



# CITY of CLOVIS

AGENDA • SEPTEMBER 26, 2019

**Thursday, September 26, 2019**

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

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

Commission Members: Amy Hatcher Chair, Paul Hinkle 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. Planning Commission Minutes for the meeting of August 22, 2019.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

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.

PUBLIC HEARINGS

- 2. Consider Approval, Res. 19-\_\_\_\_, A request for the approval of a conditional use permit to allow for the operation of a recreational vehicle and boat storage facility on property located at 2391 Tollhouse Road in Clovis, CA. Nick Hafen, owner/applicant.

**Staff:** Lily Cha, Assistant Planner

**Recommendation:** Approve

- 3. Consider Approval, Res. 19-\_\_\_\_, CUP2017-011A, A request to amend a conditional use permit for a 24-hour convenience store and fuel service station with beer and wine sales to include the sale of general liquor on the property located at 3771 Shaw Avenue. Balbir Singh Dhillon, applicant; Cloverleaf Capital, LLC, owner.

**Staff:** Joyce Roach, Planning Assistant

**Recommendation:** Approve

- 4. Consider Approval, Res. 19-\_\_\_\_, CUP2014-22A, A request to approve a conditional use permit amendment to allow for modification to the hours of operation to include a 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue. MTE Foods Inc., owner/applicant; Christina Solomon, representative.

**Staff:** Maria Spera, Planning Technician II

**Recommendation:** Approve

- 5. Consider Approval, Res. 19-\_\_\_\_, V2019-002, A request to approve a variance to the City of Clovis Sign Ordinance to allow for single lane drive-thru tandem menu boards in association with the drive-up window use for the property located at 1055 Herndon Avenue. McDonald’s USA LLC, owner; Vigen Incorporated, applicant and representative.

**Staff:** Ryder Dilley, Planning Intern

**Recommendation:** Approve

- 6. Consider Approval, Res. 19-\_\_\_\_, CUP2019-008, a request to approve a conditional use permit for a 3-story, 90-room hotel, with a request for a maximum height of 50 feet located at 2355 Willow Avenue on a portion of a 2.52-acre site. Steve Espinoza, Maria Espinoza, Charles Claborn, Betty Claborn, Leon Gardner, and Helen Gardner, owners; Jay Virk, applicant/representative.

**Staff:** Ricky Caperton, AICP

**Recommendation:** Approve

- 7. Consider items associated with approximately 117 acres of land located on the north side of the Clovis Landfill at 15679 Auberry Road to be utilized as a buffer zone only, with no proposed improvements and/or development. City of Clovis, United States Bureau of Reclamation, owners; City of Clovis Public Utilities, applicant.

- a) Consider Approval, Res. 19-\_\_\_\_, GPA2019-003, A request to amend the Clovis General Plan to add land to the Clovis Land Use Diagram and designate this land to the Public/Quasi-Public Facilities and Water classifications.
- b) Consider Approval, Res. 19-\_\_\_\_, R2019-002, A request to approve a prezone from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District.

**Staff:** George González, MPA, Associate Planner

**Recommendation:** Approve

- 8. Consider Approval, Res. 19-\_\_\_\_, SPR2007-25A2, A request to approve a site plan review amendment to allow for construction on .8 acres of land within phase 1 of the Sierra Meadows Park Master Plan for the Fresno Wildlife Rehabilitation Nature Center building and associated park improvements for property located east of Temperance Avenue at Sierra Avenue. City of Clovis, owner; Fresno Wildlife, applicant/representative.

**Staff:** Dwight Kroll, AICP, Director of Planning and Development Services

**Recommendation:** Approve

ADJOURNMENT

CLOVIS PLANNING COMMISSION MINUTES  
August 22, 2019

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

Flag salute led by Commissioner Bedsted

Present: Commissioners Antuna, Bedsted, Cunningham, Chair Pro Tem Hinkle

Absent: Chair Hatcher

Staff: David Merchen, City Planner  
Orlando Ramirez, Deputy City Planner  
Lily Cha, Assistant Planner  
Sean Smith, Supervising Civil Engineer

MINUTES

1. The Commission approved the July 25, 2019, minutes with a correction by a vote of 4-0-1.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez introduced new City Planner David Merchen. City Planner Merchen provided some background on himself.

PLANNING COMMISSION MEMBERS COMMENTS

None.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

## PUBLIC HEARINGS

2. Consider approval Res. 19-31, **TM6277**, A request to approve a tentative tract map for an 8-lot single-family residential development with a remainder lot for properties located at the northeast corner of Locan and Teague Avenues. Tarlton Fresno, LLC, owner; David D. Shepard Construction, Inc., applicant; R.W. Greenwood Assoc., Inc., representative.

Assistant Planner Lily Cha presented the staff report.

Commissioner Cunningham stated for the record that the response from the Fresno County Department of Public Health (page 29 of the packet) is dated August 29, 2018, and is in regards to a tentative tract map for a twenty-two unit subdivision. He then sought and received confirmation that submission for the current project was not necessary due to both the passage of time and the reduction in lots. Assistant Planner Cha informed that the current project had been routed to the Public Health Department and that it is typical for them to provide comments from previous review requests when the new project will be subject to the same conditions. Deputy City Planner Ramirez further informed that Fresno County Health Department has a standard boiler template that they use, and though they occasionally are not as stringent in changing project designations, the comments are still applicable to this project.

Commissioner Cunningham inquired as to whether County Health normally sends an email response stating that nothing has changed. Deputy City Planner Ramirez responded that staff has never received an email from them stating that there are no comments, even if a Development Review Committee had not been processed.

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

Dave Shepard of 2652 Filbert Avenue expressed his pleasure working with staff, provided some context for the project, then offered to answer questions.

Chair Pro Tem Hinkle inquired as to whether the applicant had met with the neighbors. Mr. Shepard responded in the negative.

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

Kirk Kessler of 3078 Teague Avenue expressed that he welcomes the project but is concerned regarding safety and circulation in terms of the width of Teague Avenue. Chair Pro Tem Hinkle responded that the plans in his packet show street widths of thirty feet and fifty-eight feet. Supervising Civil Engineer Sean Smith addressed the issue by pointing out Condition #31, which would require street improvements on Teague Avenue that would provide forty feet from curb to curb.

Manny Penn of 3370 Loyola Avenue spoke regarding the compatibility of this project with his own nearby subdivision project.

Elizabeth Pahel of 1711 N. Locan Avenue inquired as to the future continuation of the trail system in the area, if it will be widened in the area of the Wathen-Castanos project, and when the existing house will be demolished. Assistant Planner Cha responded that Granville had submitted entitlements for a project in this area, and that she believes the trail will be connected to Locan Avenue on the north side of Trenton Avenue. She is uncertain regarding the Wathen portion, an already approved project, but that the Granville proposal includes a wider sidewalk and landscaping.

Mrs. Pahel reiterated her inquiry regarding the demolition of the existing house, which she termed as an eyesore. Assistant Planner Cha deferred to the applicant, who informed that he already has bids for the work.

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

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

Mr. Shepard declined.

At this point, the Chair closed the public portion.

Deputy City Planner Ramirez noted that there are two conditions numbered thirty-one, previously unnoticeable due to page break locations, so that will have to be amended.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve TM6277 with correction to the numbering system and subject to Appendix A. The motion was approved by a vote of 4-0-1.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 6:19 P.M. UNTIL the Planning Commission meeting on September 26, 2019.



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 26, 2019

SUBJECT: Consider Approval, Res. 19-\_\_\_\_, A request for the approval of a conditional use permit to allow for the operation of a recreational vehicle and boat storage facility on property located at 2391 Tollhouse Road in Clovis, CA. Nick Hafen, owner/applicant.

**Staff:** Lily Cha, Assistant Planner  
**Recommendation:** Approve

- ATTACHMENTS:
1. Conditions of approval
  2. Draft Resolution
  3. Correspondence from Agencies
  4. Site Plan

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends that the Planning Commission approve CUP2019-007, subject to the conditions listed in Attachment 1.

### EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit to allow for the operation of a recreational vehicle (RV) and boat storage facility on property located at 2391 Tollhouse Road, as shown in Figure 1 below. Approval of this conditional use permit request would allow the applicant to move forward with site plan review to memorialize the layout of the operation.



**BACKGROUND**

- General Plan Designation: Mixed Use Business Campus
- Specific Plan Designation: Herndon Shepherd
- Existing Zoning: M-1 (Light Industrial)
- Lot Size: 3.06 acre
- Current Land Use: Vacant
- Adjacent Land Uses:
  - North: Highway 168
  - South: Light Industrial
  - East: Single-Family Residential
  - West: Single-Family Residential; Construction Yard
- Previous Entitlements: GPA2004-2013, R2001-09 & SPR2002-02

**PROPOSAL AND ANALYSIS**

Project Location

The subject property is located at 2391 Tollhouse Road, between Highway 168 and Herndon Avenue. The general area is bound by Highway 168, Herndon and Armstrong Avenues and Tollhouse Road on the south, and consists of a variety of land uses including existing rural residential single family homes and industrial properties. Figure 1 below show the Project site outlined in red.

**FIGURE 1  
PROJECT LOCATION MAP**



### Herndon Shepherd Specific Plan & Focus Area 5

The Project is located in the City's Herndon Shepherd Specific Plan. The Specific Plan provides land use, circulation, open space and utility plans for the approximately 5,800 acre plan area. The policy document is intended to guide development in the plan area. The Project area is classified under the Business Corridor land use element of the Specific Plan, which allows for a combination of Office, Commercial and Industrial uses. The Project meets the land use requirement of the Herndon Shepherd Specific Plan.

Focus areas within the City are identified areas that merit additional flexibility and direction regarding urban form and design, finely-tuned site planning, the development of mixed uses, and coordinated land use planning for areas that are under multiple ownerships. Focus areas compliment the General Plan land use designation and may expand permissible uses, introduce new policy requirements, and augment development standards, or simply call attention to complex properties. The subject property is located within the City's Focus Area 5, which allows for Business Park, Commercial, and Office areas. Industrial uses are also permitted within the Mixed Use Business Campus designation of the City's General Plan.

### Project Description and Operations

This conditional use permit request is to allow for the operation of an RV and boat storage facility. The subject property has a zoning designation of M-1 (Light Industrial), which permits the use of storage facilities subject to the conditional use permit process. The Project consists of 204 parking stall spaces to be leased. Clients will have access into the site between the hours of 7am and 7pm, through a cell gate key pad entry. Cell gate operation provides technology that can be remotely accessed and operated by the manager as well as camera recordings of those who enter and leave the facility. The security cell gate is subject City standards and review by the City's Fire Department.

Site security will be provided by regular patrol checks and the occasional standing guard as needed. The facility will also be equipped with cameras and motion detector lights. Cameras and security lighting shall be regulated per City standards.

### Development Standards

Storage facilities are required to adhere to developmental and operational standards established in the City's Development Code (Section 9.40.130). Site specific details will be further evaluated through the site plan review process with the approval of this conditional use permit.

Storage facilities are required to be improved with gravel, crushed rock, or similar substance to control dust. The applicant plans to improve the site with crushed concrete, meeting the development requirement. Additionally, storage facilities require a minimum of two standard parking spaces for customers. Modifications to the site plan (see Attachment 4) will be required to accommodate the necessary customer parking. Staff will work with the applicant during the site plan review process to meet this requirement.

### Site Configuration

The Project site is approximately 3.06 acres and fronts Tollhouse Road. The parcel has a width of approximately 200 feet and is about 680 feet deep. It is currently vacant but previously contained a single-family residential home that has since been demolished.

Access onto the Project site is provided from Tollhouse Road through a typical drive approach. There are 5 rows of parking stalls proposed within the storage facility. Row "A" is adjacent to the western property line, rows "B" and "C" are centrally located within the subject property, row "D" is adjacent to the eastern property line, and row "E" lines up along the rear property line to the north. Forty foot wide drive aisles are proposed within the site and were designed with the intent to allow for larger vehicles to easily maneuver around the site (Attachment 4).

### Perimeter Wall

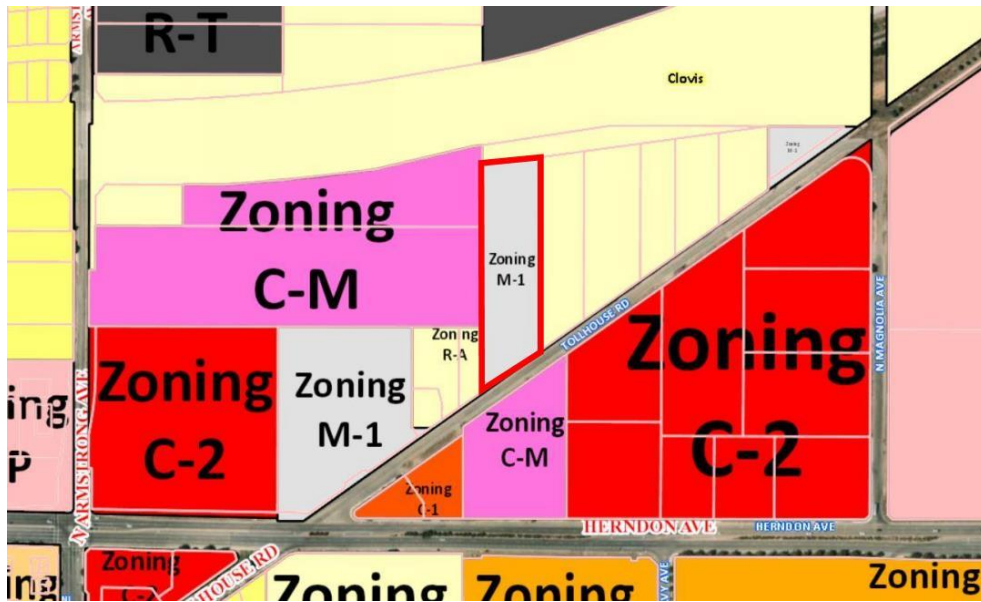
Storage facilities are required to be screened with a solid masonry wall along the project's perimeter. The wall shall be no less than 8 feet in height and no more than 11 feet in height when adjacent to residential zoning districts. The Masonry wall requirement may be waived for nonresidential areas that are surrounded by residentially zoned properties that are designated for nonresidential use by the General Plan, such as the Project area. The applicant is proposing slatted chain-link fencing along the perimeter of the property with the exception of a masonry wall along the street frontage of the property adjacent to Tollhouse Road.

### Consistency with Surrounding Area

The Project is located within an area with a mixture of different land uses. Properties east of the Project site are rural residential properties with single family homes. The properties are currently zoned R-A (Single-Family Residential Very Low Density) however, future development provides for Mixed Use Business Campus development as designated in the City's General Plan. South of the Project site, across Tollhouse Road, are industrially zoned properties housing an equipment rental company and towing company/yard. The Project's western property line abuts three different properties, two including a construction yard and the remaining is a rural residential type property with a single-family home. The residential property is also designated Mixed Use Business Campus in the City's General Plan.

The Project is consistent with the land use designation, General Plan and the Focus area.

**FIGURE 2  
LAND USE MAP**



Public Comments

A public notice was sent to area residents within 850 feet of the property boundaries. Staff has not received any inquires prior to finalization of the staff report.

Review and Comments of 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, and the State Department of Fish and Wildlife.

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 Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Infill Development Projects). Under the Class 32 categorical exemption, projects that: (a) are consistent with the applicable land use designation, General Plan policies, and zoning; (b) are within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) are located on sites with no value as habitat for endangered, rare, or threatened species; (d) would not result in significant effects relating to traffic, noise, air quality, and water quality; and (e) is located on a site that can be adequately served by all utilities.

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, September 11, 2019.

**REASON FOR RECOMMENDATION**

The Project is consistent with the goals and policies of the General Plan, Development Code and the M-1 (Light Industrial) Zone District. Therefore, staff recommends that the Planning Commission approve CUP2019-007, subject to the conditions of approval listed as Attachment 1.

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. That, based upon the Categorical Exemption, there is no substantial evidence that the project will have a significant effect on the environment.

**ACTIONS FOLLOWING APPROVAL**

None

**FISCAL IMPACT**

None

**NOTICE OF HEARING**

Property owners within 850 feet notified: 27  
Interested individuals notified: 11

Prepared by: Lily Cha, Assistant Planner

Reviewed by:   
\_\_\_\_\_  
David Merchen  
City Planner

**CUP2019-007, ATTACHMENT “1”  
Conditions of Approval**

**PLANNING DIVISION CONDITIONS  
(Lily Cha, Assistant Planner– (559)-324-2335)**

1. This conditional use permit specifically allows for the operation of a recreational vehicle and boat parking storage facility for property located at 2391 Tollhouse Road.
2. This conditional use permit is approved per Attachment “4,” of this report. CUP2019-007 may be reviewed in a one (1) year period of time. Staff will conduct a review of the use in regard to compliance with conditions of approval and present findings of this review to the Planning Commission. Should the use be found to be in non-compliance, the Commission may schedule the use permit for revocation.
3. All conditions of GPA2004-2013, R2001-09, SPR2002-02, the Herndon Shepherd, and any other applicable conditions are hereby referred to and made a part of this Conditional Use Permit by reference.
4. 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.
5. The applicant shall provide and maintain perimeter fencing (slatted chain-link) that shall be no less than 8 feet in height or more than 11 feet in height adjacent to residential zoning districts.
6. The applicant shall provide and maintain a masonry wall along the Tollhouse Road street frontage of the property for screening.
7. The surface area of the outdoor storage facility shall be improved with gravel, crushed rock, oil-dirt, or similar substances to control dust.
8. Entry to the site (Tollhouse) shall provide an all-weather solid surface for a minimum of 40 feet into the site to prevent any proposed gravel from carrying on to the public right-of-way.
9. The applicant shall provide and maintain two (2) on-site standard parking stalls for customers per City Standards.
10. Operational noise from the project shall conform with the Clovis General Plan noise standards and not be in excess of 65 decibels to the outside of any residential structure nor 45 decibels to the interior of any structure.
11. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.

- 12. Security measures shall be provided in compliance with the Clovis Police Department requirements.
- 13. Hours of operation for uses on this site are limited to the hours between 7 a.m. and 7 p.m.
- 14. All exterior signs which are viewed from the outside shall conform to the Municipal Sign Ordinance and shall require separate sign permits prior to installation.
- 15. All freestanding signs shall be of a monument type design and shall be placed on the site it is intended to advertise.
- 16. Prior to any removal of existing trees on the Project site, a tree removal permit shall be required in compliance with the City of Clovis Tree Protection Standards section of the Clovis Municipal Code (Chapter 9.30).
- 17. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.

**CITY OF CLOVIS FIRE DEPARTMENT**  
**(Gary Sawhill, Fire Representative – (559) 234-2224)**

- 18. All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
- 19. 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.
- 20. 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. Permanent gravel roads and parking area shall meet the requirement of 80,000 vehicle weight.
- 21. 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.

**CALIFORNIA TRANSPORTATION DEPARTMENT**  
**(Jamaica Gentry, CALTRANS Representative – (559) 488-7307)**

- 22. The Applicant shall refer to the attached Caltrans correspondence. If the list is not attached, please contact the Caltrans for the list of requirements.



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

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

**COUNTY OF FRESNO ENVIRONMENTAL HEALTH DEPARTMENT**  
**(Kevin Tsuda, Health Department Representative – (559) 600-3271)**

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

**DRAFT  
RESOLUTION 19-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A  
RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY ON PROPERTY LOCATED  
AT 2391 TOLLHOUSE ROAD AND FINDING THE PROJECT IS EXEMPT FROM CEQA  
PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION**

**WHEREAS**, Nick Hafen, 1877 E. Emerald Avenue, Fresno, CA 93720, has applied for a conditional use permit CUP2019-007; and

**WHEREAS**, Conditional use permit CUP2019-007 is a request to allow for operations of a recreational vehicle and boat storage facility, was filed on August 2, 2019, and was presented to the Clovis Planning Commission for approval in accordance with Title 9, Chapter 9.64 of the Municipal Code and the City of Clovis; and

**WHEREAS**, a public notice was sent out to area residents within 850 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on September 26, 2019 and

**WHEREAS**, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

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
7. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and, based upon the

Categorical Exemption, there is no substantial evidence that the project will have a significant effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission does approve CUP2019-007, subject to the attached conditions labeled "Attachment 1."

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 19-XX  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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

**CORRESPONDENCE FROM COMMENTING  
AGENCIES**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 1 of 3

**PUBLIC AGENCY**

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

**DEVELOPER**

NICK HAFEN  
1877 E. EMERALD AVE.  
FRESNO, CA 93720

PROJECT NO: 2019-007

ADDRESS: 2391 TOLLHOUSE RD.

APN: 564-050-09

SENT: 9/9/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
7D	\$42,366.00	NOR Review *	\$114.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$580.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$42,366.00</b>		<b>Total Service Charge: \$694.00</b>		

\* The Development Review Service Charge shown above is associated with CL SPR 2002-002A 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 2/29/20 based on the site plan submitted to the District on 8/15/19 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. 2019-007

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL  
CUP  
No. 2019-007


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


- 1.     \_\_\_ a. Drainage from the site shall
- X 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:
  - X     Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.
  - \_\_\_     None required.
  
- 3.     The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
  - X     Grading Plan
  - X     Street Plan
  - X     Storm Drain Plan
  - X     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).
  - X 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.)
  - X     Does not appear to be located within a flood prone area.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

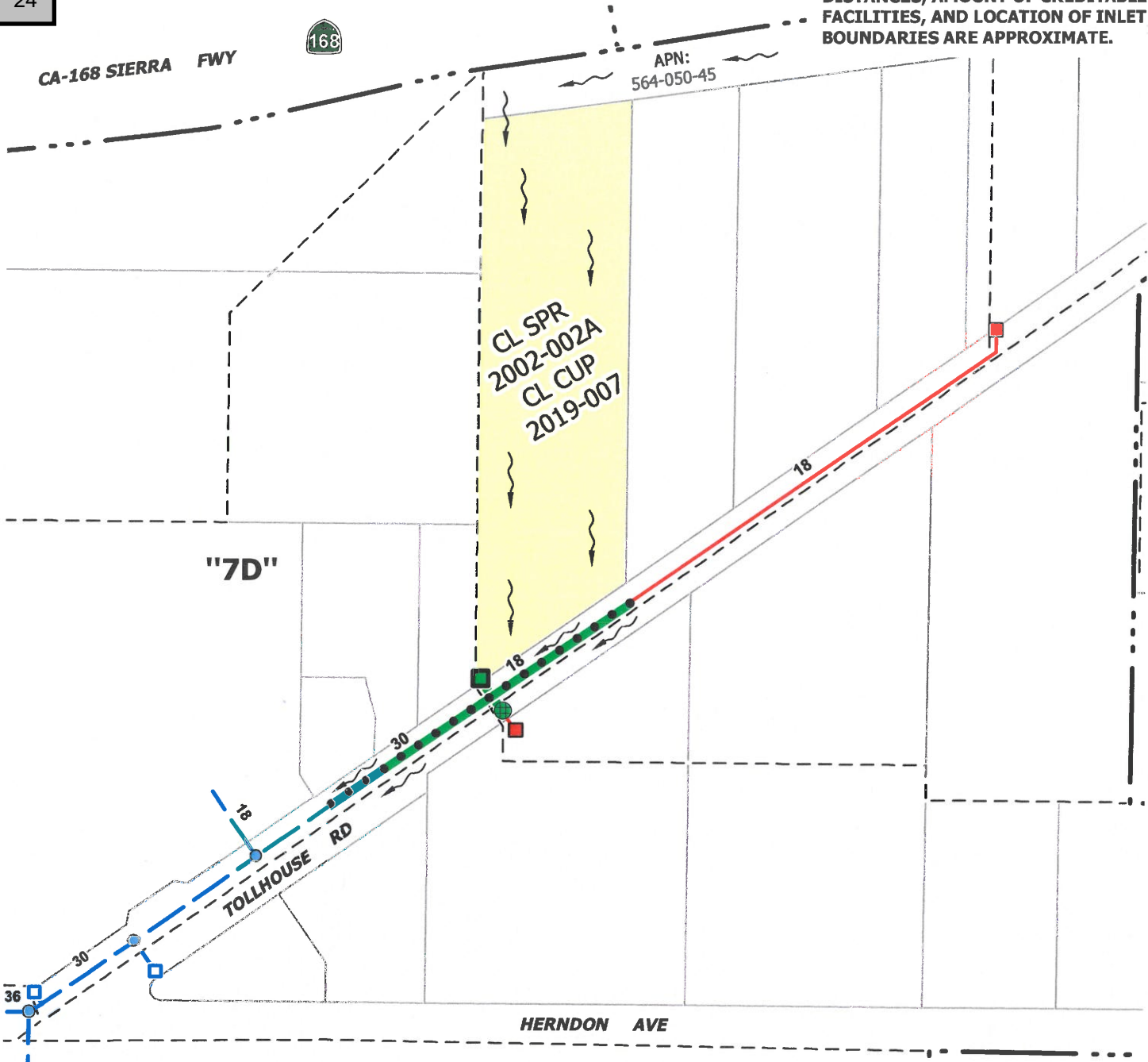
CL  
CUP No. 2019-007

- 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.
  
- 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.

  
 \_\_\_\_\_  
 Peter Sanchez  
 District Engineer

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

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



### LEGEND

- Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet
- Temporary Inlet To Be Constructed By Developer (Not Eligible For Fee Credit)
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage



**CL SPR 2002-002A**  
**CL CUP 2019-007**  
**DRAINAGE AREA "7D"**

### EXHIBIT NO. 1

## FRESNO METROPOLITAN FLOOD CONTROL DISTRICT





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

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

Clovis CUP 2019-007 is required to grant a drainage covenant for APN 564-050-45 to allow surface runoff to reach future Master Planned facilities located in Tollhouse Road.

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 for further information regarding these policies related to industrial site requirements.

Development No. Clovis CUP 2019-007

## DEPARTMENT OF TRANSPORTATION

26 DISTRICT 6

1992 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 488-7307  
FAX (559) 488-4088  
TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



Making Conservation  
a California Way of Life.

August 19, 2019

FRE-168-R8.531  
SPR2002-02A / CUP2019-007  
Mini Storage Facility

Mx. Lily Cha  
City of Clovis  
1033 Fifth Street  
Clovis, California 93612

Dear Mx. Cha:

Caltrans has completed its review of the request to construct a storage facility at 2391 Tollhouse Road (SPR2002-02A, CUP2019-007). We offer the following comments:

Caltrans supports the utilization of urban greening and green infrastructure in projects likely to contribute to the urban heat island effect. Some strategies to offset an increase in ambient temperature at the project site include using solar-reflective roofing materials, heat-tolerant HVAC systems (if applicable), or carbon-sequestering roofing materials such as green roofs with very low maintenance plants.

Green roofs have many benefits from cooling buildings, to capturing GHGs. At this location, a living roof could improve aesthetics for patients of the nearby multi-level hospitals, as well as highway travelers. Caltrans encourages the consideration of any strategies to help minimize the negative effects of heat/persistent drought, and poor air quality on our communities. If you have questions about these comments, please contact me at (559) 488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamaica Gentry".

JAMAICA GENTRY  
Associate Transportation Planner  
Transportation Planning - North



# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director  
Dr. Ken Bird, Health Officer

September 29, 2017

LU0019178  
2604

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

Dear Ms. Cha:

PROJECT NUMBER: DRC2017-45

Proposed RV and Boat Storage Yard.

**APN: 564-050-09**

**ADDRESS: 2391 Tollhouse Road**

Recommended Conditions of Approval:

- If the tenant 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 (<http://cers.calepa.ca.gov/> or <https://www.fresnocupa.com/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

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.

***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)

- If any underground storage tank(s) are 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.

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

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

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REVIEWED BY:

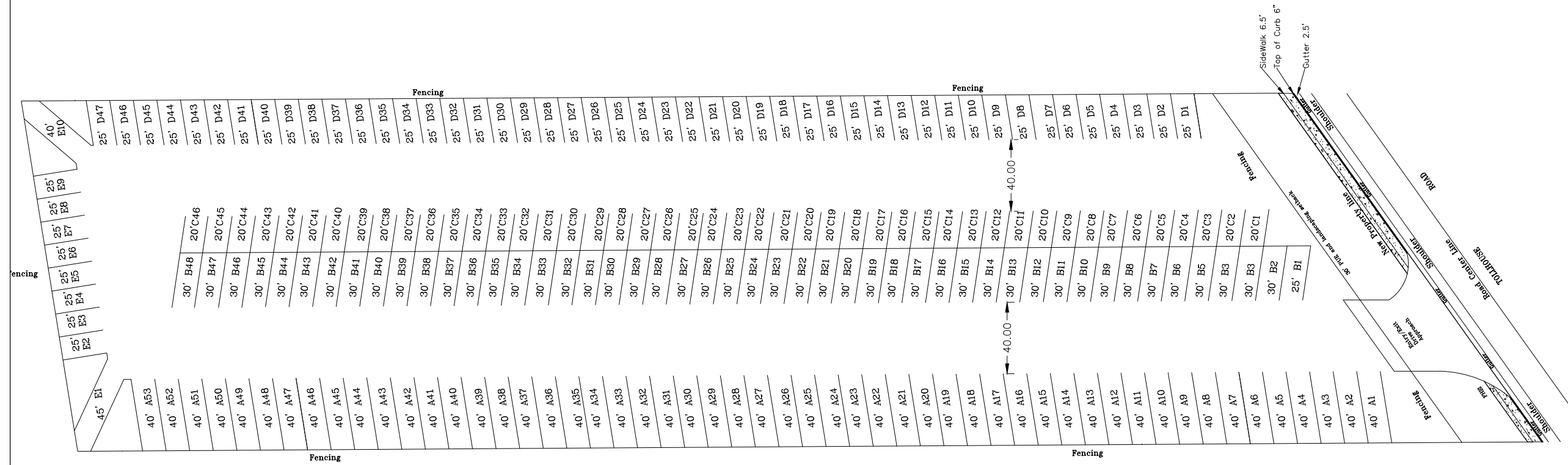
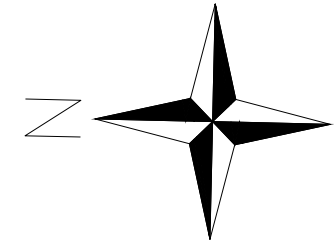
Kevin Tsuda, R.E.H.S.  
Environmental Health Specialist II

(559) 600-3271

---

kt

cc: Damean Jackson- Environmental Health Division (CT. 55.12)  
Nick Hafen- Applicant ([hafen9@gmail.com](mailto:hafen9@gmail.com))



**CUP2019-007, ATTACHMENT 4**

General Notes

No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address  
 Storage Brothers  
 2391 Tollhouse RD  
 Clovis CA 93611

Project Storage Brothers	Sheet Site Plan
Date 6-1-19	S1
Scale 1' = 30'	



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 26, 2019

SUBJECT: Consider Approval, Res. 19-\_\_\_, CUP2017-011A, A request to amend a conditional use permit for a 24-hour convenience store and fuel service station with beer and wine sales to include the sale of general liquor on the property located at 3771 Shaw Avenue. Balbir Singh Dhillon, applicant; Cloverleaf Capital, LLC, owner.

**Staff:** Joyce Roach, Planning Assistant  
**Recommendation:** Approve

- ATTACHMENTS:
1. Conditions of Approval
  2. Draft Resolution
  3. Correspondence from Agencies
  4. Site Plan

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit Amendment CUP2017-011A, subject to the conditions of approval listed in Attachment "1."

### EXECUTIVE SUMMARY

The applicant is the owner of the property located at 3771 Shaw Avenue, located at the northwest corner of Shaw and Leonard Avenues, on which a 24-hour convenience store with associated fuel service has been approved and is currently under construction. The project site is zoned P-C-C (Planned Commercial Center), which permits fuel service stations subject to a conditional use permit, as established by the Loma Vista Community Center North and South Master Plan. In November of 2017, the City Council approved CUP2017-11 allowing the sale of

beer and wine in conjunction with the convenience store. With amendment to CUP2017-11, the operator would like to expand the use to include the sale of distilled spirits/hard liquor under the terms and conditions of this conditional use permit.

**BACKGROUND**

- General Plan Designation: General Commercial
- Specific Plan Designation: General Commercial (Loma Vista Specific Plan)
- Existing Zoning: P-C-C
- Lot Size: 1.55 acres
- Current Land Use: Planned Commercial Center
- Adjacent Land Uses:
  - North: Planned Commercial Center (Vacant)
  - South: Planned Commercial Center (Vacant)
  - East: Rural Residential
  - West: Planned Commercial Center
- Previous Entitlements: R2008-07, R2008-07A, R2008-07A2  
CUP2017-11  
PM2017-05, PM2018-14  
SPR2017-14

**PROPOSAL AND ANALYSIS**

Site and Surrounding Uses

The project site is located in Planning Area 4 of the Loma Vista Community Center North and South Master Plan. It is part of the first phase of a commercial center approved in November 2017 for the northwest corner of Shaw and Leonard Avenues. The previously approved project includes a retail commercial building of approximately 10,679 square feet, housing a freestanding fuel service station and convenience store with associated parking (see Attachment 4). Directly to the west is the remainder of this phase, which will consist of a 5,000 square foot mixed use retail/food building and associated parking. Future commercial development is proposed on the property directly to the north, conceptually consisting of a 40,000 square foot anchor retail building and associated parking. Staff has not received any formal development request for this segment of the Project site at this time.

Across Shaw Avenue to the south is the Community Centers South Plan area. The land is currently predominately rural; mixed use development is anticipated in the future. The nearest existing residential property is approximately one hundred and eighty feet from the Project to the southeast.

Proposal

The project site is currently approved for beer and wine sales, which are covered by a Type 20 Off-Sale Beer & Wine ABC license. However, the applicant also possesses a Type 21 Off-Sale General ABC license. Both licenses allow the sale of alcohol for consumption off the premises where it is sold. The only difference between the two license types is that the Type 20 license

only permits the sale of beer and wine on a premises, while the Type 21 license allows the sale of beer, wine, and distilled spirits.

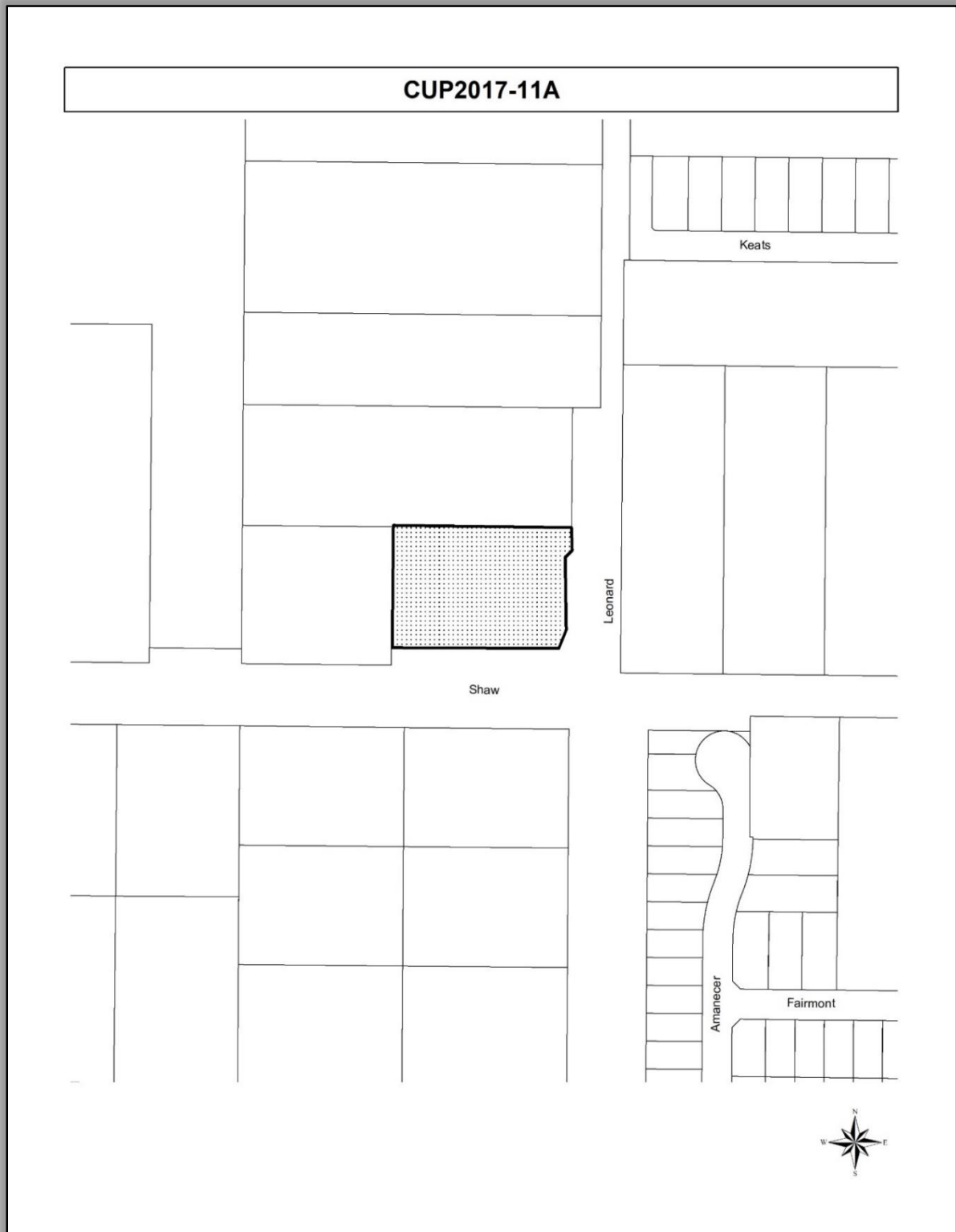


Figure 1: Project Location



### Hours of Operation

Retail and service uses, such as convenience stores and fuel stations, operating twenty four hours a day and within three hundred feet of any residential district, are permitted to operate subject to a conditional use permit. The convenience store and fuel station on this project site were approved for 24-hour operations through Conditional Use Permit CUP2017-11, which received City Council approval on November 13, 2017.

### 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.

### Public Comments

A public notice was sent to area residents within 650 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

### 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.

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

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

- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.

### 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. Staff finds the project in substantial conformance with the environmental analysis performed for Conditional Use Permit CUP2017-11. 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, September 11, 2019.

### **REASON FOR RECOMMENDATION**

The convenience store and fuel service station were approved with beer and wine sales in late 2017. The proposal to amend the use permit to also include liquor sales is consistent with the

General Plan, Loma Vista Specific Plan, Community Centers North and South Master Plan, and zoning. Therefore, staff recommends approval of Conditional Use Permit CUP2017-11A, subject to the conditions of approval listed as Attachment "1."

The findings to consider when making a decision on 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.
7. The Planning Commission does find the project in substantial conformance with the environmental analysis performed for Conditional Use Permit CUP2017-11.

#### **ACTIONS FOLLOWING APPROVAL**

None.

#### **FISCAL IMPACT**

None.

#### **NOTICE OF HEARING**

Property owners within 650 feet notified: 26  
Interested individuals notified: 10

Prepared by: Joyce Roach, Planning Assistant

Reviewed by:   
\_\_\_\_\_  
David Merchen  
City Planner

**CUP2017-11A, ATTACHMENT 1, Conditions of Approval****PLANNING DIVISION CONDITIONS****(Joyce Roach, Division Representative – (559) 324-2341)**

1. Conditional Use Permit CUP2017-11A 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.
2. This use permit is granted for a convenience store selling beer, wine, and distilled spirits located at 3771 Shaw Avenue, Suite #201.
3. Cessation or abandonment of this use for a period exceeding 90 days shall result in the scheduling of a revocation hearing for this site.
4. Any future request to expand the current use shall be subjected to submittal of an amendment to this conditional use permit for review and discussion.
5. All signage for this use shall comply with the City of 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.
6. This project is subject to the development standards of the Loma Vista specific Plan and Loma Vista Community Centers North and South Master Plan.
7. All conditions of R2008-07A2, CUP2017-11, PM2017-05, SPR2017-14, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.

**POLICE DEPARTMENT CONDITIONS****(Ken Wells, Department Representative - 324-2468)**

8. A positive point of sale age verification system will be utilized for sales of alcohol.
9. Signs prohibiting loitering and alcohol consumption on the property will be posted outside the building.
10. Liquor will be displayed in a manner that will prevent customer access or self-service.
11. The applicant shall require compliance with all criminal and administrative state, county, and city laws by the applicant and its employees within the use and within 100 feet of the use. The applicant shall make reasonable efforts to report to law enforcement known violations of criminal laws by its patrons within the use and within 100 feet of the use.
12. The applicant will establish and maintain crime prevention measures to enhance public safety. This will include a security camera system that covers the interior and

exterior of the structure. Any recorded surveillance video will be immediately available to law enforcement upon request.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**

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

13. 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)**

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

**DEPARTMENT OF PUBLIC HEALTH COMMENTS**

**(Kevin Tsuda, Department of Public Health Representative - 600-3271)**

15. The applicant shall refer to the attached Department of Public Health correspondence. If the letter is not attached, please contact the Department of Public Health for the list of requirements.

**DRAFT  
RESOLUTION 19-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A 24-HOUR CONVENIENCE STORE AND GAS STATION WITH BEER AND WINE SALES TO INCLUDE THE SALE OF GENERAL LIQUOR ON THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF SHAW AND LEONARD AVENUES**

**WHEREAS**, Balbir Singh Dhillon, 2311 Vermont Avenue, Clovis, CA 93619, has applied for a Conditional Use Permit Amendment CUP2017-11A; and

**WHEREAS**, this is a request to approve a conditional use permit amendment to allow liquor sales for a 24-hour convenience store and gas station previously permitted to allow beer and wine sales for property located at the northwest corner of Shaw and Leonard Avenues, in the City of Clovis; and

**WHEREAS**, a public notice was sent out to area residents within 650 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on September 26, 2019; 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 Attachment "1" 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 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).
7. The Planning Commission does find the project in substantial conformance with the environmental analysis performed for Conditional Use Permit CUP2017-11.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2017-11A, subject to the attached conditions labeled Attachment "1."

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 19-\_\_  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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





# County of Fresno

DEPARTMENT OF PUBLIC HEALTH  
DAVID POMAVILLE, DIRECTOR  
DR. KEN BIRD, HEALTH OFFICER

January 4, 2017

Lily Cha, Associate Planner  
City of Clovis  
Planning and Development Services Dept.  
1033 Fifth St., Clovis, CA 93612

LU0018811  
2604

Dear Ms. Cha:

PROJECT NUMBER: **DRC2016-43**

**A request for a convenience store with fuel sales.**

**APN: 554-053-24S**

**ZONING: C-2**

**ADDRESS: NWC Shaw & Leonard Avenues**

Recommended Conditions of Approval for Retail Convenience Food Facility:

- Prior to issuance of building permits, the owner/applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the owner/applicant shall apply for and obtain permits to operate food facilities 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.
- Should the applicant propose to sell alcoholic beverages, the applicants shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- 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.

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

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: [EnvironmentalHealth@co.fresno.ca.us](mailto:EnvironmentalHealth@co.fresno.ca.us) ❖ [www.co.fresno.ca.us](http://www.co.fresno.ca.us) ❖ [www.fcdph.org](http://www.fcdph.org)

Equal Employment Opportunity ❖ Affirmative Action ❖ Disabled Employer

**CUP2017-11A, ATTACHMENT 3, Correspondence from Commenting Agencies**

- 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.

Recommended Conditions of Approval for Proposed Fuel Sales:

- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency (CUPA), at (559) 600-3271 for more information.
- Prior to occupancy, the applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/> or <https://www.fresnocupa.com/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

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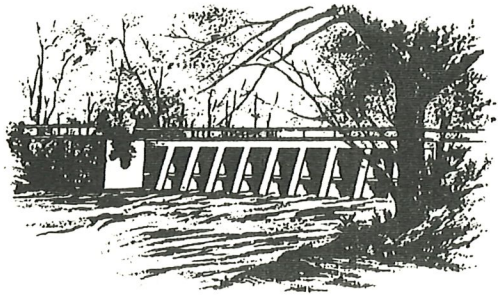
REVIEWED BY:

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

(559) 600-3271

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cc: Tolzmann, Rogers, Kalugin, Sidhu & Sauls- Environmental Health Division (CT 59.12)  
Samer Sabbah, Applicant ([westgatedevelopmentinc@gmail.com](mailto:westgatedevelopmentinc@gmail.com))



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

July 24, 2019

Mr. George Gonzalez  
Planning Division  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: Conditional Use Permit Application No. CUP2017-11A  
N/W Shaw and Leonard avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit Application No. CUP2017-11A for which the applicant request to amend an existing approved conditional use permit allowing beer and wine sales in a convenience store, APN:554-053-52S . FID has the following comment:

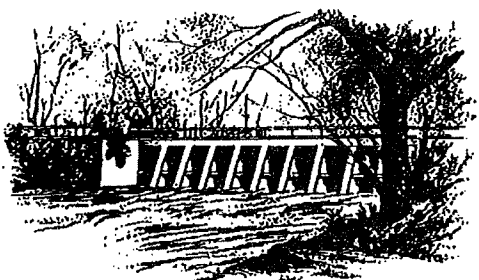
1. FID previously reviewed and commented on the subject property on September 1, 2017 as Conditional Use Permit Application No. CUP2017-11. Those comments and conditions still apply, and a copy has been attached for your reference.

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

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
 IRRIGATION DISTRICT

TELEPHONE (559) 233-7161  
 FAX (559) 233-8227  
 2907 S. MAPLE AVENUE  
 FRESNO, CALIFORNIA 93726-2208

September 1, 2017

George Gonzalez  
 Planning Division  
 City of Clovis  
 1033 Fifth Street  
 Clovis, CA 93612

RE: Condition Use Permit Application No. CUP2017-11  
 N/W Shaw and Leonard avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Condition Use Permit Application No. CUP2017-11 for which the applicant requests approval for a convenience store and gas station. This request is being processed concurrently with Rezone R2008-07A2, Parcel Map PM2017-05, and Site Plan Review SPR2017-14, APN's: 554-053-23S and 47S. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, a Private ditch/pipeline known as the McFarlane W. Br. No. 468 runs southerly along the west side of the subject property and crosses Shaw Avenue approximately 60 feet south of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private ditch/pipeline. FID's records indicate this line is active and should be treated as such. FID can supply the City with a list of known users upon request.
3. For informational purposes, a Private ditch/pipeline known as the McFarlane E. Br. No. 468 runs southerly and crosses Shaw Avenue approximately 500 feet east of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private ditch/pipeline. FID's records indicate this line is active and should be treated as such. FID can supply the City with a list of known users upon request.

G:\Agencies\Clovis\Conditional Use Permit\CUP2017-11.doc

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

George Gonzalez  
RE: CUP2017-11  
September 1, 2017  
Page 2 of 2

4. For informational purposes, an FMFCD owned channel known as the Dog Creek No. 154 runs southerly and crosses Shaw Avenue approximately 1,000 feet east of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this channel. Should this project include any street and/or utility improvements along Shaw or in the vicinity of this channel, FID recommends the applicant contact FMFCD to discuss any right-of-way issues that may affect FMFCD's Dog Creek No. 154.

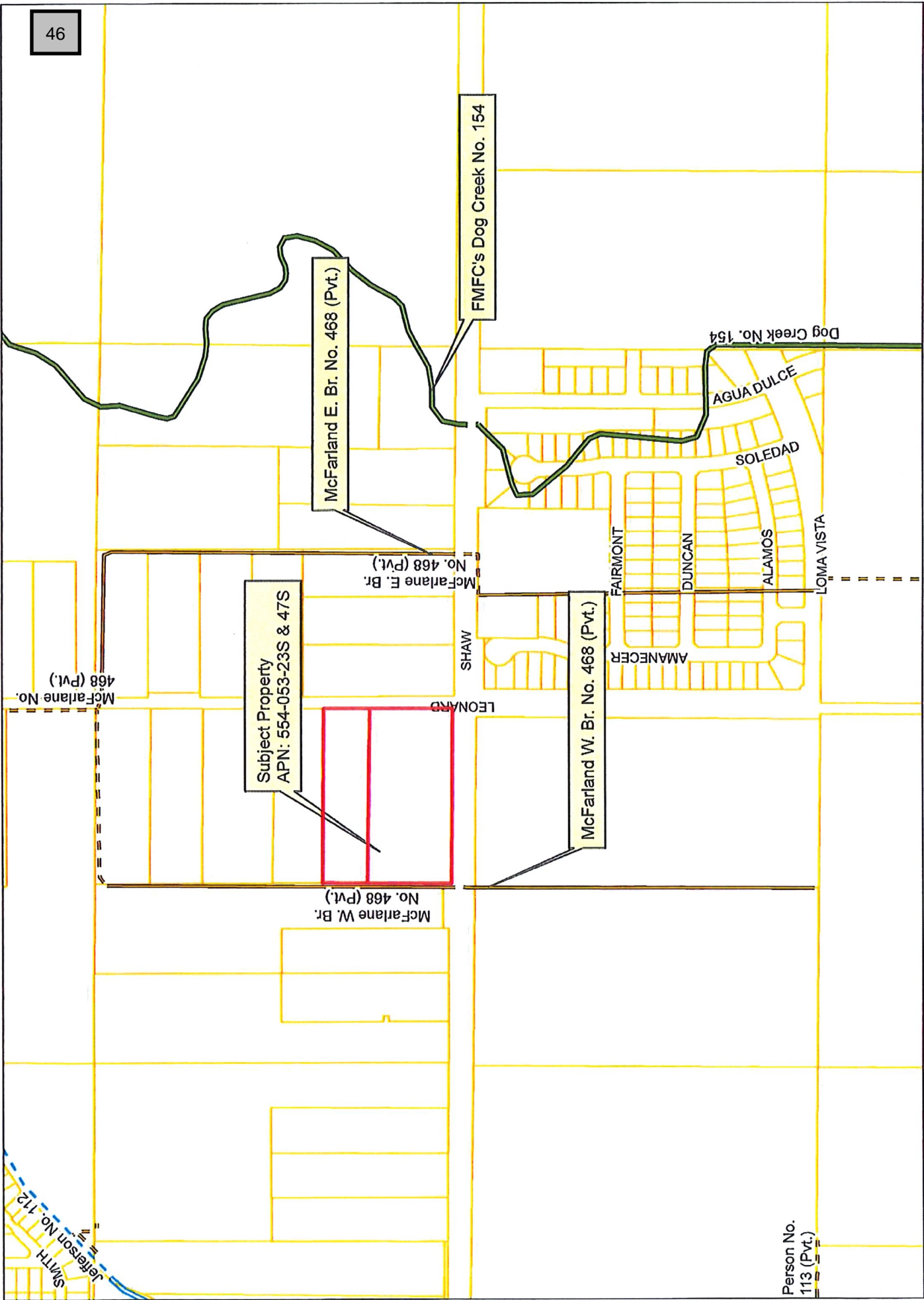
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [JLandrith@fresnoirrigation.com](mailto:JLandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



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) 233-7461 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
- Parcel
- FIMCD Acquired Basins
- FIMCD Proposed Basins
- FID Boundary
- Railroad
- Streets & Hwys

0 225 450 Feet  
1 inch = 450.8 feet

Date Saved: 06/16/2017 2:00:12 PM  
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Person No. 113 (Pvt.)



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 1 of 5

**PUBLIC AGENCY**

GEORGE GONZALEZ  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 936112

**DEVELOPER**

AMARJIT SINGH DHILLON  
2311 VERMONT AVE.  
CLOVIS, CA 93619

PROJECT NO: 2017-011A

ADDRESS: NWC SHAW AND LEONARD AVE.

APN: 554-053-22S, 23S, 52S, 554-053-53S

SENT: 8/6/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
DO	\$162,160.00	NOR Review *	\$0.00	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.
		Storm Drain Plan Review *		For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
<b>Total Drainage Fee: \$162,160.00</b>		<b>Total Service Charge: \$0.00</b>		

\* The Development Review Service Charge shown above is associated with CL TPM 2017-005, CL CUP 2017-011, CL SPR 2017-014 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 2/29/20 based on the site plan submitted to the District on 7/19/19 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. 2017-011A

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

CL CUP No. 2017-011A



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL  
CUP  
No. 2017-011A

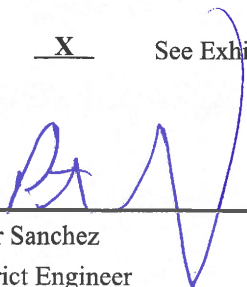
7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise 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.

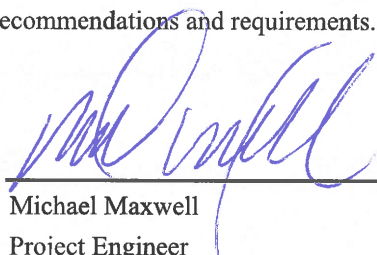
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than 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.

  
 \_\_\_\_\_  
 Peter Sanchez  
 District Engineer

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CC:

CJC DESIGN, INC.

---

22485 LA PALMA AVE., SUITE 202

---

YORBA LINDA, CA 92887

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**CL CUP No. 2017-011A**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees in the amount identified below for Storm Drain Review. The fee shall be paid to the District by Developer with first plan submittal. Checks shall be made out to Fresno Metropolitan Flood Control District.

Application No. CL CUP 2017-011A

Name / Business AMARJIT SINGH DHILLON

Project Address NWC SHAW AND LEONARD AVE.

Project APN(s) 554-053-22S, 23S, 52S, 554-053-53S

Project Acres (gross) 0.00

Please fill in the table below of proposed storm drain facilities to be constructed with this development and return completed form with first plan submittal. If you have any questions or concerns regarding the construction of facilities list, you can contact the Fresno Metropolitan Flood Control District at 559-456-3292.

Description	Qty	Unit	Price	Amount

Estimated Construction Cost \_\_\_\_\_

Fee equals lesser of

\$375.00 plus 3% of the estimated construction costs \_\_\_\_\_ Total (\$300.00 gross per acre) \$0.00

**Amount Due** \_\_\_\_\_

**Storm Drain Facilities Cost Sheet**

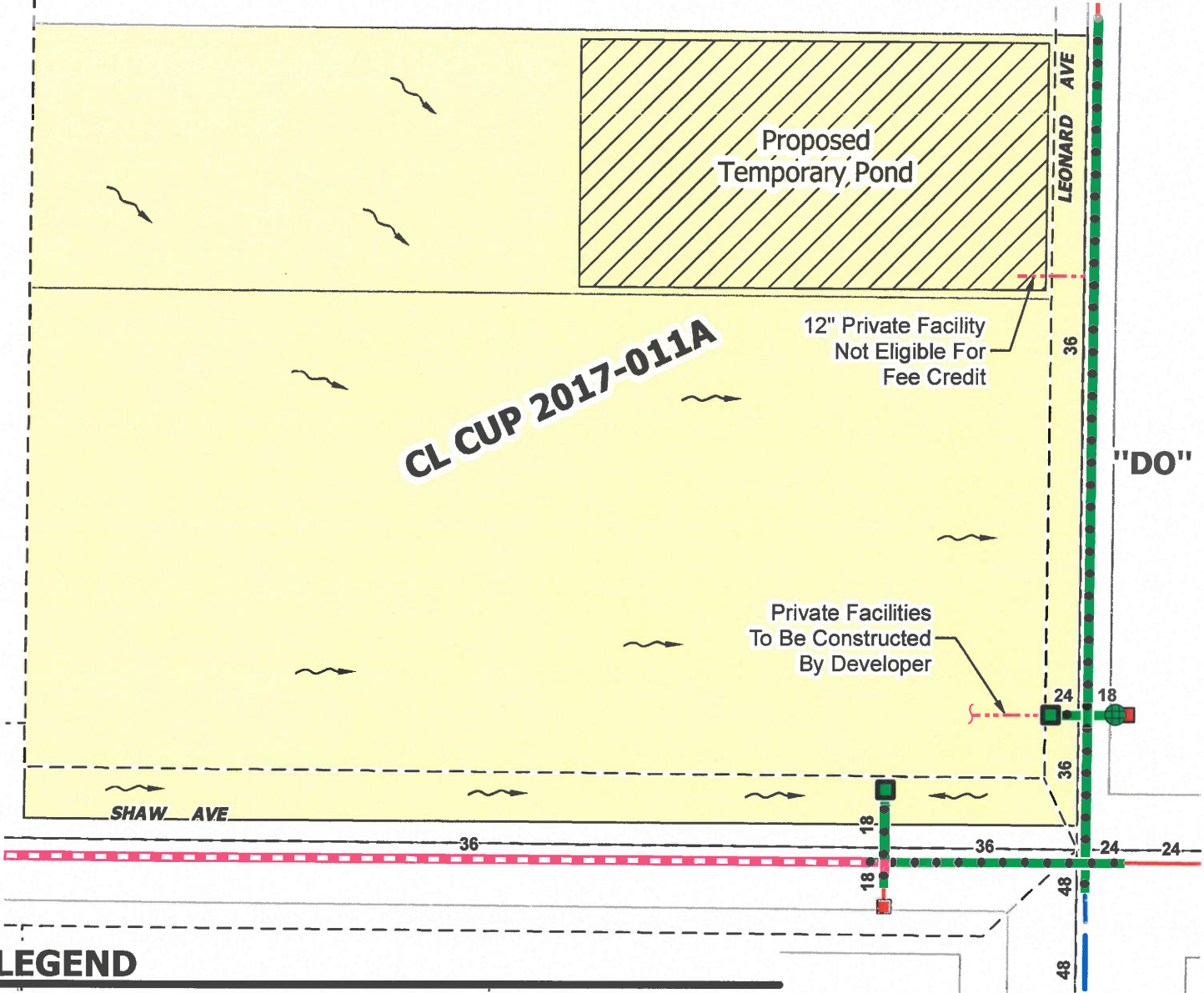
- 15" Concrete Pipes \$79.00 LF
- 18" Concrete Pipes \$83.00 LF
- 24" Concrete Pipes \$94.00 LF
- 30" Concrete Pipes \$111.00 LF
- 36" Concrete Pipes \$131.00 LF
- 42" Concrete Pipes \$152.00 LF
- 48" Concrete Pipes \$178.00 LF
- 54" Concrete Pipes \$217.00 LF
- 60" Concrete Pipes \$255.00 LF
- 66" Concrete Pipes \$301.00 LF
- 72" Concrete Pipes \$347.00 LF
- 84" Concrete Pipes \$388.00 LF
- 96" Concrete Pipes \$420.00 LF
- 15" Jacked Pipes \$555.00 LF
- 18" Jacked Pipes \$608.00 LF
- 24" Jacked Pipes \$687.00 LF
- 30" Jacked Pipes \$766.00 LF
- 36" Jacked Pipes \$846.00 LF
- 42" Jacked Pipes \$898.00 LF
- 48" Jacked Pipes \$951.00 LF
- 54" Jacked Pipes \$1,031.00 LF
- 60" Jacked Pipes \$1,110.00 LF
- 66" Jacked Pipes \$1,216.00 LF
- 72" Jacked Pipes \$1,374.00 LF
- 84" Jacked Pipes \$1,533.00 LF
- Manholes \$4,600.00 EA
- Inlets & Laterals \$4,450.00 EA
- Outfalls \$11,500.00 EA
- Canal Outfalls \$15,000.00 EA
- Basin Excavation \$0.75 CY

**IMPROVEMENTS ADJACENT TO BASIN**

- Fence, Pad, and Gate \$20.00 LF
- Mowstrip \$20.00 LF
- Arterial Paving \$82.00 LF
- Local Paving \$53.00 LF
- Curb and Gutter \$30.00 LF
- Sidewalk \$60.00 LF
- Sewer Line \$30.00 LF
- Water Line \$31.00 LF
- Street Lights \$65.00 LF
- Pump Station/Intake \$500,000.00 EA

**CL CUP No. 2017-011A**

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



**LEGEND**

- Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet
- Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
- Master Plan Facilities to be Constructed By City of Clovis - Pipeline (Size Shown) & Inlet
- Future Master Plan Facilities
- Existing Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage
- Limits Of CL CUP 2017-011A



**CL CUP 2017-011A**  
**DRAINAGE AREA "DO"**

**EXHIBIT NO. 1**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



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

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

At this time, the City of Clovis plans to install the Master Plan pipe in Shaw Avenue as part of the City project to widen Shaw Avenue. If those facilities are completed prior to development of this site, that portion of the construction requirement will be dropped.

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 for further information regarding these policies related to industrial site requirements.

Development No.     Clovis CUP 2017-011A

# PRELIMINARY SITE PLAN FOR: LOMA VISTA SHOPPING CENTER E. SHAW AVENUE & N. LEONARD AVENUE

CITY OF CLOVIS

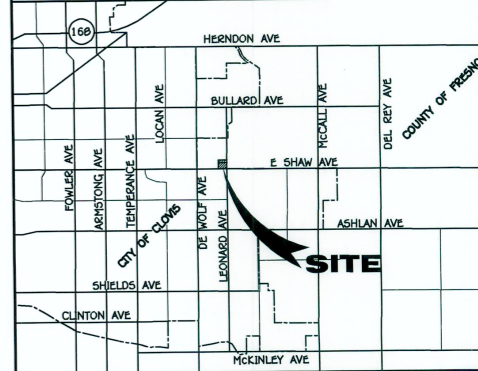
CALIFORNIA



### VICINITY MAP

NOT TO SCALE

CITY OF CLOVIS  
COUNTY OF FRESNO



NOTATIONS	(P) PROPOSED	(E) EXISTING
STORM DRAIN		
SANITARY SEWER		
WATER MAIN		
FIRE SERVICE		
CENTERLINE		
RIGHT OF WAY LINE		
BOUNDARY LINE		
OVERHEAD ELECTRICAL LINE		
GAS LINE		
TELEPHONE LINE		
JOINT TRENCH		
FENCE		
WOOD FENCE		
WROUGHT IRON FENCE		
WALL		
SIDEWALK WITH CURB AND GUTTER		
ELEVATION		
TREE TO BE REMOVED		

### ABBREVIATIONS

CL	CENTERLINE
PL	PROPERTY LINE
(E)	EXISTING
(P)	PROPOSED
R/W	RIGHT-OF-WAY
P.U.E.	PUBLIC UTILITY EASEMENT

### NOTES:

ANY EXISTING SEPTIC TANKS AND/OR WELLS WILL BE ABANDONED PURSUANT TO THE ENVIRONMENTAL MANAGEMENT REQUIREMENTS.

ALL KNOWN EASEMENTS HAVE BEEN PLOTTED AND ACCOUNTED FOR AND SIGNED.

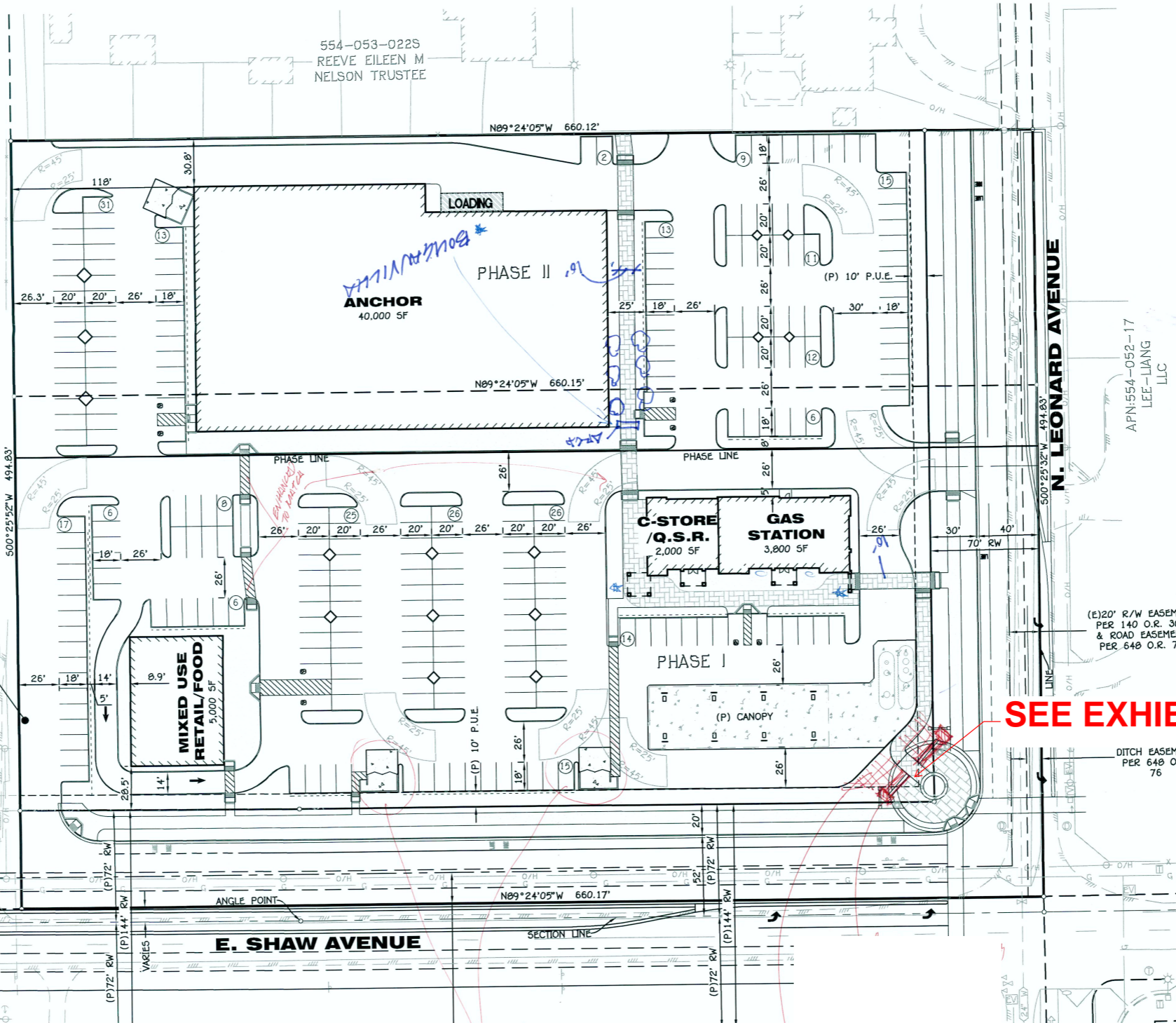
554-053-025  
THORNBURG JOHN G  
& ROSEMARY S TING

LATE LOCATION FOR IRRIGATION DITCH PER 2060 2973 O.R. 29

CITY OF CLOVIS  
PLANNING DIVISION  
**APPROVED**

BY:   
Project Planner

Stamped by georgeg at 15:10, 01/18/2018



### GENERAL NOTES

ASSESSORS PARCEL NUMBER	554-053-235 & 554-053-475
EXISTING ZONING	P.C.C. (PLANNED COMMERCIAL CENTER)
EXISTING USE	VACANT
PROPOSED ZONING	P.C.C. (PLANNED COMMERCIAL CENTER)
PROPOSED USE	COMMERCIAL
GROSS ACREAGE	6.67+ AC.
NET ACREAGE	5.86+ AC.
OWNER/DEVELOPER	WESTGATE CONSTRUCTION AND DEVELOPMENT 5101 MERLOT CT. VISALIA, CA 93291 SAMAR SABBAH (559) 805-5936
ENGINEER	BURRELL CONSULTING GROUP 1001 ENTERPRISE WAY, STE 100 ROSEVILLE, CA 95678 ATTN: JERRY APLASS (916) 783-8898

### UTILITY DISTRICTS

SANITARY SEWER	CITY OF CLOVIS PUBLIC UTILITIES DEPT.
WATER	CITY OF CLOVIS PUBLIC UTILITIES DEPT.
STORM DRAINAGE	CITY OF CLOVIS PUBLIC UTILITIES DEPT.
ELECTRICITY	PACIFIC GAS & ELECTRIC
TELEPHONE	AT&T
NATURAL GAS IMPROVEMENTS	PACIFIC GAS & ELECTRIC CITY OF CLOVIS ENGINEERING SERVICES

### PUBLIC SERVICES

SCHOOL DISTRICT	CLOVIS UNIFIED SCHOOL DISTRICT
PARK DISTRICT	CITY OF CLOVIS PARKS DIVISION
FIRE DISTRICT	CLOVIS FIRE DEPARTMENT

### BUILDING SETBACKS

FRONT	= 10 FT
SIDE AND REAR	= N/A

### CITY OF CLOVIS FIRE DEPARTMENT

COMMERCIAL DEVELOPMENT TURNING RADIUS:

INSIDE	= 25 FT RADIUS
OUTSIDE	= 45 FT RADIUS

### DRIVE AISLE WIDTH

DRIVE WITH 90° PARKING	= 26 FT TYPICAL
VEHICLE ACCESS	= 26 FT TYPICAL

### LANDSCAPING

- A 10 FT LANDSCAPE SETBACK IS REQUIRED ALONG SHAW AND LEONARD AVENUE PER CITY OF CLOVIS STREETSCAPE DESIGN GUIDELINES.
- 40% OF PARKING AREAS ARE REQUIRED TO BE SHADED 15 YEARS AFTER ESTABLISHMENT PER CITY OF CLOVIS DESIGN GUIDELINES.
- 2' OVERHANG ALLOWED (DEPICTED BY DASHED LINES)

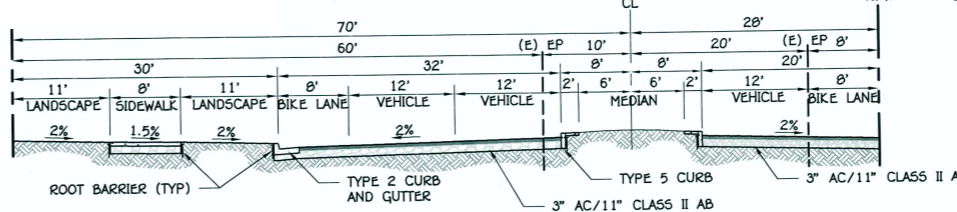
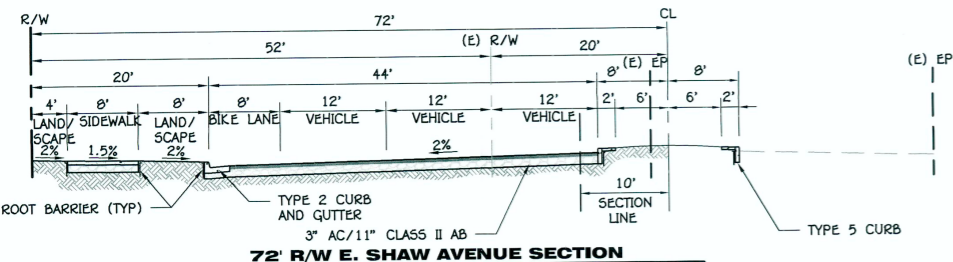
### PROPOSED PARKING DEMAND

PHASE I	10,800 S.F. @ 5.0 PER 1,000 S.F. = 54 REQ
PHASE II	40,000 S.F. @ 5.0 PER 1,000 S.F. = 200 REQ
TOTAL 50,800 S.F.	TOTAL PROVIDED: 254
	TOTAL REQUIRED: 254 REQ'D O.K.

### PROPOSED PARKING TYPES

HANDICAPPED: (10' x 20')	0 (OK PER ADA, 0 REQUIRED)
FULL SIZE: (10' x 20')	247
TOTAL	= 255

## PHASE I & II SITE PLAN



PRELIMINARY SITE PLAN FOR:  
LOMA VISTA SHOPPING CENTER  
E. SHAW AVENUE & N. LEONARD AVENUE

## EXHIBIT 10

**B** BURRELL CONSULTING GROUP, INC.  
001 Enterprise Way, Suite 100 Roseville, CA 95678 (916) 783-8898

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# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

**TO:** Clovis Planning Commission

**FROM:** Planning and Development Services

**DATE:** September 26, 2019

**SUBJECT:** Consider Approval, Res. 19-\_\_\_, CUP2014-22A, A request to approve a conditional use permit amendment to allow for modification to the hours of operation to include a 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue. MTE Foods Inc., owner/applicant; Christina Solomon, representative.

**Staff:** Maria Spera, Planning Technician II  
**Recommendation:** Approve

- ATTACHMENTS:**
1. Conditions of Approval
  2. Draft Resolution
  3. Correspondence from Agencies
  4. Site Plan and Aerial Map

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends the Planning Commission approve Conditional Use Permit Amendment CUP2014-22A, subject to the conditions listed in Attachment "1".

### EXECUTIVE SUMMARY

The applicant is requesting approval to modify the hours of operation to allow for a 24-hour drive-thru window at an existing Del Taco restaurant located near the northeast corner of Herndon and Sunnyside Avenues. Approval of this conditional use permit amendment will allow the owner to immediately begin operating under the new hours.

**BACKGROUND**

- General Plan Designation: General Commercial
- Specific Plan Designation: Business Corridor (Herndon-Shepherd Specific Plan)
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 0.77 acres
- Current Land Use: Commercial
- Adjacent Land Uses:
  - North: Single-Family Residential
  - South: Clovis Unified School District Administration
  - East: Commercial
  - West: Commercial
- Previous Entitlements: R1991-03 (R-A to C-2)  
CUP2014-22 (Drive-Thru Eating Establishment)  
SPR2014-16 (2,750 Sq. Ft. Restaurant)

**PROPOSAL AND ANALYSIS**

Request

The Del Taco restaurant establishment is located near the northeast corner of Herndon and Sunnyside Avenues (see Figure 1 below). With this application, the applicant proposes to modify the original conditions of approval to allow the drive-thru window use to run 24-hours daily. Based on previous Planning Commission concerns with the initial conditional use permit, the applicant took precautionary measures to address potential noise problems with the adjacent residential development to the north. Staff does not foresee any negative impacts to adjacent properties by approving this request.

The applicant’s request is to extend the approved hours for the drive-thru window use as followed:

- Existing: Monday through Sunday, from 7:00 a.m. to 10:00 p.m.
- Proposed: 24-hours, Daily



**Figure 1: Location Map**



### History

The applicant originally applied for a conditional use permit in 2014 to construct a drive thru eating establishment near the northeast corner of Herndon and Sunnyside Avenues. The applicant's request included a 24-hour use with a 24-hour drive-thru window.

The Planning Commission considered the Project on January 22, 2015, with a recommendation from staff to limit the hours of operation for the drive-thru window from 7:00 am to 10:00 pm. The Commission approved CUP2014-22 for the operation of a 24-hour lobby restaurant and a limited drive-thru window service of 7:00 a.m. to 10:00 p.m. for a Del Taco eating establishment. After a one year trial period, the applicant would have the ability to apply for an amendment to the conditional use permit that would allow 24-hour use of the drive-thru window.

On January 28, 2015, the Mayor formally requested CUP2014-22 to be brought before the Council for review and consideration per Section 9.90.050 of the Clovis Development Code (Call for Review). The Council, after considering the Project, confirmed the drive-thru hours of operation from 7:00 a.m. to 10:00 p.m.

### Noise Impact to Surroundings

The main concern regarding this commercial development is the potential noise impact to adjacent neighbors. A six-foot high solid-filled masonry wall was required in the conditions of approval of CUP2014-22 to mitigate noise from the project on adjacent residential uses.

To date, staff has not received any noise complaints since the restaurant establishment opened in 2015, and does not anticipate the new hours of operation for the drive-thru window use to be an issue. However, staff recommends adding language to condition number 3, which places a specific decibel reading on the use to allow monitoring if the need should arise. The condition states: "The use shall not generate noise levels exceeding 55 decibel (dB) to the exterior of any residence."

### Hours of Operation

The applicant is requesting to operate the drive-thru window use 24-hours daily. The City's zoning ordinance limits hours of operation within commercial zone districts requiring a conditional use permit for 24-hour retail uses per section 9.12.020, Table 2-4. However, as a practice to reduce potential conflicts with adjacent residential land uses, the City has limited the hours of operation for site-specific uses through the conditional use permit process.

Staff is supportive of the 24-hour drive-thru window use based on the applicant's compliance with the conditions of approval under CUP2014-22 and the absence of neighborhood complaints. However, staff is recommending a condition of approval where this conditional use permit amendment will have a review period in six months following approval of this application. Should the use be found to be noncompliant and/or staff receives neighborhood concerns, the Planning Commission may schedule the use permit amendment for revocation.

### 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.

### 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.

### California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 15031 (Class 1 – Existing Facilities) which provides that existing facilities consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alternation involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination are categorically exempt from further analysis under CEQA.

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, September 11, 2019.

## **REASON FOR RECOMMENDATION**

Conditional Use Permit Amendment CUP2014-22A is consistent with the goals, freeway-related commercial uses, and the land use designations of the General Plan Land Use Diagram, the Herndon-Shepherd Specific Plan, Clovis Municipal Code, and the C-2 (Community Commercial) Zone District. Therefore, staff recommends that the Planning Commission approve CUP2014-22A, subject to the conditions of approval attached as Attachment 1.

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;
- 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); and
- 7. The Planning Commission does find the project exempt from CEQA pursuant to Public Resources Code Section 15031.

**ACTIONS FOLLOWING APPROVAL**

None.

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 300 feet notified:	30
Interested individuals notified:	10

Prepared by: Maria Spera, Planning Technician II

Reviewed by: \_\_\_\_\_  
David Merchen  
City Planner

**ATTACHMENT 1**  
**Conditions of Approval – CUP2014-22A**

**PLANNING DIVISION CONDITIONS**  
**(Maria Spera, Division Representative – (559) 324-2355)**

1. All conditions of R1991-03, CUP2014-22, SPR2014-16, Herndon-Shepherd Specific Plan, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. The drive-thru windows hours of operation shall be permitted 24-hours daily.
3. Operation of the site shall conform with the Clovis General Plan noise standards and shall not generate noise levels exceeding 55 decibels to the exterior of any residence.
4. CUP2014-22A shall be reviewed six months following approval of this application. Clovis Planning Staff shall conduct a review of the use in regard to conditions of approval and present findings of this review to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit amendment for revocation.

**POLICE DEPARTMENT CONDITIONS**  
**(Scott Borsch, Department Representative - 324-3464)**

5. Volume from both drive-thru customers and the drive-thru microphone should not disturb the neighbors during the overnight hours. This can be measured through calls for service to Clovis PD and officer's discretion at that time.
6. Provisional hours to be changed to close at midnight and may be reassessed based on number of noise related complaints.
7. Business should post "No Loitering" signs in the lot to avoid noise and disturbances.

**DRAFT RESOLUTION**

DRAFT  
RESOLUTION 19-\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT AMENDMENT TO EXTEND THE HOURS OF OPERATION  
FOR A DRIVE-THRU WINDOW AT AN EXISTING EATING ESTABLISHMENT LOCATED AT  
1415 HERNDON AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA  
PURSUANT TO A CLASS 1 CATEGORICAL EXEMPTION**

**WHEREAS**, MTE Foods, Inc., 444 N. Prospect Street Suite A, Porterville, CA 93257, have applied for a conditional use permit amendment CUP2014-22A; and

**WHEREAS**, this is a request to approve a conditional use permit amendment to allow for modifications to the hours of operation to include a 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue, 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 September 26, 2019; 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 Attachment "1" 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.
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)
7. The Planning Commission does find the project exempt from CEQA pursuant to Public Resources Code Section 15031.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2014-22A, subject to the attached conditions labeled Attachment "1".

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 19-\_\_  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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

## **CORRESPONDENCE FROM AGENCIES**



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 1 of 3

**PUBLIC AGENCY**

MARIA SPERA  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

MTE FOODS, INC.  
444 N. PROSPECT ST., SUITE A  
PORTERVILLE, CA 93257

PROJECT NO: **2014-022A**

ADDRESS: **1415 HERNDON AVE.**

APN: **563-133-41**

SENT: 8/21/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
7C	\$0.00	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: \$0.00</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 2/29/20 based on the site plan submitted to the District on 8/08/19 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. 2014-022A

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 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.

CL CUP No. 2014-022A

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL CUP No. 2014-022A

- 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. — See Exhibit No. 2 for additional comments, recommendations and requirements.



Debbie Campbell  
Design Engineer



Robert Villalobos  
Project Engineer



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

August 14, 2019

FA0284298  
LU0020160  
2604

Maria Spera, Planning Technician II  
City of Clovis  
Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Ms. Spera:

PROJECT NUMBER: **CUP2014-22A**

**CUP2014-22A**; A request for the approval of a 24-hour drive thru.

**APN: 563-133-41**

**ZONING: C-2**

**ADDRESS: 1415 Herndon Avenue**

Recommended Conditions of Approval:

- The proposed project 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*

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

(559) 600-33271

---

kt

cc: Rogers, Moreno, Gleghorn & Mak- Environmental Health Division (CT. 55.13)  
MTE Foods Inc.- Applicant ([christina@smeehomes.com](mailto:christina@smeehomes.com))

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

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

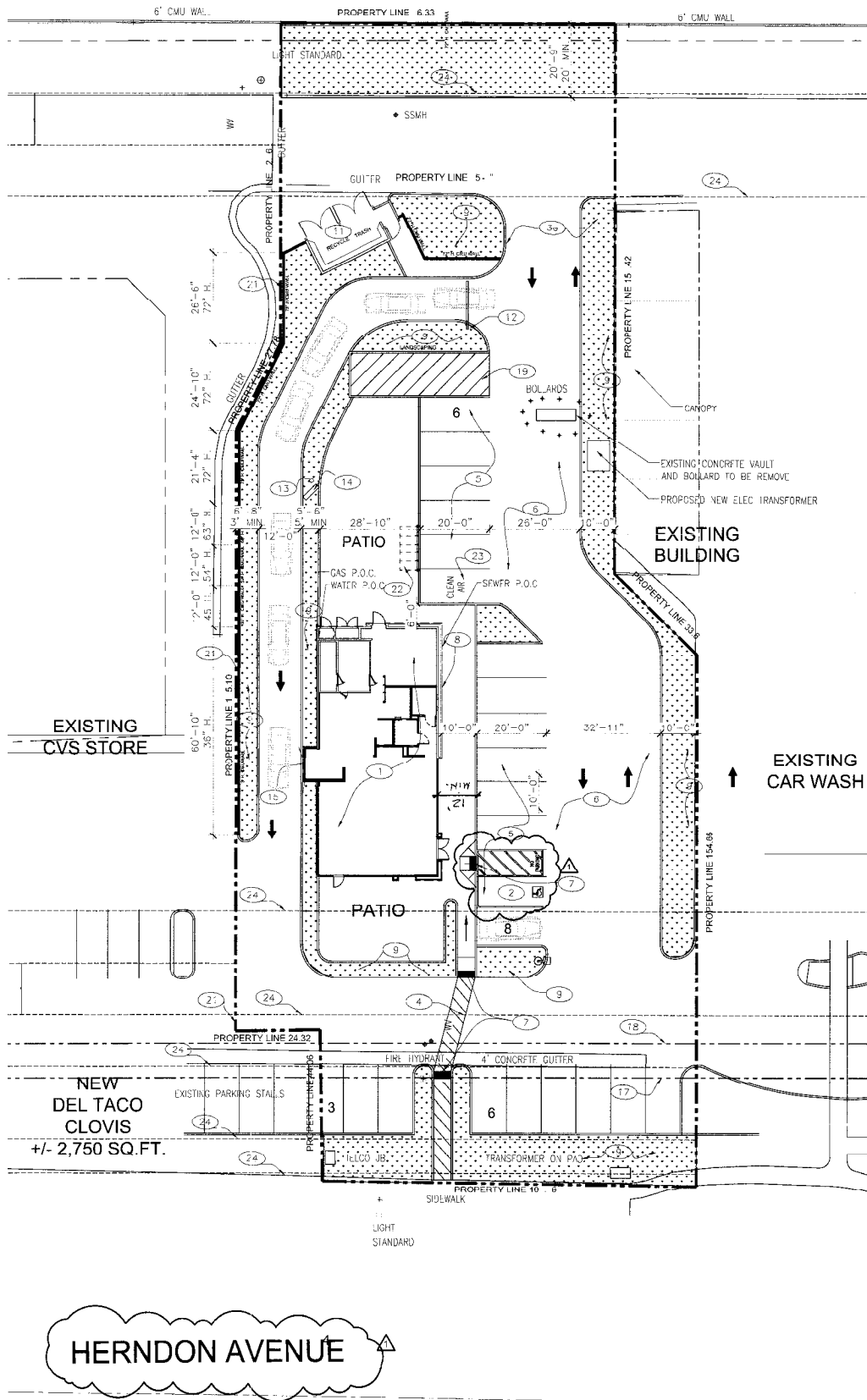
(559) 600-3271 • FAX (559) 600-7629

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## **SITE PLAN AND AERIAL MAP**

**FAST FOOD RESTAURANT BUILDING—1415 Herndon Avenue, Clovis, CA**



AERIAL IMAGE





# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

**TO:** Clovis Planning Commission

**FROM:** Planning and Development Services

**DATE:** September 26, 2019

**SUBJECT:** Consider Approval, Res. 19-\_\_\_, V2019-002, A request to approve a variance to the City of Clovis Sign Ordinance to allow for single lane drive-thru tandem menu boards in association with the drive-up window use for the property located at 1055 Herndon Avenue. McDonald's USA LLC, owner; Vigen Incorporated, applicant and representative.

**Staff:** Ryder Dilley, Planning Intern  
**Recommendation:** Approve

- ATTACHMENTS:**
1. Conditions of Approval
  2. Draft Resolution
  3. Correspondence From Commenting Agencies
  4. Site Plan and Elevations

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Variance 2019-002, subject to the conditions of approval listed in Attachment 1.

### EXECUTIVE SUMMARY

The applicant is requesting a variance to the non-residential sign standards to allow for the placement of an additional drive-thru menu board along the single drive-thru lane of the existing McDonald's restaurant located at the northeast area of Herndon and Clovis Avenues, within the



Blackhorse Shopping Center. The granting of this variance will allow the applicant to proceed with a sign permit application for an additional menu board along the existing drive-thru.

**BACKGROUND**

- General Plan Designation: General Commercial
- Specific Plan Designation: Herndon-Shepherd Specific Plan
- Existing Zoning: C-2
- Lot Size: 0.66 acres
- Current Land Use: Community Commercial
- Adjacent Land Uses:
  - North: Community Commercial
  - South: Planned Commercial Center
  - East: Community Commercial
  - West: Community Commercial
- Previous Entitlements: SR2018-40 (Recent Sign Review)  
 CUP96-2 (Eating Establishment w/ Drive-Up Window)  
 SPR93-7A4 (Drive-Thru Restaurant)  
 SPR93-7A6 (Addition)  
 SPR93-7A10 (Exterior Amendment)

**PROPOSAL AND ANALYSIS**

Variance Request

The existing McDonald’s restaurant is located within the Blackhorse Shopping Center at the northeast corner of Herndon and Clovis Avenues. The current drive-thru configuration utilizes a 10 square foot preview board and a 20 square foot menu board per current City of Clovis Sign Ordinance standards. The applicant, Vigen Incorporated, representative for McDonald’s USA, is seeking Planning Commission approval to deviate from the non-residential sign standards to place an additional menu board along the drive-thru lane to alleviate peak time congestion currently experienced by the use. The applicant has stated that a tandem menu board configuration, as proposed, will increase traffic flow and reduce queue times (Figure 1).



*Figure 1 – Typical Single Lane Drive-Thru Tandem Menu Boards*

Existing, older McDonald's' locations similar to the Project site generally allocated enough space for a single-lane drive-thru. This style of drive-thru tends to limit the amount of traffic that can be accommodated at any particular point in time. Impacts of these older layouts are experienced during various peak times throughout the day, often including detrimentally impacting adjoining parking fields and circulation patterns.

Newer McDonald's' locations are usually site-planned and configured to accommodate dual drive-thru lanes that are reviewed through the conditional use permit process. The applicant previously explored a site modification for this restaurant, but existing site constraints limited expansion. Therefore, the applicant was not able to accommodate a dual drive-thru without encroaching into the required 20-foot setback along the shopping center's Herndon Avenue frontage.

Approval of this variance would allow for an additional menu board along the existing drive-thru lane of up to twenty (20) square feet in area and up to six (6) feet in height in order to create a tandem configuration where two vehicles can place orders at the same time.

### Sign Allowance

The Clovis Municipal Code currently allows for one menu board and one preview board in association with the drive-thru window use, for each drive-thru lane. Each board shall not exceed twenty (20) square feet in area and not exceed the maximum height of six (6) feet. CMC §9.34.130(3)(k).

### Variance Findings

Under State law, four findings of fact must be considered in order to grant a variance to the development standards of any zone district.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.

*Applicant's Statement: "Existing building and site configuration is not able to accommodate an ideal layout which would allow for a two lane Drive-Thru configuration. A Tandem layout, as proposed, would increase traffic flow in the Drive-Thru lane and help fix vehicular stacking issued as they currently existing on site."*

Staff Response: Staff agrees with this statement. The current site configuration doesn't allow for a dual lane drive-thru without encroaching into the required 20-foot landscaping setback. The current proposal would allow the applicant to improve traffic flow within the existing drive-thru lane.

Finding 2: Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by the other property owners under like conditions in the vicinity having the identical zoning classification.

*Applicant's Statement: "Traffic conditions on-site would be improved for customers using both the parking and Drive-Thru lane in such a way as to decrease wait times for all customers who visit the restaurant."*

Staff Response: The current queuing conditions of the drive-thru ultimately affect the wait times experienced by customers and impacts on-site parking. Staff agrees the addition of a menu board will decrease wait times and alleviate the congestion currently experienced on-site.

Finding 3: The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of which the property is located.

*Applicant's Statement: "The addition of a second Drive-Thru Menu Board will actually be beneficial to the public welfare as it will assist in keeping the traffic and parking lanes on the site clear and help to keep vehicles from stacking off-site."*

Staff Response: Staff agrees that the single lane drive-thru tandem menu boards will help reduce queue times and alleviate traffic impacts faced on-site with parking and vehicle back-up aisles. Therefore, the proposal is not detrimental to the public welfare.

Finding 4: The granting of such variance will not be contrary to the objectives of the General Plan.

Applicant's Statement: *"The objective of any City General Plan is to ultimately provide guidelines for developers in providing safe and functional public experience. The goal of this application is in line with this objective by providing a more efficient experience for all customers who visit the existing McDonald's Restaurant."*

Staff Response: The current drive-thru use is already a compatible use per the City of Clovis General Plan. The objectives of the General Plan would not be compromised by the granting of this variance request. Staff feels the applicant aims to help alleviate the current conditions on-site with the proposal of an additional menu board within the existing drive-thru lane.

#### California Environmental Quality Act (CEQA)

The City has determined that this project is exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3) which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. 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, September 11, 2019.

#### **REASON FOR RECOMMENDATION**

After evaluating this variance request subject to the "Findings of Fact," staff is able to support the request to allow for drive-thru tandem menu boards.

This staff report and attachments provide the evidentiary support for the necessary findings for approval of a variance request. The findings to consider when making a decision on a variance application include:

1. The request does not constitute a use variance and is, therefore, within the scope of State Planning Law;
2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

- 3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
- 4. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
- 5. The granting of such a variance will not be contrary to the objectives of the General Plan.
- 6. That, based upon the Initial Study and comments received; there is no substantial evidence that the project will have a significant effect on the environment.

**ACTIONS FOLLOWING APPROVAL**

None.

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 750 feet notified: 26

Interested individuals notified: 10

Prepared by: Ryder Dilley, Planning Intern

Reviewed by:



\_\_\_\_\_  
Dave Merchen  
City Planner

**ATTACHMENT 1  
Conditions of Approval – V2019-002**

**PLANNING DIVISION CONDITIONS  
(Ryder Dilley, Division Representative – (559) 324-2338)**

- 1. The granting of this variance will allow for installation of an additional menu board along the existing drive-thru lane per Attachment “4”. The two menu boards shall each be no more than 20 square feet in area and not exceed 6 feet in height.
- 2. Any further exceptions to the sign ordinance or the conditions of this variance shall require a separate variance action.
- 3. The applicant shall submit a formal Sign Review Amendment application for final approval of the additional menu board.
- 4. The applicant shall obtain a building permit prior to installation of the proposed signage.

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

- 5. 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  
(Chris Lundeen, FID Representative – 233-7161)**

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

DRAFT  
RESOLUTION 19-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A VARIANCE TO THE CITY OF CLOVIS SIGN ORDINANCE TO ALLOW FOR SINGLE LANE DRIVE-THRU TANDEM MENU BOARDS FOR THE PROPERTY LOCATED AT 1055 HERNDON AVENUE AND CONFIRMING ENVIRONMENTAL FINDINGS**

**WHEREAS**, Vigen Incorporated, 516 W. Shaw Avenue, Fresno, CA 93704, has applied for a Variance V2019-002; and

**WHEREAS**, this is a request to approve a Variance to the City of Clovis Sign Ordinance to allow for single lane drive-thru tandem menu boards for the property located at 1055 Herndon Avenue, in the City of Clovis; and

**WHEREAS**, a public notice was sent out to area residents within 750 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on September 26, 2019; 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 Attachment "1" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

- 1. That the request does not constitute a use variance and is, therefore, within the scope of State Planning law;
- 2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
- 3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
- 4. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
- 5. The granting of such a variance will not be contrary to the objectives of the General Plan.
- 6. That V2019-002 is exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve V2019-002, subject to the attached conditions labeled Attachment "1."

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-\_\_  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 1 of 3

**PUBLIC AGENCY**

RYDER DILLEY  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

VIGEN INC.  
516 W. SHAW AVE., SUITE101  
FRESNO, CA 93704

PROJECT NO: 2019-002

ADDRESS: 1055 HERNDON AVE.

APN: 562-142-26

SENT: 8/21/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
7C	\$0.00	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: \$0.00</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 2/29/20 based on the site plan submitted to the District on 8/05/19 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 VAR No. 2019-002

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 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.

CL VAR No. 2019-002

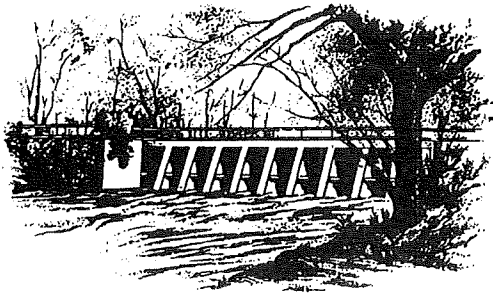
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL  
VAR  
No. 2019-002

- 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. — See Exhibit No. 2 for additional comments, recommendations and requirements.

Debbie Campbell  
Design Engineer

Robert Villalobos  
Project Engineer



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

August 19, 2019

Rider Dilley  
Department of Planning and Development Services  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: Variance Application No. V2019-002  
N/E Herndon and Clovis avenues

Dear Mr. Diley:

The Fresno Irrigation District (FID) has reviewed Variance Application No. V2019-002 for which the applicant request approval for a variance to allow tandem menu boards in the McDonalds drive through lane, APN: 562-142-26. FID has the following comments:

1. FID does not own, operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's Cole W. Br. No. 115 runs westerly, crosses Sunnyside Avenue approximately 2,400 feet southeast of the subject property, and crosses Clovis Avenue approximately 1,300 feet southwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Sunnyside Avenue, Clovis Avenue, or in the vicinity of this canal crossing, FID requires it review and approve all plans.
3. For informational purposes, Stream Group's Big Dry Creek No. 150 runs southwesterly, and crosses Clovis Avenue approximately 2,200 feet northwest of the subject property, as shown on the attached FID exhibit map. This Canal is used to convey storm waters for flood control and irrigation purposes. The right-of-way width is a minimum 100 feet wide as shown on the plans entitled "Fresno County Stream Group Existing Dry Creek Channel & Recommended Width Big Dry Creek Project To Herndon Canal" dated September 8, 1964. Should this project include any street and/or utility improvements along Clovis Avenue, or in the vicinity of this channel, FID requires it review and approve all plans.

Rider Dilley  
RE: V2019-002  
August 19, 2019  
Page 2 of 2

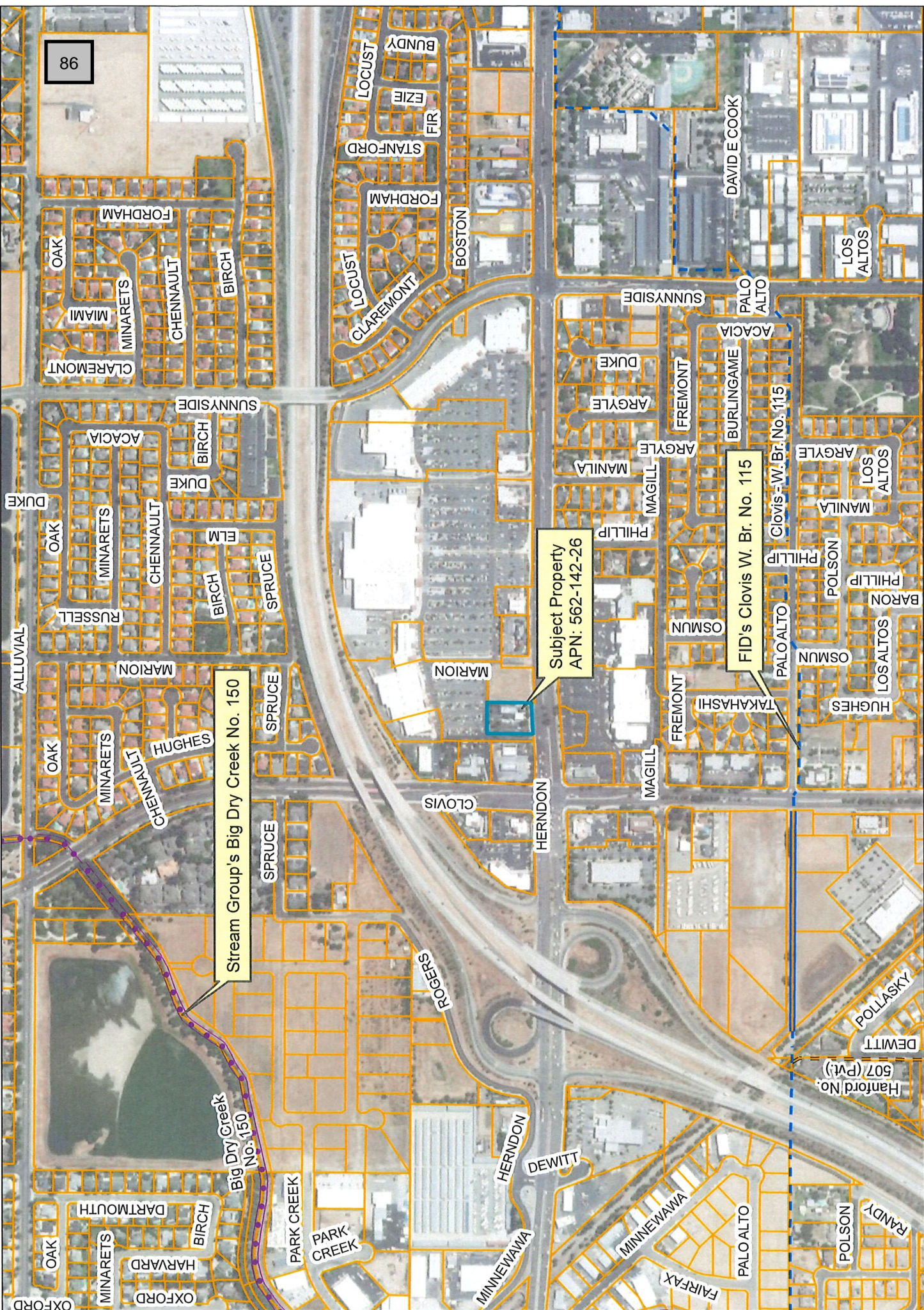
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachments

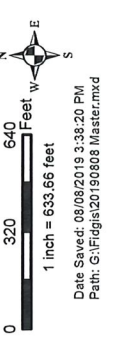


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Stream Group's Big Dry Creek No. 150

Subject Property  
APN: 562-142-26


FID's Clovis W. Br. No. 115

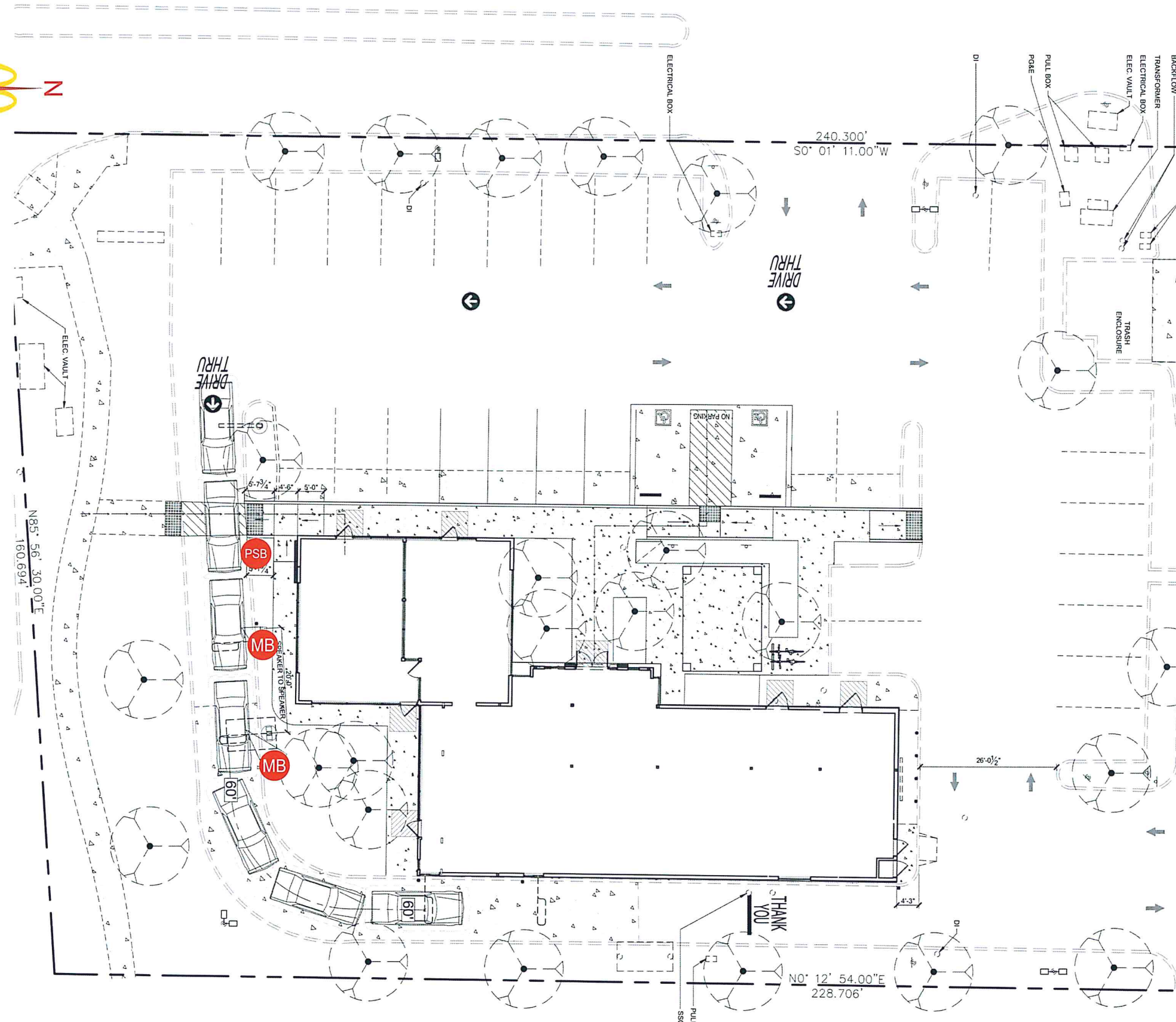


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- Legend**
- Parcel
  - FIMFCD Acquired Basins
  - FIMFCD Proposed Basins
  - FID Boundary
  - Stream Group
  - Other-Creek/River
  - Other-Pipeline
  - FID Pipeline
  - Private Pipeline
  - Abandoned Pipeline
  - FID Canal
  - Private Canal
  - Abandoned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

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.





PSB ..... PRE-SELL BOARD

MB ..... MENU BOARD (QTY 2)

APPROVAL BOX - PLEASE INITIAL	
CUSTOMER APPROVAL	Date

**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: <b>MCDONALD'S</b>	Date: <b>06/26/19</b>	Prepared By: <b>KH</b>	Eng: <b>-</b>	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>
Location: <b>CLOVIS, CA</b>	File Name: <b>165913 - 1055 HERNDON AVE - CLOVIS, CA</b>			

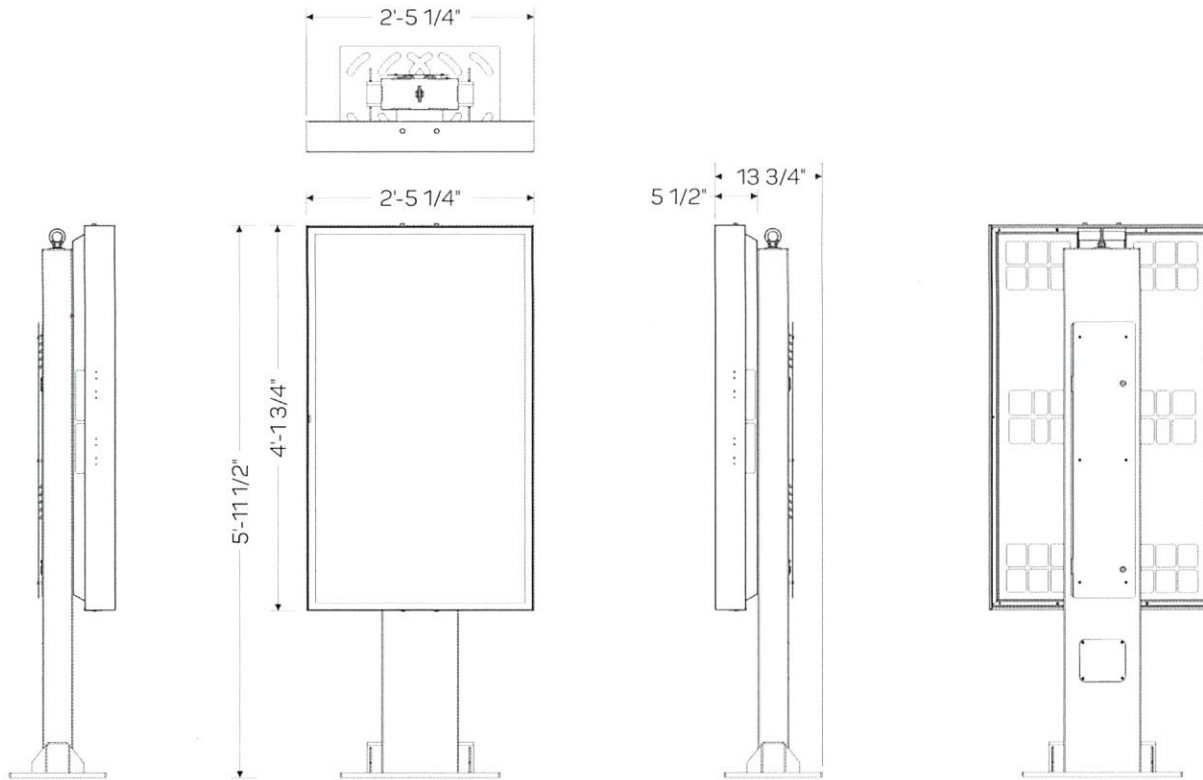


DISTRIBUTED BY SIGN UP COMPANY  
700 21st Street Southwest  
PO Box 210  
Watertown, SD 57201-0210

Frame	Hot dip galvanized + anti-graffiti powder coated steel
Brackets	Hot dip galvanized
Panels	Aluminium + anti-graffiti powdercoat
Access fasteners	Security Torx
Media player access	Dual camlock
Eyebolt	Stainless crane on
Baseplate	McDonalds spec triple mounting pattern option

## ODMB 02 SINGLE

Displays	Samsung OH55F
Hardware	Stratacache Spectra NG
Heating/Cooling	Watlow 100W Heater Sunon 120mm AC Fan
Power Supply Units	60W DC Media Player Power Supply
Power Cables	1 x IEC Power Cable
Electrical Components	Isolated Ground 2 x IG Receptacles 20A Circuit Breaker
Communication Cables	2 x HDMI 1 x RS232
Certification	UL Certified



SCALE: 1/2" = 1'-0"



GRAPHIC DETAIL  
NOT TO SCALE

Customer:  
MCDONALD'S

Date:  
06/26/19

Prepared By:  
KH

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:  
CLOVIS, CA

File Name:  
169502 - 1055 HERNDON AVE - CLOVIS, CA

Eng:  
-

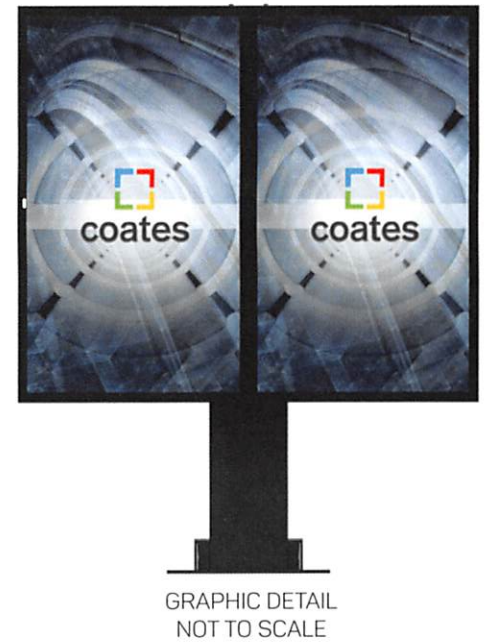
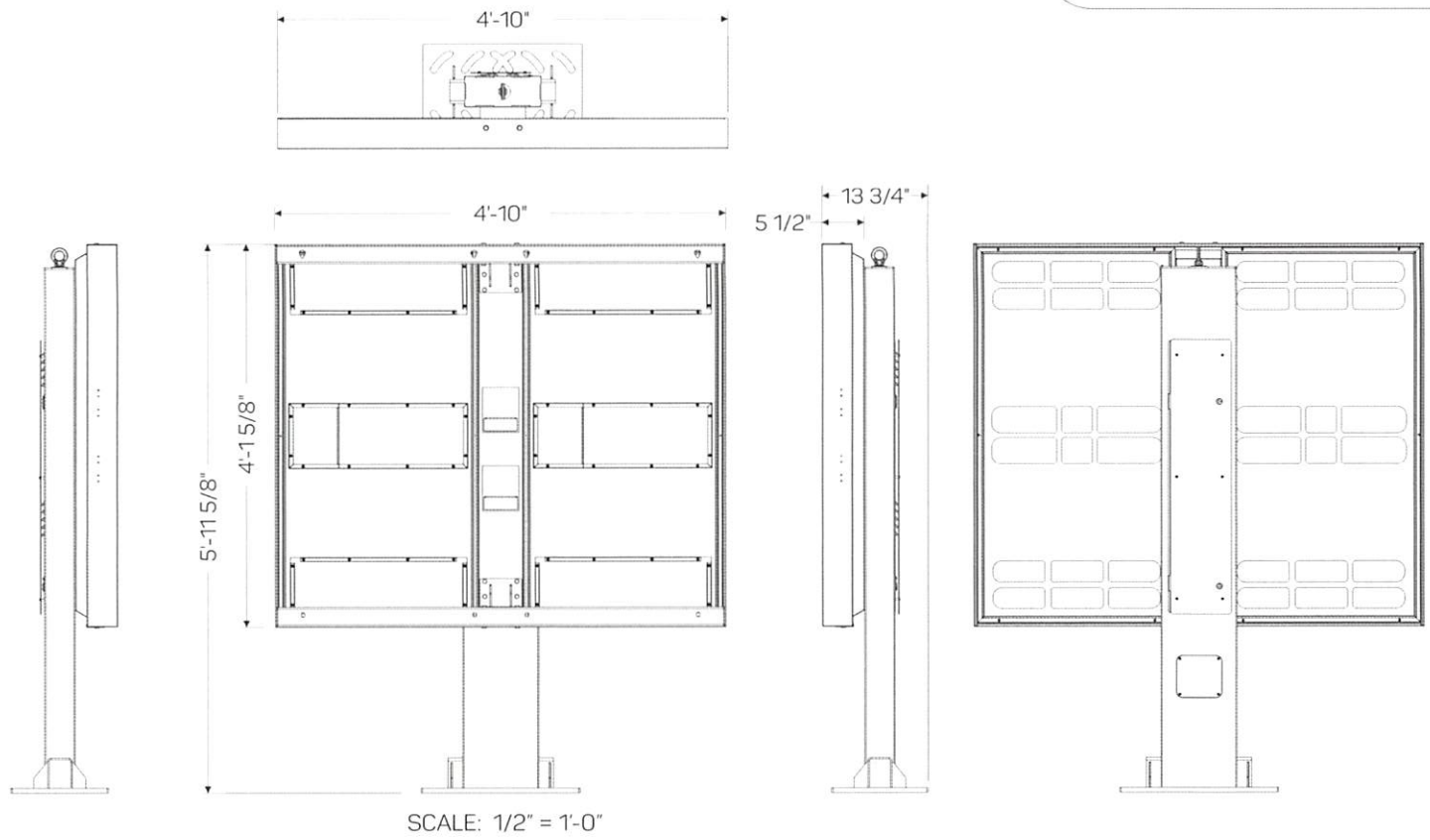
**persona**  
SIGNS | LIGHTING | IMAGE

DISTRIBUTED BY SIGN UP COMPANY  
700 21st Street Southwest  
PO Box 210  
Watertown, SD 57201-0210  
1.800.843.9888 · www.personasigns.com



<b>Frame</b>	Hot dip galvanized + anti-graffiti powder coated steel
<b>Brackets</b>	Hot dip galvanized
<b>Panels</b>	Aluminium + anti-graffiti powdercoat
<b>Access fasteners</b>	Security Torx
<b>Media player access</b>	Dual camlock
<b>Eyebolt</b>	Stainless crane on
<b>Baseplate</b>	McDonalds spec triple mounting pattern option

<b>ODMB 02 DOUBLE</b>	
<b>Displays</b>	2 x Samsung OH55F
<b>Hardware</b>	2 x Stratacache Spectra NG
<b>Heating/Cooling</b>	Watlow 100W Heater Sunon 120mm AC Fan
<b>Power Supply Units</b>	2 x 60W DC Media Player Power Supply
<b>Power Cables</b>	2 x IEC Power Cables
<b>Electrical Components</b>	Isolated Ground 2 x IG Receptacles 20A Circuit Breaker
<b>Communication Cables</b>	4 x HDMI 2 x RS232
<b>Certification</b>	UL Certified



Customer: <b>MCDONALD'S</b>	Date: <b>06/26/19</b>	Prepared By: <b>KH</b>	<p><small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small></p>	 <p><b>persona</b> SIGNS   LIGHTING   IMAGE</p>	<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com</p>
Location: <b>CLOVIS, CA</b>	File Name: <b>169502 - 1055 HERNDON AVE - CLOVIS, CA</b>				



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 26, 2019

SUBJECT: Consider Approval, Res. 19-\_\_\_, CUP2019-008, a request to approve a conditional use permit for a 3-story, 90-room hotel, with a request for a maximum height of 50 feet located at 2355 Willow Avenue on a portion of a 2.52-acre site. Steve Espinoza, Maria Espinoza, Charles Claborn, Betty Claborn, Leon Gardner, and Helen Gardner, owners; Jay Virk, applicant/representative.

**Staff:** Ricky Caperton, AICP  
**Recommendation:** Approve

- ATTACHMENTS:
1. Conditions of Approval
  2. Draft Resolution
  3. Correspondence from Agencies
  4. Conceptual Site Plan
  5. Conceptual Elevations & Floor Plan

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2019-008, subject to the conditions of approval listed in **Attachment 1**.

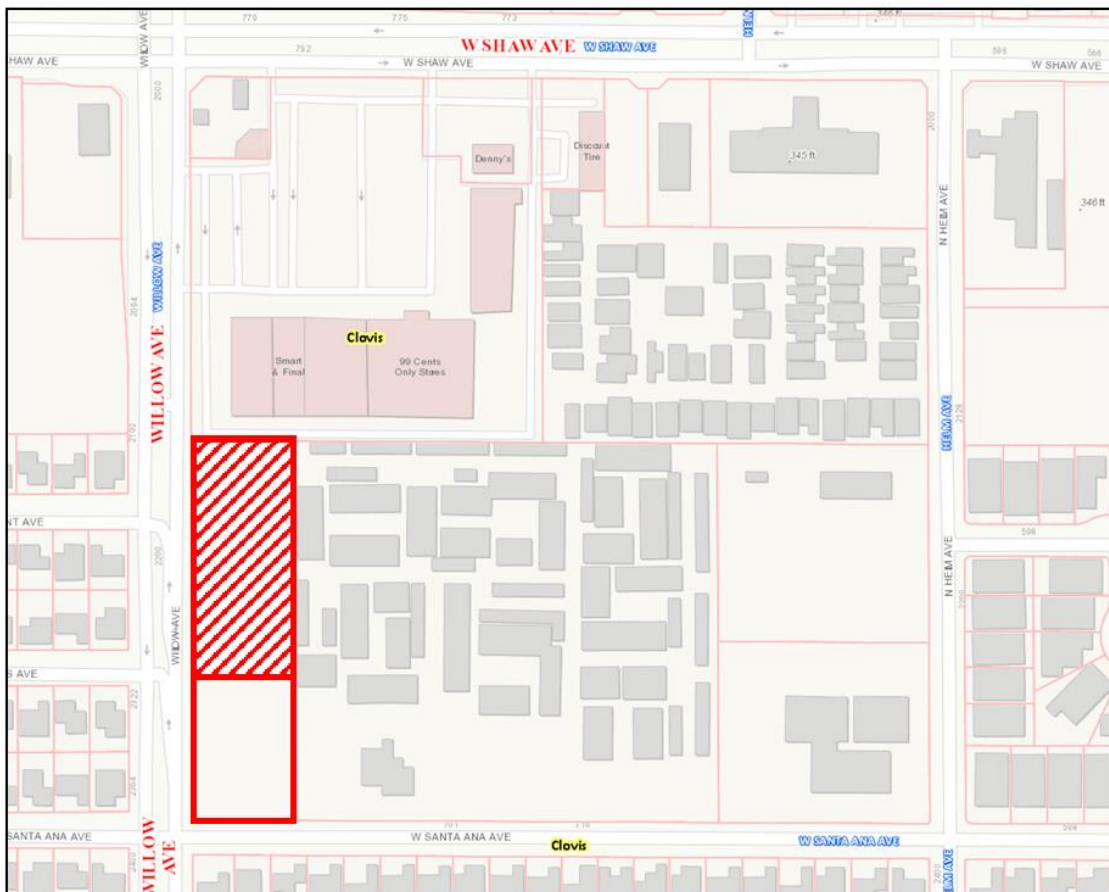
### EXECUTIVE SUMMARY

The applicant is requesting approval for the development of a 3-story, 90-room hotel on a portion of a 2.52-acre site located at 2355 Willow Avenue, as shown below in **Figure 1**. Approval of this conditional use permit would allow the developer to continue with site plan review and building permits.

**BACKGROUND**

- General Plan Designation: Office
- Specific Plan Designation: None
- Existing Zoning: C-P (Professional Office)
- Lot Size: 2.52 acres
- Current Land Use: Vacant / Undeveloped
- Adjacent Land Uses:
  - North: C-2 (Community Commercial)
  - South: R-1 (Single-Family Residential)
  - East: R-3 (Medium-Density Multiple Family Residential)
  - West: R-1 (Single-Family Residential)
- Previous Entitlements: SPR2006-04

**FIGURE 1  
Project Location**



 = Total Parcel  
 = Project Limits

**PROPOSAL AND ANALYSIS**

Project Description

The applicant proposes a 3-story, 90-room hotel on a portion of a vacant, undeveloped 2.52-acre site. As part of the request, the applicant is proposing a maximum height of up to 50 feet. A hotel use is permitted within the C-P (Professional Office) Zone District with an approved conditional use permit.

The proposed hotel would be constructed as an interior corridor structure with rooms accessible only from the interior of the building, as opposed to being accessible from the exterior. An interior corridor design reduces the potential for noise impacts to surrounding areas. Hotel amenities would include a small fitness room and a breakfast area for hotel guests. Guestrooms would be available for short-term (i.e. daily), and extended (i.e. weekly) stays.

As part of the day-to-day operations, a security guard and security patrol vehicle would be on site several days per week to ensure safe operation of the hotel and to deter the potential for unwanted activity. Further, 24-hour per day contact information for hotel management will be posted to address any concerns that may arise. The Project also includes landscaping, pedestrian improvements (i.e. internal sidewalks and path of travel) and on-site vehicle parking. Lastly, the Project anticipates generating approximately 20 full-time and 10 part-time positions.

Future uses and/or plans to develop remaining areas of the Project site are unknown at this time. As such, only the proposed hotel has been evaluated under this request. Future development of the remaining areas would require additional entitlements in accordance with the Clovis Municipal Code.

Land Use and Zoning

The Project site has a General Plan Designation of Office and is within the C-P (Professional Office) Zone District. According to the Land Use Element in the 2014 Clovis General Plan, the Office land use designation is intended for professional offices, corporate headquarters, medical facilities, and hotels. According to Table 2-4 in Chapter 9.12, Commercial Zoning Districts, of the Clovis Municipal Code, hotels and motels are permitted in the C-P Zone District subject to an approved conditional use permit. As a hotel/motel use, the Clovis Municipal Code provides for lodging for up to thirty (30) days. Because the Project proposes a combination of short- and long-term rooms, staff has included a condition of approval regarding the maximum number of days a guest can occupy a room based on the definition of a hotel use in the Clovis Municipal Code.

Setbacks

The Project site would be subject to the Development Standards for the C-P Zone District, and would be required to comply with the following setbacks:

- Front Setback: 10 foot minimum
- Side Setback: None

- Street Side Setback: 10 foot minimum
- Rear Setback: None
- Maximum Parcel Coverage: None

Based on the conceptual site plan provided as **Attachment 4**, the Project appears to meet and/or exceed the applicable development standards; however, staff will review details during the site plan review process to ensure compliance with all relevant development standards and design criteria, such as setbacks, height, landscaping, parking, etc.

### Height

The C-P (Professional Office) Zone District permits a maximum height of 40 feet/3 stories, whichever is less. However, the applicant is requesting a height increase for a maximum structure height of up to 50 feet under this conditional use permit.

Through the use permit process, the Planning Commission has the ability to approve additional height and/or stories. There have been several examples of a conditional use permit used to allow additional height for hotels, including the hotel currently under construction at Shaw and Helm Avenues, the recently completed La Quinta at Clovis Avenue north of Shaw Avenue, and the Courtyard by Marriott currently under construction at Shaw Avenue east of Sierra Vista Parkway. Staff has included a condition of approval for Planning Commission consideration to allow the proposed 50' maximum height proposed for this Project.

### Noise

The Project would be required to comply with the City's noise standards under Section 9.22.080, Noise, of the Clovis Municipal Code. Although the site plan review process would follow an approved conditional use permit, the conceptual site plan shows a setback from the adjacent multi-family residential to the proposed hotel of more than 40 feet, which exceeds the required minimum setback for the C-P Zone District. Further, the site layout is such that the majority of vehicle parking spaces are west of the hotel, therefore, as far away from adjacent residential as possible, which further minimizes the potential for noise conflicts. The Project would also include a minimum of 10 feet of landscape along the eastern property line which further provides a buffer from noise generated by the Project. Overall, the site layout is such that it would minimize the potential for noise impacts to adjacent uses.

### Parking and Circulation

As shown in **Attachment 4**, the site has three (3) points of ingress and egress along Willow Avenue, which also serves as access to and from the existing multi-family residential units directly east of the Project.

Pursuant to Chapter 9.32, Parking and Loading Standards, of the Clovis Municipal Code, hotel and motel uses are required to provide a minimum 1.2 vehicle spaces for each guest room, plus required spaces for accessory uses. Based on the proposed 90 guestrooms, the Project would need to provide a minimum of 108 vehicle spaces.

The conceptual site plan shows 115 vehicle spaces, which would exceed the minimum number of required spaces. Therefore, parking was found to be adequate.

The existing driveways also serve the adjacent residential to the east, and would continue serving that property. A condition of approval has been added to ensure that a Reciprocal Access Agreement is in place to maintain unobstructed access to and from the adjacent multi-family residential complex east of the Project site.

### Elevations and Floor Plans

The applicant has provided conceptual elevations and floor plans included as **Attachment 5**; however, staff will review specific details such as colors, materials, and additional architectural components during the site plan review process. Based on the applicant's conceptual plans, the hotel would have a contemporary design and would have approximately 300 square-foot rooms. The daily rooms would have amenities typical of a hotel room and the extended stay rooms would include a kitchen (i.e. sink, full size refrigerator, and two-burner cook top). The applicant anticipates that approximately 45 rooms will be for short term stay and 45 rooms for extended stay. The first floor would accommodate approximately 20 guest rooms, with 35 rooms on the second floor and third floor.

### Landscaping

The Project site would be required to provide a minimum 10-foot setback from the front property line, which will be landscaped. As indicated on the site plan, the applicant proposes landscaped areas throughout the site, including a landscape buffer between adjacent residential and the proposed hotel.

Although detailed landscaping plans have not been provided at this time, staff will review landscape plans during the site plan review process to ensure compliance with applicable standards, such as the City's Water Efficient Landscape Requirements, and other requirements under Chapter 9.28, Landscape Standards, of the Clovis Municipal Code.

### Signage

Permanent signage for the Project is subject to separate review and approval by staff to ensure compliance applicable to sign regulations. Staff has included a condition of this requirement within the conditions of approval.

### Infill Development

The Project would occupy a portion of an approximately 2.52-acre infill site. As an infill site, the applicant has an opportunity to establish a hotel use at an otherwise underutilized parcel. As indicated below, there are General Plan policies that encourage a mix of uses and infill development.

### Public Comments

A public notice was sent to property owners within 300 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 Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, and the County of Fresno.

Comments received are attached 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. Please refer to **Attachment 3** for correspondence from other departments and/or agencies.

### Consistency with Surrounding Area

As mentioned above, the Project is permitted within the C-P Zone District with an approved conditional use permit. The Project site is situated in an area with a mix of uses including medium, medium-high, and high density residential, as well as a variety of commercial uses located along West Shaw Avenue just north of the Project site. Directly north of the site is a commercial shopping center, a multi-family residential complex directly east, and medium density residential to south and west of the site. In the broader surrounding area, Fresno State University and the Save-Mart Center are located approximately 1-mile northwest of the site. Overall, the Project will add to the diversity of the service uses within the vicinity.

### Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan goals and policies. The following reflects 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 vehicle trips. The element also balances residential growth with economic and employment growth.

## **Land Use Element**

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

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

- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Encourage community and stakeholder collaboration

- Foster distinctive, attractive communities with a strong sense of place
- Make development decisions predictable, fair, and cost-effective
- Mix land uses
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Provide a variety of transportation choices
- Strengthen and direct development toward existing communities
- Take advantage of compact building design
- Enhance the economic vitality of the region
- Support actions that encourage environmental resource management

## Circulation Element

**Policy 1.4 Jobs and housing.** Encourage infill development that would provide jobs and services closer to housing, and vice versa, to reduce citywide vehicle miles travelled and effectively utilize the existing transportation network.

### California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Infill Development Projects). Under the Class 32 categorical exemption, projects that: (a) are consistent with the applicable land use designation, General Plan policies, and zoning; (b) are within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) are located on sites with no value as habitat for endangered, rare, or threatened species; (d) would not result in significant effects relating to traffic, noise, air quality, and water quality; and (e) is located on a site that can be adequately served by all utilities.

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, September 11, 2019.

## REASON FOR RECOMMENDATION

The Project is consistent with the goals and policies of the General Plan, Development Code, and the C-P (Professional Office) Zone District. Therefore, staff recommends the Planning Commission approve Conditional Use Permit CUP2019-008, subject to the conditions of approval listed as **Attachment 1**.

The required findings for approval of a conditional use permit application are as follows:

1. That 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 the Development Code;



- 2. That the proposed use is consistent with the General Plan and any applicable Specific Plan;
- 3. That 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. That the subject property is physically suitable in size and shape for the type and density/intensity of use being proposed;
- 5. That 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. That, based upon the Categorical Exemption, there is no substantial evidence that the project will have a significant effect on the environment.

**ACTIONS FOLLOWING APPROVAL**

None.

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 300 feet notified:	44
Interested individuals notified:	10

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:   
 \_\_\_\_\_  
 David Merchen  
 City Planner

## **CONDITIONS OF APPROVAL**

**ATTACHMENT 1**  
**Conditions of Approval – CUP2019-008**

**PLANNING DIVISION CONDITONS**

(Ricky Caperton, AICP, Senior Planner – 559-324-2347)

1. All conditions of this use permit shall be addressed prior to operation of the facility.
2. Conditional Use Permit CUP2019-008 may be reviewed in one year 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. Conditional Use Permit CUP2019-008 approves a three (3) story hotel with 90 guestrooms located on a portion of an approximately 2.52-acre property at 2355 Willow Avenue (APN: 430-500-19). Uses and/or development other than the hotel considered under this CUP are subject to separate review and entitlements per the Clovis Municipal Code.
4. Conditional Use Permit CUP2019-008 approves a maximum building height of up to 50 feet.
5. No guest shall be permitted to stay for a period of more than thirty consecutive (30) days.
6. Prior to construction, an approved site plan shall be required through a separate Site Plan Review process pursuant to Chapter 9.56 of the Clovis Municipal Code.
7. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits, not included as part of this conditional use permit. Temporary signs shall be per the Clovis Municipal Code.
8. All employee and guest parking shall occur on site. Employees and/or hotel guests may not park on the adjacent residential property to the east.
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. Upon approval through a separate site plan review process, landscaping shall be maintained and not needlessly removed. If landscaping changes are to occur, a Site Plan Review amendment would be required prior to such modifications.
11. Landscaping shall comply with Clovis Municipal Code Chapter 9.28, Landscaping Standards.
12. Operation of the use shall comply with noise and vibration standards of the Clovis Municipal Code under Section 9.22.080, Noise.

13. If one is not already recorded, the applicant and/or property owner shall obtain a recorded Reciprocal Access Agreement with the property owner to the east (APN: 430-500-24) and a copy be provided to and kept on file with the City of Clovis. Reciprocal drive aisles shall remain clear of barriers, fencing, and other similar devices.
14. The Project site shall comply with City of Clovis Parking and Loading Standards under Chapter 9.32 of the Clovis Municipal Code which requires a minimum ratio of 1.2 vehicle parking spaces per guestroom for hotel/motel uses. Loading spaces for deliveries shall be provided per the Clovis Municipal Code.
15. Parking stalls shall measure 10' x 20' with a 26' minimum back-up areas. Parking stall length may be reduced in compliance with the appropriate bumper overhang area pursuant to Section 9.32.070(H)(5), Bumper Overhang, of the Clovis Municipal Code.
16. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
17. The site shall provide and maintain a minimum six-foot (6') high solid masonry wall along the eastern property line, except in areas where access is required for ingress/egress. If necessary, modifications to the existing wall may be required for compliance with this condition of approval.
18. A minimum of 10 feet of landscaping shall be provided along the masonry wall along the eastern property line to serve as a buffer between the hotel and existing residential use.
19. CUP2019-008 is subject to a finding of consistency determination from the Fresno County Airport Land Use Commission (ALUC), and shall incorporate conditions of approval as necessary and/or required by the ALUC, if applicable.
20. A pedestrian path of travel shall be provided from the hotel entrance to the sidewalk along Willow Avenue.

#### **FIRE DEPARTMENT CONDITIONS**

(Gary Sawhill, Department Representative - 324-2224)

#### **Roads / Access**

21. **Reciprocal Access Agreement:** The applicant shall provide a signed reciprocal access agreement with the adjoining property for the use of the common drives and road system prior to the issuance of building permits.
22. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')

23. **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.
24. **All Weather Access:** 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 #1.3.
25. **Fire Lane:** The fire lanes shall have the curbs painted red as per Clovis Fire Department Standard #1.1 and identified on the site plan.
26. **Fire Apparatus Access Roads (26'):** Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
27. **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.
28. **Rapid Entry Lock Box:** The applicant shall install an approved Rapid Entry Lockbox in accordance with approved Clovis Fire Department Standard #1.6. Contact the Clovis Fire Prevention Division for the lockbox installation location(s) and the required application for a Lockbox.

### **Water Systems**

29. **Commercial Fire Hydrant:** The applicant shall install two, 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.
30. **Vehicle Impact Protection:** The applicant must install protection posts that meet the City of Clovis specifications according to Clovis Fire Department Standard #1.7.
31. **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 Protection Systems**

32. **Hotel/Motel Fire Sprinklers:** The applicant shall install an automatic fire sprinkler

system in all hotel/motels as per NFPA 13 standards as approved by the Fire Department.

33. **Underground Fire Service Line Installation:** 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. Installation shall be done by a California Licensed contractor. 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.
34. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be reviewed and approved by the Clovis Fire Department before installation.
35. **Fire Alarm System:** The applicant shall install an automatic fire alarm system. When actuated, the alarm initiation devices shall activate an alarm signal, which is audible throughout the building as per NFPA 72. Applicant shall submit plans for review and approval prior to installation of fire alarm components.
36. **Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A 10BC minimum rating, one (1) per each 6000 square feet, 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.
37. **Smoke Detectors Duct Work:** Smoke detectors are to be mounted in supply duct work of new air conditioning systems supplying greater than 2000 CFM. The detectors shall be wired to shut off the air handling unit when smoke is detected. Where multiple Air Handling Units supply a single area; there shall be a global shut-down of those AHU's. Where smoke detectors are installed in concealed locations more than 10 feet above finish floor or in an arrangement where the detectors alarm or supervisory indicator is not visible, the detector shall be provided with remote alarm or supervisory indication. A smoke detection shut-off test is required in the presence of a Clovis Fire Department Inspector.
38. **Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8. Large commercial, industrial buildings may require additional building addressing on the back side of the building as approved by Clovis Fire Department.
39. **Room Capacity Signage:** 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.
40. **Fire Safety and Evacuation Plan:** An approved fire safety and evacuation plan shall be prepared and maintained in this occupancy at all times. The fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangements of the

building. The plan may be submitted to the Clovis Fire Department for review and approval.

41. **Exit Signage:** 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.
42. **Emergency Lighting:** The applicant shall install emergency lighting with battery backup or an approved alternate in accordance with the California Fire Code.
43. **Stairway Identification:** Stairway identification signs shall be located at each floor level in all enclosed stairways. Identification signage shall comply with the California Fire Code.
44. **Electrical Rooms Exits:** Exit doors in equipment rooms with equipment rated greater than 800 amperes and more than 6 feet in width shall be equipped with doors that swing in the direction of egress and shall be equipped with panic or fire exit hardware.
45. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.

#### **POLICE DEPARTMENT CONDITIONS**

(Corporal Chris Berna, Police Department Representative – 324-3458)

46. The Hotel must have a Manager/Assistant Manager at the property 24 hours a day, 7 days a week for police and fire contact
47. The Clovis Police Department requests this development be equipped with security cameras at all entrances and exits of the property, to include the interior and exterior of the building
48. All parking areas and sidewalks on the property shall be lighted. The lighting shall be shielded/ contained within the property as to not affect surrounding properties. This includes any logos or numbers attached to the exterior of the building and any signage contained within the property
49. The area on the east side of the property between the building and the Willow Lake Apartments shall be utilized for access only and not for parking. This includes service vehicles, loading and unloading and emergency vehicles. This area shall be clearly marked as a no parking zone through painting of the curbs and signage
50. The property must be maintained and cared for in a manner that increases public safety and is in compliance with the Clovis Municipal Code and all other applicable City codes. Including, but not limited to, all lighting, gates and fences shall be

maintained and in working order, and landscaping shall be kept clean and free of debris and other hazards

51. The requirement for 24 hour security will be based on calls for service. Should an increase in criminal activity occur on the property the owners/managers will be responsible for providing 24 hour security during its peak days

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

(Jamaica Gentry, Caltrans Representative – 488-7307)

52. The Applicant shall refer to the attached California Department of Transportation correspondence.

**FRESNO UNIFIED SCHOOL DISTRICT CONDITIONS**

(Alex Belanger, FUSD Representative – 457-3066)

53. The Applicant shall refer to the attached Fresno Unified School District correspondence. If the list is not attached, please contact the FUSD for the list of requirements.

**COUNTY OF FRESNO HEALTH DEPARTMENT CONDITIONS**

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

54. The Applicant shall refer to the attached Fresno County Health Department correspondence. If the list is not attached, please contact the Health Department for the list of requirements. Please note that the Fresno County Health Department references the Development Review Committee Number as DRC2019-016, which was the DRC for this project.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

(Georgia Stewart, SJVAPCD Representative – 230-5937)

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



**DRAFT RESOLUTION**

DRAFT  
RESOLUTION 19-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT FOR A 3-STORY, 90-ROOM HOTEL, AT A MAXIMUM  
HEIGHT OF 50 FEET ON A PORTION OF PROPERTY LOCATED AT 2355 WILLOW  
AVENUE (APN: 430-500-19) AND FINDING THE PROJECT IS EXEMPT FROM CEQA  
PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION**

**WHEREAS**, Jay Virk, Bottom-Line, P.O. Box 1095, Clovis, CA 93613, has applied for a Conditional Use Permit CUP2019-008; and

**WHEREAS**, this is a request to approve a conditional use permit to allow a 3-story, 90-room hotel, at a maximum height of fifty (50) feet on a portion of property located at 2355 Willow Avenue (APN: 430-500-19) 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 September 26, 2019; 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 "Attachment 1" 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 the 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, conveniences, 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, based upon the Categorical Exemption, there is no substantial evidence that the project will have a significant effect on the environment.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2019-008, subject to the attached conditions labeled "Attachment 1".

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 19-\_\_\_\_\_  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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

**CORRESPONDENCE**

**ATTACHMENT 3**

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## DEPARTMENT OF TRANSPORTATION

## DISTRICT 6

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 488-7307  
FAX (559) 488-4088  
TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



Making Conservation  
a California Way of Life.

August 16, 2019

FRE-168-R4.466  
CUP 2019-008  
WILLOW AVE HOTEL

Mx. Maria Spera  
City of Clovis  
1033 Fifth Street  
Clovis, California 93612

Dear Mx. Spera:

Caltrans has completed its review of the request to construct a 90-room hotel at 2355 Willow Avenue (CUP 2019-008). Caltrans offers the following comments:

The proposed site is within walking or biking distance of several points of interest for guests of the hotel—including a park, restaurants, and retail stores. Caltrans encourages the exploration of ways this project can make walking attractive and convenient for guests; reducing VMT. Options include offering a shuttle service to the Fresno/Yosemite International airport with service to the Save Mart Center and Sierra Vista Mall; providing a pedestrian pathway to nearby San Gabriel park; and partnering with e-scooter or e-bike companies operating in the city, among others.

Questions about these comments, can be directed to me at (559) 488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamaica Gentry".

JAMAICA GENTRY  
Associate Transportation Planner  
Transportation Planning – North



# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director  
Dr. Sara Goldgraben, Health Officer

April 8, 2019

LU0019971  
2604

Courtney Thongsavath, Planning Intern  
City of Clovis  
Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Ms. Thongsavath:

PROJECT NUMBER: **DRC2019-016**

**DRC2019-016**; Proposed 3-story hotel with long term stay and short term stay use.

**APN: 430-500-19 ZONING: C-P ADDRESS: Near Shaw & Willow Avenues behind Smart & Final Store**

Recommended Conditions of Approval:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The applicant shall be advised that any proposal for food service, including self-serve continental breakfast type foods or the sale of commercially prepackaged food products will require that the applicant submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval, prior to issuance of building permits. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicant shall apply for and obtain permits to operate food facilities 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.
- Should the applicant propose a pool and/or spa, then prior to the issuance of building permits, the applicant shall submit complete pool facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-3357 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 Employment Opportunity Employer

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

- Should the applicant propose a pool and/or spa, then prior to operation, the applicant shall apply for and obtain a permit to operate a public swimming pool from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.
- Due to the proximity of the proposed hotel to an existing thoroughfare, consideration should be given to conformance with the Noise Element of the City of Clovis General Plan. A noise study should be conducted in order to identify the potential noise impacts and offer mitigation alternatives.
- 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.
- If the tenant 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 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- 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.
- 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.

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REVIEWED BY:

*Kevin Tsuda*

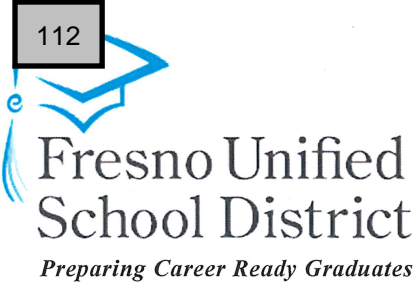
Kevin Tsuda, R.E.H.S.  
Environmental Health Specialist II

(559) 600-33271

---

KT

cc: Rogers, Moreno, Baruti, Gleghorn & Jackson- Environmental Health Division (CT. 55.12)  
Lorren Smith- Applicant ([lorrens@harbour-engineering.com](mailto:lorrens@harbour-engineering.com))



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Robert G. Nelson, Ed.D.

August 12, 2019

Ricky Caperton  
Planning and Development Services Dept.  
City of Clovis  
1033 Fifth St.  
Clovis, CA 93612

Re: **APPLICATION NO. CUP2019-008**  
**2355 WILLOW AVE.**

Dear Mr. Caperton,

In response to your request for school district information regarding the above planning application for the proposed construction of a 3-story, 90 room hotel to be located at 2355 Willow Avenue, Fresno Unified School District submits the following.

Any new commercial development which occurs, may ultimately affect the District by generating employees. The children of those employees living in the District will need to be housed in District schools.

The District levies a commercial/industrial development fee and the current fee rate is \$0.61 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment.

Thank you for the opportunity to comment. Please contact our office at (559) 457-3066 if you have any questions or require additional information regarding our comments.

Sincerely,

Alex Belanger, Assistant Superintendent  
Facilities Management and Planning

AB:hl  
c: Jay Virk, Applicant/Agent



August 14, 2019

Ricky Caperton  
City of Clovis  
Planning & Development Services Dept.  
1033 Fifth Street  
Clovis, CA 93612

**Project: CUP2019-008 – Jay Virk**

**District CEQA Reference No: 20191003**

Dear Mr. Caperton:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project consisting of a request to construct a three (3) story, 90-room hotel, approximately 13,500 square feet per floor (Project). The proposed 2.52-acre project site is located at 2355 Willow Avenue (APN: 430-500-19), in Clovis, CA. The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The Project is subject to District Rule 9510 as it will receive a project-level discretionary approval from a public agency and will exceed 2,000 square feet of commercial space.

When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency. In this case, if not already done, the project proponent is to immediately submit an AIA application to the District to comply with District Rule 9510.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

In addition, the Site Plan for the project also shows an area labeled "future office space"; however, no square footage is provided for the conceptual "future office space", nor is information provided regarding the "future office space". This "future office space" may also be subject to rule 9510.

3. Particulate Matter 2.5 microns or less in size (PM2.5) from under-fired charbroilers pose immediate health risk. Since the cooking of meat can release carcinogenic PM2.5 species like polycyclic aromatic hydrocarbons, controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

Furthermore, the latest photochemical modeling indicates that reducing commercial charbroiling emissions is critical to achieving attainment of multiple federal PM2.5 standards and associated health benefits in the Valley.

Therefore, the District strongly recommends new restaurants that will operate under-fired charbroilers install emission control systems during the construction phase since installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting. To ease the financial burden for Valley businesses that wish to install control equipment before it is required by District Rule 4692 (Commercial Charbroiling), the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information.

4. The proposed Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible"


employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. Information about how District Rule 9410 can be found online at: [www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm). For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

5. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
6. The District recommends that a copy of the District's comment letter be provided to the Project proponent.

If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 or e-mail [Georgia.Stewart@valleyair.org](mailto:Georgia.Stewart@valleyair.org). When calling or emailing the District, please reference District CEQA number 20191003.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: gs



August 14, 2019

Jay Virk  
P O Box 1095  
Clovis, CA 93613

**Project:** CUP 2019-008, 3-story hotel  
**APN #:** 430-500-19  
**Subject:** District Rule 9510: Indirect Source Review (ISR) applicability  
**District CEQA Reference No:** 20191003

To Whom It May Concern:

Based on the information provided, the San Joaquin Valley Air Pollution Control District (District) concludes that the proposed project is subject to District Rule 9510 Indirect Source Review (ISR) and therefore requires an Air Impact Assessment (AIA). Since District records indicate that an AIA application has not been submitted for this project, please submit an AIA application to the District no later than applying for final discretionary approval with a public agency. The application provides the required information to quantify emissions from the project and determine the amount of mitigation required.

For your convenience, enclosed is an AIA application, which can also be downloaded from the District's website: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>. Also enclosed is a document with answers to frequently asked questions regarding ISR. This may be used as a reference to better understand ISR and how the District processes applications. For additional information, please visit the District's ISR website: <http://www.valleyair.org/isr/isrhome.htm>.

Please pay close attention to the following important information:

- Generating emissions before paying required Off-site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action.
- In the event that there is a change in project ownership or developer, the new owner/developer is responsible for contacting the District to finalize the AIA.

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

**Northern Region**

4800 Enterprise Way  
Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**

1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**

34946 Flyover Court  
Bakersfield, CA 93308-9725

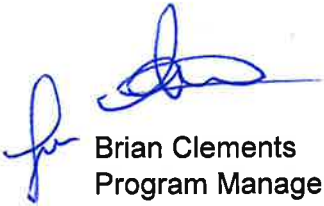
Tel: 661-392-5500 FAX: 661-392-5585

District staff is available to meet with you and/or the applicant to assist in the submittal of the application, help you identify potential mitigation measures to reduce emissions from the project, and further discuss the regulatory requirements that are associated with this project.

Thank you for your cooperation in this matter. If you have any questions or require further information, please contact District ISR staff at (559) 230-6000.

Sincerely,

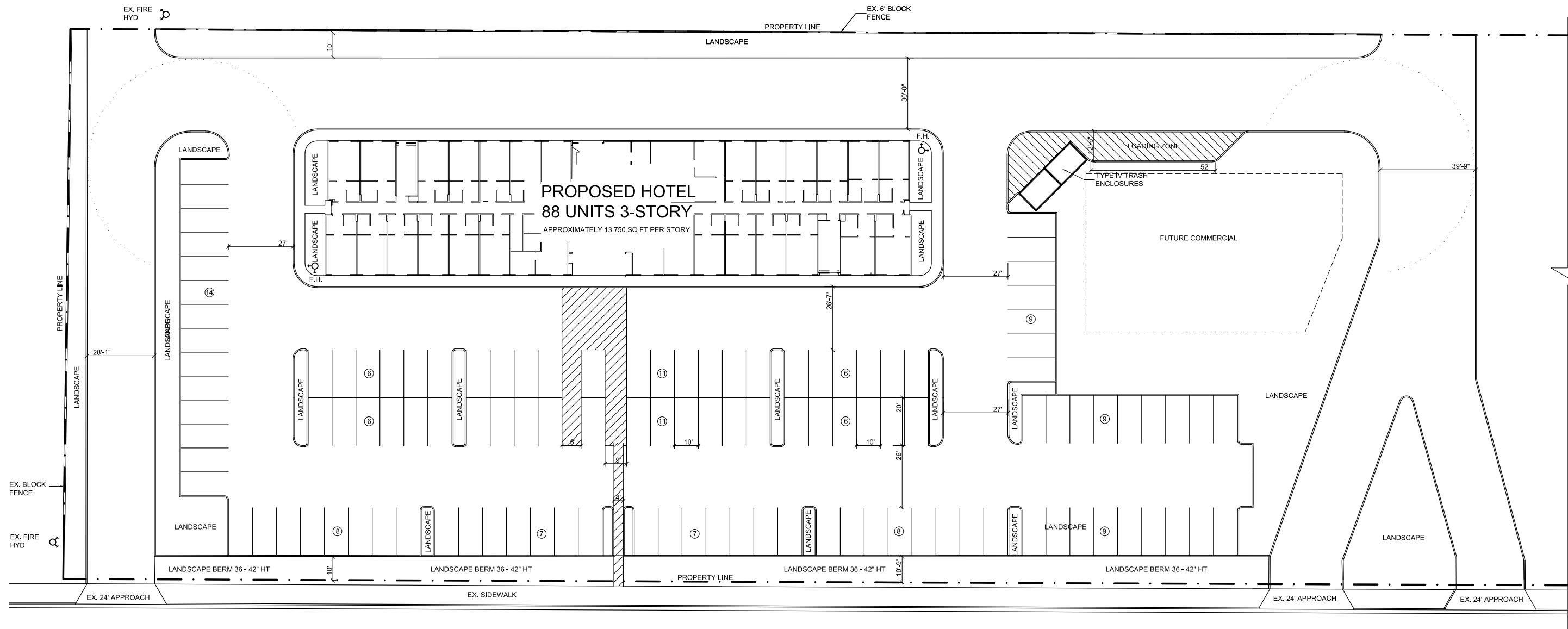
Arnaud Marjollet  
Director of Permit Services

A handwritten signature in blue ink, appearing to read 'Brian Clements', is written over a printed name and title.

Brian Clements  
Program Manager

Enclosures: ISR FAQ and AIA application  
AM:gs

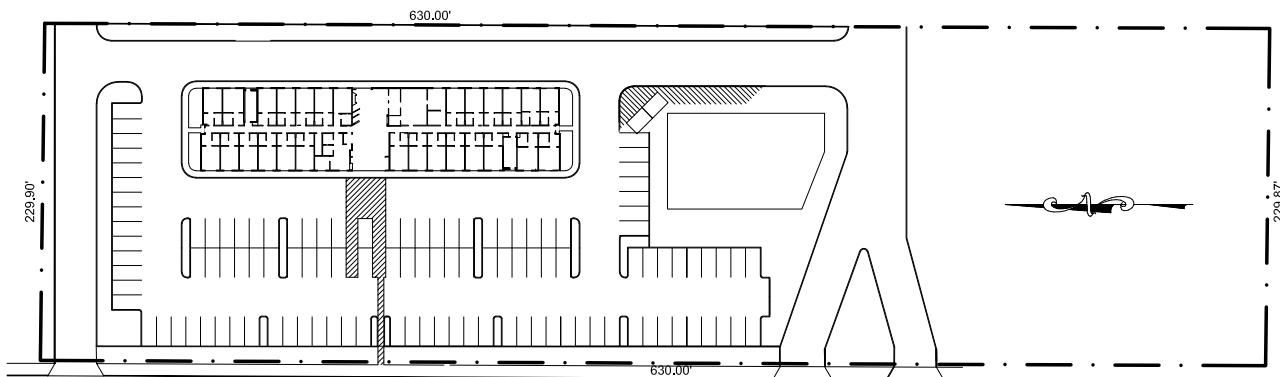
**SITE PLAN**



**2355 N. WILLOW AVENUE**

**SITE PLAN**

1' = 20'



WILLOW AVENUE

**SITE LAYOUT**

1' = 60'

<b>PARKING SPACES REQUIRED</b>	
88 GUEST ROOM	90 * 1.2 = 105
8 EMPLOYEES / SHIFT	8
SPACES REQUIRED	113
<b>115 SPACES REQUIRED</b>	
6 ACC. SPACES	
(2 VAN ACCESSIBLE)	
<b>113 TOTAL SPACES PROVIDED</b>	
6 ACCESSIBLE SPACES PROVIDED	

PRELIMINARY: 00 / 00 / 2007		SUBMITTAL: 00 / 00 / 2007	
DRAWN BY:		REVISIONS:	
Planning Design Cad BIM <b>HAROLD GRAHAM</b> P.O. BOX 2895 HAYDEN, ID 83835 PH. 559-299-6702 HGRHM@OUTLOOK.COM			
PROJECT ENGINEER:			
<b>STUDIO 6 HOTEL</b>			
<b>CLOVIS, CA</b>			

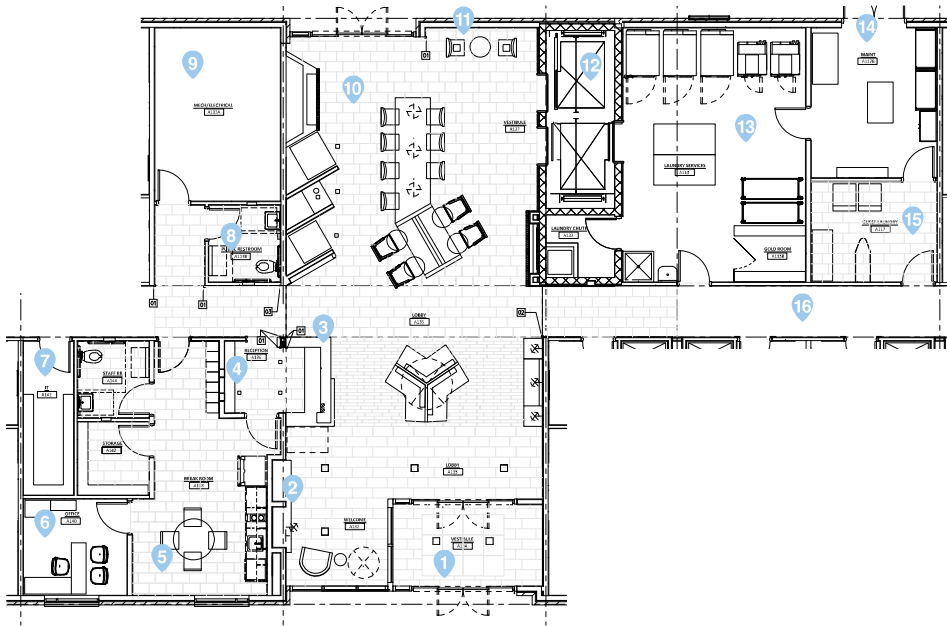
## **FLOOR PLAN AND ELEVATIONS**







## Lobby and Back of House

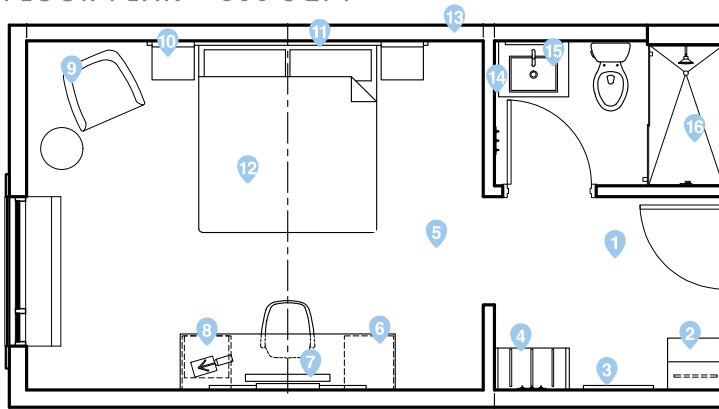


- 1. Lobby entrance
- 2. Market
- 3. Registration desk with two registration stations
- 4. Signage
- 5. Employee break room with staff restroom
- 6. Manager's office
- 7. IT closet
- 8. Public restroom
- 9. Main electrical room
- 10. Vending with coffee bar and community table
- 11. Accent wall
- 12. Elevators
- 13. Commercial laundry
- 14. Maintenance shop
- 15. Guest laundry
- 16. Corridor carpet tiles





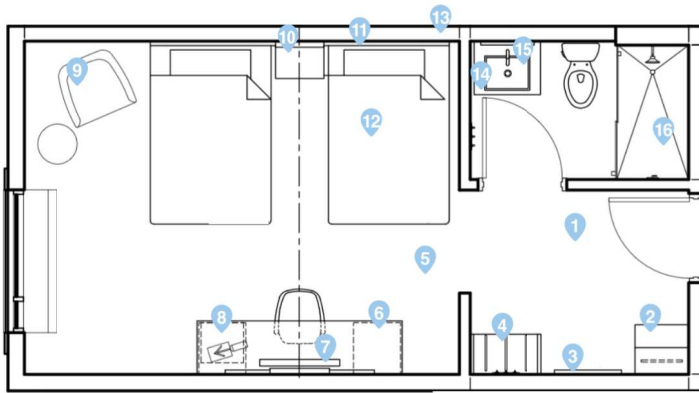
## SINGLE FLOOR PLAN - 300 SQFT



- |  |  |   |
|--|--|---|
| 1. Entryway with optional accent wall covering                                     | 8. Desk lamp with integral power & USB port                      | 15. Porcelain under-mount sink  |
| 2. Closet unit   | 9. Lounge chair with side table                                  | 16. Bathtub or optional glass shower with full body porcelain tile panels |
| 3. Full length mirror  | 10. Diffused lighting with power outlet & USB port at nightstand |   |
| 4. Luggage bench   | 11. Headboard with integrated LED Light                          |   |
| 5. Custom wood-look vinyl floor  | 12. Wrinkle-free coverlets with multiple bedding options         |   |
| 6. Writing desk with integral open shelving. Drawer and cabinet modules available. | 13. Accent color at headboard wall                               |   |
| 7. Wall-mounted TV panel with 40" TV   | 14. White polished quartz vanities                               |   |



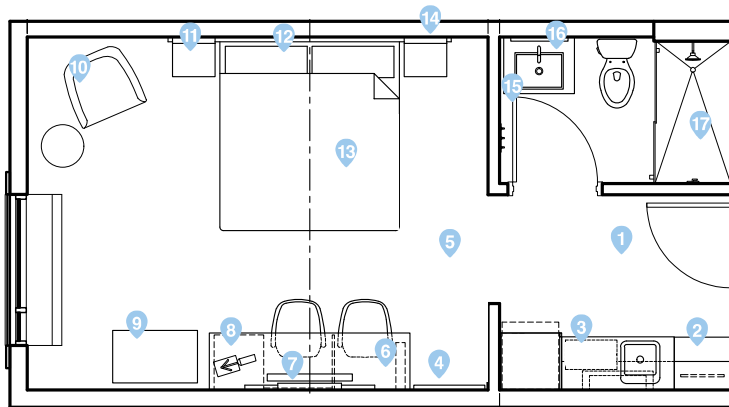
## DOUBLE FLOOR PLAN – 300 SQFT



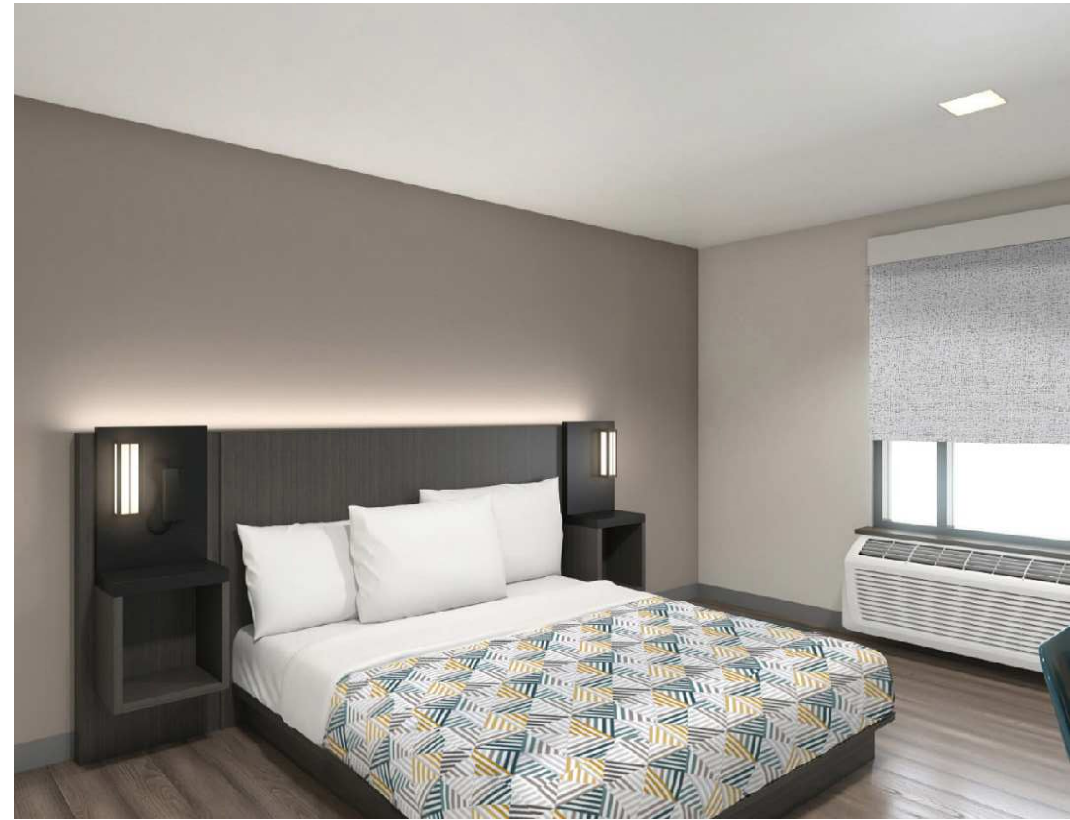
- |  |  |   |
|--|--|---|
| 1. Entryway with optional accent wall covering                                     | 8. Desk lamp with integral power & USB port                      | 15. Porcelain under-mount sink  |
| 2. Closet unit   | 9. Lounge chair with side table                                  | 16. Bathtub or optional glass shower with full body porcelain tile panels |
| 3. Full length mirror  | 10. Diffused lighting with power outlet & USB port at nightstand |   |
| 4. Luggage bench   | 11. Headboard with integrated LED Light                          |   |
| 5. Custom wood-look vinyl floor  | 12. Wrinkle-free coverlets with multiple bedding options         |   |
| 6. Writing desk with integral open shelving. Drawer and cabinet modules available. | 13. Accent color at headboard wall                               |   |
| 7. Wall-mounted TV panel with 40" TV   | 14. White polished quartz vanities                               |   |



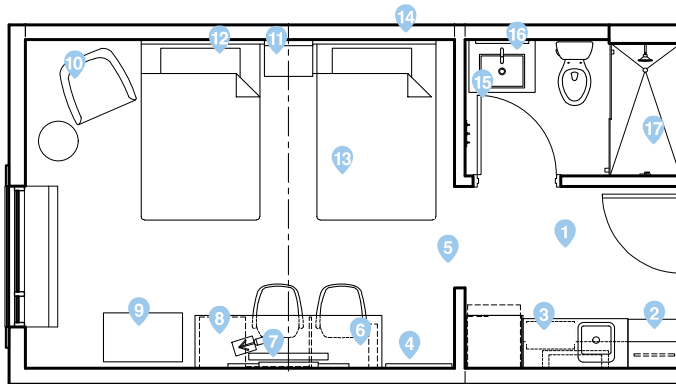
## SINGLE FLOOR PLAN – 300 SQFT



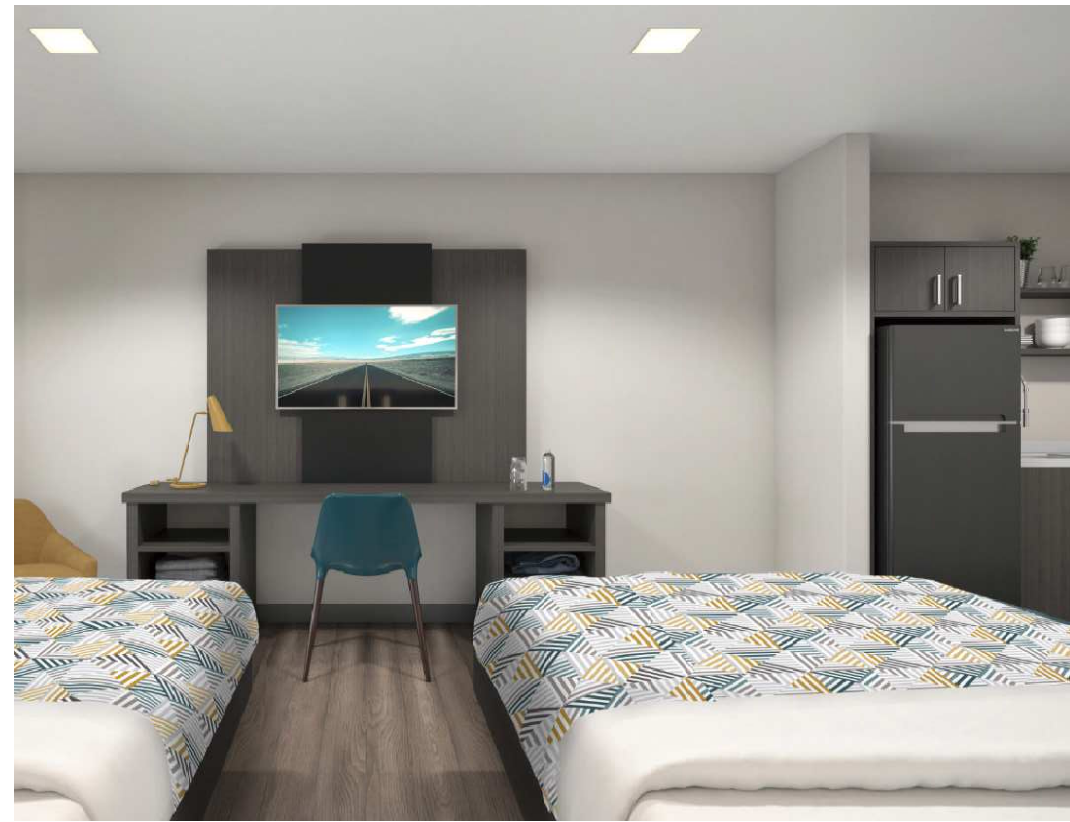
- |  |  |   |
|--|--|---|
| 1. Entryway with optional accent wall covering   | 7. Wall-mounted TV panel with 40" TV                             | 14. Accent color at headboard wall  |
| 2. Closet Unit   | 8. Desk lamp with integral power & USB port                      | 15. White polished quartz vanities  |
| 3. Full kitchen with white polished quartz counter top, sink, microwave, full size refrigerator and accent wall covering with optional two-burner cook top available | 9. Wardrobe  | 16. Porcelain under-mount sink  |
| 4. Full length mirror  | 10. Lounge chair with side table                                 | 17. Bathtub or optional glass shower with full body porcelain tile panels |
| 5. Custom wood-look vinyl floor  | 11. Diffused lighting with power outlet & USB port at nightstand |   |
| 6. Writing desk with integral open shelving  | 12. Headboard with integrated LED light                          |   |
|  | 13. Wrinkle-free coverlets with multiple bedding options         |   |



## DOUBLE FLOOR PLAN – 300 SQFT



- |  |  |   |
|--|--|---|
| 1. Entryway with optional accent wall covering   | 7. Wall-mounted TV panel with 40" TV                             | 14. Accent color at headboard wall  |
| 2. Closet Unit   | 8. Desk lamp with integral power & USB port                      | 15. White polished quartz vanities  |
| 3. Full kitchen with white polished quartz counter top, sink, microwave, full size refrigerator and accent wall covering with optional two-burner cook top available | 9. Wardrobe  | 16. Porcelain under-mount sink  |
| 4. Full length mirror  | 10. Lounge chair with side table                                 | 17. Bathtub or optional glass shower with full body porcelain tile panels |
| 5. Custom wood-look vinyl floor  | 11. Diffused lighting with power outlet & USB port at nightstand |   |
| 6. Writing desk with integral open shelving  | 12. Headboard with integrated LED light                          |   |
|  | 13. Wrinkle-free coverlets with multiple bedding options         |   |







# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

**TO:** Clovis Planning Commission

**FROM:** Planning and Development Services

**DATE:** September 26, 2019

**SUBJECT:** Consider items associated with approximately 117 acres of land located on the north side of the Clovis Landfill at 15679 Auberry Road to be utilized as a buffer zone only, with no proposed improvements and/or development. City of Clovis, United States Bureau of Reclamation, owners; City of Clovis Public Utilities, applicant.

- a) Consider Approval, Res. 19-\_\_\_, GPA2019-003, A request to amend the Clovis General Plan to add land to the Clovis Land Use Diagram and designate this land to the Public/Quasi-Public Facilities and Water classifications.
- b) Consider Approval, Res. 19-\_\_\_, R2019-002, A request to approve a prezone from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District.

**Staff:** George González, MPA, Associate Planner  
**Recommendation:** Approve

- ATTACHMENTS:**
- 1. Draft Resolution GPA2019-003
  - 2. Draft Resolution R2019-002
  - 3. Applicant’s Justification for GPA2019-003
  - 4. Correspondence from Commenting Agencies
  - 5. Landfill Photo Map
  - 6. Existing Land Use Designations
  - 7. Proposed Land Use Designations
  - 8. Existing Zoning
  - 9. Proposed Sphere of Influence Map
  - 10. Initial Study and Addendum

**CONFLICT OF INTEREST**

None.

**RECOMMENDATION**

Staff recommends that the Planning Commission:

- Approve General Plan Amendment GPA2019-003; and
- Approve Prezone R2019-002.

**EXECUTIVE SUMMARY**

The applicant is requesting to amend the General Plan Land Use Diagram to add approximately 117 acres to the Clovis General Plan and designate this land to the Public/Quasi-Public Facilities and Water classifications. Additionally, the applicant is requesting to prezone the approximately 117 acres from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District. The City has acquired the subject property and plans to utilize it as a buffer zone on the north side of the Clovis Landfill, with no proposed improvement and/or development.

**BACKGROUND**

- General Plan Designation: Agriculture & Eastside Range Land (Fresno County General Plan and Sierra-North Regional Plan)
- Existing Zoning: County AE-20 & AE-40
- Lot Size: 117 acres
- Current Land Use: Rural/ Vacant
- Adjacent Land Uses:
  - North: Rural/ Vacant
  - South: Clovis Landfill
  - East: Fresno Rifle & Pistol Range
  - West: Rural/ Vacant

The Clovis Sanitary Landfill has been gradually expanding since the first annexation containing approximately 58 acres in February of 1995. The latest and most current annexation was completed in January of 2006, which incorporated an additional 52 acres to the Clovis Landfill. The map below (Figure 1) shows the four (4) approved annexations and corresponding boundary change dates (RO213, RO220, RO221, & RO254) at the Clovis Landfill. The aforesaid four (4) annexations reflect the entire Clovis Landfill operational areas, associated buffer zones and City owned land.

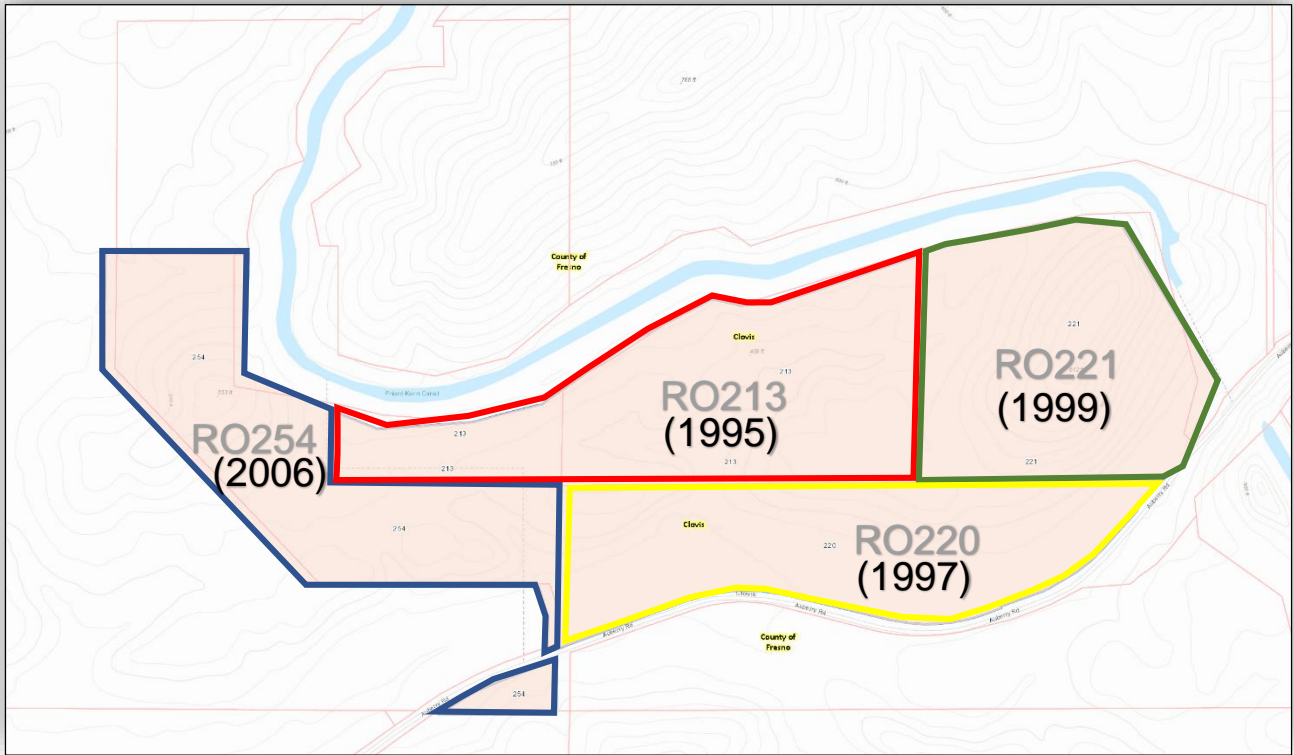


Figure 1

### PROPOSAL AND ANALYSIS

#### General Plan Amendment

##### Proposal

The applicant is requesting to amend the General Plan Land Use Diagram to add approximately 117 acres (see Attachment 5) to the Clovis General Plan for an area currently designated as Agriculture and Eastside Range Land in the Fresno County General Plan and Sierra-North Regional Plan (see Figure 2 below).

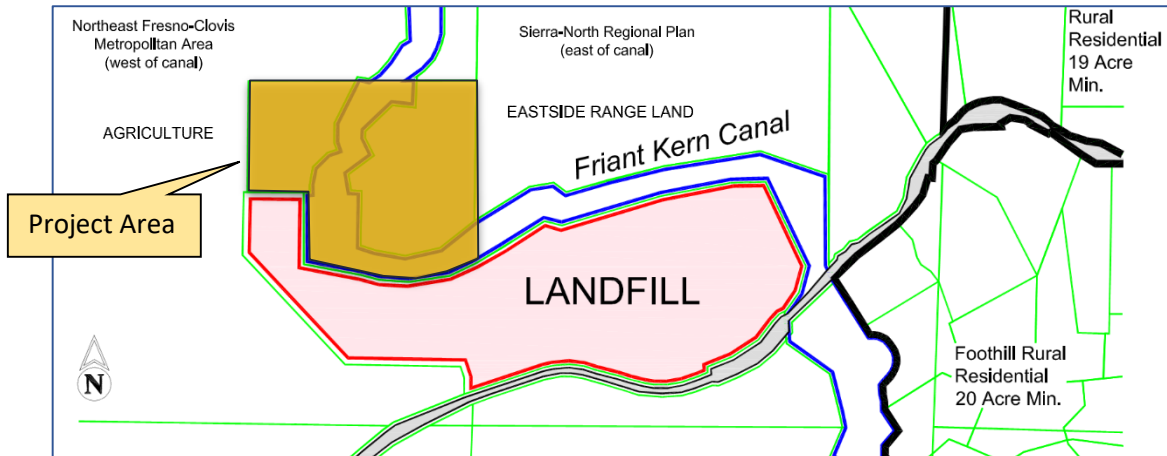


Figure 2

Analysis

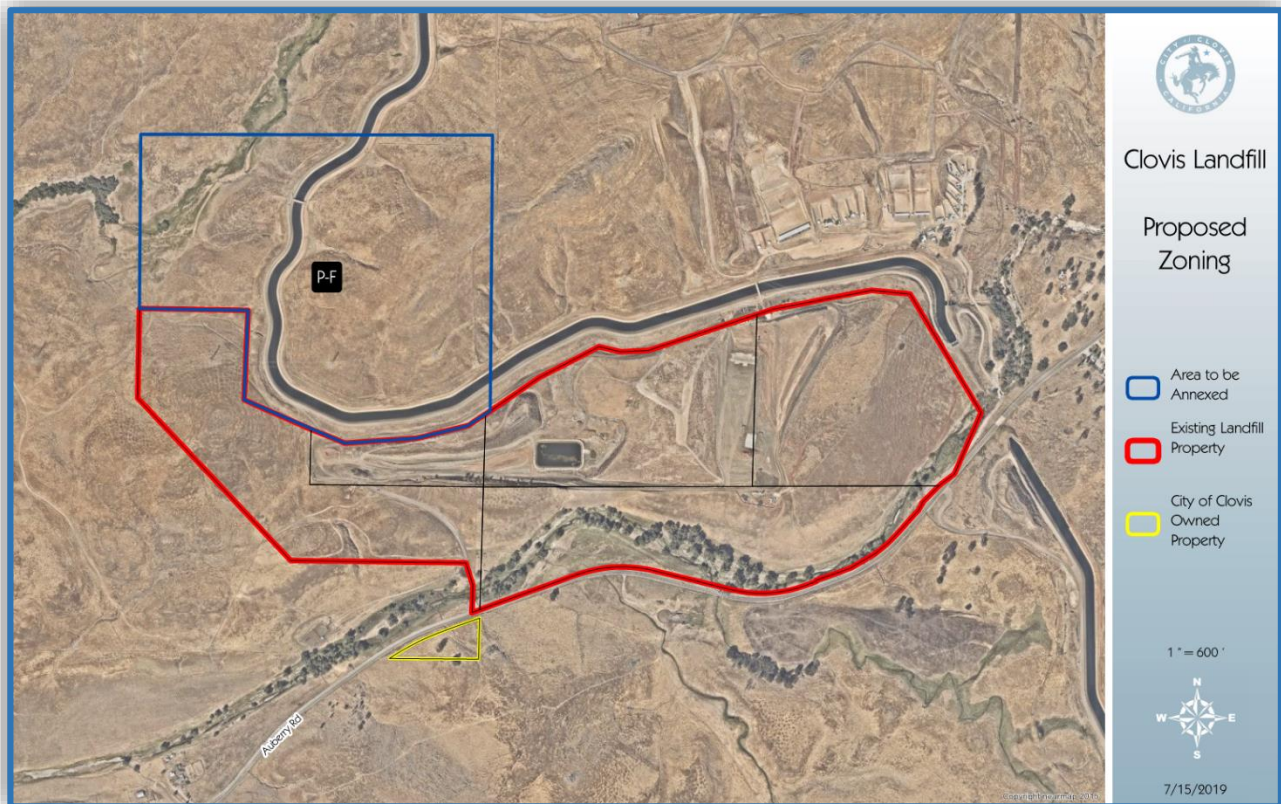
The applicant is requesting to designate the approximately 117 acres of land to the Public/Quasi-Public Facilities and Water classifications (see Attachments 6 & 7), which are compatible land uses with the adjacent Clovis Landfill property to the south. The project area is also located to the west of the Fresno Rifle & Pistol Range.

A General Plan Amendment is a change in City policy and requires a compelling reason for change. The Public Utilities Department has provided a justification for the General Plan Amendment (see Attachment 3). This General Plan Amendment is not accompanied with a specific project. The City acquired the aforesaid land in August 2017 and will utilize it as a buffer zone only, with no proposed improvement and/or development. Furthermore, the City will not be expanding the existing Clovis Landfill operations into this area.

The requested designation of the project area to the Public/Quasi-Public Facilities and Water classifications are consistent with the intent of the General Plan to preserve open space and natural beauty.

**Prezone**

The applicant is also requesting to prezone the project area from the County AE-20 and AE-40 Zone Districts (see Attachment 8) to the Clovis P-F (Public Facilities) Zone District. The project area's proposed re-designations to Clovis' Public/Quasi-Public Facilities and Water in the General Plan would be consistent with the proposed prezone (see Figure 3 below).



**Figure 3**

### Neighborhood Meeting

Per City policy, Planning and Public Utilities staff held a neighborhood meeting on Tuesday, September 10, 2019 at the Clovis North Educational Center. None of the noticed residents attended the neighborhood meeting. Furthermore, staff did not receive any phone calls or email correspondence from the residents in association with the proposed project.

### Public Comments

A public notice was sent to area residents within 6,600 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 Wildlife, LAFCo, 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.

### Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Public Facilities and Services goals and policies. The following goal and policy reflects Clovis' desire to align funding resources with the level of service the community expects. The City seeks to maintain valued public facilities which make Clovis the premier community in the San Joaquin Valley.

**Goal 2:** A cost-effective, integrated waste management system that meets or exceeds state recycling and waste diversion mandates.

**Policy 2.6 Solid waste facility encroachment.** Protect existing or planned solid waste facilities from encroachment by incompatible land uses that may be allowed through discretionary land use permits or changes in land use or zoning designations.

### California Environmental Quality Act (CEQA)

An Addendum to a previously certified Environmental Impact Report (EIR) has been prepared for the Project, pursuant to Section 15164 of CEQA.

The City published notice of this public hearing in *The Business Journal* on Wednesday, September 11, 2019.

### Sphere of Influence (SOI) Expansion & Annexation

An application for Annexation has been submitted and identified as the Clovis Landfill Buffer No. 4 Reorganization. The project site is proposed to be annexed under Reorganization RO300. The sphere of influence expansion and annexation is brought to the Commission's attention to provide context for the general plan amendment and rezoning. The Commission is not required

to take action on these requests, which will be considered by the City Council. If supported, the Council will take proponent action to apply to LAFCo as the applicant. LAFCo will require that a Sphere of Influence (SOI) boundary around the Clovis Landfill be formally memorialized with this annexation request. The Commission is encouraged to ask any questions about the SOI and annexation related to the general plan amendment and rezoning.

### **REASON FOR RECOMMENDATION**

The proposal will provide protection to the Clovis Landfill from encroachment by incompatible land uses. There are no proposed improvements or development on the subject site and the existing Landfill operations will not be expanded into this area. Staff therefore recommends that the Planning Commission approve General Plan Amendment GPA2019-003 and Prezone R2019-002.

The findings to consider when making a decision on a general plan amendment application include:

1. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
4. There is a compelling reason for the amendment.
5. The Planning Commission did consider an addendum to a previously certified environmental impact report (EIR) pursuant to Section 15164 of CEQA.

The findings to consider when making a decision on a prezone application include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)
4. The Planning Commission did consider an addendum to a previously certified environmental impact report (EIR) pursuant to Section 15164 of CEQA.

### **ACTIONS FOLLOWING APPROVAL**

These items will continue on to the City Council for final consideration.

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 6,600 feet notified: 28  
Interested individuals notified: 10

Prepared by: George González, MPA, Associate Planner

Reviewed by:   
\_\_\_\_\_  
Dave Merchen  
City Planner

**DRAFT  
RESOLUTION 19-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
APPROVING A GENERAL PLAN AMENDMENT AS PART OF THE FIRST GENERAL PLAN  
AMENDMENT CYCLE OF 2019, INCLUDING GENERAL PLAN AMENDMENT GPA2019-  
003 AMENDING THE LAND USE ELEMENT FOR APPROXIMATELY 117 ACRES  
LOCATED ON THE NORTH SIDE OF THE CLOVIS LANDFILL AT 15679 AUBERRY ROAD  
AND APPROVING AN ADDENDUM TO A PREVIOUSLY CERTIFIED ENVIRONMENTAL  
IMPACT REPORT (EIR) PURSUANT TO SECTION 15164 OF CEQA**

**WHEREAS**, City of Clovis Public Utilities Department, 155 N. Sunnyside Avenue, Clovis, CA 93611, has applied for a General Plan Amendment GPA2019-003; and

**WHEREAS**, The Applicant submitted an application for a General Plan Amendment to amend the Clovis General Plan to add land to the Clovis Land Use Diagram and designation this land to the Public/Quasi-Public Facilities and Water classifications, for approximately 117 acres of land located on the north side of the Clovis Landfill at 15679 Auberry Road, in the County of Fresno, California; and

**WHEREAS**, the proposed General Plan Amendment GPA2019-003, 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 recommend consideration of an addendum to a previously certified environmental impact report (EIR) pursuant to Section 15164 of CEQA; and

**WHEREAS**, a public notice was sent out to area residents within 6,600 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on September 26, 2019; and

**WHEREAS**, on September 26, 2019, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2019-003 which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

**WHEREAS**, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and



- c. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
- d. There is a compelling reason for the amendment.
- e. The Planning Commission did consider an addendum to a previously certified environmental impact report (EIR) pursuant to Section 15164 of CEQA.

**NOW, THEREFORE, BE IT RESOLVED** that the Clovis Planning Commission does recommend approval of General Plan Amendment GPA2019-003.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-\_\_  
 DATED: September 26, 2019

\_\_\_\_\_  
 Amy Hatcher, Chair

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

**DRAFT  
RESOLUTION 19-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL TO PREZONE APPROXIMATELY 117 ACRES FROM THE  
COUNTY AE-20 AND AE-40 ZONE DISTRICTS TO THE CLOVIS P-F (PUBLIC FACILITIES)  
ZONE DISTRICT FOR PROPERTY LOCATED ON THE NORTH SIDE OF THE CLOVIS  
LANDFILL AT 15679 AUBERRY ROAD AND APPROVING AN ADDENDUM TO A  
PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT (EIR) PURSUANT TO  
SECTION 15164 OF CEQA**

LEGAL DESCRIPTION:

See the attached Exhibit "One."

**WHEREAS**, City of Clovis Public Utilities Department, 155 N. Sunnyside Avenue, Clovis, CA 93611, has applied for a Prezone R2019-002; and

**WHEREAS**, this is a request to prezone approximately 117 acres from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District for property located on the north side of the Clovis Landfill at 15679 Auberry Road, in the County of Fresno, California; and

**WHEREAS**, the Commission did consider an addendum to a previously certified environmental impact report (EIR) pursuant to Section 15164 of CEQA.

**WHEREAS**, a public notice was sent out to area residents within 6,600 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, the Prezoning is in keeping with the intent and purpose of the Zoning Ordinance; and

**WHEREAS**, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely;

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)
4. The Planning Commission did consider an addendum to a previously certified environmental impact report (EIR) pursuant to Section 15164 of CEQA.

**NOW, THEREFORE, BE IT RESOLVED** that the Clovis Planning Commission does recommend approval of Prezone R2019-002.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 19-\_\_  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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



# CITY *of* CLOVIS

## PUBLIC UTILITIES

155 N. Sunnyside Avenue, Clovis, CA 93611 (559) 324-2600

### **General Plan Amendment Justification GPA 2019-003 September 6, 2019**

**Applicant:** City of Clovis Public Utilities Department  
155 N. Sunnyside Ave.  
Clovis, CA 93611

**Property Owner:** City of Clovis  
1033 Fifth St.  
Clovis, CA 93612

**APN:** 300-08-004

**Current Zoning:** AE-20 and AE-40

**Area:** 117.40 acres

**Request:**  
The applicant, City of Clovis Public Utilities Department, proposes to amend the Clovis General Plan to add approximately 117.40 acres of land to the Clovis Land Use Diagram and designate this land for Public/Quasi-Public Facilities and Water uses. Additionally, requesting approval to the Fresno Local Agency Formation Commission to expand the City of Clovis Sphere of Influence and to annex the 117.40 acres of land.

**Land Use:**  
The 117.40 acres of land will serve primarily as a buffer zone area adjacent to the Clovis Landfill and will not be intended for use as an active part of the landfill. A portion of the 117.40 acres of land includes the area for the Friant-Kern Canal. The subject buffer zone area is mostly foothill grasslands that is currently being leased to local ranchers as pasture land for cattle grazing.

**Benefits of the Buffer Area:**  
Benefits for the General Plan Amendment are that the 117.40 acres of land will help mitigate potential nuisances such as noise, by securing a buffer area between the landfill operations and future development.

**Impacts:**  
There are no anticipated environmental impacts resulting from this general plan amendment.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

July 31, 2019

George Gonzalez  
Planning and Development Services Department  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

SUBJECT: City of Clovis OAR, GPA 2019-003

Dear Mr. Gonzalez:

The County of Fresno appreciates the opportunity to review and comment on the subject General Plan Amendment Application No. 2019-003, proposing to amend the City of Clovis General Plan to add approximately 117.40 acres of land to the Clovis Land Use Diagram and designate the land to the Public/Quasi-Public Facilities and Water classification and submit an application to the Fresno Local Agency Formation Commission to expand the City of Clovis' Sphere of Influence for the Clovis Landfill.

An approximately 88.60-acre parcel of the 117.40-acre subject territory is outside of the City of Clovis' (City) Sphere of Influence (SOI). It appears that the City is pursuing annexation of the subject 117.40-acre subject territory. To accomplish the annexation, the City must first include the 88.60-acre territory within the City's SOI. The City may then change the land designation of the territory proposed for annexation from the current County's land use designation to a City's land use designation that would accommodate the proposed use, and submit the proposed reorganization, including additional required approvals, to the Fresno Local Area Formation Commission (LAFCo) for processing. A Notice of Intent for Sphere Amendment and Annexation of the subject territory must be provided to the County of Fresno at least thirty (30) days prior to submittal of the SOI amendment and annexation application to LAFCo. For additional clarification, please contact the Policy Planning Section of the Department of Public Works and Planning at (559)600-4497.

Several existing streams, creeks, and waterways have been identified in the vicinity of the project site. Any work in or near one of these existing streams, creeks, and waterways will require further review and permitting from the California Department of Fish and Wildlife or other appropriate Agency.

The Department of Public Health, Environmental Health Division has reviewed the subject application and has provided comments, a copy of which has been enclosed for review.

George Gonzalez  
July 31, 2019  
Page 2 of 2

If you have any questions, you may e-mail me at [TKobayashi@FresnoCountyCA.gov](mailto:TKobayashi@FresnoCountyCA.gov) or contact me at (559) 600-4224.

Sincerely,



Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

TK:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\Environmental\OAR\City of Clovis\GPA2019-003\GPA 2019-003 Comment Letter.docx

Enclosure

cc. Bernard Jimenez, Assistant Director  
William M. Kettler, Development Services and Capital Projects Division  
Chris Motta, Development Services and Capital Projects Division



## Inter Office Memo

DATE: July 11, 2019

TO: Thomas Kobayashi, Development Services Division

FROM: Deep Sidhu, Environmental Health Division

SUBJECT: City of Clovis – General Plan Amendment Application No. 2019-003

LU0019936  
PE 2604

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The Fresno County Department of Public Health, Environmental Health Division has reviewed the City of Clovis proposing to amend the Fresno County General Plan and Sierra-North Regional Plan to redesignate approximately 117.40-acre of land from Agriculture and Eastside Range Land of the City of Clovis Public/Quasi Public Facilities and Water. The Subject parcel is dual-zoned AE-20 and AE-40.

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The proposed property annexation lies near the boundary of the City of Clovis Disposal Site. As such, any development at the site may be subject to additional specific regulatory requirements under Title 27 California Code of Regulations (CCR).

### Recommended Conditions of Approval:

- Due to the annexation location near the boundary of a known landfill, special provisions should be taken to comply with guidelines pertaining thereto. Prior to the issuance of construction permits, the owner/applicant may be required to submit a Post-Closure Land Use Plan (PCLU) in accordance with California Code of Regulations, Title 27 Section 21190 et. Seq. The Plan shall address post-closure land uses and the protection of public health and safety. A Health and Safety Plan may also be required. Contact Hoa Gip with the Fresno County Department of Public Health, Environmental Health Division, Solid Waste Program at (559) 600-3271 for more information.
- 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 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned on the parcel 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"

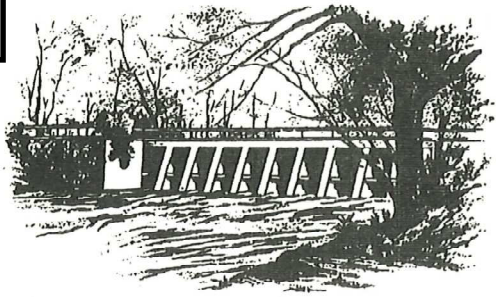
removed from the well must be handled in accordance with federal, state and local government requirements.

- Should any underground storage tank(s) be found on the parcel, 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.

DS

OAR- City of Clovis.doc





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

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

YOUR MOST VALUABLE RESOURCE - WATER  
July 24, 2019

George Gonzalez  
Department of Planning and Development Services  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: General Plan Amendment Application No. 2019-003  
N/E Copper Avenue and Auberry Road

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the General Plan Amendment Application No. 2019-003 for which the applicant requests to amend the Fresno County General Plan and Sierra-North Regional Plan to redesignate approximately 117.40-acres from Agriculture and Eastside Range Land to City of Clovis public and quasi-public facilities and water. This request is being processed concurrently with Reorganization RO300 and Prezone R2019-002, APNs: 300-080-04 FID has the following comment:

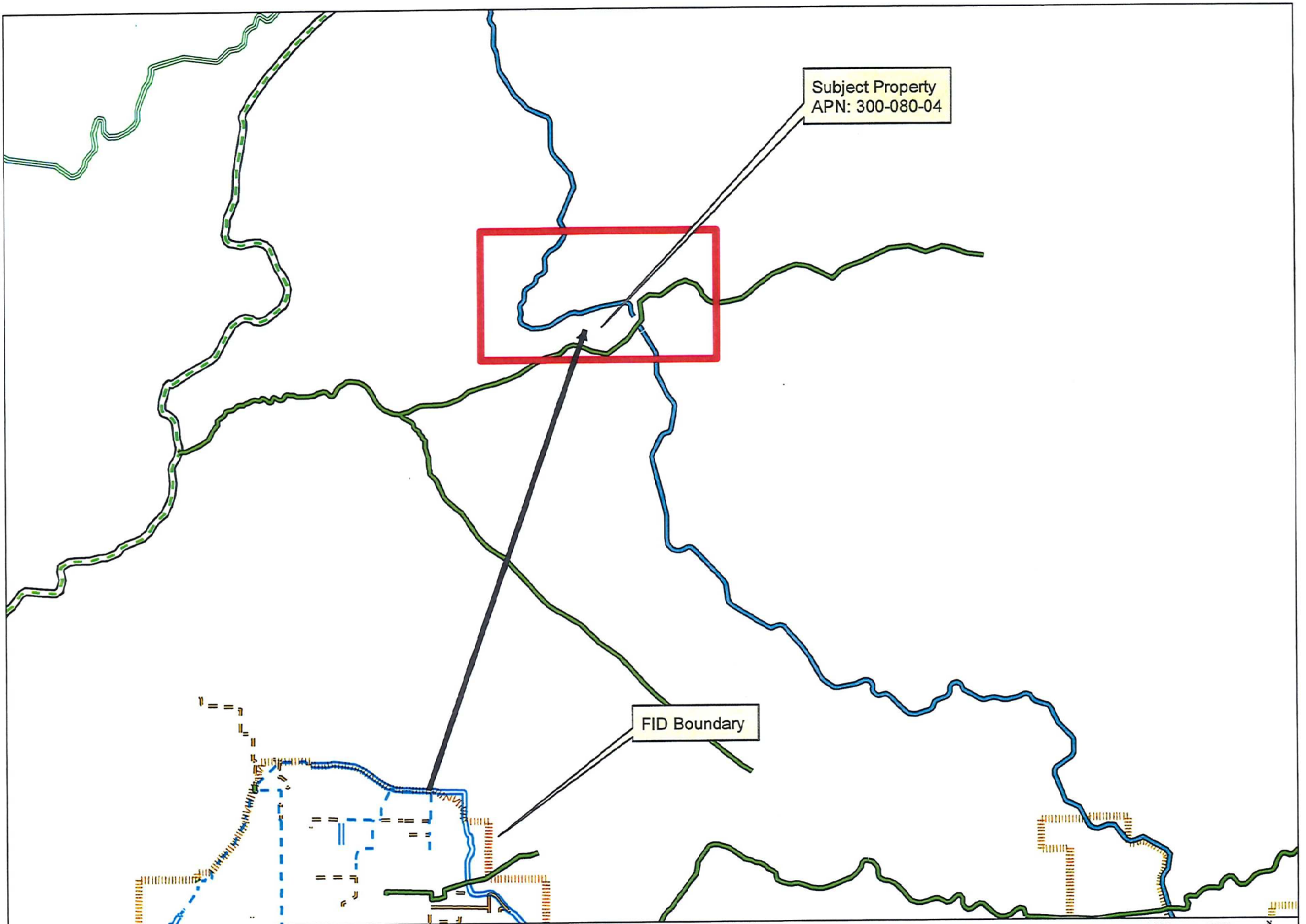
1. FID does not own, operate, or maintain any facilities located on the subject property as indicated on the attached exhibit map. The proposed development appears to be within the County of Fresno but lies outside FID's boundary line.
2. For informational purposes, the Friant-Kern Canal traverses between the parcels. FID does not own, operate or maintain this canal. FID recommends the applicant contact the Friant Water Authority to discuss any right-of-way issues they may have.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment



Subject Property  
APN: 300-080-04

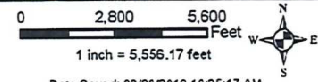
FID Boundary



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



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July 31, 2019

George Gonzalez, MPA  
Associate Planner  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Gonzalez:

Subject: Comments regarding GPA2019-003 for the territory known as the Clovis Landfill located at 15679 Auberry Road.

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

GPA2019-003, a request to amend the Clovis General Plan to add approximately 117.40 acres of land to the Clovis Land Use Diagram and designate this land for Public/Quasi-Public Facilities and Water uses. Additionally, requesting approval to submit an application to the Fresno Local Agency Formation Commission to expand the City of Clovis Sphere of Influence to the Clovis Landfill and annex the subject territory.

The Fresno Local Agency Formation Commission ("LAFCo") regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under the California Environmental Quality Act ("CEQA") whose role is to consider changes of organizations and spheres of influence. Commission action on the annexation request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the City's environmental analysis prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and it is sufficient to support a determination on the proposed reorganization.

It is important to note that LAFCo standards for annexation state a proposal for annexation is acceptable if one of the following can be providing by the City:

- Existing substantial development provide the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
- Development exists that requires urban services which can be provided by the City
- If no development exists, at least 50% of the area proposed for annexation has:
  - a. Approved tentative subdivision map(s)(S.F. residential)
  - b. Approved site plan(for other uses)

As we have discussed, staff and the Commission will evaluate this project in light of the Commission's adopted policies and procedures, which include minimizing the "creation of peninsulas and corridors, or other distortion of boundaries." It is therefore important that Clovis' application provide sufficient context as to how this proposal contributes to "planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl."

#### Project-Specific Comments

Pursuant to Government Code section 56742 a city may annex noncontiguous territory not exceeding 300 acres, if the territory meets all of the following requirements:

- 1) It is located in the same county as that in which the city is situated;
- 2) It is owned by the city; and
- 3) It is used for municipal purposes at the time Commission proceedings are initiated.

The City will be required to submit the appropriate application materials including fees to LAFCo for reorganization and revision of the Clovis SOI.

The application processing fee for an 88.60-acre reorganization is \$14,400. The fee for a separate SOI amendment is equivalent to the per-acre reorganization fee (\$14,400). However, the fee for a concurrent and coterminous SOI revision is 35% of the fee for the reorganization. If the reorganization and SOI were concurrent and coterminous and submitted at the same time, the SOI revision fee would be reduced to \$5,040, for a total processing fee of \$19,440.

We understand that the County has expressed an interest in the SOI avoiding the Friant-Kern Canal and wish to express that LAFCo staff will examine SOI options and present its independent recommendation to the Commission.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,



Juan Lara  
LAFCo Analyst II



July 31, 2019

George Gonzalez  
City of Clovis  
Planning & Development Services Dept.  
1033 Fifth Street,  
Clovis, CA 93612

**Project: GPA 2019-003, Reorganization RO300, Prezone R2019-002 – City of Clovis, Public Utilities Department – Clovis Landfill**

**District CEQA Reference No: 20190885**

Dear Mr. Gonzalez:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Per the City's request for comments, the plan amendment consists of a request to amend the Fresno County General Plan and Sierra-North Regional Plan to redesignate approximately 117.40 acres of land from Agriculture and Eastside Range Land to the City of Clovis Public/Quasi-Public Facilities and Water (Project). This request is being processed concurrently with Reorganization RO300, a resolution of Application for the Annexation of the Territory known as the Clovis Landfill Buffer No. 4 Reorganization, and Prezone R2019-002, a request to approve a prezone of approximately 88.60 acres of land from the County AE20 and AE40 Zone to the Clovis Public Facilities Zone District. The 117.40 acre project site, location of the City of Clovis' landfill, is located at 15679 Auberry Road, in rural Fresno County. (APN: 300-080-04). The proposed plan amendment, reorganization, and zone reclassification will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
  - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separately from operational emissions. For reference, the District's annual criteria thresholds of significance for construction are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).
- *Recommended Mitigation Measure if needed:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. For reference, the annual criteria thresholds of significance for operation of permitted and non-permitted sources each are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).
- *Recommended Mitigation Measure if needed:* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions.
- iii) **Recommended Model:** Project related criteria pollutant emissions from construction and operation non-permitted (limited to equipment not subject to District permits) should be identified and quantified. Emissions analysis should be performed using CalEEMod (**C**alifornia **E**mission **E**stimator **M**odel), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).
- b) **Nuisance Odors:** The Project should be evaluated to determine the likelihood that the Project would result in nuisance odors. Nuisance orders are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of Project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.

- c) **Health Risk Screening/Assessment:** A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (<https://www.arb.ca.gov/toxics/healthval/healthval.htm>) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry specific TACs generated must also be identified and quantified.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. The prioritization calculator can be found at: [http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS).
- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org); or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm)

- d) **Ambient Air Quality Analysis:** An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District

recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website [www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

2. Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.
3. The landfill is currently permitted with the District (District Facility ID C-3074, City of Clovis – Landfill) any modification that would result in a change of emissions or change in method of operation/equipment requires the submittal of an Authority to Construct (ATC) Permit application. For further information or assistance about District permit requirements and other District rules and regulations, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at the District's website at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 or email [georgia.stewart@valleyair.org](mailto:georgia.stewart@valleyair.org). When calling or emailing the District, please reference District CEQA number 20190885.

Sincerely,

Arnaud Marjolle  
Director of Permit Services



Brian Clements  
Program Manager

AM: gs





# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director  
Dr. Sara Goldgraben, Health Officer

March 22, 2019

LU0019936  
2604

Ricky Caperton, Senior Planner  
City of Clovis  
Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Caperton:

**PROJECT NUMBER: RO300 & R2019-02**

**RO300 & R2019-02;** A resolution of Application for the Annexation of the Territory known as the Clovis Landfill Buffer No. 4 Reorganization. City of Clovis, owner/applicant/representative. A request to approve a prezone of approximately 88.60 acres of land from the County AE20 and AE40 Zone Districts to the Clovis P-F (Public Facilities) Zone District.

**APN: 300-080-04**

**ZONING: P-F**

**ADDRESS: 15679 Auberry Road**

The proposed property annexation lies near the boundary of the City of Clovis Disposal Site. As such, any development at the site may be subject to additional specific regulatory requirements under Title 27 California Code of Regulations (CCR).

Recommended Conditions of Approval:

- Due to the annexation location near the boundary of a known landfill, special provisions should be taken to comply with guidelines pertaining thereto. Prior to the issuance of construction permits, the owner/applicant may be required to submit a Post-Closure Land Use Plan (PCLU) in accordance with California Code of Regulations, Title 27 Section 21190 et. Seq. The Plan shall address post-closure land uses and the protection of public health and safety. A Health and Safety Plan may also be required.

Contact Hoa Gip with the Fresno County Department of Public Health, Environmental Health Division, Solid Waste Program at (559) 600-3271 for more information.

- 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 (<http://cers.calepa.ca.gov/>). 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

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- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned on the parcel 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 on the parcel, 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.

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REVIEWED BY:



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

(559) 600-33271

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KT

cc: Rhodes, Gip & Jackson- Environmental Health Division (CT. 64.05)  
City of Clovis- Applicant ([reya@cityofclovis.com](mailto:reya@cityofclovis.com))



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

April 4, 2019

Ricky Caperton, Senior Planner  
City of Clovis Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

SUBJECT: City of Clovis OAR, RO300 and R2019-02

Dear Mr. Caperton:

The County of Fresno appreciates the opportunity to review and comment on the subject RO300 and R2019-02.

Per the Memorandum of Understanding (MOU) between the City of Clovis and the County of Fresno, annexation of the subject 88.6-acre territory to the City requires a Notice of Intent (NOI) to be submitted to the County 30 days prior to the submission of the annexation application to the Fresno Local Agency Formation Commission (LAFCo) for a determination of consistency of the proposed annexation with the Standards of Annexation contained in the MOU between the City and County. The NOI must include the Resolution of Annexation, Pre-Zoning of the territory approved by the City Council, approval of the entitlements by the City (City Council or Planning Commission), and the environmental assessment conducted by the City for the project per the California Environmental Quality Act, if applicable to the project.

Additionally, the Department of Public Health, Environmental Health Division (EHD) has provided comments for the project proposal, a copy of which has been attached for your review.

If you have any questions, you may e-mail me at [TKobayashi@FresnoCountyCA.gov](mailto:TKobayashi@FresnoCountyCA.gov) or contact me at (559) 600-4224.

Sincerely,

Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

TK:ksn

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cc. Bernard Jimenez, Assistant Director  
William M. Kettler, Development Services and Capital Projects Division  
Chris Motta, Development Services and Capital Projects Division  
Mohammed Khorsand, Development Services and Capital Projects Division

April 2, 2019

George Gonzalez, MPA  
Associate Planner  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Gonzalez:

**Subject:** Comments regarding concurrent applications RO300 for the territory known as the Clovis Landfill Buffer No.4 reorganization also within the same project R2019-02 for territory located at 15679 Auberry Road.

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

RO300, a resolution of application for the annexation of the territory known as the Clovis Landfill Buffer No.4 reorganization.

RO294, a request to approve a prezone of approximately 88.60 acres of land located at 15679 Auberry Road from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under the California Environmental Quality Act (CEQA) whose role is to consider changes of organizations and spheres of influence. Commission action on the annexation request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the City's environmental analysis prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and it is sufficient to support a determination on the proposed reorganization.

Be advised that extraneous conditions of rezoning ordinance bills can impair the Commission's ability to approve projects. LAFCo staff is available to review and comment on the city's rezoning ordinance draft, to ensure that it meets Commission standards.

It is important to note that LAFCo standards for annexation state a proposal for annexation is acceptable if one of the following can be providing by the City:

- There is existing substantial development provide the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
- Development exists that requires urban services which can be provided by the City
- If no development exists, at least 50% of the area proposed for annexation has:

- a. Approved tentative subdivision map(s)(S.F. residential)
- b. Approved site plan(for other uses)

With respect to how prime agricultural land is defined, the CEQA document should consider the definition of "Prime Agricultural Land" as listed within Government Code Section 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This definition differs from the California Department of Conservation's definition of Prime Farmland and may be considered more inclusive.

As we have discussed, staff and the Commission will evaluate this project in light of the Commission's adopted policies and procedures, which include minimizing "creation of peninsulas and corridors, or other distortion of boundaries." It is therefore important that Clovis' application provide sufficient context as to how this proposal contributes to "planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl."

Project-Specific Comments

Pursuant to Government Code (GC) section 56742 a city may annex noncontiguous territory not exceeding 300 acres if the territory meets all of the following requirements:

- 1) It is located in the same county as that in which the city is situated.
- 2) It is owned by the city
- 3) It is used for municipal purposes at the time commission proceedings are initiated.

The proposed development is located outside of the current Clovis Sphere of Influence (SOI). Pursuant to Government Code sec. 56375.5 the City would also need to include a SOI revision request to include the affected area within the Clovis SOI within the application for the Clovis Landfill Buffer No.4 Reorganization.

The City will be required to submit the appropriate application materials including fees to LAFCo for reorganization and revision of the Clovis SOI.

Application processing fee for an 88.60-acre reorganization is \$14,400. The fee for a concurrent SOI revision is 30% of the processing fee for the reorganization which brings the SOI revision fee to \$4,320, for a total processing fee of \$18,720.

The City's environmental documents should also consider potential impacts of the SOI amendment within the scope of the project.

Staff recommends the City reach out to the Fresno County Deputy Director of Planning, Bernard Jimenez, to verify that the revision to the Clovis SOI would not trigger an MOU amendment process.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,

Juan Lara  
LAFCo Analyst II



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, California 93710  
 (559) 243-4005  
 www.wildlife.ca.gov

GAVIN NEWSOM, Governor  
 CHARLTON H. BONHAM, Director



158

April 3, 2019

Rey Empleo, Assistant Engineer  
 City of Clovis  
 155 N. Sunnyside Avenue  
 Clovis, California 93611

**Subject: Clovis Landfill Application for Annexation and Rezoning of Territory  
 (PROJECT)  
 REQUEST FOR COMMENTS**

Dear Mr. Empleo:

The California Department of Fish and Wildlife (CDFW) received a Request for Comments from the City of Clovis for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in or potentially occurring subsequent to the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California’s **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & Game Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Water Pollution:** Pursuant to Fish and Game Code § 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize watercourses in the Project area include the following: increased sediment input from road or structure runoff; toxic runoff associated with Project-related activities and implementation; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of Clovis Public Utilities Department

**Objective:** The City of Clovis proposes to annex 88.6 acres from the County of Fresno to the City of Clovis and proposes to change the subject property's zoning designation from the County's AE 20 and AE 40 (Exclusive Agricultural) Zone Districts to the Clovis P-F (Public Facilities) zoning designation. According to the City of Clovis Municipal Code, this zoning designation is applied to areas for a variety of public uses and allows for new land uses and construction of new structures and alterations to existing uses and structures (Code Publishing 2019).

**Location:** The Project will take place within an 88.6-acre parcel, divided by the Friant/Kern Canal, adjacent to the City of Clovis Landfill (15679 Auberry Road), approximately 2.5 miles southeast of the community of Friant; 36.9473 N, -119.6965; APN 300-080-04.

**Timeframe:** Unspecified.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Clovis in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments are also included to improve the document.

Although no ground-disturbance is proposed with this Project, annexation of the 88.6-acre parcel and zoning of the parcel to Public Facilities will allow for subsequent ground- and vegetation-disturbing activities which have the potential to result in take of special-status species. Specifically, CDFW is concerned regarding potential for subsequent ground-disturbing activities to impact the State and federally Threatened California tiger salamander (*Ambystoma californiense*), the State and federally Endangered and California Rare Plant Ranked (CRPR) 1B.1 Hartweg's golden sunburst (*Pseudobahia bahiifolia*), the State Endangered and federally Threatened and CRPR 1B.2 succulent owl's clover (*Castilleja campestris* var. *succulenta*), and the State Species of Special Concern burrowing owl (*Athene cunicularia*) and western spadefoot (*Spea hammondi*).

## I. Environmental Setting

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?**

### **COMMENT: California tiger salamander (CTS)**

**Issue:** Suitable habitat for CTS consists of seasonally flooded wetland features and grassland upland areas with small mammal burrows. Review of aerial imagery of the Project site reveals that the Project site itself is comprised of and surrounded by suitable habitat. In addition, CTS are known to occur both within the Project site itself and within the 1.5-mile demonstrated dispersal distance of CTS (Searcy and Shaffer 2011, CDFW 2019).

**Specific impact:** Without appropriate avoidance and minimization measures for CTS, potential significant impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

**Evidence impact is potentially significant:** Up to 75% of historic CTS habitat has been lost to development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017). The Project site is within the range of CTS, is known to support the species, and is surrounded by suitable habitat (i.e. aquatic breeding habitat, grasslands interspersed with burrows) (CDFW 2019). Given that the Project site is known to support CTS and that suitable habitat is present surrounding the Project site, subsequent ground-disturbing activities resulting from the Project have the potential to significantly impact local populations of CTS.



**Recommended Potentially Feasible Mitigation Measure(s)**

To ensure that Project-related impacts to CTS are reduced to a level that is less than significant CDFW recommends including the following measures in the CEQA document as conditions of approval for the Project.

**Recommended Mitigation Measure 1: Focused CTS Surveys**

CDFW recommends that a qualified biologist evaluate potential Project-related impacts to CTS prior to ground-disturbing activities using the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (2003). CDFW advises that the survey include a 100-foot buffer around the Project site in all areas of wetland and upland habitat that could support CTS.

**Recommended Mitigation Measure 2: CTS Avoidance**

CDFW advises avoidance for CTS include a minimum 50-foot no disturbance buffer delineated around all small mammal burrows within and/or adjacent to the Project site. If burrow avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

**Recommended Mitigation Measure 3: CTS Take Authorization**

If through surveys it is determined that CTS are occupying the Project site and take cannot be avoided, take authorization may be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code § 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

**COMMENT 2: Special-Status plants**

**Issue:** Several special-status plant species have been documented to occur in the vicinity of the Project site (CDFW 2019). Review of aerial imagery indicates that the Project area likely contains habitat suitable to support numerous special-status plant species meeting the definition of rare or endangered under CEQA § 15380 including, but not limited to, Hartweg's golden sunburst and succulent owl's clover. These species are narrowly distributed and endemic and have specific habitat requirements, further restricting their range (CNPS 2019). For example, Hartweg's golden sunburst occurs in clay soils within grassland habitats and succulent owl's clover occurs in vernal pools within grassland habitat. Both of these habitat types are likely to occur on the Project site.

**Specific impact:** Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities occurring subsequent to the Project include inability to reproduce and direct mortality.

**Evidence impact would be significant:** Special-status plant species known to occur in the vicinity of the Project site are threatened by small occurrence sizes, urbanization, and trampling, all of which have the potential to result during subsequent ground-disturbing activities (CNPS 2019). Given the narrow distribution of the species mentioned above, any impacts to them could represent a significant impact.

#### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to special-status plant species resulting from and occurring subsequent to the Project, CDFW recommends conducting the following evaluation of the Project site and including the following mitigation measures as conditions of approval.

#### **Recommended Mitigation Measure 4: Special-Status Plant Habitat Assessment**

CDFW recommends that a qualified botanist conduct a habitat assessment in advance of project implementation, to determine if the Project site or its immediate vicinity contains suitable habitat for special-status plant species.

#### **Recommended Mitigation Measure 5: Special-Status Plant Surveys**

If suitable habitat is present, CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*" (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

#### **Recommended Mitigation Measure 6: Special-Status Plant Avoidance**

CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

### **Recommended Mitigation Measure 7: State-listed Plant Take Authorization**

If a plant species listed pursuant to CESA or the Native Plant Protection Act is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code § 2081(b).

### **COMMENT 3: Burrowing Owl (BUOW)**

**Issue:** BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover (Gervais et al. 2008). Based on a review of aerial imagery, habitat both within and bordering the Project site supports grassland habitat, and therefore, the species has the potential to be impacted by ground-disturbing activities resulting from and occurring subsequent to the Project.

**Specific impact:** Without appropriate avoidance and minimization measures for BUOW, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality in violation of the Migratory Bird Treaty Act and Fish and Game Code.

**Evidence impact is potentially significant:** The Project site is within the range of BUOW and a review of aerial imagery indicates that suitable habitat is present within the Project site. BUOW rely on burrow habitat year-round for their survival and reproduction. Ground- and vegetation-disturbing activities may result in harassment of owls at occupied burrows and have the potential to result in take of BUOW (CDFG 2012). These activities have the potential to result from the Project. Therefore, the Project has the potential to significantly impact local BUOW populations.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To ensure that Project-related impacts to BUOW are reduced to a level that is less than significant CDFW recommends conducting the following evaluation of the Project site and including the following measures as conditions of Project approval.

### **Recommended Mitigation Measure 8: BUOW Surveys**

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during

daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

**Recommended Mitigation Measure 9: BUOW Avoidance**

CDFW recommends implementing no-disturbance buffers, as outlined in the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), prior to and during any ground-disturbing activities occurring subsequent to Project implementation. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

**Recommended Mitigation Measure 10: BUOW Passive Relocation and Mitigation**

If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

**COMMENT 4: Western spadefoot**

**Issue:** Western spadefoot are known to occur in the vicinity of the Project area (CDFW 2019). Western spadefoot inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Review of aerial imagery indicates that the Project site

is surrounded by and has the potential to support these requisite habitat elements. Therefore, the species has the potential to be impacted by ground-disturbing activities resulting from and occurring subsequent to the Project.

**Specific impact:** Without appropriate avoidance and minimization measures for western spadefoot, potentially significant impacts associated with ground disturbance include impacts to breeding pools, burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

**Evidence impact is potentially significant:** Habitat loss and fragmentation resulting from development is the primary threat to western spadefoot (Thomson et al. 2016). The Project site is within the range of western spadefoot and has suitable habitat (i.e. seasonal wetlands, grasslands interspersed with burrows). As a result, ground-disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.

**Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to western spadefoot associated with the Project, CDFW recommends conducting the following evaluation of the Project site and including the following mitigation measures as conditions of Project approval.

**Recommended Mitigation Measure 11: Western Spadefoot Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project site or its immediate vicinity contains suitable habitat for western spadefoot.

**Recommended Mitigation Measure 12: Western Spadefoot Surveys**

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for western spadefoot and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance.

**Recommended Mitigation Measure 13: Western Spadefoot Avoidance**

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows and breeding ponds.

**Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?**

**COMMENT 5: Lake and Streambed Alteration**

**Issue:** The Project site contains an ephemeral drainage that is tributary to Little Dry Creek, which itself is tributary to the San Joaquin River. This drainage feature is likely subject to CDFW's lake and streambed alteration regulatory authority, pursuant Fish & Game Code § 1600 et seq.

**Specific impact:** Work within stream channels has the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); deposition of debris, waste, sediment, toxic runoff or other materials into water causing water pollution and degradation of water quality.

**Evidence impact is potentially significant:**

Lake and Streambed Alteration

It is currently unclear if subsequent activities at the Project site will include activities within the bed and bank of on-site ephemeral drainages. Activities within these features are subject to CDFW's lake and streambed alteration regulatory authority.

Construction activities within stream features have the potential to impact downstream waters. Although the drainage feature within the Project site may be only intermittently wetted, recent studies have shown that biodiversity and habitat values of dryland streams are considerably higher than in the adjacent uplands, transporting and delivering water, and providing linear habitat connectivity and refuge, and concentrating seeds, organic matter and sediment. Moreover, the ecological viability of the dryland environment depends on the sustainability of the physical/hydrological processes that form and maintain episodic streams and the habitat they support (Brady and Vyverberg 2013).

Streams function in the collection of water from rainfall, storage of various amounts of water and sediment, discharge of water as runoff and the transport of sediment, and they provide diverse sites and pathways in which chemical reactions take place and provide habitat for fish and wildlife species. Disruption of stream systems such as these can have significant physical, biological, and chemical impacts that can extend into the adjacent uplands adversely affecting not only the fish and wildlife species dependent on the stream itself, but also the flora and fauna dependent on the adjacent upland habitat for feeding, reproduction, and shelter.

**Recommended Potentially Feasible Mitigation Measure(s)**

**Recommended Mitigation Measure 14 Stream and Wetland Mapping, and Lake and Streambed Alteration**

CDFW recommends that formal stream mapping and wetland delineation be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands on the Project site. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code § 1602 differ. Therefore, it is advised that the wetland delineation identify both State and Federal wetlands on the Project site as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code § 2785 (g) defines wetlands; further, § 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from the U.S. Army Corps of Engineers and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.

#### **Recommended Mitigation Measure 15: Notification of Lake or Streambed Alteration**

If Project-related activities have the potential to substantially change the bed, bank, and channel of onsite waterways and the tributary to Little Dry Creek, which is subject to CDFW's regulatory authority pursuant Fish and Game Code §1600 et seq., Notification will be warranted. Fish & Game Code §1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. For additional information on Notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593.

## **II. Editorial Comments and/or Suggestions**

**Federally Listed Species:** CDFW also recommends consulting with the United States Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to, CTS, Hartweg's golden sunburst, and succulent owl's clover. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

**Nesting birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

CDFW encourages Project implementation occur during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground- or vegetation-disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends the work causing that change cease and that CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).)



Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## FILING FEES

If it is determined that the Project or subsequent activities resulting from the Project have the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist the City of Clovis in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by electronic email at [Renee.Robison@wildlife.ca.gov](mailto:Renee.Robison@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager

cc: Sarah Yates  
United States Fish and Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825



**Fresno Metropolitan Flood Control District**  
*Capturing Stormwater since 1956*

File 170.44

April 10, 2019

Mr. Ricky Caperton, Senior Planner  
City of Clovis  
Planning and Development Services Dept.  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Caperton,

**RO300, Clovis Landfill Buffer No. 4 Reorganization  
Annexation to the City of Clovis  
Outside District Boundaries**

The proposed annexation boundary does not encompass lands within the Fresno Metropolitan Flood Control District (FMFCD) and will not be served by the District's Storm Drainage and Flood Control Master Plan at this time. However, a portion of the annexation boundary is located within an area covered under the National Pollutant Discharge Elimination System, Municipal Separate Storm Sewer System (MS4) permit issued to FMFCD. For the portion of the annexation west of the Friant-Kern canal the developer shall review and select appropriate and applicable practices recommended in FMFCD's Post-Development Standards Technical Manual (Technical Manual) and execute a recorded agreement with FMFCD including a maintenance plan per the requirements listed in Section 7 of the Technical Manual. The Technical Manual can be found on FMFCD's website at <http://www.fresnofloodcontrol.org/wp-content/uploads/2014/11/Post-Development-Standards-Technical-Manual.pdf>.

If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,

Denise Wade  
Engineer III

DW/lrl

c: Alan Hofmann, Fresno Metropolitan Flood Control District  
Jared Shuman, Fresno Metropolitan Flood Control District

k:\letters\annexation letters(lafco)\clovis\city of clovis-ro300 clovis landfill buffer 4 outside of boundaries(dw).docx



# Clovis Landfill

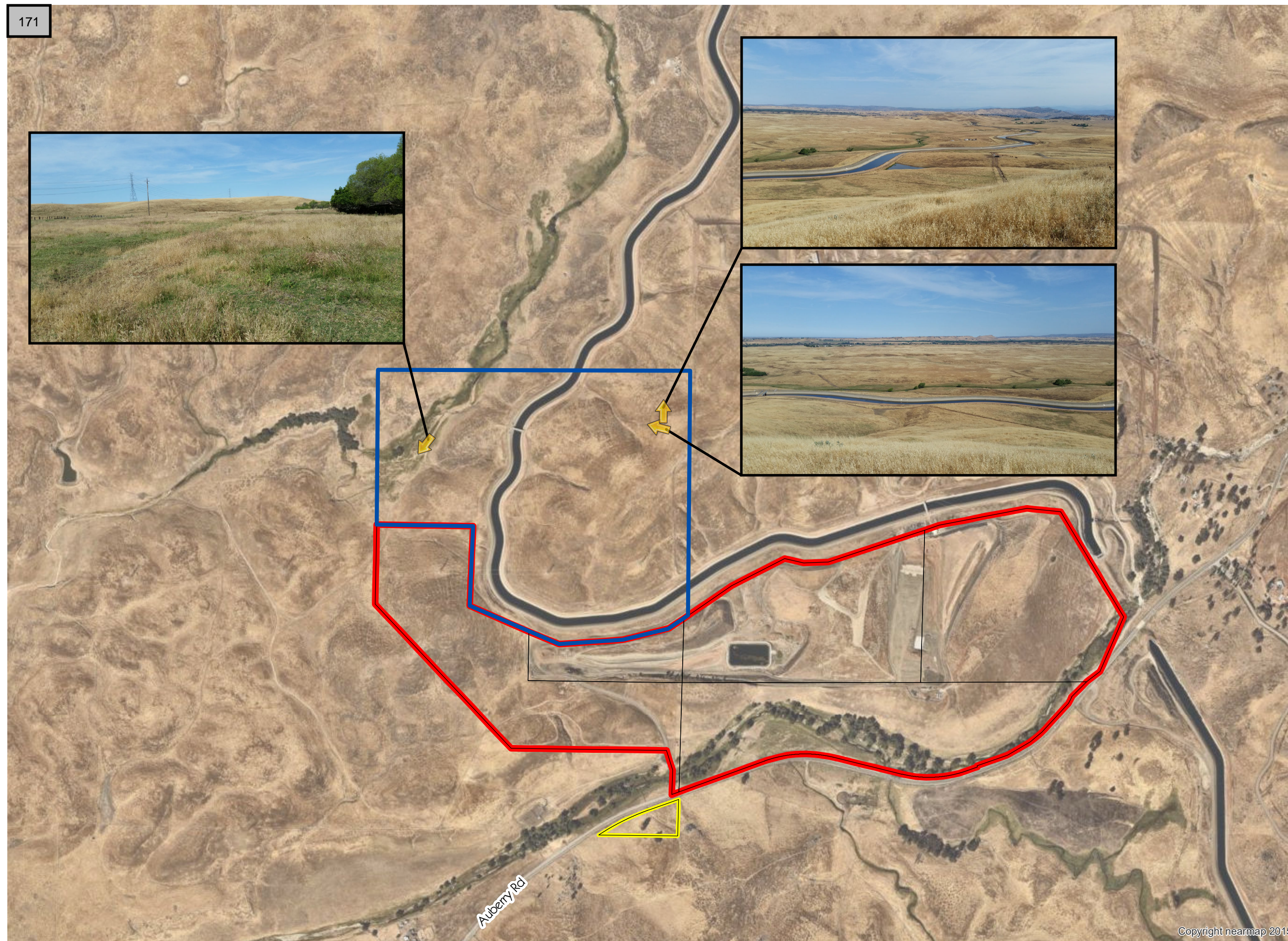
## Existing & Proposed Areas

-  Area to be Annexed
-  Existing Landfill Property
-  City of Clovis Owned Property
-  View Direction of Photo

1" = 800'



7/12/2019



Auberry Rd

Copyright nearmap 2015



# Clovis Landfill

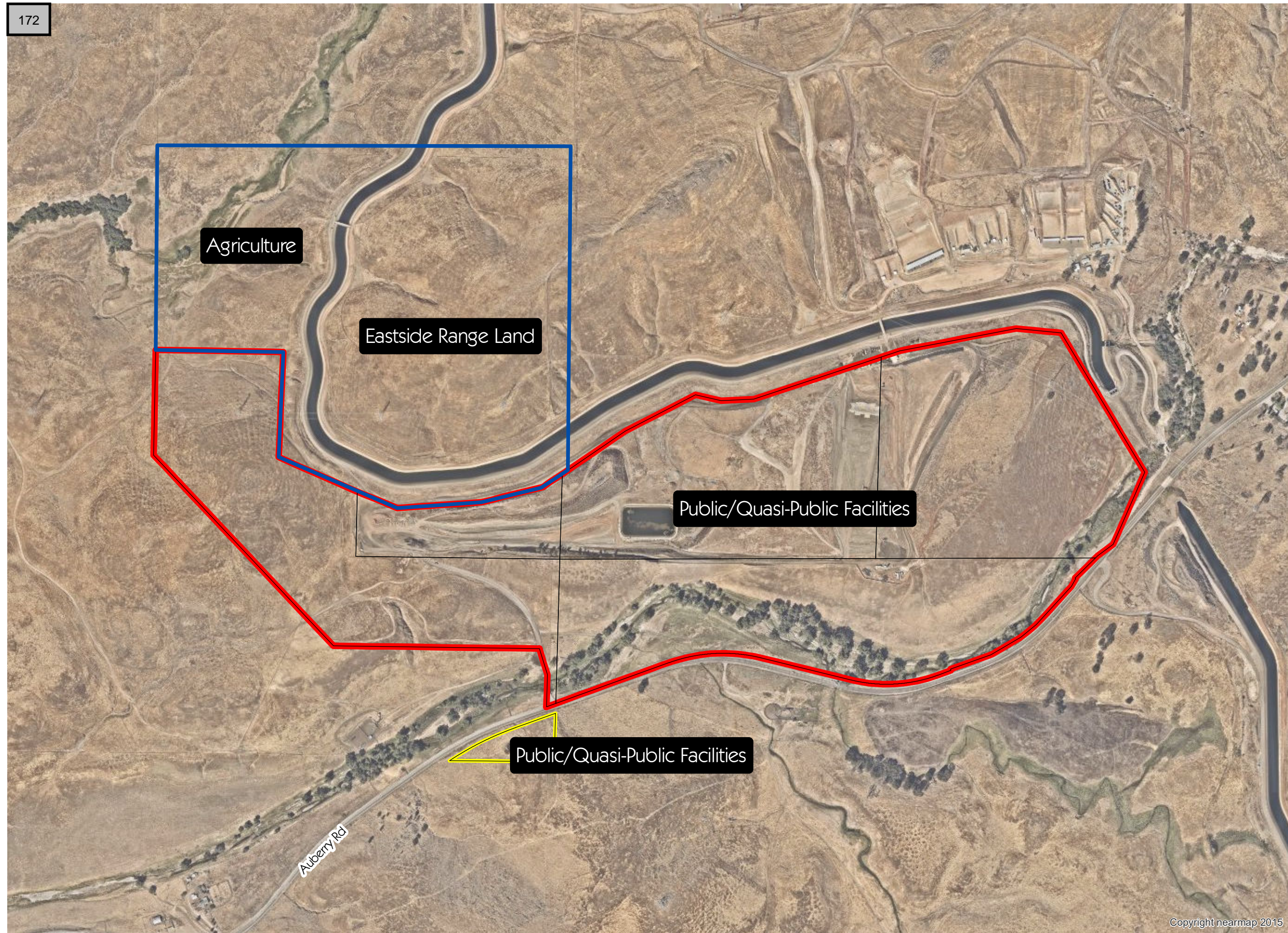
## Existing Land Uses

-  Area to be Annexed
-  Existing Landfill Property
-  City of Clovis Owned Property

1" = 600'



7/15/2019





# Clovis Landfill

## Proposed Land Uses

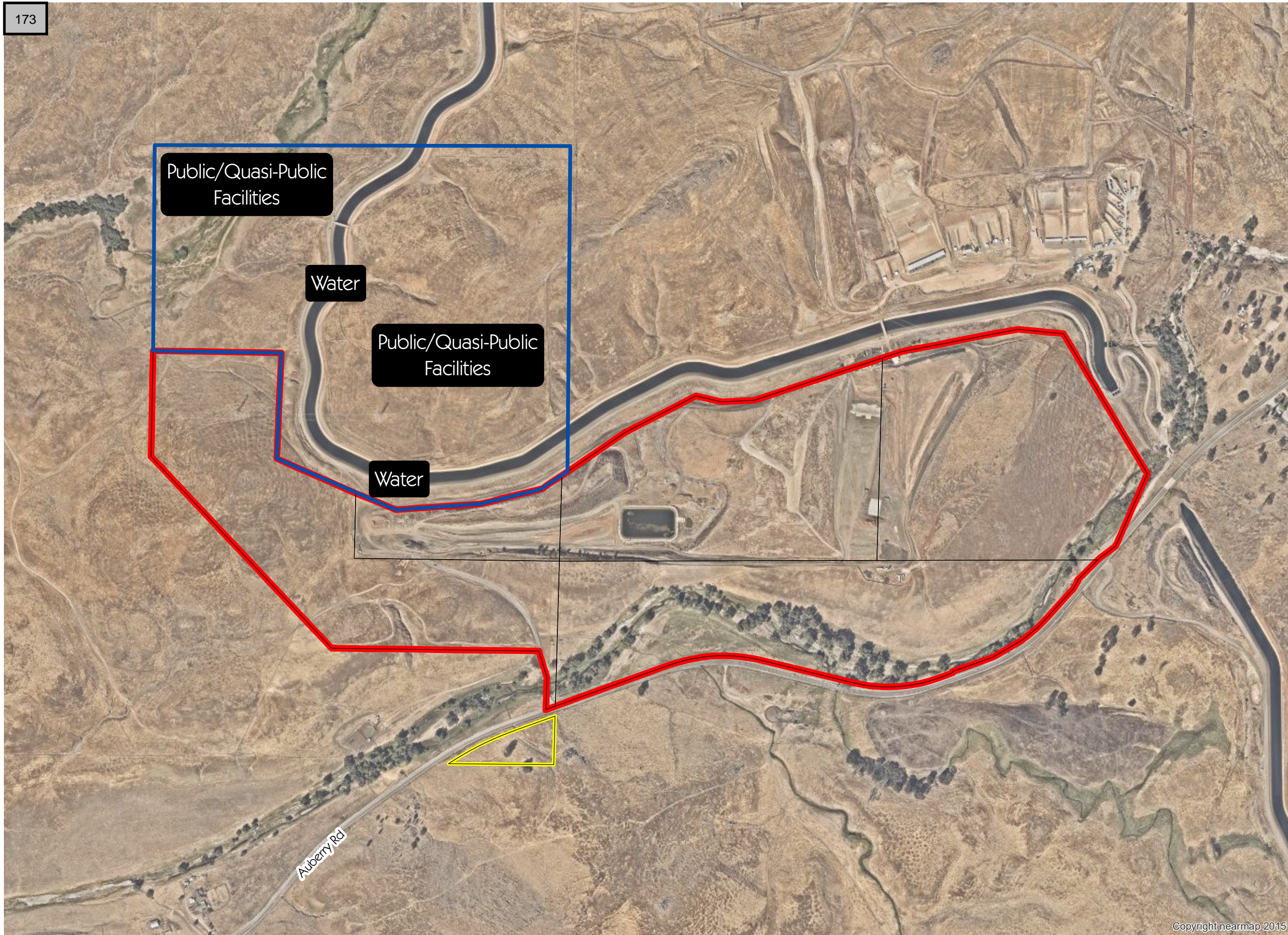
-  Area to be Annexed
-  Existing Landfill Property
-  City of Clovis Owned Property

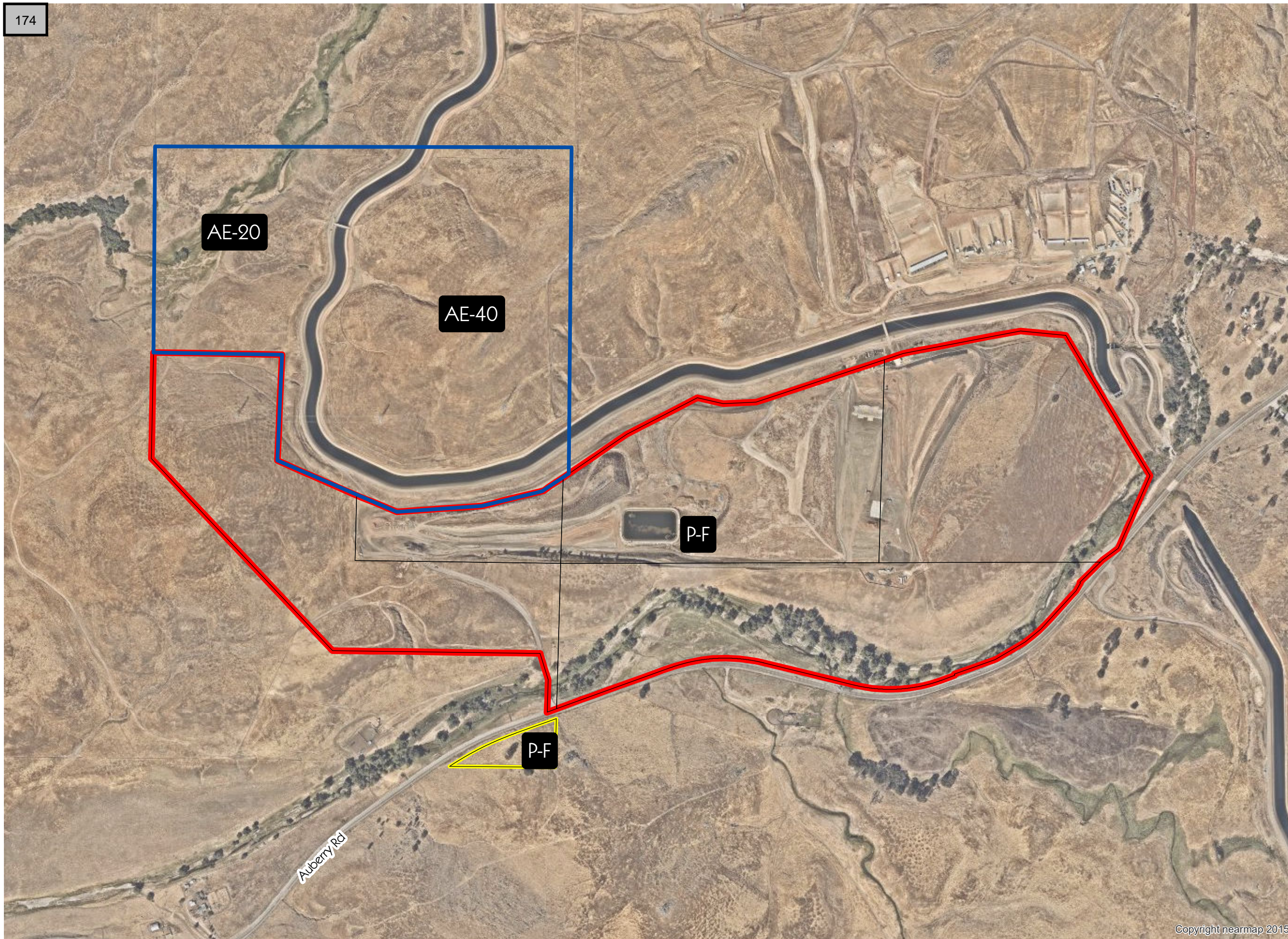
1" = 600'



7/12/2019

### ATTACHMENT 7





# Clovis Landfill

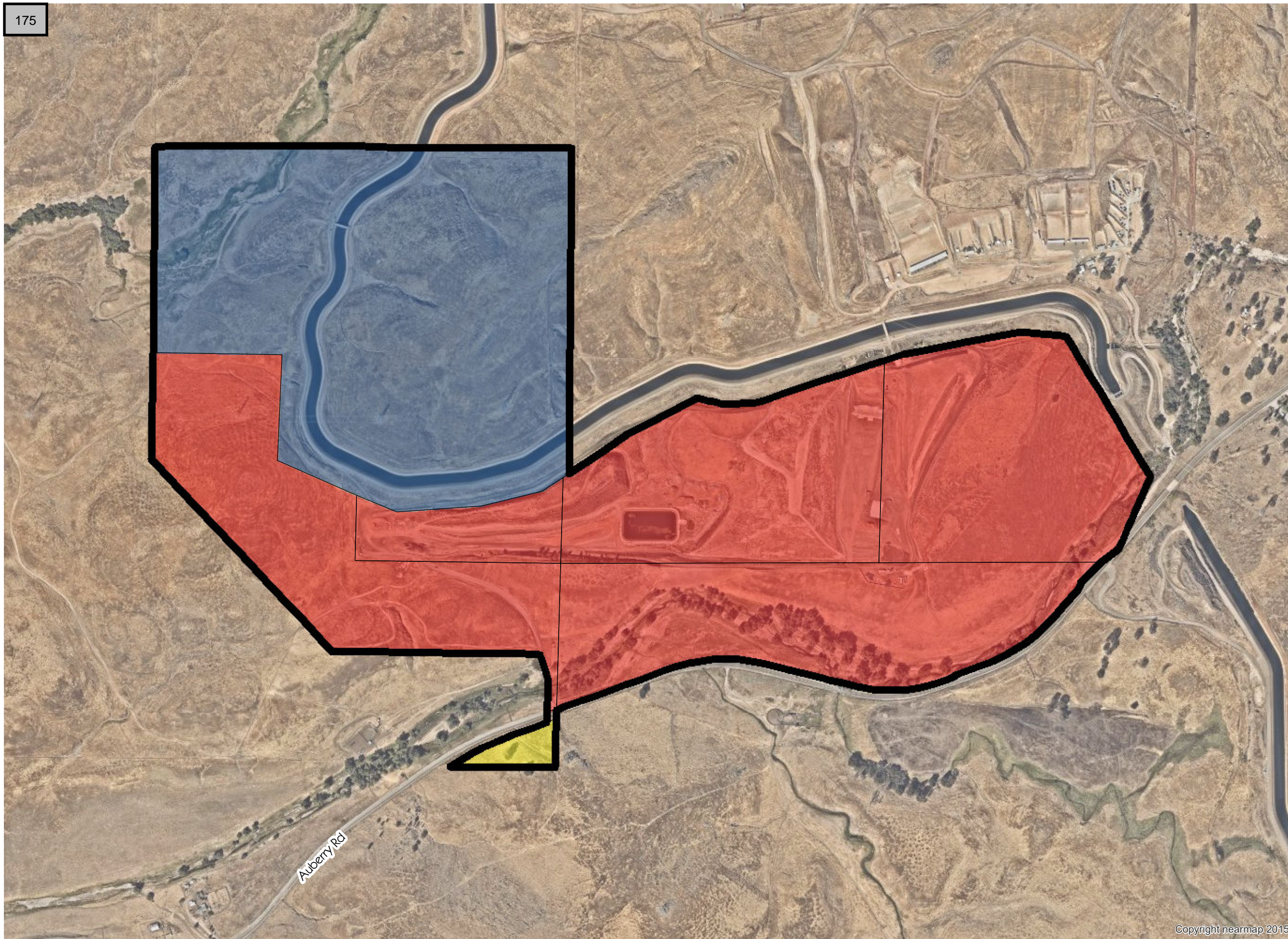
## Existing Zoning

-  Area to be Annexed
-  Existing Landfill Property
-  City of Clovis Owned Property

1" = 600'



7/15/2019



# Clovis Landfill

## Sphere of Influence

-  Proposed Sphere of Influence
-  Area to be Annexed
-  Existing Landfill Property
-  City of Clovis Owned Property

1" = 600'



7/12/2019

**Clovis Landfill Buffer No. 4**  
**GPA2019-003 / R2019-002 / SOI Expansion / RO300**  
Initial Study and Addendum to a previously certified Environmental Impact  
Report (EIR)  
**September 2019**

**PREPARED BY:**

George González, MPA  
Associate Planner  
Planning & Development Services  
(559) 324-2383  
georgeg@cityofclovis.com



**CITY of CLOVIS**  
PLANNING & DEVELOPMENT  
1033 FIFTH STREET • CLOVIS, CA 93612



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## INITIAL STUDY

This Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) Public Resources Code Sections 21000 *et seq.*, CEQA Guidelines Title 14, Section 15000 *et seq.* of the California Code of Regulations.

<b>PROJECT TITLE:</b>	Clovis Landfill Buffer No. 4
<b>LEAD AGENCY NAME AND ADDRESS:</b>	City of Clovis Planning & Development Services 1033 Fifth Street Clovis, CA 93612
<b>CONTACT PERSON AND PHONE NUMBER:</b>	George González, MPA, Associate Planner (559) 324-2383 georgeg@cityofclovis.com
<b>PROJECT LOCATION:</b>	North side of the Clovis Landfill at 15679 Auberry Road, County of Fresno, CA APN(s): 300-080-04 and Portion of 300-080- 71T
<b>PROJECT SPONSOR'S NAME AND ADDRESS:</b>	Rey Empleo, Civil Engineer City of Clovis Public Utilities Department 155 N. Sunnyside Avenue Clovis, CA 93611
<b>LAND USE DESIGNATION:</b>	Agriculture and Eastside Range Land (Fresno County General Plan and Sierra-North Regional Plan)
<b>ZONING DESIGNATION:</b>	See page 6 of this Initial Study
<b>PROJECT DESCRIPTION/ OVERVIEW</b>	See page 5 of this Initial Study.
<b>SURROUNDING LAND USES AND SETTING:</b>	See page 6 of this Initial Study.
<b>REQUIRED APPROVALS:</b>	See page 7 of this Initial Study.
<b>HAVE CALIFORNIA NATIVE AMERICAN TRIBES REQUESTED CONSULTATION? IF SO, HAS CONSULTATION BEGUN?</b>	No, California Native American Tribes have not requested consultation.

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**A. PROJECT DESCRIPTION/ OVERVIEW**

On July 11, 2005, the Clovis City Council certified the Final Environmental Impact Report (EIR) for the Clovis Landfill Expansion Permit project. The subject of this addendum is a General Plan Amendment GPA2019-003, Prezone R2019-002, Sphere of Influence Expansion, and Reorganization RO300, which are proposing to incorporate approximately 117 acres into the City of Clovis. The Project site is located on the north side of the Clovis Landfill at 15679 Auberry Road. The City will utilize this land as a buffer zone only, with no proposed improvements and/or development.

**B. PURPOSE OF ADDENDUM**

According to Section 15164(a) of the California Environmental Quality Act & CEQA Guidelines, an addendum to a previously certified EIR shall be prepared by a lead or responsible agency if some changes or additions to the EIR are necessary but none of the conditions described in Section 15162 requiring the preparation of a subsequent or supplemental EIR are applicable.

An addendum need not be circulated for public review but can be included in or attached to the final EIR.

Section 15162 of the State CEQA Guidelines states that, for a project covered by a certified EIR, preparation of a subsequent or supplemental EIR rather than an addendum is required only if one or more of the following conditions occur:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This addendum will show that changes or additions to the final EIR are necessary, but none of the conditions requiring the preparation of the subsequent or supplemental EIR are applicable.

**C. PROJECT LOCATION**

As shown in Figure 1 below, the Project is located on the north side of the Clovis Landfill at 15679 Auberry Road in County of Fresno. The Project consists of two parcels and a portion of the Friant-Kern Canal totaling approximately 117 acres. Assessor’s Parcel Number (APN) 300-080-04 is approximately 88.60 acres, and a portion of APN 300-080-71T (Friant-Kern Canal) is approximately 28.4 acres.

**D. EXISTING SETTING**

This section describes the existing conditions, surrounding conditions, as well as the General Plan land use and zoning designations.

**1. EXISTING CONDITIONS**

As shown in Figure 2 below, the existing site is grazing land as identified by the Fresno County Important Farmland Map of 2016. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing.

**2. SURROUNDING CONDITIONS**

As shown reference in Table 1 below, and shown on Figure 2 below, the Project site is surrounded by the Clovis Landfill to the south, the Fresno Rifle & Pistol Range to the east, and rural grasslands to the north and west.

**Table 1: Surrounding Land Uses**

	<b>Land Use Designation</b>	<b>Zoning*</b>	<b>Existing Land Use</b>
<b>North</b>	Agriculture & Eastside Range Land	AE-20 & 40	Rural/Grasslands
<b>East</b>	Eastside Range Land	AE-40	Fresno Rifle & Pistol Range
<b>South</b>	Public/Quasi-Public Facilities	P-F	Clovis Landfill
<b>West</b>	Agriculture	AE-20	Rural/Grasslands

\*P-F (Public Facilities)  
 AE-20 (Exclusive Agricultural District – 20 Acre Minimum)  
 AE-40 (Exclusive Agricultural District – 40 Acre Minimum)

**3. LAND USE DESIGNATION**

As shown on Figure 3, the Project site has an existing Fresno County General Plan Land Use designation of Agriculture and Eastside Range Land (Sierra-North Regional Plan). According to the 2000 Fresno County General Plan, the Agriculture Land Use Designation is intended for growing good and fiber and raising of livestock and poultry.<sup>1</sup> The Eastside Range Land Use Designation provides grazing and other agricultural operations, including mining, oil and gas development, wildlife habitat, various recreational activities, and other open space uses.<sup>2</sup>

**4. ZONING DESIGNATION**

As shown on Figure 4, the Project site is zoned County AE-20 & AE-40 per the Fresno County Zoning Ordinance. The Project proposes a rezoning of the County AE-20 & AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District. According to Section 9.16.010(B) of the Clovis Municipal Code (CMC), the P-F Zone District is applied for areas appropriate for public uses, including City Hall facilities, cemeteries, churches, corporate and maintenance yards, and other public agency facilities which may require appropriate buffering from adjacent residential designation. The proposed re-designation to the Clovis' Public/Quasi-Public Facilities and Water in the General Plan would be consistent with the proposed rezoning of P-F (Public Facilities) Zone District.

**E. SCOPE AND CONTENT OF ADDENDUM**

This addendum has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 1500 et seq.). The addendum considers each of the environment impacts that

1 2000 Fresno County General Plan, Agriculture and Land Use Element, Definitions, page 2-2. October 2000.

2 2000 Fresno County General Plan, Agriculture and Land Use Element, Resource, page 2-7. October 2000.

were analyzed in the prior EIR and focus on determining whether the modified project would result in an increase in the severity of the impacts identified in the prior EIR or would result in any new impacts not previously considered in the prior EIR. The criteria for determining the significance of environmental impacts in this addendum analysis are the same as those contained within the previous EIR. The topic areas considered in the prior EIR were as follows:

- Land Use and Planning
- Traffic and Circulation
- Noise
- Air Quality
- Geology and Soils
- Hydrology and Water Quality
- Biotic Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Aesthetics
- Other Environmental Topics
  - Agricultural Resources
  - Population and Housing
  - Public Services
  - Recreation
  - Utilities and Services Systems

**F. REQUIRED PROJECT APPROVALS**

The City of Clovis requires the following review, permits, and/or approvals for the proposed Project; however, other approvals not listed below may be required as identified throughout the entitlement process:

- Approval of EIR Addendum
- General Plan Amendment
- Prezone
- Sphere of Influence Expansion
- Annexation/Reorganization
- San Joaquin Unified Air Pollution Control District
- Fresno Metropolitan Flood Control District
- County of Fresno
- Fresno Local Agency Formation Commission (LAFCo)
- Department of Fish and Wildlife

Figure 1: Project Location

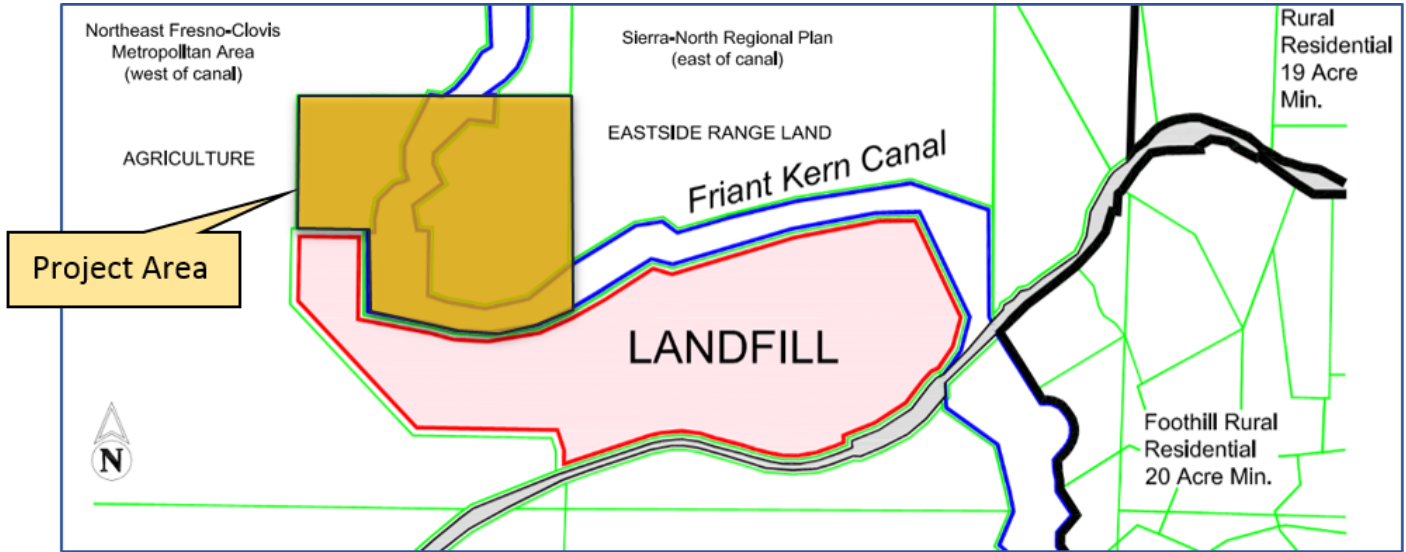


Figure 2: Aerial of Project Site

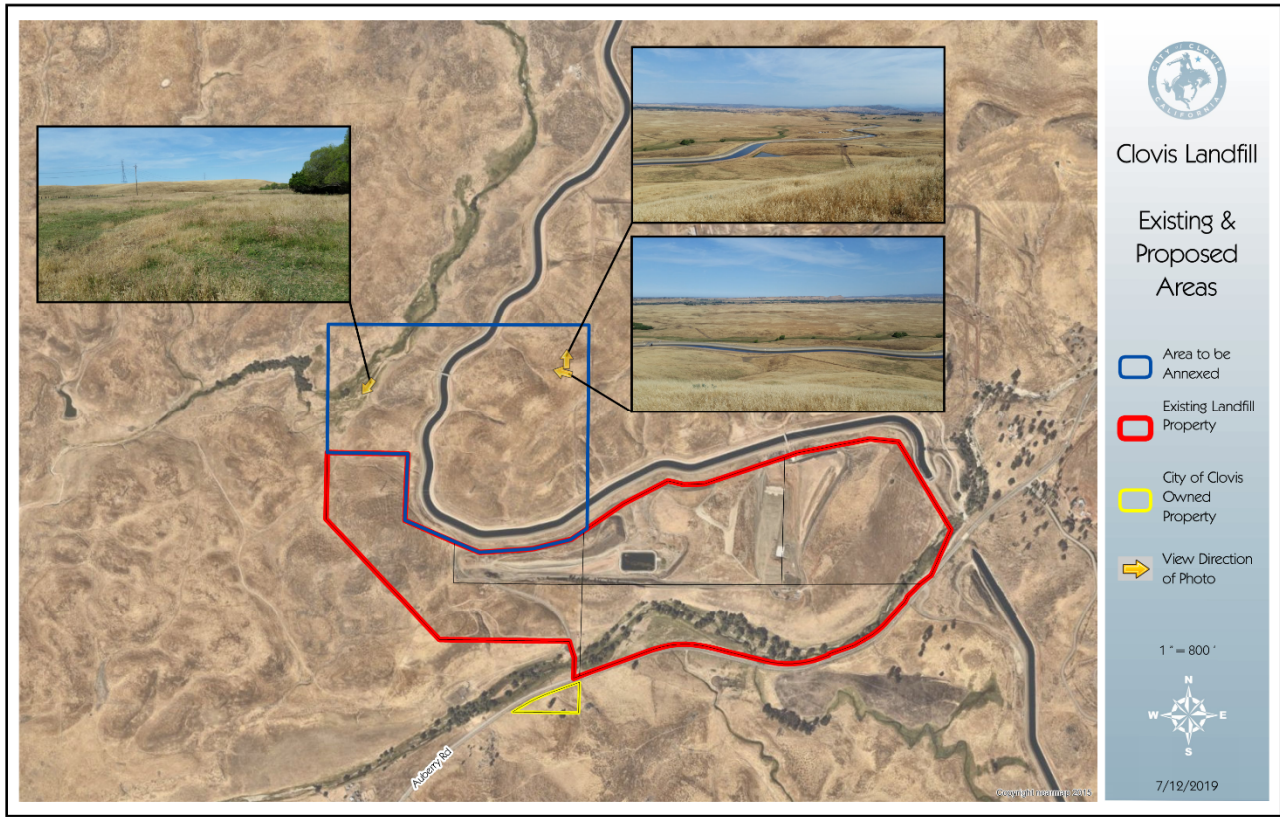




Figure 3: Land Use Designations

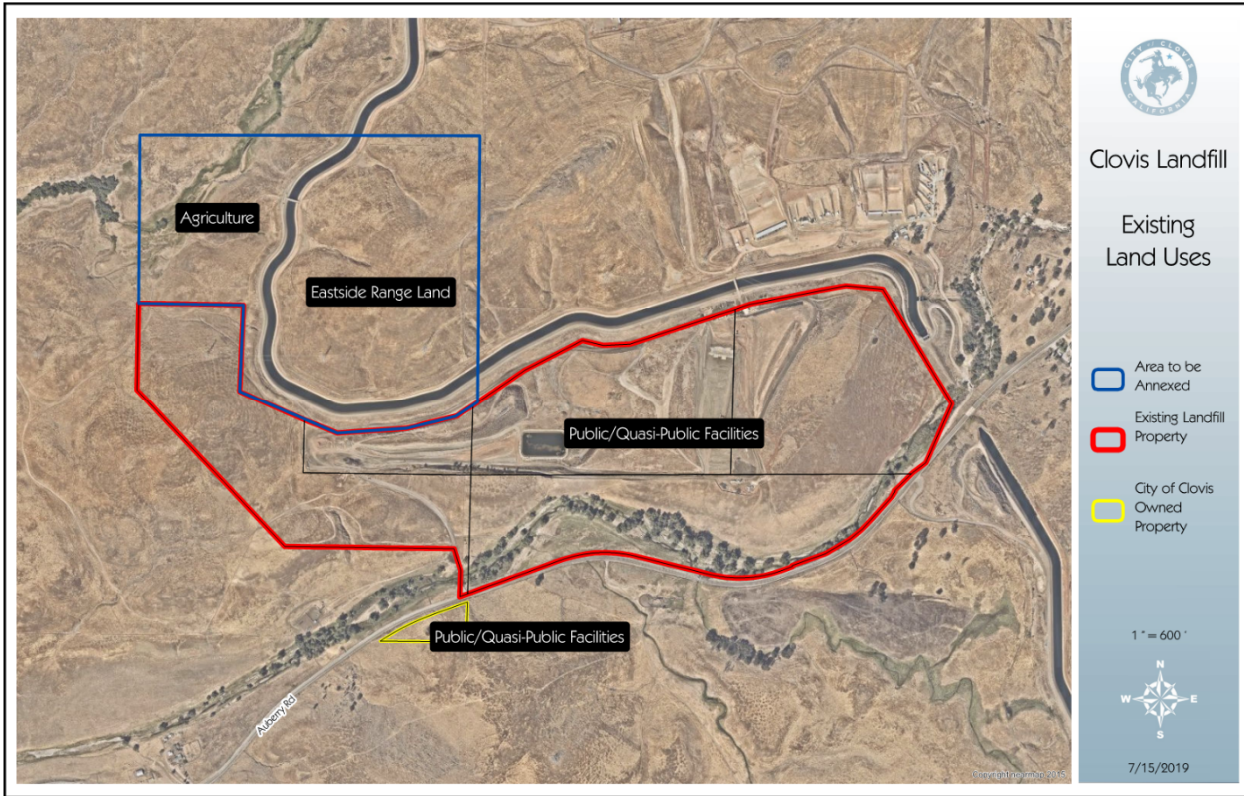
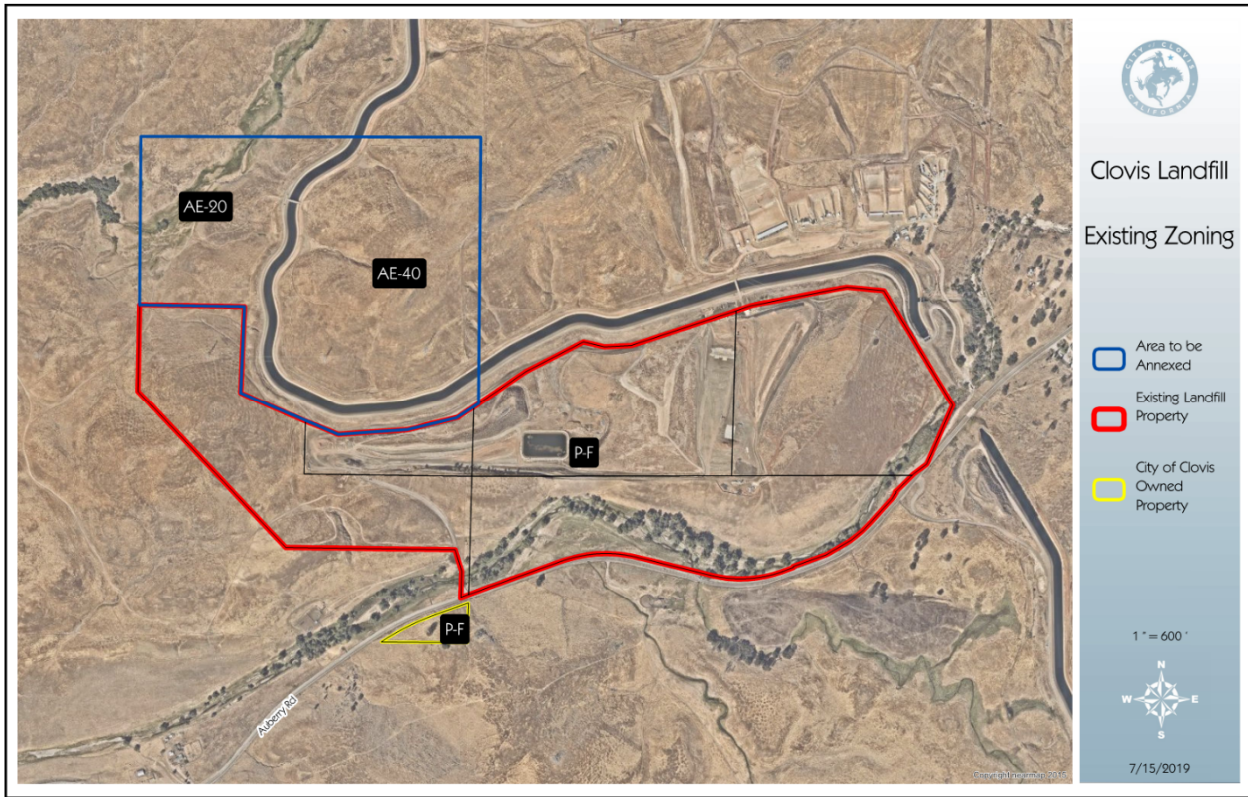


Figure 4: Zoning Districts



**G. ENVIRONMENTAL CHECKLIST**

This section provides an evaluation of the potential environmental impacts of the proposed project and are based on CEQA Guidelines Appendix G. For each issue area, one of four conclusions is made:

- **No New Impact:** No new project-related impact to the environment would occur with project development.
- **Reduced Impact:** The proposed project would not result in a new substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **New Mitigation Required:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of new mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **New Potentially Significant Impact:** The proposed project would result in a new environmental impact or effect that is potentially significant, and no mitigation can be identified that would reduce the impact to a less than significant level.

**1. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Have a substantial effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X

**ENVIRONMENTAL SETTING**

The City of Clovis is located within the San Joaquin Valley. Thus, much of the City and its surrounding areas are predominately flat. On clear days, the Sierra Nevada Mountains are visible to the east depending on your location.

Aside from the Sierra Nevada, there are no officially designated focal points or viewsheds within the City. However, Policy 2.3, Visual Resources, of the Open Space Element of the 2014 Clovis General Plan, requires maintaining public views of open spaces, parks, and natural features and to preserve Clovis’ viewshed of the surrounding foothills.

As mentioned above in the Project Description, the site is located on the north side of the Clovis Landfill at 15679 Auberry Road in Fresno County. The Project site is grazing land as identified by the Fresno County Important Farmland Map of 2016. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing.

**DISCUSSION**

a) *Would the project have a substantial effect on a scenic vista?*

**No New Impact.** As mentioned above, there are no officially designated scenic vistas or focal points in the City of Clovis. While the Sierra Nevada Mountains can be viewed on clear days, the Project site will remain as a buffer zone only, with no proposed improvements and/or developments. Further, General Plan Policy 2.3 of the Open Space and Conservation Element requires that public views of open spaces, parks, and natural features be maintained. Therefore, because there are no proposed developments with this Project, a **no new impact** would occur with regards to the project having a substantial effect on a scenic vista. As a result, no new mitigation measures are required.

b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

**No New Impact.** As stated in the 2014 Clovis General Plan Environmental Impact Report (EIR), there are no Caltrans-designated scenic highways within the City of Clovis.<sup>3</sup> Further, there are no existing historical structures located on or within the immediate vicinity of the site. Therefore, the Project would result in **no new impact** with regards to substantially damaging scenic resources within a State scenic highway, and no new mitigation measures are required.

c) *Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**No New Impact.** The City will utilize this land as a buffer zone only, with no proposed improvements and/or development. Consequently, a **No New Impact** would occur with regards to substantially degrading the existing visual character of the site and its surroundings, and no new mitigation measures are required.

d) *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

**No New Impact.** The City will utilize this land as a buffer zone only, with no proposed improvements and/or development. Therefore, the Project would result in a **No New Impact** with regard to lighting adversely affecting day or nighttime views in the area. No new mitigation measures are required.

<sup>3</sup> 2014 Clovis General Plan EIR, June 2014, Page 5.1-1.

**2. AGRICULTURE AND FORESTRY RESOURCES**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

**ENVIRONMENTAL SETTING**

The Project site is located on the north side of the Clovis Landfill at 15679 Auberry Road and is identified as grazing land by the Fresno County Important Farmland Map of 2016. The site will be utilized as a buffer zone on the north side of the Clovis Landfill, with no proposed improvement and/or development.

**DISCUSSION**

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**No New Impact.** According to the 2016 Farmland Mapping and Monitoring Program (FMMP) maps from the California Department of Conservation (map published September 2018),<sup>4</sup> the Project site is considered Grazing Land, which is defined by the Department of Conservation as land on which the existing vegetation is suited to the grazing of livestock. The addition of this buffer zone will not cause changes in the existing environment.

<sup>4</sup> Farmland Mapping and Monitoring Program, California Department of Conservation, 2016 Fresno County Map.

Consequently, because the site is not considered Prime, Unique, or Farmland of Statewide Importance, a **No New Impact** would occur, and no new mitigation measures are required.

b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?*

**No New Impact.** As shown on Figure 5.2-2 of the Agricultural Resources Chapter of the 2014 Clovis General Plan EIR, the Project site is not under a Williamson Act Contract. As a result, the Project would have **No New Impact** with regards to conflicting with existing zoning for agricultural use or a Williamson Act Contract. No new mitigation measures are required.

c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?*

**No New Impact.** The Project site is mostly pasture land for cattle grazing, thus, does not contain forest land. Further, the site is not zoned for forestry or other forestry related uses. As a result, **No New Impact** would occur with regards to conflicts with existing zoning for, or cause rezoning of, forest land. No new mitigation measures are required.

d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

**No New Impact.** See discussion under Section 2c.

e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

**No New Impact.** The Project site is not considered Farmland of Local Importance according to the Department of Conservation. Further, the addition of the project site will not cause changes in the existing environment resulting and will not be converting farmland to non-agricultural use. Additionally, see discussion under Section 2.C related to forest land. Therefore, the project would have a **No New Impact** with regards to this topic and no new mitigation measures are required.

**3. AIR QUALITY**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				X
c. Expose sensitive receptors to substantial pollutant concentrations?				X

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				X
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**ENVIRONMENTAL SETTING**

***San Joaquin Valley Air Basin***

The City of Clovis (City) is in the central portion of the San Joaquin Valley Air Basin (SJVAB). SJVAB consists of eight counties: Fresno, Kern (western and central), Kings, Tulare, Madera, Merced, San Joaquin, and Stanislaus. Air pollution from significant activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The SJVAB is approximately 250 miles long and an average of 35 miles wide. It is bordered by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. There is a slight downward elevation gradient from Bakersfield in the southeast end (elevation 408 feet) to sea level at the northwest end where the valley opens to the San Francisco Bay at the Carquinez Straits. At its northern end is the Sacramento Valley, which comprises the northern half of California’s Central Valley. The bowl-shaped topography inhibits movement of pollutants out of the valley (SJVAPCD 2012a).

***Topography***

The topography of a region is important for air quality because mountains can block airflow that would help disperse pollutants, and can channel air from upwind areas that transports pollutants to downwind areas. The San Joaquin Valley Air Pollution Control District (SJVAPCD) covers the entirety of the SJVAB. The SJVAB is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coast Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation).

***Climate***

The SJVAB is in a Mediterranean climate zone and is influenced by a subtropical high-pressure cell most of the year. Mediterranean climates are characterized by sparse rainfall, which occurs mainly in winter. Summers are hot and dry. Summertime maximum temperatures often exceed 100°F in the valley.

The subtropical high-pressure cell is strongest during spring, summer, and fall and produces subsiding air, which can result in temperature inversions in the valley. A temperature inversion can act like a lid, inhibiting vertical mixing of the air mass at the surface. Any emissions of pollutants can be trapped below the inversion. Most of the surrounding mountains are above the normal height of summer inversions (1,500–3,000 feet).

Winter-time high pressure events can often last many weeks, with surface temperatures often lowering into the 30°F. During these events, fog can be present and inversions are extremely strong. These wintertime inversions can inhibit vertical mixing of pollutants to a few hundred feet (SJVAPCD 2012a).

***Ambient Air Quality Standards***

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory

scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS, based on even greater health and welfare concerns.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors,” those most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table 4, Ambient Air Quality Standards for Criteria Pollutants, these pollutants are ozone (O3), nitrogen dioxide (NO2), carbon monoxide (CO), sulfur dioxide (SO2), coarse inhalable particulate matter (PM10), fine inhalable particulate matter (PM2.5), and lead (Pb). In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

In addition to the criteria pollutants, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

**Table 4: Ambient Air Quality Standards**

<b>Pollutant</b>	<b>Averaging Time</b>	<b>Federal Primary Standard</b>	<b>State Standard</b>
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.07 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.03 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	3-Hour	0.5 ppm	
	1-Hour	0.075 ppm	0.25 ppm
PM <sub>10</sub>	Annual	--	20 ug/m <sup>3</sup>
	24-Hour	150 ug/m <sup>3</sup>	50 ug/m <sup>3</sup>
PM <sub>2.5</sub>	Annual	12 ug/m <sup>3</sup>	12 ug/m <sup>3</sup>
	24-Hour	35 ug/m <sup>3</sup>	--
Lead	30-Day Avg.	--	1.5 ug/m <sup>3</sup>
	3-Month Avg.	1.5 ug/m <sup>3</sup>	--

Notes: ppm = parts per million; ug/m<sup>3</sup> = micrograms per cubic meter.  
 Source: California Air Resources Board, 2008. Ambient Air Quality Standards (4/01/08), <http://www.arb.ca.gov/aqs/aaqs2.pdf>.



## **Attainment Status**

The air quality management plans prepared by SJVAPCD provide the framework for SJVAB to achieve attainment of the state and federal AAQS through the SIP. Areas are classified as attainment or nonattainment areas for particular pollutants, depending on whether they meet the ambient air quality standards. Severity classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

At the federal level, the SJVAPCD is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM<sub>10</sub> and CO, and nonattainment for PM<sub>2.5</sub>. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

## **DISCUSSION**

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

**No New Impact.** Regional air quality impacts and attainment of standards are the result of the cumulative impacts of all emission sources within the air basin. Thus, individual projects are generally not large enough to contribute measurably to an existing violation or air quality standards alone. Therefore, in order to analyze this threshold, and because of the region's existing nonattainment status for several pollutants, the Project would be considered to cause significant impacts if it were to generate emissions that would exceed the SJVAPCDs significance thresholds.

The project site will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis landfill operations will not be expanded into this area. The SJVAPCD provided a comment letter, dated July 31, 2019, indicating that the Project will not have an impact on air quality. However, future development will contribute to the overall decline in air quality due to construction activities. Consequently, **No New Impact** would occur and no new mitigation measures are required.

- b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

**No New Impact.** See discussion under Section 3a above.

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

**No New Impact.** See discussion under Section 3a above.

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**No New Impact.** See discussion under Section 3a above.

**4. BIOLOGICAL RESOURCES**

<b>Would the project:</b>	<b>New Potentially Significant Impact</b>	<b>New Mitigation Required</b>	<b>Reduced Impact</b>	<b>No New Impact</b>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

## ENVIRONMENTAL SETTING

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing.

## DISCUSSION

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**No New Impact.** As indicated above, the project will not be developing or improving the site. The area landscape will remain unchanged and used solely as a buffer zone only. As a result, **No New Impact** would occur with regards to substantial adverse effect, either directly or through habitat modifications. No new mitigation measures are required.

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

**No New Impact.** See discussion under Section 4a above.

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No New Impact.** See discussion under Section 4a above.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**No New Impact.** See discussion under Section 4a above.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No New Impact.** See discussion under Section 4a above.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**No New Impact.** See discussion under Section 4a above.

**5. CULTURAL RESOURCES**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c. Disturb any human remains, including those interred outside of formal cemeteries?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

Pursuant to requirements of SB18, a notification was sent to the Native American Heritage Commission for review with local tribes for cultural significance.

**DISCUSSION**

a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**No New Impact.** Compliance with Policy 2.9 of the General Plan, which calls for the preservation of historical sites and buildings of state or national significance, would ensure that if there were historical resources present, they would be protected. The project will not be developing or improving the site. The area landscape will remain unchanged and used solely as a buffer zone only. As a result, **No New Impact** would occur with regard to the Project causing a substantial adverse change in the significance of a historical resource. No new mitigation measures are required.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**No New Impact.** The project will not be developing or improving the site. The area landscape will remain unchanged and used solely as a buffer zone only. As a result, **No New Impact** would occur with regard to the Project causing a substantial adverse change in the significance of an archaeological resource. No new mitigation measures are required.

c) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

**No New Impact.** The project will not be developing or improving the site. The area landscape will remain unchanged and used solely as a buffer zone only. As a result, **No New Impact** would occur with regard to the Project disturbing any human remains. No new mitigation measures are required.

**6. ENERGY**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

a) *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**No New Impact.** The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project causing significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. No new mitigation measures are required.

b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**No New Impact.** See discussion under Section 6a above.

**7. GEOLOGY AND SOILS**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?				X
f. Directly or indirectly destroy a unique paleontological resource or unique geologic feature?				X

## ENVIRONMENTAL SETTING

The 2014 Clovis General Plan EIR identified no geologic hazards or unstable soil conditions known to exist on the Project site. Although Figure 5.6-2 of the Geology and Soils Chapter of the General Plan EIR does show a fault, the fault is located approximately 2 miles southwest of the Project site.

### DISCUSSION

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?; ii) Strong seismic ground shaking?; iii) Seismic-related ground failure, including liquefaction?; iv) Landslides?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project causing potential substantial adverse effects, including the risk of loss, injury, or death. No new mitigation measures are required.

- b) *Would the project result in substantial soil erosion or the loss of topsoil?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project causing substantial soil erosion or the loss of topsoil. No new mitigation measures are required.

- c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

**No New Impact.** See discussion under Section 7a.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property?*

**No New Impact.** The Project is not within the vicinity of expansion soils. Therefore, there would be no potential for creating direct or indirect substantial risks to life or property with regards to expansive soils. As a result, **No New Impact** would occur and no mitigation measures are required.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?*

**No New Impact.** The Project does not propose the use of septic tanks, therefore, **No New Impact** would occur.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or unique geologic feature?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur. No new mitigation measures are required.

**8. GREENHOUSE GAS EMISSIONS**

<b>Would the project:</b>	<b>New Potentially Significant Impact</b>	<b>New Mitigation Required</b>	<b>Reduced Impact</b>	<b>No New Impact</b>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X

**ENVIRONMENTAL SETTING**

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG’s has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth’s climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual Projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth’s atmosphere. Carbon dioxide is the “reference gas” for climate change, meaning that emissions of GHGs are typically reported in “carbon dioxide-equivalent” measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

In 2005, in recognition of California’s vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).



In April 2009, the California Office of Planning and Research published proposed revisions to the California Environmental Quality Act to address GHG emissions. The amendments to CEQA indicate the following:

- Climate action plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the greenhouse gas emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.
- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of greenhouse gas emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that “to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation.”
- OPR’s emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports (EIRs) must specifically consider a project's energy use and energy efficiency potential.

On December 30, 2009, the Natural Resources Agency adopted the proposed amendments to the CEQA Guidelines in the California Code of Regulations.

In December 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted guidance for addressing GHG impacts in its *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA*. The guidance relies on performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific GHG emissions on global climate change during the environmental review process.

Projects can reduce their GHG emission impacts to a less than significant level by implementing BPS. Projects can also demonstrate compliance with the requirements of AB 32 by demonstrating that their emissions achieve a 29% reduction below “business as usual” (BAU) levels. BAU is a projected GHG emissions inventory assuming no change in existing business practices and without considering implementation of any GHG emission reduction measures.

**Significance Criteria**

The SJVAPCDs *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA* provides initial screening criteria for climate change analyses, as well as draft guidance for the determination of significance.

The effects of project-specific GHG emissions are cumulative, and therefore climate change impacts are addressed as a cumulative, rather than a direct, impact. The guidance for determining significance of impacts has been developed from the requirements of AB 32. The guideline addresses the potential cumulative impacts that a project’s GHG emissions could have on climate change. Since climate change is a global phenomenon, no direct impact would be identified for an individual land development project. The following criteria are used to evaluate whether a project would result in a significant impact for climate change impacts:

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with BAU?

Projects that meet one of these guidelines would have less than significant impact on the global climate.

Because BPS have not yet been adopted and identified for specific development projects, and because neither the ARB nor the City of Clovis has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the goal of 29% below BAU for emissions of GHG has been used as a threshold of significance for this analysis.

**DISCUSSION**

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project generating greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. No new mitigation measures are required.

- b) *Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project conflicting with any applicable plan, policy or regulation. No new mitigation measures are required.

**9. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

**ENVIRONMENTAL SETTING**

For purposes of this chapter, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. A “hazardous material” is defined in the Code of Federal Regulations (CFR) as “substance

or material that is capable of posing an unreasonable risk to health, safety, and property when transported in commerce” (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

“Hazardous material” means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. “Hazardous wastes” are defined in California Health and Safety Code Section 25141(b) as wastes that:

...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The nearest CUSD school to the Project site is Clovis North Education Center, located approximately 3.97 mile southwest of the site.

**DISCUSSION**

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material. No new mitigation measures are required.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**No New Impact.** See discussion above under Section 9a.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**No New Impact.** As mentioned above, the Project site is located approximately 3.97 miles from the nearest school, which is Clovis North Educational Center. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project emitting hazardous emissions or handling hazardous or acutely hazardous materials. No new mitigation measures are required.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**No New Impact.** According the California Department of Toxic Substance Control EnviroStor Database, the Project site is not located on a hazardous materials site.<sup>5</sup> Therefore, **No New Impact** would occur.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

**No New Impact.** The Project is not within an airport land use plan nor is the site within two miles of a public airport. Therefore, **No New Impact** would occur.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No New Impact.** The site itself would reviewed by City departments to ensure adequate site access and circulation is provided in the event of an emergency. Overall, a **No New Impact** would occur.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. As a result, a **No New Impact** would occur.

## 10. HYDROLOGY AND WATER QUALITY

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces,				X

<sup>5</sup> California Department of Toxic Substance Control, EnviroStor Database, [https://www.envirostor.dtsc.ca.gov/public/map/?global\\_id=71003467](https://www.envirostor.dtsc.ca.gov/public/map/?global_id=71003467), accessed on June 16, 2019.

in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?				
i) Result in substantial erosion or siltation on- or off-site?				X
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?				X
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
iv) Impede or redirect flood flows?				X
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

**ENVIRONMENTAL SETTING**

The Plan Area is within the drainages of three streams: Dry Creek, Dog Creek, and Redbank Slough. On the north, Dry Creek discharges into the Herndon Canal in the City of Fresno west of Clovis. South of Dry Creek, Dog Creek is a tributary of Redbank Slough, which discharges into Mill Ditch south of Clovis (USGS 2012). A network of storm drains in the City and the Plan Area discharges into 31 retention basins, most of which provide drainage for a one- to two-square-mile area. Most of the Plan Area east and northeast of the City is not in drainage areas served by retention basins. Those areas drain to streams that discharge into reservoirs, including Big Dry Creek Reservoir in the north-central part of the Plan Area and Redbank Creek Dam and Reservoir in the southeast part of the Plan Area. Fancher Creek Dam and Reservoir are near the east Plan Area boundary.

The Project is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary, and subject to its standards and regulations. Detention and retention basins in the FMFCD’s flood control system are sized to accommodate stormwater from each basin’s drainage area in builtout condition. The current capacity standard for FMFCD basins is to contain runoff from six inches of rainfall during a ten-day period and to infiltrate about 75 to 80 percent of annual rainfall into the groundwater basin (Rourke 2014). Basins are highly effective at

reducing average concentrations of a broad range of contaminants, including several polyaromatic hydrocarbons, total suspended solids, and most metals (FMFCD 2013). Pollutants are removed by filtration through soil, and thus don't reach the groundwater aquifer (FMFCD 2014). Basins are built to design criteria exceeding statewide Standard Urban Stormwater Mitigation Plan (SUSMP) standards (FMFCD 2013). The urban flood control system provides treatment for all types of development—not just the specific categories of development defined in a SUSMP—thus providing greater water quality protection for surface water and groundwater than does a SUSMP.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the cities of Fresno and Clovis; such recharge totaled 29,575 acre feet during calendar year 2012 (FMFCD 2013).

The pipeline collection system in the urban flood control system is designed to convey the peak flow rate from a two-year storm.

Most drainage areas in the urban flood control system do not discharge to other water bodies, and drain mostly through infiltration into groundwater. When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area (Rourke 2014). Two FMFCD drainage areas discharge directly to the San Joaquin River, and three to an irrigation canal, without storage in a basin. Six drainage areas containing basins discharge to the San Joaquin River, and another 39 basins discharge to canals (FMFCD 2013).

A proposed development that would construct more impervious area on its project site than the affected detention/retention basin is sized to accommodate is required to infiltrate some stormwater onsite, such as through an onsite detention basin or drainage swales (Rourke 2014).

The Big Dry Creek Reservoir has a total storage capacity of about 30 thousand acre-feet (taf) and controls up to 230-year flood flows. Fancher Creek Dam and Reservoir hold up to 9.7 taf and controls up to 200-year flood flows. Redbank Creek Dam and Reservoir hold up to 1 taf and controls up to 200-year flood flows.

### **Groundwater**

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, Kings Groundwater Basin, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2011).

In the Plan Area, groundwater levels are monitored by the City of Clovis and FID. The overall area has not experienced land subsidence due to groundwater pumping since the early 1900s (FID 2006). Subsidence occurs when underground water or natural resources (e.g., oil) are pumped to the extent that the ground elevation lowers. No significant land subsidence is known to have occurred in the last 50 years as a result of land development, water resources development, groundwater pumping, or oil drilling (FID 2006). The City has identified a localized area of subsidence of 0.6 feet in the vicinity of Minnewawa and Herndon Avenues within the last 14 years (Clovis 2016). Regional ground subsidence in the Plan Area was mapped as less than one

foot by the US Geological Survey in 1999 (Galloway and Riley 1999). Groundwater levels in the San Joaquin Valley are forecast to hit an all-time low in 2014 (UCCHM 2014).

New development in accordance with the General Plan Update would increase the amount of impervious surface in the Plan Area, potentially affecting the amount of surface water that filters into the groundwater supply. Groundwater levels are monitored in the Plan Area by the FID and the City of Clovis. As described in the 2015 City of Clovis Urban Water Management Plan (UWMP), groundwater recharge occurs both naturally and artificially throughout the City. The Kings Groundwater Basin area is recharged through a joint effort between the Cities of Clovis and Fresno and the FID (CDWR 2006). Approximately 8,400 acre-feet per year (afy) of water are intentionally recharged into the Kings Groundwater Basin by the City of Clovis, and approximately 7,700 afy of water naturally flow into groundwater in the City’s boundaries (Clovis 2011).

The FMFCD urban stormwater drainage system would provide groundwater infiltration for runoff from developed land uses in detention basins in the drainage system service area.

Projects pursuant to the proposed General Plan Update and developed outside of the FMFCD urban stormwater drainage system would be required to meet the requirements of NPDES regulations, including the implementation of BMPs to improve water retention and vegetation on project sites.

**DISCUSSION**

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur. No new mitigation measures are required.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**No New Impact.** The Project would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level due to the Project. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur. No new mitigation measures are required.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?*

**No New Impact.** The Project will not alter the existing drainage pattern of the site or area. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur. No new mitigation measures are required.



d) *Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**No New Impact.** Due to the Central Valley’s location away from the ocean, an impact from a tsunami is unlikely. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur.

e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**No New Impact.** The City of Clovis is within the North Kings County Groundwater Sustainability Agency (GSA). Pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA), certain regions in California are required to develop and implement a groundwater management plan that sustainably manages groundwater resources. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur with regard to the Project conflicting or obstructing the implementation of a water quality control plan or sustainable groundwater management plan.

**11. LAND USE AND PLANNING**

<b>Would the project:</b>	<b>New Potentially Significant Impact</b>	<b>New Mitigation Required</b>	<b>Reduced Impact</b>	<b>No New Impact</b>
a. Physically divide an existing community?				X
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

**ENVIRONMENTAL SETTING**

As described above, the project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

a) *Would the project physically divide an existing community?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area and the project site will not be physically dividing an existing community. As a result, **No New Impact** would occur.

b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The proposed rezoning of the site will not be in conflict with the proposed General Plan Land Use designation. As a result, **No New Impact** would occur.

**12. MINERAL RESOURCES**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**ENVIRONMENTAL SETTING**

The City of Clovis 2014 General Plan EIR defines minerals as any naturally occurring chemical elements or compounds formed from inorganic processes and organic substances.<sup>6</sup> The 2014 General Plan EIR indicates that there are no active mines or inactive mines within the Plan Area of the City of Clovis.

**DISCUSSION**

a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

**No New Impact.** As stated above, the City of Clovis does not have any active mines or inactive mines. Further, the project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur.

b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** Please refer to the discussion under Section 12.a.

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<sup>6</sup> 2014 Clovis General Plan EIR, Chapter 5: Mineral Resources, page 5.11-1.

**13. NOISE**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b. Generation of excessive groundborne vibration or groundborne noise levels?				X
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area and the project site will not be physically dividing an existing community. As a result, **No New Impact** would occur.

- b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

**No New Impact.** The project area will be utilized as a buffer zone only. Therefore, **No New Impact** would occur.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**No New Impact.** The Project is not located within the vicinity of a private airstrip or within an airport land use plan nor is the site within two miles a public airport. Therefore, **No New Impact** would occur.

**14. POPULATION AND HOUSING**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?				X
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

- a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. Therefore, **No New Impact** would occur.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. Therefore, **No New Impact** would occur.

**15. PUBLIC SERVICES**

<b>Would the project:</b>	<b>New Potentially Significant Impact</b>	<b>New Mitigation Required</b>	<b>Reduced Impact</b>	<b>No New Impact</b>
<i>Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks?				X
e. Other public facilities?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?*

**No New Impact.** The Project is not proposing improvements and/or developments. The project area will be utilized as a buffer zone only. As a result, **No New Impact** would occur and no mitigation measures are required.

- b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?*

**No New Impact.** See discussion above under Section 15a.

- c) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

**No New Impact.** See discussion above under Section 15a.

- d) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

**No New Impact.** See discussion above under Section 15a.

- e) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

**No New Impact.** See discussion above under Section 15a.

**16. RECREATION**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

**No New Impact.** As a result, **No New Impact** would occur.

**17. TRANSPORTATION**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				X
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d. Result in inadequate emergency access?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

- a) *Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

**No New Impact.** The Project is not proposing improvements and/or developments. The project area will be utilized as a buffer zone only. As a result, **No New Impact** would occur and no mitigation measures are required.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**No New Impact.** The Project will not conflict with CEQA Guidelines section 15064.3 The Project is not proposing improvements and/or developments. The project area will be utilized as a buffer zone only. As a result, **No New Impact** would occur and no mitigation measures are required.

c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**No New Impact.** The Project is not proposing improvements and/or developments. The project area will be utilized as a buffer zone only. As a result, **No New Impact** would occur and no mitigation measures are required.

d) *Would the project result in inadequate emergency access?*

**No New Impact.** The existing access to the Project site will remain the same. The Project is not proposing improvements and/or developments. The project area will be utilized as a buffer zone only. As a result, **No New Impact** would occur and no mitigation measures are required.

**18. TRIBAL CULTURAL RESOURCES**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?				X
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe?				X

**ENVIRONMENTAL SETTING**

On September 25, 2014, Governor Jerry Brown signed Assembly Bill AB52, which intends to protect a new class of recourse under CEQA. This new class is Tribal Cultural Resources and provides an avenue to identify Tribal Cultural resources through a consultation process, similar to SB18. However, unlike SB18, where consultation is required for all General Plan and Specific Plan Amendments, AB52, applies to all projects where a Notice of Determination is filed. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.



Consistent with SB18, invitations to consult on the Project were mailed to the tribes provided by the Native American Heritage Commission within the area. According to SB18, tribes have up to ninety (90) days to request consultation, at which time the City would set up a consultation. The City did not receive a request for consultation.

**DISCUSSION**

- a) *Would the project cause a substantial adverse change to a listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

**No Impact.** As mentioned in the Project Description, the Project site is currently grazing grasslands. There are no existing structures or features on the site that are listed or eligible in the California Register of Historical Resources, or in a local register. As such, the Project would have **no impact** and no mitigation measures are required.

- b) *Would the project cause a substantial adverse change to a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe?*

**No New Mitigation.** As mentioned above, the City invited the listed Native American tribes to consult on the Project under SB18, and no tribes requested consultation within the 90-days afforded to respond under SB18. The Project site is currently mostly foothill grasslands. The Project is not proposing improvements and/or developments. The project area will be utilized as a buffer zone only. As a result, **No New Impact** would occur and no mitigation measures are required.

**19. UTILITIES AND SERVICE SYSTEMS**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to				X

serve the project's projected demand in addition to the provider's existing commitments?				
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e. Comply with federal, state, and local management reduction statutes and regulations related to solid waste?				X

**ENVIRONMENTAL SETTING**

Pacific Gas & Electric (PG&E) provides electricity and natural gas services in the City of Clovis. AT&T/SBC provides telephone service to the City.

The City's water supply sources include groundwater drawn from the Kings Sub-basin of the San Joaquin Valley Groundwater Basin and treated surface water from the Fresno Irrigation District (MID). Surface water is treated at the City of Clovis Surface Water Treatment Facility.

The City of Clovis provides sewer collection service to its residents and businesses. Treatment of wastewater occurs at the Fresno-Clovis Regional Wastewater Treatment Plant (RWTP). The Fresno-Clovis RWTP is operated and maintained by the City of Fresno and operates under a waste discharge requirement issued by the Central Valley Regional Water Quality Control Board. Additionally, the City of Clovis has completed a 2.8 mgd wastewater treatment/water reuse facility, which will service the City's new growth areas.

The Fresno Metropolitan Flood Control District (FMFCD) has the responsibility for storm water management within the Fresno-Clovis metropolitan area of the Project site. Stormwater runoff that is generated by land development is controlled through a system of pipelines and storm drainage detention basins.

**DISCUSSION**

a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

**No New Impact.** The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur.

b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**No New Impact.** See discussion above Section 19a.

- c) *Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**No New Impact.** See discussion above Section 19a.

- d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**No New Impact.** See discussion above Section 19a.

- e) *Would the project comply with federal, state, and local management reduction statutes and regulations related to solid waste?*

**No New Impact.** See discussion above Section 19a.

**20. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E

towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No New Impact.** The project will not impair an adopted emergency response plan. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area. As a result, **No New Impact** would occur.

b) *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**No New Impact.** See discussion above Section 19a.

c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No New Impact.** See discussion above Section 19a.

d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**No New Impact.** See discussion above Section 19a.

**21. MANDATORY FINDINGS OF SIGNIFICANCE**

Would the project:	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X

<p>b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>				<p>X</p>
<p>c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>

**ENVIRONMENTAL SETTING**

The Project site is currently grazing land. A portion of the Friant-Kern Canal traverses along the middle of the Project area and generally follows the southern border of the project site. The Project site also has two PG&E towers with high voltage power lines in the southern portion of the project area. The area is mostly foothill grasslands, which are leased to local ranchers as pasture land for cattle grazing. The project area will be utilized as a buffer zone only, with no improvements and/or developments. The Clovis Landfill operations will not be expanding into this area.

**DISCUSSION**

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

**No New Impact.** As discussed above throughout the Initial Study, the Project would not result in any new impacts and no new mitigation measures. Therefore, the Project would have a **No New Impact**.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**No New Impact.** As discussed above throughout the Initial Study, the Project would not result in new cumulatively impacts. Therefore, the Project would have a **No New Impact** to cumulative impacts.

- c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

**No New Impact.** The Project will not cause substantial adverse effects on human beings. As a result, a **No New Impact** would occur.

## H. Report Preparation

### LEAD AGENCY

**George González, MPA**

Associate Planner

City of Clovis

Planning & Development Services



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 26, 2019

SUBJECT: Consider Approval, Res. 19-\_\_\_, SPR2007-25A2, A request to approve a site plan review amendment to allow for construction on .8 acres of land within phase 1 of the Sierra Meadows Park Master Plan for the Fresno Wildlife Rehabilitation Nature Center building and associated park improvements for property located east of Temperance Avenue at Sierra Avenue. City of Clovis, owner; Fresno Wildlife, applicant/representative.

**Staff:** Dwight Kroll, AICP, Director of Planning and Development Services

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Draft Resolution
3. Correspondence
4. Proposed Site Plan
5. Architecture Illustration
6. Specific Architectural Elevations
7. Current Site Plan Approval under SPR2007-25A

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends that the Planning Commission approve Site Plan Review Amendment SPR 2007-25A2, subject to conditions of approval.

## EXECUTIVE SUMMARY

Fresno Wildlife is proposing the development of a nature center facility within the David McDonald Park at the northeast corner of Sierra and Temperance Avenues. The facility is intended to be a complimentary use with the existing park improvements including the Miss Winkles Pet Adoption Center. The Nature Center development would include a 3,321 square foot building, 17 parking spaces and wild bird rehabilitation flight cages. The building would include an education center, gift shop, and wildlife rehabilitation facilities.

A wildlife rehabilitation facility and nature center has been envisioned for this site for some time, and a Site Plan Review for a 40,000 square foot facility master plan was approved by the City Council in November, 2007. Subsequently, a site plan review amendment was approved in May, 2011 providing for the Miss Winkles Pet Adoption facility, phase I improvements for the park and a conceptual plan for a future wildlife rehabilitation facility.

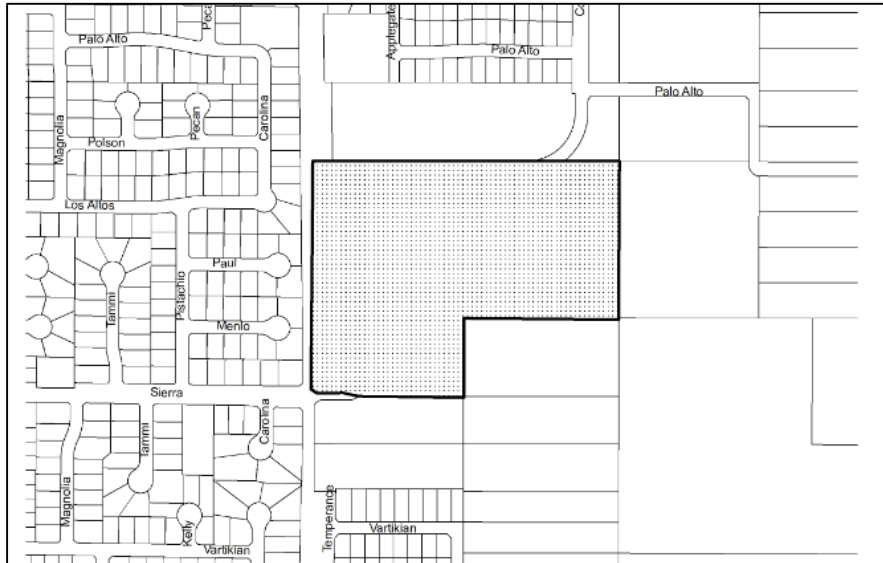
Fresno Wildlife has subsequently identified funding for the construction of their facility and is requesting to receive site plan approval.

## BACKGROUND

- General Plan Designation: Park
- Existing Zoning: "O" Open Space
- Lot Size: Approximately 115 acres.
- Current Land Use: Park and Miss Winkles Pet Adoption Center
- Adjacent Land Uses:
  - North: Multi Family Residential
  - South: Single Family Residential
  - East: Ponding Basin
  - West: Expressway and Single Family Residential
- Previous Entitlements: SPR2007-25 (Sierra Meadows Park Master Plan)  
SPR2007-25A (Sierra Meadows Park Master Plan)



**FIGURE 1**  
**Project Location**



## PROPOSAL AND ANALYSIS

Fresno Wildlife has expressed to staff that they have secured funding for the construction and operation of a “Nature Center” and are requesting that the site plan review previously approved for David McDonald Park be modified to accommodate this facility. Over the past fifteen years, a nature education and wildlife rehabilitation facility has been considered for this site and had been incorporated as a future development phase in the most recent site plan review approval. Based upon the current financial position of Fresno Wildlife to deliver a project, the City has determined to begin the process of site plan review consideration.

The current proposal would include a Nature Center facility including educational and wildlife rehabilitation services that would be open to the public. Physical improvements would include a 3,321 square foot building, 17 parking spaces, and wild bird rehabilitation flight cages.

The City and Fresno Wildlife have established a tentative land tenure agreement subject to an approved site plan review amendment.

Staff feels that there are several areas that should be considered:

- Accommodation of the Nature Center into the David McDonald Park facility,
- Compatibility of architecture with other park improvements,
- Adequacy of parking to accommodate the use, and,
- Compatibility with area land uses.

### **Accommodation into the David McDonald Park facility**

The current Site plan approval for David McDonald Park includes the Miss Winkles Pet Adoption Center, 203 public parking spaces, a ceremonial green and a restroom facility. These improvements were approved and constructed considering an allowance for a future nature facility should it become feasible to construct. The proposed placement of the Nature Center proposal compliments these current improvements by centering all active facilities in proximity to the main park entrance and drop-off area. The proposal also preserves space to the east that could accommodate future picnic and play equipment as well as maintaining the larger open space to the north.

Fresno Wildlife has also affirmed that future park development would not affect the use of the proposed flight cages.

A Nature Center type facility has always been considered under the site planning for this park site and thus remains compatible to the overall vision for the park.

### **Compatibility of architecture with other park improvements**

The development of the Miss Winkles Pet Adoption facility incorporated a contemporary design that is complimentary to the developing Sierra Gateway Business Center and Clovis Community Hospital to the north. This was further carried out with the restroom facility.

The architectural elevations proposed with the Nature Center integrate well with these existing improvements and would contribute to a seamless architectural character to the park.

### **Adequacy of parking to accommodate the use**

Seventeen parking spaces are proposed with the Nature Center facility. Similar uses including museums and offices require one parking space for each 300 or 250 square feet of building area respectively, requiring 11-14 spaces for this use. This parking field would be open to public use and would contribute to the overall parking for the park. Based upon the size of the Nature Center, two handicapped stalls are required.

### **Compatibility with area land uses**

With the exception of the flight cages, generally all activities will occur within the Nature Center building and within normally accepted operating hours. There should be no adverse impacts generated by this facility beyond what would be expected of a park facility.

### **REASON FOR RECOMMENDATION**

The design of the David McDonald Park has always included the ability to consider construction of a Nature Center type of activity. The current proposal would allow for the development of a Nature Center that is open to the public. As the proposed center integrates well with current site improvements, provides parking for the use and allows for accommodation of further facility expansion such as picnic and play facilities, staff recommends approval of this request subject to the conditions attached as Attachment 1.

**ACTIONS FOLLOWING APPROVAL**

Site Plan Review SPR2007-25A2 requires final approval by the City Council and a land tenure agreement.

**FISCAL IMPACT**

None

**NOTICE OF HEARING**

Property owners within 300 feet notified: 38  
Interested individuals notified: 10

Prepared by: Dwight Kroll AICP, Director of PDS



Reviewed by:

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Dave Merchen  
City Planner

## **CONDITIONS OF APPROVAL**

**SPR2007-25A2, ATTACHMENT "1"**  
**Conditions of Approval**

**PLANNING DIVISION CONDITIONS**  
**(Dwight Kroll, Director of PDS– (559)-324-2343)**

1. All conditions of SPR2007-25A2 shall be placed in the *building permit set* prior to plan check submittal and the issuance of permits.
2. The applicant shall relay all Conditions of Approval and approved exhibits for this site plan review to all subsequent purchasers, developers, and site superintendents.
3. The Applicant shall sign and return the "Acceptance of Site Plan" within thirty (30) days of the date of approval of site plan review. **THE APPLICANT OR ANY OTHER AGGRIEVED PERSON MAY FILE AN APPEAL OF THE SITE PLAN WITHIN FIFTEEN (15) DAYS OF THE APPROVAL DATE.** Unless a written appeal is requested, or the Planning Director grants an extension in writing of the time to sign the Acceptance of Site Plan, failure to comply with this condition will result in immediate termination of this Site Plan Review at the end of the 30-day period. (Clovis Municipal Code (CMC) § 9.82.040)
4. This Site Plan Review is granted as per the conditions of Exhibit "A", site layout, and exterior elevation plan design and finish materials stamped as "approved". Any corrections indicated in red shall indicate approved changes under this application.
5. All plans submitted for building permits shall be consistent with this Site Plan Review. (per CMC §9.3.408 C.1)
6. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/ loading areas, fence/ walls, new buildings or landscaping shall require an amendment to this site plan review.
7. During construction, applicant and assigned contractors for safety purposes, shall keep the public right-of-way clear of obstructions, and provide for interim clean-up on a daily basis.

**Signage**

8. All exterior signs and/or signs on the inside of the building which are intended to be viewed from the outside shall require separate sign permits prior to installation. (CMC § 9.34.010)
9. Temporary signs shall be limited to building mounted banners and posters not to exceed in size the total allowable permanent sign area for the lease space. Such signs may be used in conjunction with an event or sale, and may be displayed for a maximum of fourteen days, and shall be limited to one such display three separate times a year. A minimum of five days shall separate temporary display periods. Temporary displays shall not list individual products and/or prices and will require written notification to the Planning Division prior to display.

10. All signs shall comply with the City of Clovis Sign Ordinance.

### **HVAC and PG&E Utility Placement Considerations/Screening Requirements**

11. All electrical and HVAC equipment shall be screened per Planning Division standards.

12. Roof access ladders shall be located within the interior of the buildings per Planning Division Standards.

13. Fire sprinkler risers shall be located within the interior of the building or located out of public view per Planning Division Standards.

14. All new utility lines serving the development shall be located underground. All PG&E equipment and installation locations, other than those within the structures, shall be submitted to and approved by the Planning Division prior to issuance of building permits. In the case of, or as a result of unique conditions, the Planning Director may set a later time for submission of the information for approval.

15. There shall no outdoor sales, storage, vending machines, or merchandising without the approval from the City Planner through a noticed Administrative Use Permit.

16. There shall be no outside storage of materials, supplies or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual barrier intended to screen such area from view of adjoining properties and from the street.

### **Building Colors, Materials and Lighting Considerations**

17. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic per Planning Division Standards.

18. All exterior light sources, including canopy, flood, and perimeter, shall be energy efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way.

19. Prior to the issuance of building permits, the applicant shall submit a color and materials presentation board to the Planning Division for review and approval detailing building and trash enclosure colors and materials.

### **Parking and Access**

20. Perpendicular (90 degree) parking spaces shall measure a minimum of 10' wide by 20' deep (17' deep with 3' bumper overhang into non-required landscape)

21. Perpendicular (90 degree) handicap parking spaces shall measure a minimum of 9' wide by 20' deep with a 5' wide loading zone as per the City of Clovis adopted handicap parking standards
22. Perpendicular (90 degree) handicap van parking stalls shall measure a minimum of 9' wide by 20' deep with an 8' wide loading zone on the passenger side of the vehicle as per the City of Clovis adopted handicap parking standards.
23. Provide bicycle parking/storage facilities in compliance with Section 9.32.090 of the City's Development Code and requirements specified in the California Green Building Standards (5% minimum of required parking). Acceptable bicycle parking shall be convenient from the street and shall meet one of the following:
  - Covered, lockable enclosures with permanently anchored racks for bicycles; or
  - Lockable bicycle rooms with permanently anchored racks; or
  - Lockable, permanently anchored bicycle lockers.
24. Trees, shrubs, light poles, fire hydrants and similar objects placed in the two-foot bumper overhang area shall be placed as not to cause interference with the vehicles per Planning Division Standards.
25. The developer shall provide an accessible pedestrian path from the City sidewalk to the front door of the business and between businesses per adopted Accessible Path Requirements.
26. Per Planning Division Standards, there shall be no outside storage of materials, supplies or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual barrier intended to screen such area from view of adjoining properties and from the street.
27. There shall be no outdoor sales, storage, vending machines, or merchandising without the approval from the City Planner through a noticed Director Review Approval process. (See AUP process within each zone district)

### **Landscape/Non-Landscape Lot Coverage and Treatments**

28. Submit detailed landscaping plan for review.
29. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010.

**DRAFT RESOLUTION**



**DRAFT  
RESOLUTION 19-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
APPROVING A SITE PLAN REVIEW AMENDMENT TO ALLOW FOR CONSTRUCTION ON  
.8 ACRES OF LAND WITHIN PHASE 1 OF THE SIERRA MEADOWS PARK MASTER PLAN  
FOR THE FRESNO WILDLIFE REHABILITATION NATURE CENTER BUILDING AND  
ASSOCIATED PARK IMPROVEMENTS FOR PROPERTY LOCATED EAST OF  
TEMPERANCE AVENUE AT SIERRA AVENUE. CITY OF CLOVIS, OWNER; FRESNO  
WILDLIFE, APPLICANT/REPRESENTATIVE.**

**WHEREAS**, applicant, applicant address, Clovis, CA 93612, has applied for a Site Plan Review SPR2007-25A2; and

**WHEREAS**, Site Plan Review SPR2007-25A2, was filed on August 8, 2019, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2, of the Municipal Code and 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 September 26, 2019 and

**WHEREAS**, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

1. Be allowed within the subject zoning district;
2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;
3. Be in compliance with all other applicable provisions of the Clovis Municipal Code;
4. Be consistent with the General Plan and any applicable specific plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission does approve SPR2007-25A2, subject to the attached conditions labeled "Attachment 1."

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 26, 2019, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 19-\_\_\_\_\_  
DATED: September 26, 2019

\_\_\_\_\_  
Amy Hatcher, Chair

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

**CORRESPONDENCE**

**From:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Sent:** Thursday, August 15, 2019 2:12 PM  
**To:** Courtney Thongsavath  
**Subject:** RE: Request for Comments for SPR2007-25A2

Courtney,

We don't have any comments.



**Chris W. Motta, MURP** | **Principal Planner**  
**Department of Public Works and Planning |**  
**Development Services and Capital Projects Division**  
 2220 Tulare St. 6th Floor Fresno, CA 93721  
 Main Office: (559) 600-4497 Direct: (559) 600-4227  
[Your input matters! Customer Service Survey](#)

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**From:** Courtney Thongsavath <[courtneyt@ci.clovis.ca.us](mailto:courtneyt@ci.clovis.ca.us)>  
**Sent:** Thursday, August 15, 2019 1:21 PM  
**To:** Amy Hance <[AmyH@ci.clovis.ca.us](mailto:AmyH@ci.clovis.ca.us)>; Andrew Haussler <[andrewh@ci.clovis.ca.us](mailto:andrewh@ci.clovis.ca.us)>; Andrew Nabors <[AndrewNabors@clovisusd.k12.ca.us](mailto:AndrewNabors@clovisusd.k12.ca.us)>; Andrew Nabors <[andrewnabors@cusd.com](mailto:andrewnabors@cusd.com)>; Anthony Summers <[Kristopher.W.Summers@usps.gov](mailto:Kristopher.W.Summers@usps.gov)>; Jimenez, Bernard <[BJimenez@fresnocountyca.gov](mailto:BJimenez@fresnocountyca.gov)>; Brian Weldon <[bw1987@att.com](mailto:bw1987@att.com)>; Chad Fischer <[Chad.Fischer@waterboards.ca.gov](mailto:Chad.Fischer@waterboards.ca.gov)>; Chad Fitzgerald <[ChadF@ci.clovis.ca.us](mailto:ChadF@ci.clovis.ca.us)>; Cherie Clark <[Cherie.Clark@valleyair.org](mailto:Cherie.Clark@valleyair.org)>; Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>; Christian A. Esquivias Ramirez <[ChristianE@ci.clovis.ca.us](mailto:ChristianE@ci.clovis.ca.us)>; Monfette, Christina <[cmonfette@fresnocountyca.gov](mailto:cmonfette@fresnocountyca.gov)>; Curt Fleming <[curtf@ci.clovis.ca.us](mailto:curtf@ci.clovis.ca.us)>; Curtis Shurtliff <[curtiss@ci.clovis.ca.us](mailto:curtiss@ci.clovis.ca.us)>; Fey, David <[dfey@fresnocountyca.gov](mailto:dfey@fresnocountyca.gov)>; Dave Padilla <[dave.padilla@dot.ca.gov](mailto:dave.padilla@dot.ca.gov)>; Dave Scott <[ds1298@att.com](mailto:ds1298@att.com)>; David Gonzalez <[davidg@ci.clovis.ca.us](mailto:davidg@ci.clovis.ca.us)>; Debbie Campbell <[debbiec@fresnofloodcontrol.org](mailto:debbiec@fresnofloodcontrol.org)>; Sidhu, Sukhdeep <[ssidhu@fresnocountyca.gov](mailto:ssidhu@fresnocountyca.gov)>; Denise Wade <[denisew@fresnofloodcontrol.org](mailto:denisew@fresnofloodcontrol.org)>; Denver Stairs <[DenverStairs@cusd.com](mailto:DenverStairs@cusd.com)>; Douglas Stawarski <[dougs@ci.clovis.ca.us](mailto:dougs@ci.clovis.ca.us)>; Dwight Kroll <[DwightK@ci.clovis.ca.us](mailto:DwightK@ci.clovis.ca.us)>; Eric Zetz <[ericz@ci.clovis.ca.us](mailto:ericz@ci.clovis.ca.us)>; FID <[Engr-Review@fresnoirrigation.com](mailto:Engr-Review@fresnoirrigation.com)>; FMFCD <[developmentreview@fresnofloodcontrol.org](mailto:developmentreview@fresnofloodcontrol.org)>; Gary Sawhill <[Sawhill@ci.clovis.ca.us](mailto:Sawhill@ci.clovis.ca.us)>; Gene Abella <[genea@ci.clovis.ca.us](mailto:genea@ci.clovis.ca.us)>; Geneva H. McJunkin <[gr7434@att.com](mailto:gr7434@att.com)>; George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; Uc, George <[guc@fresnocountyca.gov](mailto:guc@fresnocountyca.gov)>; Georgia Stewart <[Georgia.Stewart@valleyair.org](mailto:Georgia.Stewart@valleyair.org)>; Gerald Conley <[geraldc@ci.clovis.ca.us](mailto:geraldc@ci.clovis.ca.us)>; Allen, Glenn <[glallen@fresnocountyca.gov](mailto:glallen@fresnocountyca.gov)>; Iri Guerra <[IriG@ci.clovis.ca.us](mailto:IriG@ci.clovis.ca.us)>; Jason C. <[jasonc@fresnofloodcontrol.org](mailto:jasonc@fresnofloodcontrol.org)>; Jeff Heidinger <[jwhb@pge.com](mailto:jwhb@pge.com)>; John Willow <[JohnWi@ci.clovis.ca.us](mailto:JohnWi@ci.clovis.ca.us)>; Lara, Juan <[jlara@fresnocountyca.gov](mailto:jlara@fresnocountyca.gov)>; Ken Wells <[kenw@ci.clovis.ca.us](mailto:kenw@ci.clovis.ca.us)>; Tsuda, Kevin <[ktsuda@fresnocountyca.gov](mailto:ktsuda@fresnocountyca.gov)>; Lily Cha <[lilyc@ci.clovis.ca.us](mailto:lilyc@ci.clovis.ca.us)>; Luke Serpa <[lukes@ci.clovis.ca.us](mailto:lukes@ci.clovis.ca.us)>; Max Garces <[MaxG@ci.clovis.ca.us](mailto:MaxG@ci.clovis.ca.us)>; Michael Maxwell <[michaelm@fresnofloodcontrol.org](mailto:michaelm@fresnofloodcontrol.org)>; Michael Navarro <[michael\\_navarro@dot.ca.gov](mailto:michael_navarro@dot.ca.gov)>; Mike Harrison <[mikeh@ci.clovis.ca.us](mailto:mikeh@ci.clovis.ca.us)>; Mikel M <[mikelm@fresnofloodcontrol.org](mailto:mikelm@fresnofloodcontrol.org)>; Monique Chaidez <[MKR4@pge.com](mailto:MKR4@pge.com)>; Lopez, Nadia <[nllopez@fresnocountyca.gov](mailto:nllopez@fresnocountyca.gov)>; Nicholas Torstensen <[nicholast@ci.clovis.ca.us](mailto:nicholast@ci.clovis.ca.us)>; Orlando Ramirez <[OrlandoR@ci.clovis.ca.us](mailto:OrlandoR@ci.clovis.ca.us)>; Paul Armendariz <[PaulA@ci.clovis.ca.us](mailto:PaulA@ci.clovis.ca.us)>; Rick Fultz <[rickf@ci.clovis.ca.us](mailto:rickf@ci.clovis.ca.us)>; Ricky Caperton <[rcaperton@ci.clovis.ca.us](mailto:rcaperton@ci.clovis.ca.us)>; Robert J. Howard <[R3Hd@pge.com](mailto:R3Hd@pge.com)>; Robert Villalobos <[robertv@fresnofloodcontrol.org](mailto:robertv@fresnofloodcontrol.org)>; Ryan Burnett

**From:** Padilla, Dave@DOT <dave.padilla@dot.ca.gov>  
**Sent:** Friday, August 16, 2019 8:56 AM  
**To:** Courtney Thongsavath  
**Cc:** Navarro, Michael@DOT  
**Subject:** RE: Request for Comments for SPR2007-25A2

Hello Courtney,

We have no concerns with the project.

Thank you

**DAVID PADILLA**

Associate Transportation Planner  
 Caltrans  
 Office of Planning & Local Assistance  
 1352 W. Olive Avenue  
 Fresno, CA 93778-2616  
 Office: (559) 444-2493, Fax: (559) 445-5875

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**From:** Courtney Thongsavath <[courtneyt@ci.clovis.ca.us](mailto:courtneyt@ci.clovis.ca.us)>  
**Sent:** Thursday, August 15, 2019 1:21 PM  
**To:** Amy Hance <[AmyH@ci.clovis.ca.us](mailto:AmyH@ci.clovis.ca.us)>; Andrew Haussler <[andrewh@ci.clovis.ca.us](mailto:andrewh@ci.clovis.ca.us)>; Andrew Nabors <[AndrewNabors@clovisusd.k12.ca.us](mailto:AndrewNabors@clovisusd.k12.ca.us)>; Andrew Nabors <[andrewnabors@cusd.com](mailto:andrewnabors@cusd.com)>; Anthony Summers <[Kristopher.W.Summers@usps.gov](mailto:Kristopher.W.Summers@usps.gov)>; Bernard Jimenez <[Bjimenez@co.fresno.ca.us](mailto:Bjimenez@co.fresno.ca.us)>; Brian Weldon <[bw1987@att.com](mailto:bw1987@att.com)>; Fischer, Chad@Waterboards <[Chad.Fischer@waterboards.ca.gov](mailto:Chad.Fischer@waterboards.ca.gov)>; Chad Fitzgerald <[ChadF@ci.clovis.ca.us](mailto:ChadF@ci.clovis.ca.us)>; Cherie Clark <[Cherie.Clark@valleyair.org](mailto:Cherie.Clark@valleyair.org)>; Chris Motta <[cmotta@co.fresno.ca.us](mailto:cmotta@co.fresno.ca.us)>; Christian A. Esquivias Ramirez <[ChristianE@ci.clovis.ca.us](mailto:ChristianE@ci.clovis.ca.us)>; Christina Monfette <[cmonfette@co.fresno.ca.us](mailto:cmonfette@co.fresno.ca.us)>; Curt Fleming <[curtf@ci.clovis.ca.us](mailto:curtf@ci.clovis.ca.us)>; Curtis Shurtliff <[curtiss@ci.clovis.ca.us](mailto:curtiss@ci.clovis.ca.us)>; Dave Fey <[dfey@co.fresno.ca.us](mailto:dfey@co.fresno.ca.us)>; Padilla, Dave@DOT <[dave.padilla@dot.ca.gov](mailto:dave.padilla@dot.ca.gov)>; Dave Scott <[ds1298@att.com](mailto:ds1298@att.com)>; David Gonzalez <[davidg@ci.clovis.ca.us](mailto:davidg@ci.clovis.ca.us)>; Debbie Campbell <[debbiec@fresnofloodcontrol.org](mailto:debbiec@fresnofloodcontrol.org)>; Deep Sidhu <[SSidhu@co.fresno.ca.us](mailto:SSidhu@co.fresno.ca.us)>; Denise Wade <[denisew@fresnofloodcontrol.org](mailto:denisew@fresnofloodcontrol.org)>; Denver Stairs <[DenverStairs@cusd.com](mailto:DenverStairs@cusd.com)>; Douglas Stawarski <[dougs@ci.clovis.ca.us](mailto:dougs@ci.clovis.ca.us)>; Dwight Kroll <[DwightK@ci.clovis.ca.us](mailto:DwightK@ci.clovis.ca.us)>; Eric Zetz <[ericz@ci.clovis.ca.us](mailto:ericz@ci.clovis.ca.us)>; FID <[Engr-Review@fresnoirrigation.com](mailto:Engr-Review@fresnoirrigation.com)>; FMFCD <[developmentreview@fresnofloodcontrol.org](mailto:developmentreview@fresnofloodcontrol.org)>; Gary Sawhill <[Sawhill@ci.clovis.ca.us](mailto:Sawhill@ci.clovis.ca.us)>; Gene Abella <[genea@ci.clovis.ca.us](mailto:genea@ci.clovis.ca.us)>; Geneva H. McJunkin <[gr7434@att.com](mailto:gr7434@att.com)>; George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; George Uc <[guc@co.fresno.ca.us](mailto:guc@co.fresno.ca.us)>; Georgia Stewart <[Georgia.Stewart@valleyair.org](mailto:Georgia.Stewart@valleyair.org)>; Gerald Conley <[geraldc@ci.clovis.ca.us](mailto:geraldc@ci.clovis.ca.us)>; Glenn Allen <[glallen@co.fresno.ca.us](mailto:glallen@co.fresno.ca.us)>; Iri Guerra <[IriG@ci.clovis.ca.us](mailto:IriG@ci.clovis.ca.us)>; Jason C. <[jasonc@fresnofloodcontrol.org](mailto:jasonc@fresnofloodcontrol.org)>; Jeff Heidinger <[jwhb@pge.com](mailto:jwhb@pge.com)>; John Willow <[JohnWi@ci.clovis.ca.us](mailto:JohnWi@ci.clovis.ca.us)>; Juan Lara <[jlara@co.fresno.ca.us](mailto:jlara@co.fresno.ca.us)>; Ken Wells <[kenw@ci.clovis.ca.us](mailto:kenw@ci.clovis.ca.us)>; Kevin Tsuda <[KTsuda@co.fresno.ca.us](mailto:KTsuda@co.fresno.ca.us)>; Lily Cha <[lilyc@ci.clovis.ca.us](mailto:lilyc@ci.clovis.ca.us)>; Luke Serpa <[lukes@ci.clovis.ca.us](mailto:lukes@ci.clovis.ca.us)>; Max Garces <[MaxG@ci.clovis.ca.us](mailto:MaxG@ci.clovis.ca.us)>; Michael Maxwell <[michaelm@fresnofloodcontrol.org](mailto:michaelm@fresnofloodcontrol.org)>; Navarro, Michael@DOT <[michael.navarro@dot.ca.gov](mailto:michael.navarro@dot.ca.gov)>; Mike Harrison <[mikeh@ci.clovis.ca.us](mailto:mikeh@ci.clovis.ca.us)>; Mikel M <[mikelm@fresnofloodcontrol.org](mailto:mikelm@fresnofloodcontrol.org)>; Monique Chaidez <[MKR4@pge.com](mailto:MKR4@pge.com)>; Nadia Lopez <[nllopez@fresnocountyca.gov](mailto:nllopez@fresnocountyca.gov)>; Nicholas Torstensen <[nicholast@ci.clovis.ca.us](mailto:nicholast@ci.clovis.ca.us)>; Orlando Ramirez <[OrlandoR@ci.clovis.ca.us](mailto:OrlandoR@ci.clovis.ca.us)>; Paul Armendariz <[PaulA@ci.clovis.ca.us](mailto:PaulA@ci.clovis.ca.us)>; Rick Fultz <[ricket@ci.clovis.ca.us](mailto:ricket@ci.clovis.ca.us)>;

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**Cc:** Dwight Kroll <[DwightK@ci.clovis.ca.us](mailto:DwightK@ci.clovis.ca.us)>; Courtney Thongsavath <[courtneyt@ci.clovis.ca.us](mailto:courtneyt@ci.clovis.ca.us)>  
**Subject:** Request for Comments for SPR2007-25A2

Good afternoon,

Please see the attached request for comments for a nature center at 101 Temperance Ave (David McDonald Park).

Thank you,  
**Courtney Thongsavath**  
*Planning Intern*

City of Clovis | Planning Department  
E. [courtneyt@cityofclovis.com](mailto:courtneyt@cityofclovis.com)  
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Mailing: 1033 Fifth Street | Clovis, CA 93612

**From:** Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>  
**Sent:** Tuesday, September 03, 2019 2:19 PM  
**To:** Courtney Thongsavath  
**Cc:** Denver Stairs  
**Subject:** RE: Request for Comments for SPR2007-25A2

Clovis Unified has no comments.



**Andrew Nabors**  
 (559) 327-9264

---

**From:** Courtney Thongsavath <[courtneyt@ci.clovis.ca.us](mailto:courtneyt@ci.clovis.ca.us)>  
**Sent:** Tuesday, September 3, 2019 12:01 PM  
**To:** Amy Hance <[AmyH@ci.clovis.ca.us](mailto:AmyH@ci.clovis.ca.us)>; Andrew Haussler <[andrewh@ci.clovis.ca.us](mailto:andrewh@ci.clovis.ca.us)>; Andrew Nabors <[AndrewNabors@clovisusd.k12.ca.us](mailto:AndrewNabors@clovisusd.k12.ca.us)>; Andrew Nabors <[AndrewNabors@clovisusd.k12.ca.us](mailto:AndrewNabors@clovisusd.k12.ca.us)>; Anthony Summers <[Kristopher.W.Summers@usps.gov](mailto:Kristopher.W.Summers@usps.gov)>; Bernard Jimenez <[Bjimenez@co.fresno.ca.us](mailto:Bjimenez@co.fresno.ca.us)>; Brian Weldon <[bw1987@att.com](mailto:bw1987@att.com)>; Chad Fischer <[Chad.Fischer@waterboards.ca.gov](mailto:Chad.Fischer@waterboards.ca.gov)>; Chad Fitzgerald <[ChadF@ci.clovis.ca.us](mailto:ChadF@ci.clovis.ca.us)>; Cherie Clark <[Cherie.Clark@valleyair.org](mailto:Cherie.Clark@valleyair.org)>; Chris Motta <[cmotta@co.fresno.ca.us](mailto:cmotta@co.fresno.ca.us)>; Christian A. 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**Cc:** Dwight Kroll <[DwightK@ci.clovis.ca.us](mailto:DwightK@ci.clovis.ca.us)>  
**Subject:** RE: Request for Comments for SPR2007-25A2

 **EXTERNAL MESSAGE - Think Before You Click**

Hello everyone,

Just a reminder that comments for SPR2007-25A2 are due Thursday 9/5. Please respond accordingly.

**Thank you!**



**Courtney Thongsavath | Planning Intern**  
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**From:** Courtney Thongsavath

**Sent:** Thursday, August 15, 2019 1:21 PM

**To:** Amy Hance <[AmyH@ci.clovis.ca.us](mailto:AmyH@ci.clovis.ca.us)>; Andrew Haussler <[andrewh@ci.clovis.ca.us](mailto:andrewh@ci.clovis.ca.us)>; Andrew Nabors <[AndrewNabors@clovisusd.k12.ca.us](mailto:AndrewNabors@clovisusd.k12.ca.us)>; Andrew Nabors <[andrewnabors@cusd.com](mailto:andrewnabors@cusd.com)>; Anthony Summers <[Kristopher.W.Summers@usps.gov](mailto:Kristopher.W.Summers@usps.gov)>; Bernard Jimenez <[Bjimenez@co.fresno.ca.us](mailto:Bjimenez@co.fresno.ca.us)>; Brian Weldon <[bw1987@att.com](mailto:bw1987@att.com)>; Chad Fischer <[Chad.Fischer@waterboards.ca.gov](mailto:Chad.Fischer@waterboards.ca.gov)>; Chad Fitzgerald <[ChadF@ci.clovis.ca.us](mailto:ChadF@ci.clovis.ca.us)>; Cherie Clark <[Cherie.Clark@valleyair.org](mailto:Cherie.Clark@valleyair.org)>; Chris Motta <[cmotta@co.fresno.ca.us](mailto:cmotta@co.fresno.ca.us)>; Christian A. Esquivias Ramirez <[ChristianE@ci.clovis.ca.us](mailto:ChristianE@ci.clovis.ca.us)>; Christina Monfette <[cmonfette@co.fresno.ca.us](mailto:cmonfette@co.fresno.ca.us)>; Curt Fleming <[curtf@ci.clovis.ca.us](mailto:curtf@ci.clovis.ca.us)>; Curtis Shurtliff <[curtiss@ci.clovis.ca.us](mailto:curtiss@ci.clovis.ca.us)>; Dave Fey <[dfey@co.fresno.ca.us](mailto:dfey@co.fresno.ca.us)>; Dave Padilla <[dave.padilla@dot.ca.gov](mailto:dave.padilla@dot.ca.gov)>; Dave Scott <[ds1298@att.com](mailto:ds1298@att.com)>; David Gonzalez <[davidg@ci.clovis.ca.us](mailto:davidg@ci.clovis.ca.us)>; Debbie Campbell <[debbiec@fresnofloodcontrol.org](mailto:debbiec@fresnofloodcontrol.org)>; Deep Sidhu <[ssidhu@co.fresno.ca.us](mailto:ssidhu@co.fresno.ca.us)>; Denise Wade <[denisew@fresnofloodcontrol.org](mailto:denisew@fresnofloodcontrol.org)>; Denver Stairs <[DenverStairs@cusd.com](mailto:DenverStairs@cusd.com)>; Douglas Stawarski <[dougs@ci.clovis.ca.us](mailto:dougs@ci.clovis.ca.us)>; Dwight Kroll <[DwightK@ci.clovis.ca.us](mailto:DwightK@ci.clovis.ca.us)>; Eric Zetz <[ericz@ci.clovis.ca.us](mailto:ericz@ci.clovis.ca.us)>; FID <[Engr-Review@fresnoirrigation.com](mailto:Engr-Review@fresnoirrigation.com)>; FMFCD <[developmentreview@fresnofloodcontrol.org](mailto:developmentreview@fresnofloodcontrol.org)>; Gary Sawhill <[Sawhill@ci.clovis.ca.us](mailto:Sawhill@ci.clovis.ca.us)>; Gene Abella <[genea@ci.clovis.ca.us](mailto:genea@ci.clovis.ca.us)>; Geneva H. McJunkin <[gr7434@att.com](mailto:gr7434@att.com)>; George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; George Uc <[guc@co.fresno.ca.us](mailto:guc@co.fresno.ca.us)>; Georgia Stewart <[Georgia.Stewart@valleyair.org](mailto:Georgia.Stewart@valleyair.org)>; Gerald Conley <[geraldc@ci.clovis.ca.us](mailto:geraldc@ci.clovis.ca.us)>; Glenn Allen <[glallen@co.fresno.ca.us](mailto:glallen@co.fresno.ca.us)>; Iri Guerra <[IriG@ci.clovis.ca.us](mailto:IriG@ci.clovis.ca.us)>; Jason C. <[jasonc@fresnofloodcontrol.org](mailto:jasonc@fresnofloodcontrol.org)>; Jeff Heidinger <[jwhb@pge.com](mailto:jwhb@pge.com)>; John Willow <[JohnWi@ci.clovis.ca.us](mailto:JohnWi@ci.clovis.ca.us)>; Juan Lara <[jlara@co.fresno.ca.us](mailto:jlara@co.fresno.ca.us)>; Ken Wells <[kenw@ci.clovis.ca.us](mailto:kenw@ci.clovis.ca.us)>; Kevin Tsuda <[KTsuda@co.fresno.ca.us](mailto:KTsuda@co.fresno.ca.us)>; Lily Cha <[lilyc@ci.clovis.ca.us](mailto:lilyc@ci.clovis.ca.us)>; Luke Serpa <[lukes@ci.clovis.ca.us](mailto:lukes@ci.clovis.ca.us)>; Max Garces <[MaxG@ci.clovis.ca.us](mailto:MaxG@ci.clovis.ca.us)>; Michael Maxwell <[michaelm@fresnofloodcontrol.org](mailto:michaelm@fresnofloodcontrol.org)>; Michael Navarro <[michael\\_navarro@dot.ca.gov](mailto:michael_navarro@dot.ca.gov)>; Mike Harrison <[mikeh@ci.clovis.ca.us](mailto:mikeh@ci.clovis.ca.us)>; Mikel M <[mikelm@fresnofloodcontrol.org](mailto:mikelm@fresnofloodcontrol.org)>; Monique Chaidez <[MKR4@pge.com](mailto:MKR4@pge.com)>; Nadia Lopez <[nllopez@fresnocountyca.gov](mailto:nllopez@fresnocountyca.gov)>; Nicholas Torstensen <[nicholast@ci.clovis.ca.us](mailto:nicholast@ci.clovis.ca.us)>; Orlando Ramirez <[OrlandoR@ci.clovis.ca.us](mailto:OrlandoR@ci.clovis.ca.us)>; Paul Armendariz <[PaulA@ci.clovis.ca.us](mailto:PaulA@ci.clovis.ca.us)>; Rick Fultz <[rickf@ci.clovis.ca.us](mailto:rickf@ci.clovis.ca.us)>; Ricky Caperton <[rcaperton@ci.clovis.ca.us](mailto:rcaperton@ci.clovis.ca.us)>; Robert J. Howard <[R3Hd@pge.com](mailto:R3Hd@pge.com)>; Robert Villalobos



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**Cc:** Dwight Kroll <[DwightK@ci.clovis.ca.us](mailto:DwightK@ci.clovis.ca.us)>; Courtney Thongsavath <[courtneyt@ci.clovis.ca.us](mailto:courtneyt@ci.clovis.ca.us)>

**Subject:** Request for Comments for SPR2007-25A2

Good afternoon,

Please see the attached request for comments for a nature center at 101 Temperance Ave (David McDonald Park).

Thank you,  
**Courtney Thongsavath**  
*Planning Intern*

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**Subject:** Request for Comments for SPR2007-25A2

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

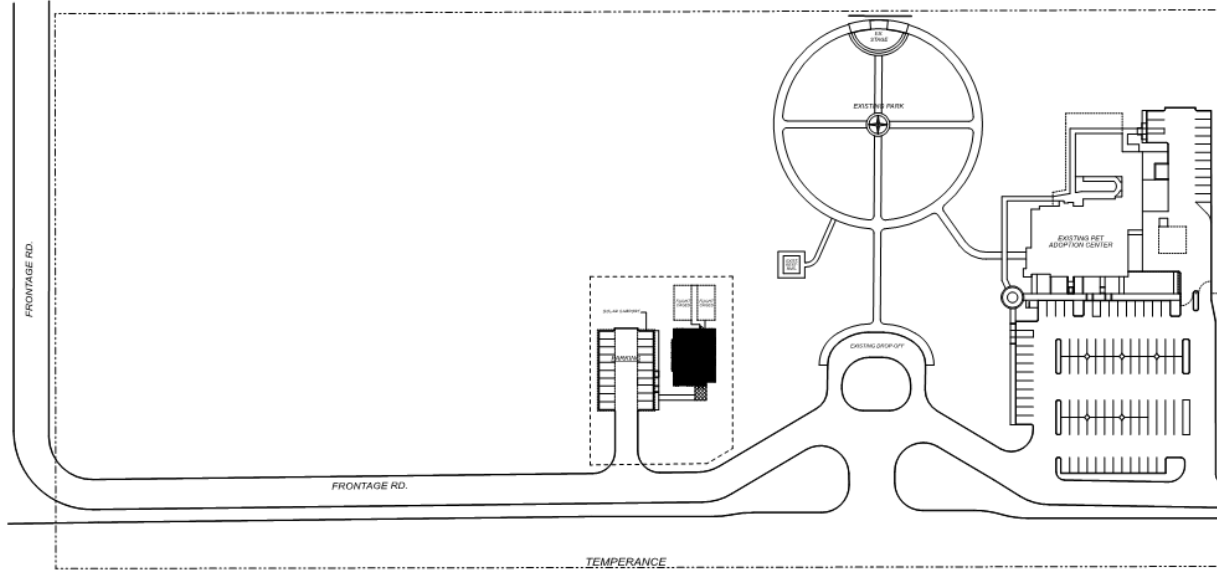
Good afternoon,

Please see the attached request for comments for a nature center at 101 Temperance Ave (David McDonald Park).

Thank you,  
**Courtney Thongsavath**  
*Planning Intern*

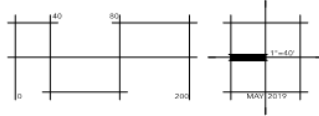
City of Clovis | Planning Department  
E . [courtneyt@cityofclovis.com](mailto:courtneyt@cityofclovis.com)  
P. 559.324.2064 | F. 559.324.2844  
Mailing: 1033 Fifth Street | Clovis, CA 93612

**PROPOSED SITE PLAN**



# NATURE CENTER MASTERPLAN

CLOVIS, CALIFORNIA



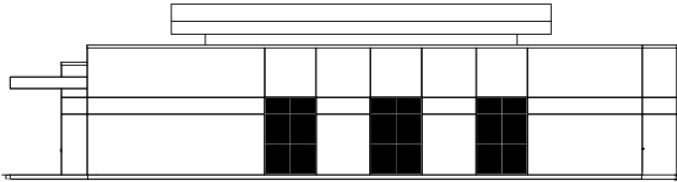
**ARCHITECTURAL ILLUSTRATION**



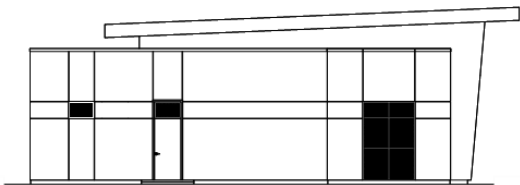
**SPECIFIC ARCHITECTURAL ELEVATIONS**



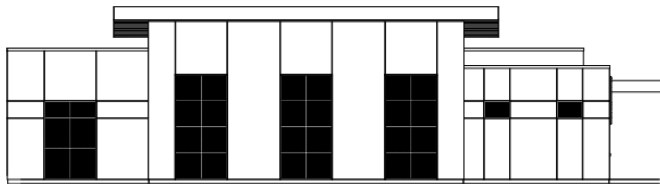
WEST ELEVATION  
SCALE 1/4" = 1'-0"



SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



EAST ELEVATION  
SCALE 1/4" = 1'-0"



NORTH ELEVATION  
SCALE 1/4" = 1'-0"

**CGM**  
**DESIGN GROUP**  
INCORPORATED  
ARCHITECTS



A NEW EDUCATION &  
REHABILITATION CENTER FOR  
**FRESNO WILDLIFE**  
CLONECA

Sheet  
**A-3**

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CLONECA

Sheet  
**A-4**



**CURRENT SITE PLAN REVIEW  
UNDER SPR2007\_25A2**



# SIERRA MEADOWS PARK MASTER PLAN

Incorporating the Clovis Animal Services & Pet Adoption Center and Nature Education & Rehabilitation Center

