-site consumption that are not part of a larger restaurant. Includes bars, pubs, taverns, similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing), and beer brewing as part of a 'brewpub.'" The proposed tap house with ancillary microbrewery is consistent with the respective General Plan and Zoning of the property.

#### Consistency with Surrounding Area

The project is located within the existing commercial center located at the northwest corner of Pico and Clovis Avenues. Businesses within the center include Valley Rod & Gun, Sherwin-Williams Paints, and Grill Masters. The center is surrounded by commercial type properties to the north, south and east. Property to the north of the shopping center is currently vacant and has a zoning designation of C-P (Professional Office). To the south, across Pico Avenue is additional commercial property including Fresno Oxygen Welding and Supply. The Clovis Rail Trail and the Homewood Suites hotel are located across Clovis Avenue, east of the center. The Sierra Vista Mall is located less than a mile north of the center. Directly west of the center is the Rancho Estates single-family residential subdivision.

#### Potential Noise

The operation has the potential to generate an elevated noise level typical of bar uses. However, the orientation of the building, interior layout, and existing wall between the residential properties and the commercial center will assist in mitigating potential noise levels. The building is oriented with the front facing the parking lot and Clovis Avenue. The distance between the rear of the building and the shared block wall along the rear property line is approximately 15 feet. The masonry block wall separates the commercial center from the residential properties. The proposed interior layout provides for the general seating area to be located at the front half of the space. The bar area is proposed at the center and the microbrewery and cold storage unit are located at the rear of the building. The applicant will not be utilizing the outdoor space at the rear of the building. In light of this, any potential noise from the operation that may travel to the neighborhood to the west will be minimal and non-detrimental to adjacent land uses. Staff is providing a condition that the back door

is to remain closed during business hours and that work conducted in the back room be limited to 9:00 pm.

### Parking

The commercial center has a parking requirement of a minimum of 127 parking stalls as required with Site Plan Review SPR91-82. A variance to the parking requirement was approved by the Planning Commission on July 25, 1991. The variance allowed for a parking standard of 4.8 stalls per 1,000 square feet of gross floor area with the exception that the center prohibit the operation of following uses: drug stores, grocery stores, and medical and professional offices. The commercial center has a total of 122 existing parking stalls, meeting the approved standard.

Staff does not foresee issues specific to parking for this use within the existing commercial center. The nature of the existing uses in the center do not typically draw many vehicles to the area on a regular basis. Additionally, the proposed days and hours of operation of the tap house are during times that will have minimal impact to customers visiting the other businesses within the center.

### Alcohol and Beverage Control

With the approval of this conditional use permit, the applicant will be requesting a type 23 brewery license with the Department of Alcohol and Beverage Control (ABC). A type 23 license authorizes the sale and consumption of beer produced in the premises. ABC analyzes license requests by census tracts and the subject property is located within census tract 31.02 which is bounded by Winery Avenue to the west, Shaw Avenue to the north, Clovis Avenue to the east, and Gettysburg Avenue to the south. As of September 12, 2018, according to the Department's map query system, the census tract currently houses 13 active on-sale retail licenses. According to correspondence with the Police Department, the census tract is not oversaturated.

The Clovis Unified School District provided a letter of opposition to the alcohol sales due to the Project's proximity to the Center for Advanced Research and Technology (CART) less than a quarter mile to the northeast (see Attachment 3). The Clovis Police Department has also reviewed the application and does not have any specific concerns with the use and operation.

### Public Comments

A public notice was sent to area residents within 300 feet of the property boundaries. On September 27, 2018, staff received email correspondence from Ms. Brown, a resident from the Rancho Estates neighborhood directly west of the shopping center. Ms. Brown listed concerns and questions within her email (see Attachment 2). Ms. Brown also attended the Planning Commission on September 27, 2018 meeting where she reiterated her concerns. She was made aware of the applicant's request for



continuance. Staff did respond to Ms. Brown's email prior to the meeting and had attached the applicant's statement of operations. Staff has not received further correspondence from Ms. Brown or other area residents.

### Review and Comments from Agencies

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

The City of Clovis has completed an environmental review (an assessment of the project's impact on natural and manmade environments) of the proposed project, as required by the State of California. The Project is in substantial conformance with the environmental impact report performed for the General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed projects; therefore, subject to CEQA Sections 15162 and 15182, no further environmental review is required for these projects.

The City published notice of this public hearing in *The Business Journal* on Wednesday, September 12, 2018.

### **FISCAL IMPACT**

None.

### **REASON FOR RECOMMENDATION**

The Project is consistent with the goals and policies of the General Plan and Zoning and provides a diversity of land use within a vacant commercial property; Therefore, staff recommends that the Planning Commission approve CUP2018-10, subject to the conditions of approval listed as Exhibit "A".

Findings for approval of a conditional use permit application are as follows:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;

- 2. The proposed use is consistent with the General Plan and any applicable specific plan;
- 3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
- 4. The subject parcel is physically suitable in size and shape for the type and density/ intensity of use being proposed;
- 5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
- 6. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan updated, 2014 Development Code updated.

**ACTIONS FOLLOWING APPROVAL**

None

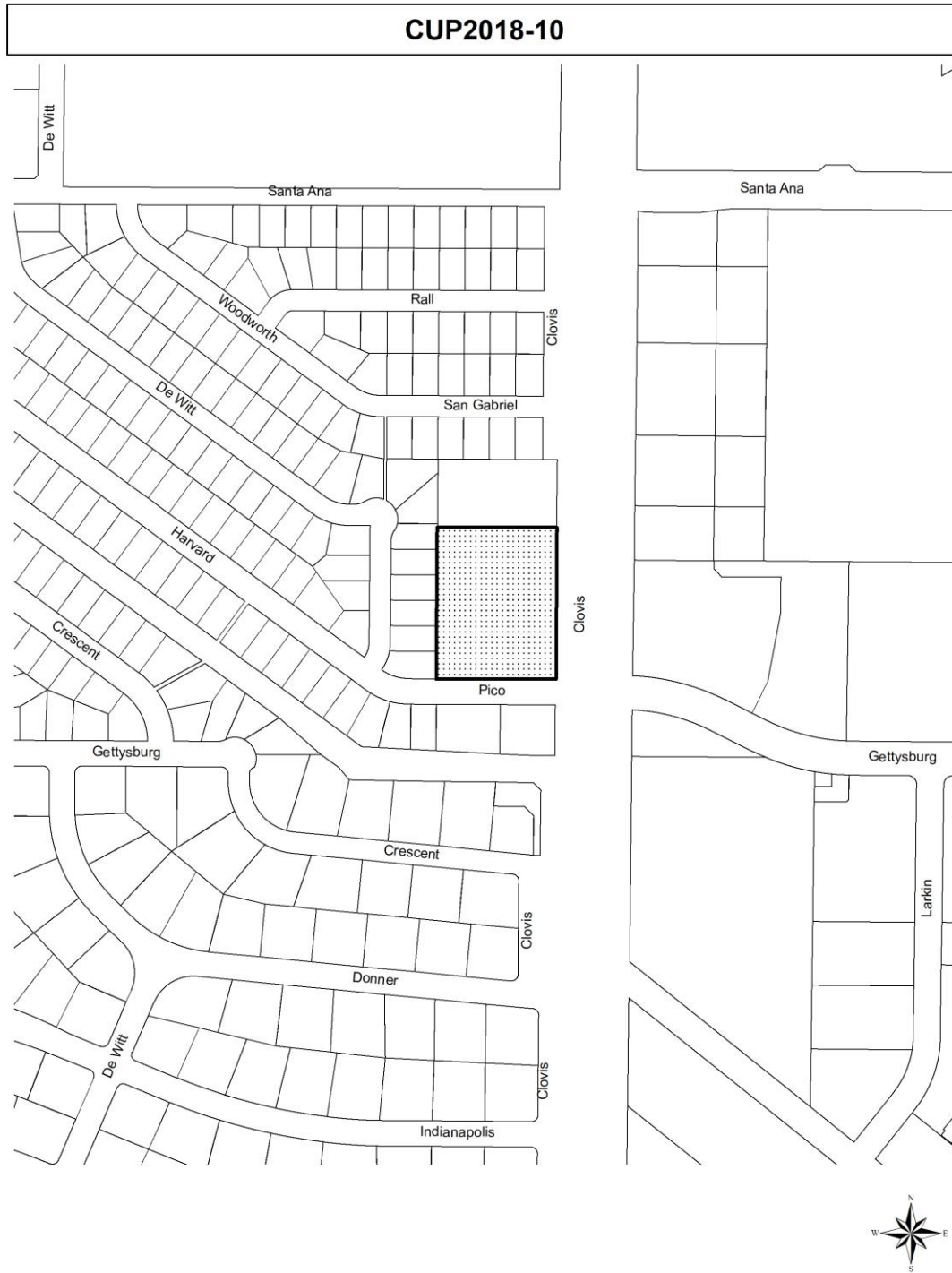
**NOTICE OF HEARING**

Property owners within 300 feet notified:	45
Interested individuals notified:	11

Prepared by: Lily Cha, Assistant Planner

Reviewed by:   
 Bryan Araki  
 City Planner

**FIGURE 1  
PROJECT LOCATION MAP**



**EXHIBIT "A"**  
**Conditions of Approval – CUP2018-10**

**Planning Division Conditions**

(Lily Cha, Division Representative – (559) 324-2335)

1. All conditions of this use permit shall be addressed prior to operation of the facility.
2. Conditional Use Permit CUP2018-10 may be reviewed in one year after operation for compliance with the conditions of approval. Planning staff may conduct a review of the use and may present these findings to the Planning Commission. Should the use be found to be in non-compliance, the Commission may schedule the use permit for revocation.
3. This conditional use permit approves a bar/tap room with ancillary micro-brewery for property located at 2700 Clovis Avenue suites 103 & 104. Any changes in use may require an amendment to the Conditional Use Permit.
4. The microbrewery portion of the operation shall remain an ancillary use to the bar use and at no point shall become the primary use of the operation.
5. There shall be no outdoor activity at the rear of the building other than typical loading and unloading of material.
6. The back door shall remain closed during business hours and there shall be no work activity in the back after 9:00 pm.
7. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited.
8. All employee parking shall occur on site.
9. Succession or abandonment of this use for a period of exceeding 90 days shall be cause for scheduling of a revocation hearing for this conditional use permit.
10. Operation of the site shall conform to the Clovis noise and vibration standards (CMC §9.22.080 and §9.22.100).
11. No outdoor display of merchandise is permitted unless approved through a separate Administrative Use Permit.

12. With exception to temporary placement of deliverables, the operator shall not store materials and supplies outside the building.

**Fire Department Conditions**

(Gary Sawhill, Department Representative - 324-2224)

13. Any tenant improvements of a building involving changes to walls, ceilings, doors, storage heights electrical, plumbing shall require plans to be submitted to both the fire and building department for plan review and permit issuance.
14. Any tenant improvements of a building involving changes to walls, ceilings, storage heights shall not affect the operation and coverage of an existing fire suppression system(s). All additions or changes to any sprinkler system require Clovis Fire Department review and approval. Submit plans to and obtain permit from the Clovis Fire Prevention Bureau for the installation or modification of fire sprinkler system.
15. The applicant shall install approved fire extinguishers, 2A-10BC minimum rating, one (1) per each 3000 square feet (ordinary hazard), with a maximum travel of seventy-five feet (75') from any point in building. These should be located and approved by the Clovis Fire Department prior to building occupancy.
16. Suite numbers shall be installed at front and rear doors.
17. No locks are permitted to prevent the operation of doors except the main exterior door meeting the requirements of 1010.1.9.3 CBC. The unlatching of any door shall not require more than one operation.
18. Any room having an occupant load of 50 or more and which is used for assembly purposes shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room.
19. Exit doors shall swing in the direction of egress travel and shall not be provided with a latch or a lock unless it is panic hardware with the exception of the main exit in compliance with section 1010.1.10 CFC.
20. The path of exit travel to and within exits in a building shall be identified by illuminated exit signs conforming to the requirements of the California Fire Code.
21. The applicant shall install emergency lighting with battery backup or an approved alternate in accordance with the California Fire Code.
22. The interior walls separating adjacent suites shall comply with table 508.4 of the 2016 CBC for required fire resistive rating based on fire separation

distance. A minimum one hour wall is required when separating A occupancies from B, M occupancies.

**Clovis Unified School District Conditions**

(Andrew Neighbors, CUSD Representative – 559-327-9000)

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

**Fresno Metropolitan Flood Control District Conditions**

(Michael Maxwell, FMFCD Representative – (559) 456-3292)

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

**Fresno Irrigation Department Conditions**

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

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

**County of Fresno Health Department Conditions**

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

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

**Engineering Division Conditions**

(Sean Smith, Division Representative – 324-2363)

27. The applicant shall provide a dedication for a 10' public utility easement along all frontages.

28. The applicant shall pay all applicable fees prior to the issuing of a building permit. A preliminary estimate for the required 10' public utility easement document review fee is \$115 per City Resolution 18-61.

DRAFT  
RESOLUTION 18-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A  
CONDITIONAL USE PERMIT FOR A BAR WITH ANCILLARY MICROBREWERY FOR PROPERTY  
LOCATED AT 2700 CLOVIS AVENUE SUITES 103 AND 104**

**WHEREAS**, Ish Brewing Company, LLC., 6741 E. Princeton., Fresno, CA, 93727, has applied for a Conditional Use Permit CUP2018-10; and

**WHEREAS**, this is a request to approve a conditional use permit for a bar with ancillary microbrewery for property located at 2700 Clovis Avenue, Suites 103 and 104, in the City of Clovis, County of Fresno; and

**WHEREAS**, a public notice was sent out to area residents within 300 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on October 25, 2018; and

**WHEREAS**, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan updated, 2014 Development Code updated.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2018-10, subject to the attached conditions labeled Exhibit "A"

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on October 25, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_\_  
DATED: October 25, 2018

\_\_\_\_\_  
Paul Hinkle, Chair

ATTEST: \_\_\_\_\_  
Dwight Kroll, AICP, Secretary



09/27/18 hearing

Subject: Opening Brewery at 2700 Clovis ave.

Questions:

Would you want a brewery/bar in your backyard?

Where would the patrons smoke?

Has anyone done an environmental study on the impact of such an establishment to neighborhood to research issues with byproducts of brewing, smell and noise.

We are already contending with the BBQ restaurant smells and smoke.

How late would the bar be open?

Original owner of the strip mall promised that there would be no late night businesses just day merchants.

This establishment would be in the backyard of hardworking early rising individuals.

We have already had to put up privacy screens due to the day merchants noise, smoking hanging over fence and invading privacy.

We have been in the neighborhood longer than the strip mall 33 plus years. I have never called authorities on a neighbor and I don't want to start now.

# **CORRESPONDENCE FROM AGENCIES**



**County of Fresno**  
**DEPARTMENT OF PUBLIC HEALTH**

David Pomaville, Director  
Dr. Sara Goldgraben, Health Officer

September 6, 2018

LU0019628  
2604

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

Dear Ms. Cha:

PROJECT NUMBER: **CUP2018-10**

**CUP2018-10**, A conditional use permit request for a proposed taproom with ancillary brewing located at 2700 Clovis Avenue Suites 103 & 104.

**APN: 499-134-21**

**ADDRESS: 2700 Clovis Avenue Suites 103 & 104**

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicant will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant may also be required to apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to alcohol sales, the applicant shall first obtain their ABC license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The proposed use of amplified speakers for entertainment events, has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

---

REVIEWED BY:

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

(559) 600-3271

---

cc: Rogers & Moreno-Environmental Health Division (CT. 31.02)  
Kevin Draughon- Applicant ([kevin@ishbrewing.com](mailto:kevin@ishbrewing.com))

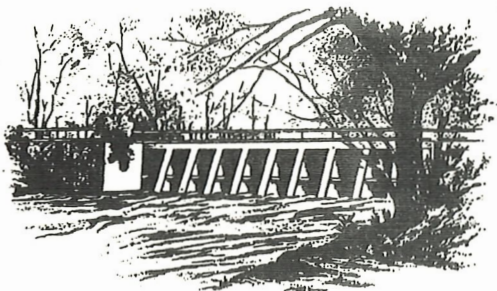
***Promotion, preservation and protection of the community's health***

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

(559) 600-3271 • FAX (559) 600-7629

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YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

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

September 10, 2018

Ms. Lily Cha  
 City of Clovis  
 Planning and Development Services Department  
 1033 Fifth St.  
 Clovis, CA 93612

RE: Conditional Use Permit No. 2018-10  
 N/W Gettysburg and Clovis avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit No. 2018-10 for which the applicant proposes a microbrewery with on-site consumption, APN: 499-134-21. FID has the following comment:

1. FID does not operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's active Helm No. 101 runs northwesterly crossing Clovis Avenue approximately 540 feet south of the subject property and Santa Ana Avenue approximately 1,600 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Clovis Avenue, Santa Ana Avenue or in the vicinity of this facility, FID requires it review and approve all plans.

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

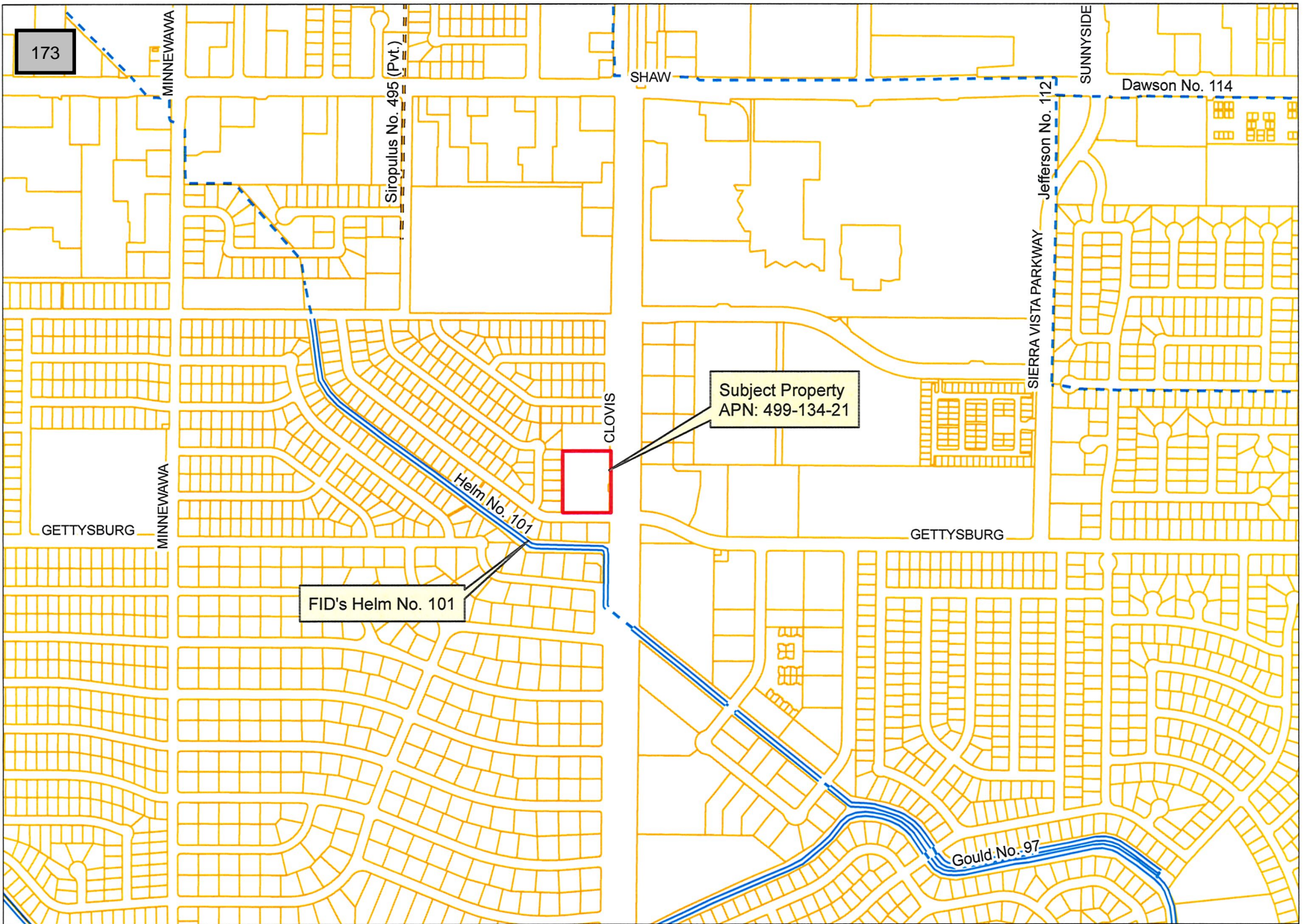
Sincerely,

Laurence Kimura, P.E.  
 Chief Engineer

Attachment

G:\Agencies\Clovis\Conditional Use Permit\CUP2018-10.doc

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



Subject Property  
APN: 499-134-21

FID's Helm No. 101

Helm No. 101

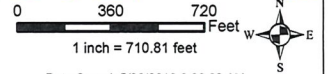
Gould No. 97



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.

Legend

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



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

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**PUBLIC AGENCY**

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

**DEVELOPER**

KEVIN DRAUGHON  
6741 E. PRINCETON  
FRESNO, CA 93727

PROJECT NO: **2018-010**  
ADDRESS: **2700 CLOVIS AVE.**  
APN: **499-134-21**

SENT: 9/12/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
S	\$28,725.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$28,725.00</b>		<b>Total Service Charge: \$50.00</b>		

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 2/28/19 based on the site plan submitted to the District on 8/29/18 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

**CL CUP No. 2018-010**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

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CL CUP No. 2018-010

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

1.  a. Drainage from the site shall REMAIN AS EXISTING.  
 b. Grading and drainage patterns shall be as identified on Exhibit No.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
 Developer shall construct facilities as shown on Exhibit No. 1 as  
 None required.
  
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:  
 Grading Plan  
 Street Plan  
 Storm Drain Plan  
 Water & Sewer Plan  
 Final Map  
 Drainage Report (to be submitted with tentative map)  
 Other  
 None Required
  
4. Availability of drainage facilities:  
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.  
 d. See Exhibit No. 2.
  
5. The proposed development:  
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
 Does not appear to be located within a flood prone area.
  
6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

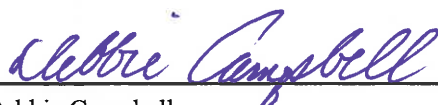
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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Page 3 of 4

CL CUP No. 2018-010

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

  
\_\_\_\_\_  
Debbie Campbell  
Design Engineer

  
\_\_\_\_\_  
Michael Maxwell  
Project Engineer



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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

STYLE-LINE CONSTRUCTION, INC.

1817 N. HELM AVE.

FRESNO, CA 93727

**CL CUP No. 2018-010**

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

The drainage fee identified on the cover sheet of this notice is for the non-payment of existing development within APN 499-134-21. The existing development was improved without payment of local drainage fees, which is in violation of the City of Clovis Municipal Code and District Drainage Fee Ordinance. In accordance with the Late Payment of Drainage Fees policy attached, the owner/developer is allowed a payment period of six months from this notification without being subject to the current higher rate accessed on the property.

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.

Development No. Clovis CUP 2018-010

Date Adopted: May 9, 2012

Classification: FEES

Date Last Amended:

Subject: Late Payment of Drainage Fees

Approved By:

*Boo Jan Wyk***Policy**

It is the Policy of the District to pursue collection of the late payment of Drainage Fees that were not collected at the time of development or subdivision of the affected property:

If a Drainage Fee is not paid at the time of development or subdivision and the developer and/or property owner has not entered into a Development Agreement that provides for the deferment of the payment of the Drainage Fee, and a permit was issued, the developer and/or property owner of said property shall be allowed to pay the Drainage Fee in effect at the time of subdivision or development within six (6) months from notice from the District to the developer and/or property owner of non-payment and a demand for present payment. Developer and/or property owner shall: (i) pay the Drainage Fee; or (ii) enter into a time payment agreement to pay twenty percent (20%) of the fee immediately, and the remainder in four equal annual payments thereafter and without interest. To qualify for the time payment, a developer and/or property owner must consent to placing a lien on the property and have it secured by a Deed of Trust or other security satisfactory to both the General Manager/Secretary and Legal Counsel. Unless the developer and/or property owner has fully complied with all the provisions of this Policy, including no late payment or default on payments, the developer and/or property owner shall forfeit all entitlement

Date Adopted: May 9, 2012

Classification: FEES

Date Last Amended:

Subject: Late Payment of Drainage Fees

Approved By: *Boswan Wyk*

to Drainage Fee paid or credited in excess of the Drainage Fee calculated at the rate in effect at the time of the notice from the District of non-payment and interest shall immediately accrue on the unpaid balance in accordance with the District Drainage Fee Ordinance.

Any developer and/or property owner that has developed or improved land in violation of the Drainage Fee Ordinance of the District, or the jurisdictional agency having responsibility to approve land development entitlements without having obtained the proper permit(s) shall pay the Drainage Fee and such fee shall be calculated at the rate in effect at the time of the District's demand if paid within 90 days of that demand, otherwise the fee will be calculated at the rate in effect at the time of payment.

Any subdivision or development that occurred prior to 1999, and the developer and/or property owner did not pay a Drainage Fee, will be evaluated on a case-by-case basis to determine if the Drainage Fee is to be calculated at the rate in effect at the time of subdivision or development or at the current rate.

<div style="border: 1px solid black; display: inline-block; padding: 2px;">181</div> <b>POLICY MANUAL</b>	Date Adopted: May 9, 2012
Classification: FEES	Date Last Amended:
Subject: Late Payment of Drainage Fees	Approved By: <i>Boo Van Wyk</i>

**Background**

It is the Policy of the District to secure, through cooperative association with the Cities of Fresno and Clovis, and the County of Fresno, the payment and collection of Drainage Fees concurrent with the development or subdivision of property located within planned local drainage areas. Drainage Fees are predicated on the cost of, and used solely to fund the construction of, stormwater facilities to serve the lands for and from which the Drainage Fee was collected. Drainage Fees are then expended in a manner which produces the earliest feasible availability of drainage service.

The District shall not circumvent the provision of the Drainage Fee Ordinance or adopt rate schedules absent unique qualifying considerations of equity. When a Drainage Fee is not paid at the time of development or subdivision, it is necessary to collect such Drainage Fee at the earliest possible date and in the amount that is fair and appropriate to the developer and/or property owner and the public.

182	<b>POLICY MANUAL</b>	Date Adopted: May 9, 2012
Classification: FEES		Date Last Amended:
Subject: Late Payment of Drainage Fees	Approved By: <i>Bob Van Wyk</i>	

**Policy**

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If a Drainage Fee is not paid at the time of development or subdivision and the developer and/or property owner has not entered into a Development Agreement that provides for the deferment of the payment of the Drainage Fee, and a permit was issued, the developer and/or property owner of said property shall be allowed to pay the Drainage Fee in effect at the time of subdivision or development within six (6) months from notice from the District to the developer and/or property owner of non-payment and a demand for present payment. Developer and/or property owner shall:

(i) pay the Drainage Fee; or (ii) enter into a time payment agreement to pay twenty percent (20%) of the fee immediately, and the remainder in four equal annual payments thereafter and without interest. To qualify for the time payment, a developer and/or property owner must consent to placing a lien on the property and have it secured by a Deed of Trust or other security satisfactory to both the General Manager/Secretary and Legal Counsel. Unless the developer and/or property owner has fully complied with all the provisions of this Policy, including no late payment or default on payments, the developer and/or property owner shall forfeit all entitlement

183	<b>POLICY MANUAL</b>	Date Adopted: May 9, 2012
Classification: FEES		Date Last Amended:
Subject: Late Payment of Drainage Fees	Approved By: <i>Boswan Wyck</i>	

to Drainage Fee paid or credited in excess of the Drainage Fee calculated at the rate in effect at the time of the notice from the District of non-payment and interest shall immediately accrue on the unpaid balance in accordance with the District Drainage Fee Ordinance.

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August 13, 2018

Orlando Ramirez  
Planning and Development Services Dept.  
1033 Fifth St.  
Clovis, CA 93612

SUBJECT: DRC 2018-44  
Ish Brewing Co., LLC  
NWC Clovis and Pico Avenues

Dear Mr. Ramirez:

This application proposes to allow a Taproom and ancillary brewing area. There were no proposed hours of operation noted in the original DRC Application.

The proposed taproom is across the street (less than 1,000 feet) from The Center for Advanced Research and Technology (CART), located at 2555 Clovis Avenue. The District objects to this proposal for a number of reasons. Alcohol, in general, is an attractive nuisance near schools, resulting in potential supervision problems for both school and business employees. The proposal for alcohol sales at the site is especially troublesome with the respect to the potential for teens to attempt to purchase alcohol or asking adults to purchase it for them.

Alcohol sales could also result in a problem in relation to the function of the schools as community recreation facilities. The proximity of alcohol sales could facilitate alcohol use by those using the school grounds after hours.

Based on the above, the District believes this is an inappropriate location for alcohol sales. Therefore, we respectfully request that your agency deny this application.

Please contact me if you have any questions regarding this letter.

Sincerely,

Michael Johnston  
Associate Superintendent  
Administrative Services

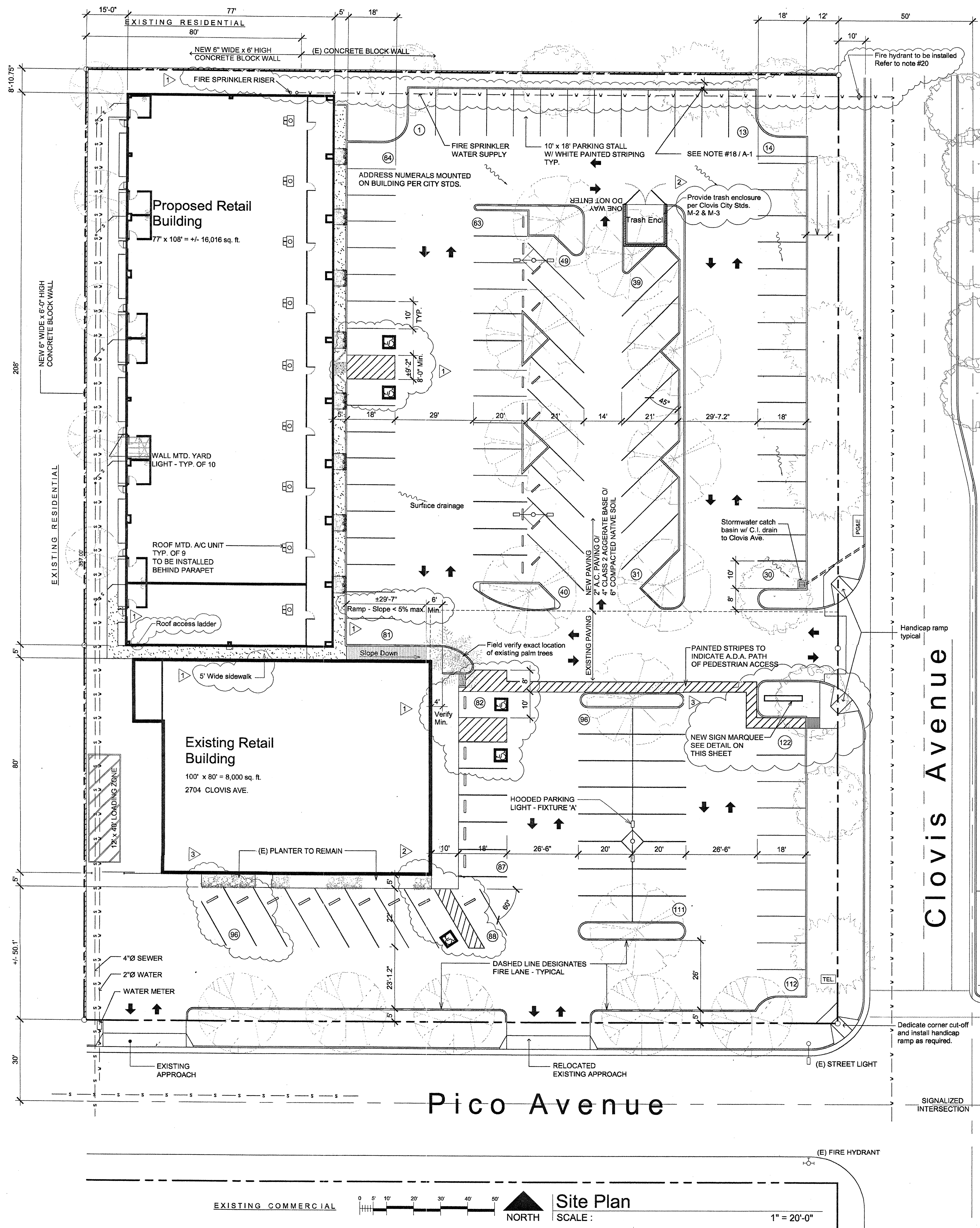
**Governing Board**

Sandra A. Budd  
Christopher Casado  
Steven G. Fogg, M.D.  
Brian D. Heryford  
Ginny L. Hovseplan  
Ellizabeth J. Sandoval  
Jim Van Volkinburg, D.D.S.

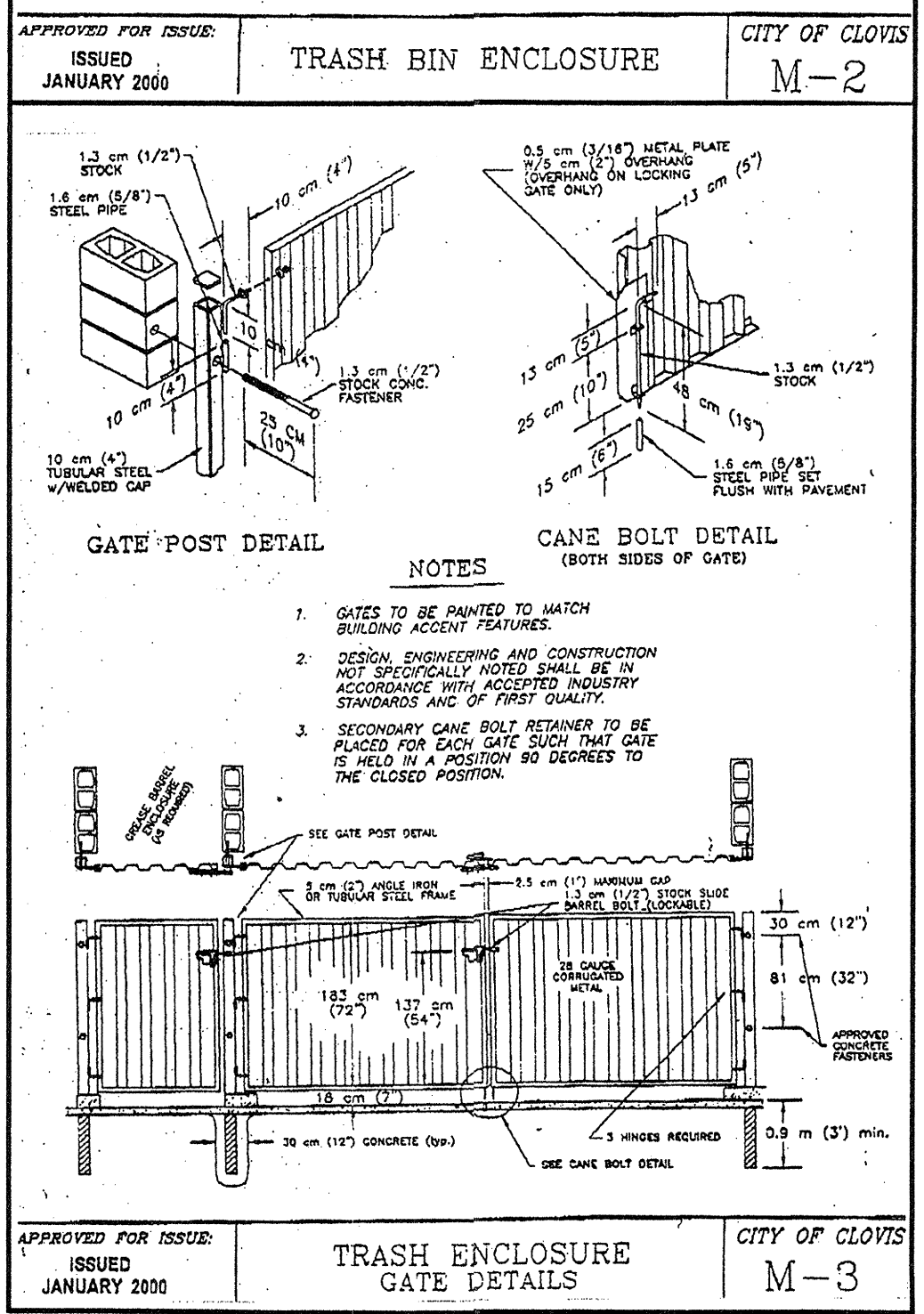
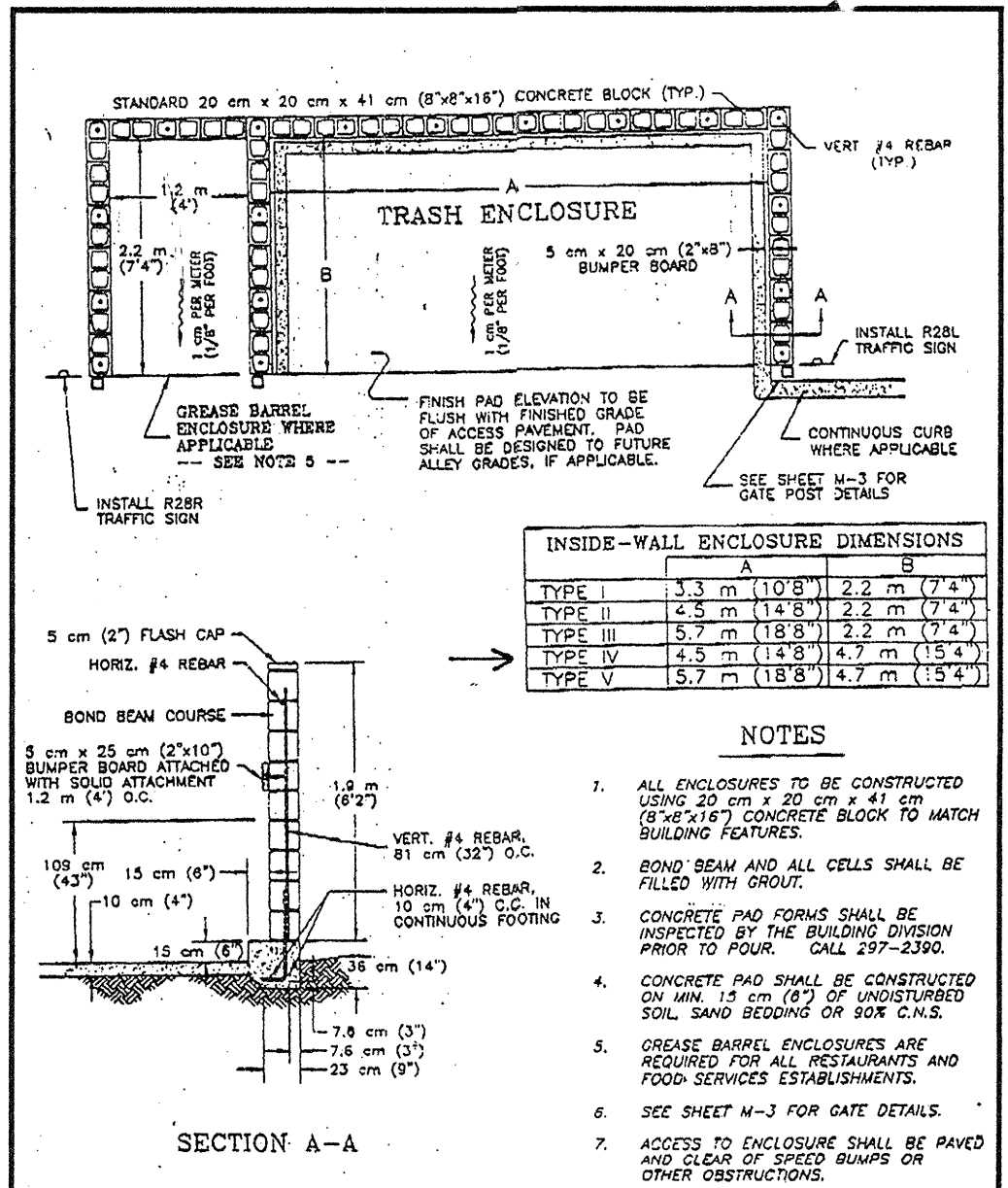
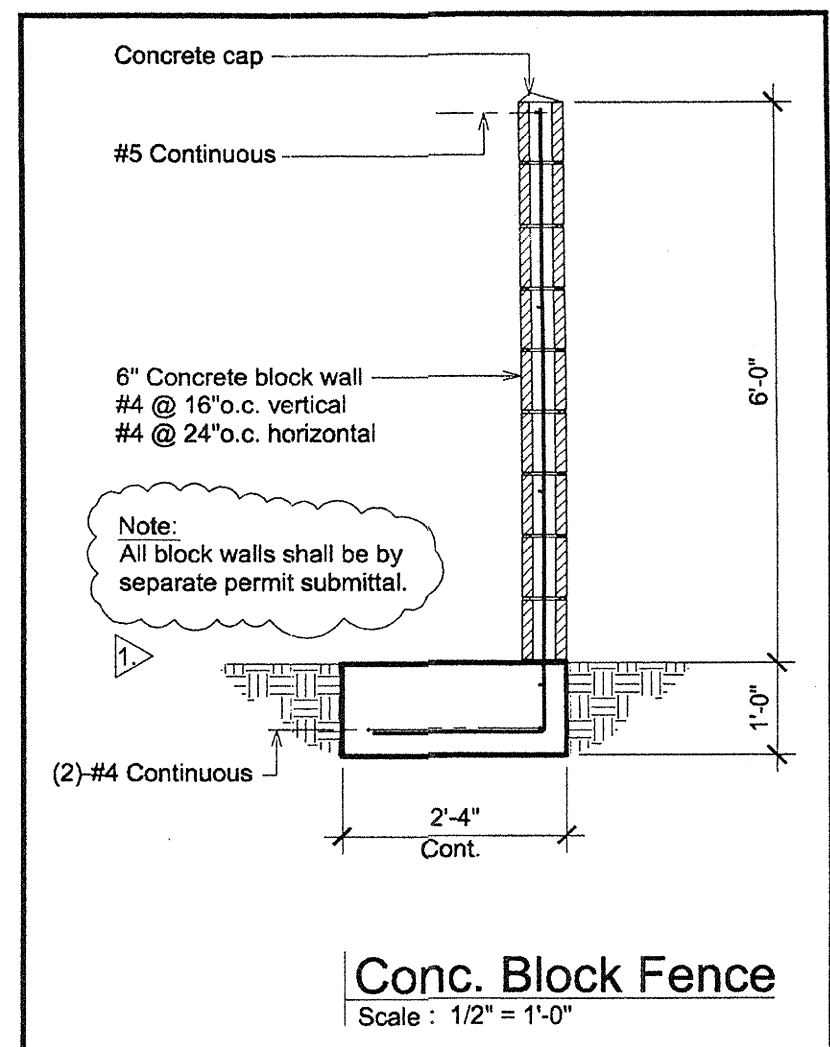
**Administration**

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

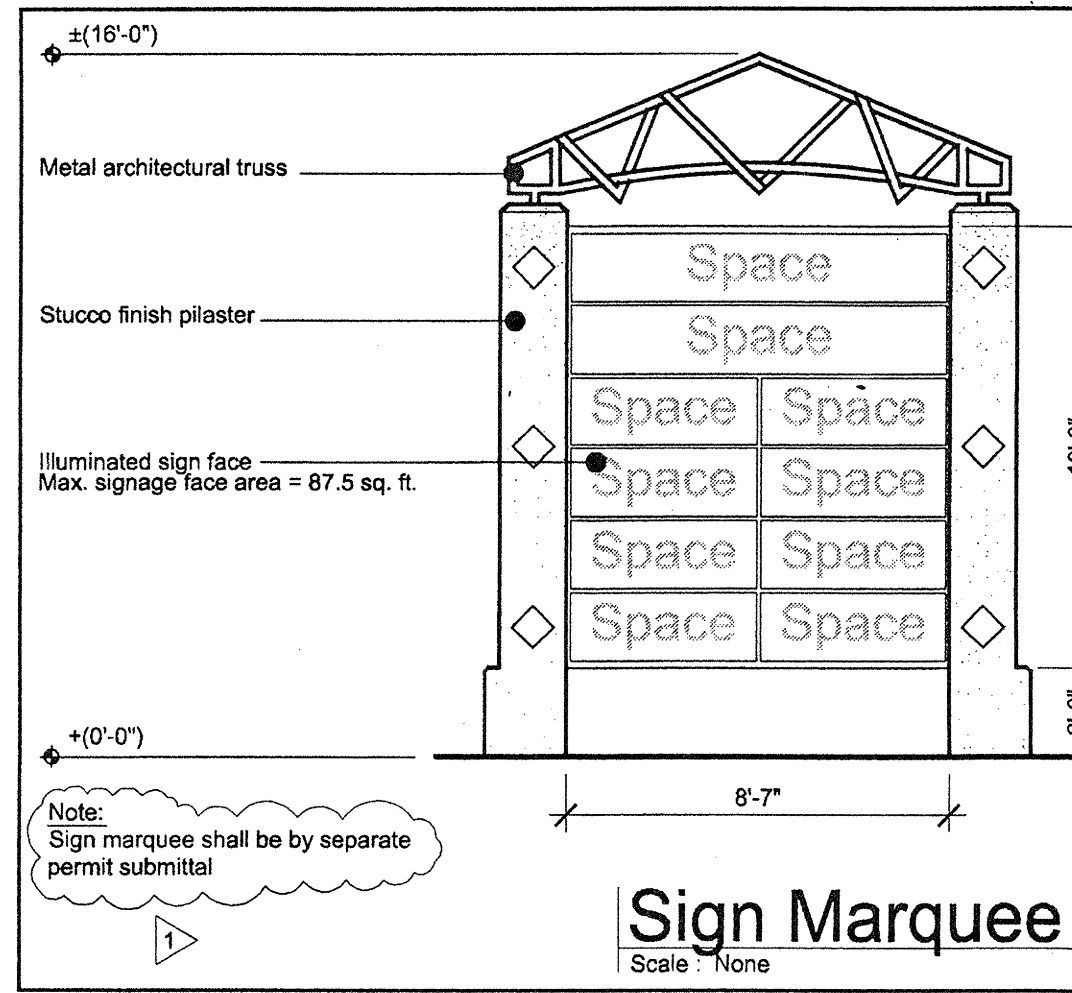




Site Plan SCALE: 1" = 20'-0"



- Site notes :**
- Contractor shall verify all dimensions, grades and other conditions at the site prior to the start of any construction. Any discrepancies must be immediately brought to the attention of the Engineer.
  - Drainage onto adjacent properties is prohibited. Provide 2% minimum drainage slope away from the building pad for 5'-0" minimum where possible. Slope all concrete aprons away from the building pad for 5'-0" minimum where possible. Slope all concrete aprons to finished grade, unless otherwise specified.
  - Provide for the posting of street address numerals which must be at least 6" high with a 1/4" stroke minimum, mounted on a contrasting background and clearly visible from the street. Where the project is remote from the street and driveway intersection, address numerals shall be posted at both the driveway and street intersection and on the building itself. Address numerals shall have provisions to be illuminated during the evening hours. Any survey monuments within the area of construction shall be preserved or reset by a registered Civil Engineer or a licensed Land Surveyor.
  - Repair all damaged and/or off grade, off site concrete improvements as determined by the Construction Management Engineer prior to final inspection.
  - All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from the handicapped parking stalls and ramps. All handicapped parking stalls shall be marked with the international symbol of spaces and a warning sign that vehicles found parked in violation shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on 7 foot poles. A permanently affixed reflectorized sign constructed of porcelain on steel, beaded text, or equal shall identify each parking stall reserved for the handicapped, displaying the international symbol of accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking stall at a minimum height of 80 inches from the bottom of the sign to the space's finished grade, or centered on the wall at the interior end of the parking stall mounted at the same 70 inches above the finished grade, ground or sidewalk. A sign shall also be posted, in a conspicuous place, at each parking lot entrance, not less than 17' x 22' in size with lettering not less than 1" in height, which clearly and conspicuously states the following warning for cars illegally parked in handicapped parking stalls: "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at the owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or by telephoning \_\_\_\_\_".
  - In addition to the above requirements, the surface of each handicapped accessible parking stall shall have a surface identification duplication the symbol of accessibility blueprint, at least 3 feet square. The surface slope of handicap accessible parking stalls shall not exceed 1/4" per foot. Section 2-7102(c)(d), Title 24, C.A.C.
  - The applicant shall install an approved backflow prevention assembly adjacent to the existing water meter and shall be tested by an approved A.W.W.A. certified tester within 5 days of installation with the results sent to the City Utilities Division.
  - The developer shall install a blowoff assembly for all fire protection lines adjacent to the fire sprinkler detection check valve in the public right of way or easement. The size of the blowoff assembly shall be determined by the City Utilities Division.
  - Abandon septic systems and water wells to City standards.
  - Water well requirements - Nonresidential developments: Prior to the developer requesting, or the City issuing building permits or allowing occupancy, the developer shall provide evidence that there is adequate water pressure and flow to meet the City's fire suppression standards.
  - Trash enclosures: Install one City Standard Type IV trash enclosure for the new building. Include solid metal gates, at locations approved by the Solid Waste Supervisor. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius.
  - Developer shall have covenant recorded for the perpetual maintenance of the landscape and irrigation to be installed in the public right of way.
  - The applicant shall sign, notarize and return to the City for recording a reciprocal access agreement to maintain and provide vehicular, pedestrian and public access, prior to obtaining building permits.
  - Install an approved rapid entry lock box per local Fire Department Standard #65.
  - Address numerals shall be installed on every building as per adopted Fire Department Standard #14.
  - Trees, shrubs, light pots, fire hydrants and similar objects placed in the three foot bumper overhang area shall be placed so as not to cause interference with the vehicles.
  - The driveway shall be posted with the signs stating "FIRE LANE". No parking except in designated parking spaces. Vehicles will be towed at the owner's expense. The signs are to be placed at every entrance. As per Fire Department Stds. #2.
  - Install (1) - 6" x 4 1/2" x 4 1/2" x 2 1/2" approved fire hydrant to be installed and operational prior to any framing. Install "Blue Dot" hydrant locators as specified by the adopted Fire Department Standard #7.



**ACKNOWLEDGMENT AND ACCEPTANCE OF CONDITIONS - SITE PLAN REVIEW**  
Prepared by the City of Clovis Planning Division

An application for approval of plans as required by Title 9, Chapter 3 of the City of Clovis Municipal Code was filed on June 26, 2009 by Frank Rodriguez. This application, designated as Case No. SP09-0242 is applicable to property located at 2704 Clovis Avenue, Clovis, CA. Please be advised that said application is hereby approved as per authority granted by Section 9-400(A)(4) of the Clovis Municipal Code. Approval is granted subject to the attached list of conditions, labeled as Exhibit "A".

Date of Approval: 7/14/09  
 [Signature] DIRECTOR OF A/C/P, City Planner  
 [Signature] SP09-0242, Development Review Specialist

**APPLICANT ACCEPTANCE OF CONDITIONS OF APPROVAL**

I, (please print name) \_\_\_\_\_ applicant for SP09-0242, hereby accept the list of conditions of approval, and do hereby agree to abide by said conditions. I acknowledge that unless the acceptance of conditions of approval is received within 30 days of a date of approval, said Site Plan Review will automatically terminate possibly requiring a new application to be filed. I understand the proper use of the property shall be in accordance with the Clovis Municipal Code. I also acknowledge that all conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy, unless other arrangements have been made in writing with the Director of Planning and Development Services.

In addition to my appropriate enforcement action I understand that the City of Clovis has the right to discontinue any and all utilities (electrical, gas, sewer, water) for non-compliance with any of the approved site plan conditions. No utilities will be discontinued without a thirty (30) day legal notice to the owner, applicant and property tenant describing the site plan condition in non-compliance.

Date of Acceptance: \_\_\_\_\_  
 Signature (please sign in ink) \_\_\_\_\_  
 Title \_\_\_\_\_  
 Company \_\_\_\_\_

Date: 6-8-01  
 Sheet: A-17  
 Job: 00-11

**Proposed Retail Building For:**  
**Heinrich Industries, Inc.**  
 Clovis, California  
 2704 Clovis Avenue

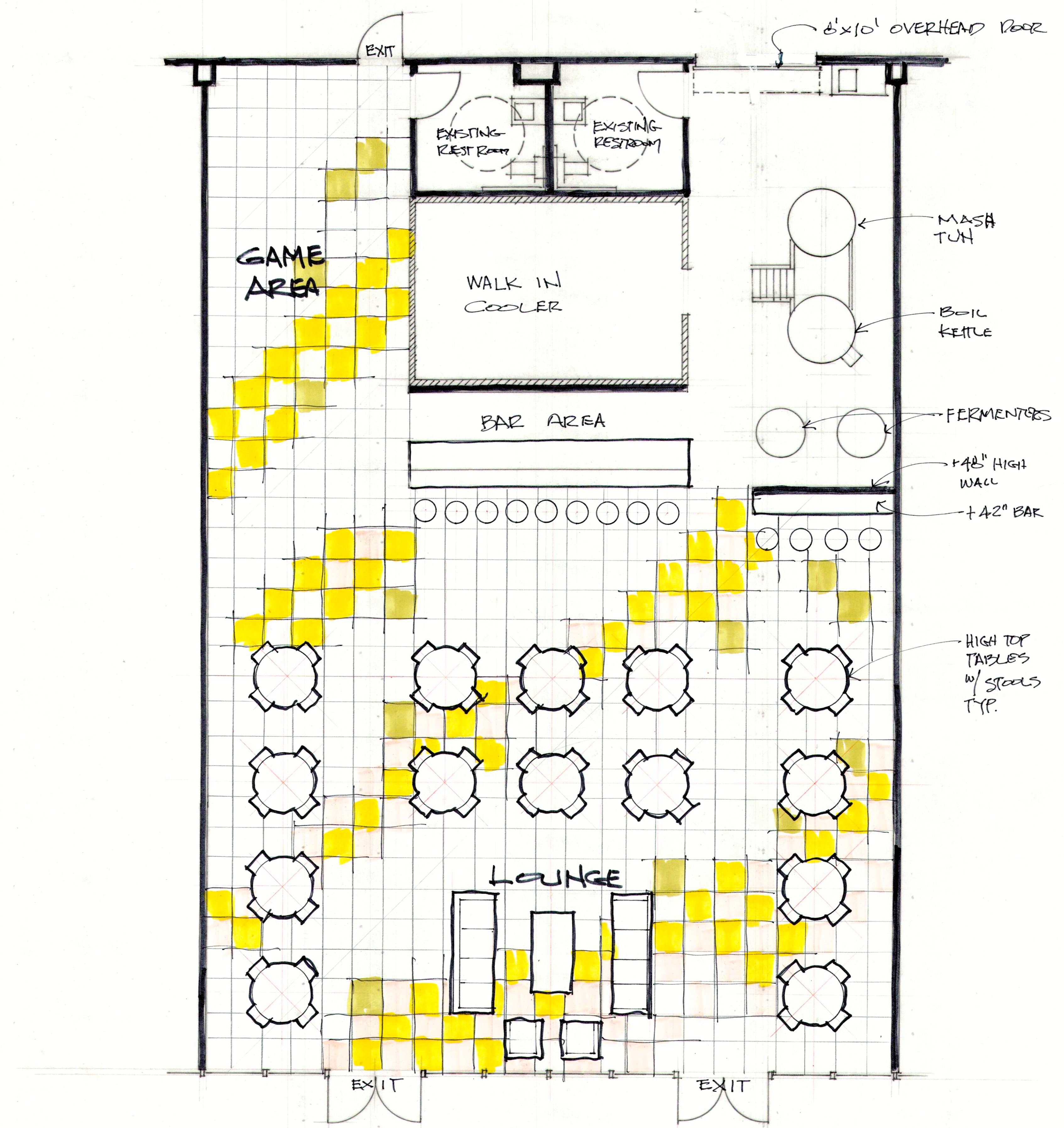
**STYLE - LINE Construction, Inc.**  
 General building contractors  
 State license # 655566  
 Telephone (559) 251-1797  
 Fresno, Ca. 93727  
 FAX: (559) 251-5920

Revisions: By  
 6-8-01 BW  
 7-27-01 BW

Professional Engineer  
 Chong Chee Lee  
 No. 24208  
 Exp. 12-31-01  
 Civil  
 State of California

1817 N. Helm, #106  
 Fresno, Ca. 93727

DATE: 7-27-01  
 SHEET: A-17  
 JOB: 00-11



**FLOOR PLAN**

1/4" = 1'-0"

TOM KET ARCHITECT  
 742 E. NORMAL AVE.  
 FRESNO, CA. 93704  
 559.250.3061

15th TASTING ROOM  
 2700 CLOVIS AVE  
 CLOVIS, CA.

FLOOR PLAN

A-1