



# CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION  
Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2340  
[www.cityofclovis.com](http://www.cityofclovis.com)

January 28, 2021

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you require special assistance to access and/or participate in this Planning Commission meeting, please contact the Planning Division at (559) 324-2340 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

## **\* SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19\***

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in Planning Commission meetings until notified otherwise. The Council chambers will be open to the public but we will be implementing social distancing policies and will limit the number of people who may be in the Council chambers. Face masks are required to attend. We are encouraging residents to participate virtually following the directions below. If you are sick, please do not attend the meeting. Any member of the Planning Commission may participate from a remote location by teleconference.

- The meeting will be webcast and accessed at: <https://cityofclovis.com/planning-and-development/planning/planning-commission/planning-commission-agendas/>

### **Written Comments**

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/planning-and-development/planning/planning-commission/planning-commission-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Planning Commission Meeting Date
- Item Number
- Name
- Email
- Comment (please limit to 300 words or 3 minutes)



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the Planning Commission noting the item number. Your written comment will be made part of the record.

- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

**Verbal Comments**

- If you wish to speak to the Commission on the item by telephone, you must contact the Deputy City Planner, Orlando Ramirez, at (559) 324-2345 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Planning Commission for up to three (3) minutes.

**Webex Participation**

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the Planning Commission. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

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

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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 4:00 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**

## **PLANNING COMMISSION REORGANIZATION**

Nomination and vote of Planning Commission Chair and Chair Pro tempore.

## **APPROVAL OF MINUTES**

- [1.](#) Planning Commission Minutes for the Meeting of December 17, 2020.

## **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. 21-\_\_\_\_, CUP2020-008, A request for a conditional use permit allowing for the construction of a gas station and ±4,500 square-foot convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control license located at 984 West Shaw Avenue. Steven G. Sanders, Trustee of Steve G. Sanders Trust, owner; Randel Mathias, applicant and representative.

**Staff:** Ricky Caperton, AICP, Senior Planner

**Recommendation:** Approve

3. Consider Approval - Res. 21-\_\_\_\_, OA2021-002, A request to amend the standards of the R-1-MD (Single Family Residential Medium Density) zone district and the general property development and use standards in conjunction with the adoption of objective standards for the development of single family residential housing projects. City of Clovis, applicant.

**Staff:** Dave Merchen, City Planner

**Recommendation:** Approve

4. Consider Approval - Res. 21-\_\_\_\_, CUP2020-007, A request for a conditional use permit for the construction of a ±9,400 square-foot ambulatory surgery center on a portion of an approximately 2.7-acre parcel located at 570 North Magnolia Avenue. AMEL Investments, LLC, a California Limited Liability Company, owner; Eric Lindvall, AMEL Investments, LLC., applicant; Marlette Associates, representative.

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

**Recommendation:** Approve

## OLD BUSINESS

## NEW BUSINESS

## ADJOURNMENT

## MEETINGS & KEY ISSUES

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

February 25, 2021

March 25, 2021

April 15, 2021

CLOVIS PLANNING COMMISSION MINUTES  
December 17, 2020

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

Flag salute led by Chair Hatcher

Present: Commissioners Antuna (via Webex), Bedsted (via Webex), Cunningham, Hinkle, Chair Hatcher

Absent: None

Staff: Dave Merchen, City Planner  
Ricky Caperton, Senior Planner  
Lily Cha, Associate Planner  
Sean Smith, Supervising Civil Engineer  
Wesley Carlson, City Attorney

#### MINUTES

1. The Commission approved the November 19, 2020, minutes by a vote of 5-0.

#### COMMISSION SECRETARY

City Planner Dave Merchen informed regarding several personnel changes in the Planning Division and Planning and Development Services Department.

#### PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Hinkle offered congratulations to the new Planning and Development Services Director Renee Mathis, then inquired as to whether there were any staff present able to address AB2345, requesting an update on this assembly bill and its effect on the City of Clovis. City Planner Merchen assured that staff would research and report on it.

Commissioner Cunningham echoed Commissioner Hinkle's congratulations to the new Planning Director and added congratulations to the new Senior Planner.

#### COMMUNICATIONS AND REFERRALS

None.

#### BUSINESS FROM THE FLOOR

None.

#### CONSENT CALENDAR

None.

#### PUBLIC HEARINGS

2. Consider Approval - **Res. 20-46, V2020-003**, A request to approve Variance V2020-003 for reduced lot widths within tentative tract map (TM6182), a 7-lot single-family residential development on property located north of Shaw Avenue, between Leonard and Highland

Avenues. John A. Bonadelle, Bonadelle Homes, Inc., applicant; Fagundes Dairy, a California General partnership, owner; Nathan Gleaves, Precision Civil Engineering, representative.

Senior Planner Ricky Caperton presented the staff report.

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

John Bonadelle of 7030 N. Fruit Avenue, Suite #101, Fresno, offered to answer any questions and expressed gratitude to staff for moving the project forward quickly.

Commissioner Hinkle sought and received confirmation that the reason behind the request is to straighten out the lots and make building on them easier, and all other development standards would be maintained. Mr. Bonadelle assured that this is the case and that they had explored all other options before seeking this variance. He further pointed out that the widths of the three remaining lots in this tract would be in excess of the existing variance in place.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve V2020-003. The motion was approved by a vote of 5-0.

3. Consider Approval - **Res. 20-47, TM6340**, A request to approve a vesting tentative tract map for a 41-lot single-family residential development on property located at the southeast corner of Ashlan and Thompson Avenues. Penncal Properties, LLC, applicant; Carl Armstrong et al, owners; Stone Valley Communities, LLC, representative.

Associate Planner Lily Cha presented the staff report.

Commissioner Hinkle inquired as to whether this project would return to the Planning Commission when the applicant decides what houses to place where in the tract, allowing the Commission to decide on driveway lengths, side yard setbacks, and other standards. Associate Planner Cha responded in the negative, providing an explanation of the differences between the R-1-MD and R-1-PRD zone districts.

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

Manny Penn of 3370 Loyola Avenue thanked staff and the Commission for the opportunity to speak on this project, gratitude to Associate Planner Cha for her presentation, provided background on the project, and offered to answer any questions.

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

Bill Armstrong of 9527 E. Ashlan Avenue informed that he had sold land to Mr. Penn several years ago, had been in the fire services for a number of years, and has been happy with the police and fire services he had received to this point. However, he feels that he will not lose anything regarding those services by coming into the City, as the Clovis Fire and Police Departments are very good. He also praised the City's handling of the peaceful coexistence between rural and urban residents.

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Bedsted and seconded by Commissioner Antuna to approve TM6340. The motion was approved by a vote of 5-0.

1. Consider Approval - **Res. 20-48, R2020-004**, A request to amend the P-C-C Zone District to establish the Loma Vista Marketplace P-C-C Zone District Standards for approximately 23 acres of property located at the southwest corner of Shaw and Leonard Avenues. Loma Vista Marketplace, LP, applicant; Provost & Pritchard Consulting Group, representative.

Associate Planner Lily Cha presented the staff report.

Commissioner Hinkle inquired as to the relation of this location to other key locations. Associate Planner Cha provided an aerial view and explanation.

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

Phillip Newfelt expressed gratitude to staff, the Planning Commission, and the Provost & Pritchard team as well as his excitement for this project.

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

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

Theresa Sebasto of 3176 Austin Avenue informed that she had been part of the original Southeast Urban Planning Group and so is very excited to see that vision finally coming to fruition. She expressed appreciation for the consideration given to this being a pedestrian/biking hub and to ensuring the outside of this area does not resemble a strip mall. She also expressed that her personal opinion is that the elevations are somewhat ordinary and dated. She concluded with a reminder that people do still farm in the area and will appreciate any mitigation with this development that will aid them.

At this point, the Chair closed the public portion.

Chair Hatcher stated that the plans look very good, though she has seen more detail on some plans for other projects in the area that show more of the Mission Style, informing the applicant that Associate Planner Cha can possibly provide them with some pictures of the style. Overall, though, the plan looks great and she is excited to see it moving forward.

Commissioner Bedstead echoed Chair Hatcher's comments regarding this looking like a great project.

Commissioner Antuna inquired as to whether there are any prospective tenants lined up yet. She also expressed her awareness of how long the wait for this project has been and her excitement for it. Mr. Newfelt responded with a listing of the kinds of tenants that are signed up for this development.

Commissioner Cunningham echoed awareness of this project being a long time in coming and expressed anticipation for the variety of tenants that will be there.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve R2020-004. The motion was approved by a vote of 5-0.

OLD BUSINESS

City Attorney Wesley Carlson provided a brief summary of the assembly bill mentioned earlier by Commission Hinkle, with a more detailed explanation to follow at another meeting.

Commissioner Hinkle expressed gratitude for the summary and anticipation of a more detailed explanation.

Commissioner Cunningham remarked that, as a frequent visitor to city council meetings, this bill and the actions that will result from it were not totally unexpected. City Attorney Carlson concurred and reminded the Commission regarding a previous example of such a situation.

NEW BUSINESS

None.

ADJOURNMENT AT 6:50 P.M. UNTIL the Planning Commission meeting on January 28, 2021.

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Amy Hatcher, Chair





# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: January 28, 2021

SUBJECT: Consider Approval - Res. 21-\_\_\_\_, CUP2020-008, A request for a conditional use permit allowing for the construction of a gas station and ±4,500 square-foot convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control license located at 984 West Shaw Avenue. Steven G. Sanders, Trustee of Steve G. Sanders Trust, owner; Randel Mathias, applicant and representative.

**Staff:** Ricky Caperton, AICP, Senior Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Operational Statement
3. Conceptual Site Plan
4. Resolutions Nos. 00-131 and 11-135
5. Conceptual Elevations
6. Review and Comments from Agencies
7. Draft Resolution

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2020-008, subject to the conditions of approval included as **Attachment 1**.

### EXECUTIVE SUMMARY

The applicant is proposing to construct a motor vehicle service station (gas station) and associated ±4,500 square-foot convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control (ABC) license occupying approximately 1.25-acres of the subject properties shown below in **Figure 1**. The project would require demolition of an existing structure which currently operates as a recreational vehicle (RV) sales dealership. The applicant has provided a more detailed operational statement included as **Attachment 2**.

Approval of this request would allow the applicant to proceed with site plan review.

**BACKGROUND**

- General Plan Designation: GC (General Commercial) / Focus Area 3
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: ±1.25 acres (portion of overall parcel size)
- Current Land Use: Recreational Vehicle sales (will vacate prior to project)
- Adjacent Land Uses:
  - North: Commercial
  - South: Vacant (parking lot of former RV sales use)
  - East: Commercial (auto dealership)
  - West: Vacant (parking lot of former RV sales use)
- Previous Entitlements: CUPs (49; 69; 77-11; 81-11; 83-11)  
SPRs (81-15; 83-76; 97-17)

**FIGURE 1**  
**Project Location**



 = Limits of Project (±1.25 acres)



## PROPOSAL AND ANALYSIS

As shown in **Attachment 3**, the applicant is proposing the construction of a gas station and convenience store on an approximately 1.25-acre portion of a site consisting of multiple parcels. The proposal also includes a request for a Type 21 ABC license for the sale of beer, wine, and distilled spirits for off-site consumption. Per Table 2-4 in Section 9.12.020 of the Clovis Municipal Code (CMC), the uses associated with the request (Motor Vehicle Service Station, Convenience Store, and alcohol sales) require a conditional use permit.

### Existing Site and Surrounding Area

The existing site currently operates as RV sales dealership. Historically, the site has operated as numerous vehicle sales dealerships and automotive uses over the years. The immediate surrounding area includes a variety of automotive and commercial uses, as well as single-family residential further south, and multi-family residential southwest of the area in the City of Fresno. Just west of the site is access to and from Highway 168.

### Project Characteristics

This section provides a description of the different components of the project including the gas station, convenience store, alcohol sales, and project operations.

#### Gas Station and Convenience Store

The project proposes a gas station that would include 6 fueling pumps (12 stations), and a ±4,500 square-foot convenience store with alcohol sales. The overall use would operate similar to a typical gas station/convenience store facilities and offer a variety of beverages, food, and snacks. The applicant is also requesting a Type 21 ABC license, which is further described below.

#### Alcohol Sales (Type 21)

As part of the request, the applicant is seeking a Type 21 ABC license for the sale of beer, wine, and distilled spirits. Although the request for alcohol sales is included as part of CUP2020-008 as a matter of land use operation, the Clovis Police Department (CPD) was granted full authority for decisions related to obtaining an ABC license. This authority was established via Resolution No. 00-131, adopted by City Council on October 9, 2000, and reaffirmed through Resolution No. 11-135, adopted by City Council on December 12, 2011. These resolutions are provided as **Attachment 4**. Thus, while CUP2020-008 includes a request for a gas station, convenience store, and alcohol sales, the decision for the alcohol component ultimately rests with the Police Department.

The project is located within ABC Census Tract 31.02 which allows for up to six (6) off-sale ABC licenses according to state standards; however, currently there are nine (9) within the census tract, thus, “over concentrated” by three (3) licenses. This results when the number of “allowed” licenses within a specific census tract is exceeded. When over concentration occurs, a letter of “public convenience or necessity” must be provided by the local jurisdiction in order allow the license to be issued. Essentially, the State allows the additional licenses exceeding the limits when the local jurisdiction determines that “public convenience or necessity” is served by doing so. As noted above, this determination is made by the Clovis Police Department.

The Police Department has concluded that it would support the request for a Type 21 ABC license as part of CUP2020-008 if an existing Type 21 ABC license is transferred from another location within the same ABC census tract (Census Tract 31.02). Thus, if approved, the project would not be adding another ABC license to the census tract, but rather would be relocating an existing license. This is reflected in the conditions of approval provided as **Attachment 1**.

Assuming the applicant is able to transfer a license from another location, the Police Department has provided operational conditions for the project, also included in **Attachment 1**.

#### Project Operations

Although the applicant has stated that the planned hours of operation would be seven (7) days per week between the hours of 6:00 a.m. and 2:00 a.m., the request is to be able to operate 24 hours per day to allow for flexibility in hours of operation. Thus, the consideration for CUP2020-008 should be for 24-hour use of the gas station and/or convenience store. The project anticipates a staff of up to 10 full-time employees, with up to 6 part-time staff.

#### Circulation and Parking

As shown on the conceptual site plan (**Attachment 3**), the site would be accessed by two points of ingress/egress along Shaw Avenue. There is another point of entry via the cul-de-sac at Winery Avenue; however, that ingress/egress is intended only for emergencies and not necessarily for gas station or convenience store customers. The project would be required to provide 5.4 vehicle stalls per 1,000 square feet of building area. Therefore, based on  $\pm 4,500$  square foot convenience market, a total of 24 parking spaces would need to be provided. The proposed site plan depicts 24 spaces and therefore would meet the minimum parking requirement. In addition, there is an existing reciprocal parking, access, and circulation agreement in place with the parcel south of the project, as well as multiple parcels west of the project, thus, providing additional parking, if needed.

#### Site Design

The applicant has provided conceptual elevations which are included as **Attachment 5**. As shown, the convenience store would have a maximum height of  $\pm 25'-10''$  at its peak. The elevations show a variety of heights to prevent a stark and continuous roofline, as well as the use of multiple façade materials such as stucco and stone or brick veneer. There would also be a fuel canopy covering the fuel stations. Per the C-2 zone district standards, the maximum height allowed would be 35 feet, the minimum front setback would be 30 feet to parking (from face of curb) and 40 feet to structures (from face of curb). Based on the conceptual site plan, the applicant would meet or exceed these requirements.

The final details will be reviewed during the SPR process to ensure the colors, materials, and massing are consistent with and/or enhance the overall character of the area.

#### **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, and the San Joaquin Valley Air Pollution Control District.

Comments received are attached (**Attachment 6**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

### **California Environmental Quality Act (CEQA)**

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Infill Development Projects) and that the exceptions identified under Section 15300.2 of the CEQA Guidelines would not be triggered as a result of the project.

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.

The exceptions identified in Section 15300.2 identify further review of an exemption by the project's potential to result in a cumulative impact, significant effect, proximity to a scenic highway, location on or within the vicinity of a hazardous waste site, and/or the potential to negatively impact a historical resources. Based on staff's review, these exceptions would not be triggered by the proposed project. Therefore, a Notice of Exemption has been completed. 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, January 13, 2021.

### **Consistency with 2014 Clovis General Plan Goals and Polices**

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 and redevelopment in a responsible manner. The goals and polices seek to encourage and foster economic opportunities that support jobs for the area.

#### Land Use Element

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

Policy 5.5 **Jobs for residents.** Encourage development that provides job opportunities in industries and occupations currently underserved in Clovis.

#### Economic Development Element

**Goal 3:** Distinctive commercial destinations, corridors, and centers that provide a wide variety of unique shopping, dining, and entertainment opportunities for residents and visitors.

**Goal 5:** A mix of land uses and types of development sufficient to support a fiscally balanced city able to invest in and pay for maintaining and improving public facilities and services and enhancing the quality of life.

Policy 1.2 **Jobs-housing ratio.** Improve the city's job-housing ratio by promoting growth in jobs suited to the skills and education of current and future residents with the objective of an equal number of jobs and employed residents.

Policy 3.2 **Convenience goods and services.** Encourage businesses providing convenience goods and services to locate in retail centers in neighborhoods and communities throughout the city.

### **Consistency with Focus Area 3 and the Clovis Commercial Corridor Pattern Book**

The 2014 Clovis General Plan established focus areas which are intended to complement a property's land use designation and, in some cases, expand permissible uses, introduce new policy requirements, and/or augment development standards. The project is within Focus Area 3 which establishes "primary" land uses, as well as "additional" uses. The primary uses for Focus Area 3 are general commercial, which the project is consistent and compatible with as a gas station and convenience store.

As part of Focus Area 3, a Commercial Corridor Pattern Book (Pattern Book) was developed in partnership with Fresno State and various local agencies in order to guide future development and redevelopment of the Shaw Avenue corridor. Although the Pattern Book is not an officially adopted document, therefore voluntary, the intent is that it serve as a tool offering ideas about how commercial properties can improve the look and function of their buildings and property as redevelopment of sites occur. The Pattern Book provides ideas for how to redevelop and enhance site features and design for an improved and more pedestrian oriented look and feel.

As mentioned earlier, if approved, the project would continue with site plan review in which the physical features and details of the aesthetics will be reviewed. During that process, the Pattern Book will be utilized to ensure as many of the features recommended can be appropriately implemented.

### **REASON FOR RECOMMENDATION**

The project would meet the 2014 Clovis General Plan goals and policies, identified above, by redeveloping an existing infill site with access to utilities already serving the area. The project also provides several full- and part-time job opportunities and is located within a corridor that is served a variety of commercial and service related uses. Further, the project is a type of use appropriate for the area being in close proximity to a freeway off-ramp. Lastly, the project is a consistent use established under Focus Area 3 as general commercial.

In addition to meeting many of the stated goals and policies of the General Plan, the required findings for granting a conditional use permit can also be made, as described below.

**Conditional Use Permit CUP2020-008**

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.

*If approved, the project would be allowed within the zone district for which the property is located and would be in compliance with applicable provisions, subject to the conditions of approval. The project would undergo site plan review (SPR) to further ensure that the site layout and development standards are met and would not otherwise conflict with the development standards for the C-2 (Community Commercial) zone district. During the SPR review, the height, setbacks, parking standards, and aesthetics would be reviewed to ensure that applicable standards are met.*

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

*If approved, the project would be in compliance with the 2014 Clovis General Plan, as described above in the staff report. The underlying General Plan land use designation of General Commercial would remain unchanged and the proposed use is acceptable within that designation, according to the 2014 Clovis General Plan. Per the General Plan, the General Commercial land use designation is intended for community- or regional-scale uses. The project proposes a gas station and convenience store which is intended to serve the overall area and serve as a convenient location for fuel and/or snacks and beverages to patrons exiting Highway 168 and/or driving along Shaw Avenue.*

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.

*The project is compatible with the existing uses and would complement the other commercial establishments in the vicinity. The site is located along a busy corridor that hosts a variety of commercial, retail, service, and restaurant uses. The project complements these uses and would not be out of the ordinary as it relates to the character of the surrounding area. Further, the project would maintain the general circulation pattern existing at the site by retaining primary ingress/egress from Shaw Avenue.*

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.

*Although the project includes demolition of the existing structure, the proposed project would construct a new building of smaller in size. Further, the project is occupying approximately 1.25 acres of a total 5 acre site comprised of multiple parcels. Therefore, the site is physically suitable to accommodate the project and its proposed use.*

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.

*The project would comply with all applicable public health standards. Further, as a redevelopment of a site that was previously developed with commercial and service related uses, the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use. Although modifications and/or upgrades may be required to the existing infrastructure, the overall site can be adequately served. Details and final approval will occur during engineering review if approved and the project moves forward. This review would ensure utility services are sufficient for to accommodate the project and impose conditions for upgrades as needed.*

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.

*As identified above under the California Environmental Quality Act heading of this staff report, the Project was determined to be categorically exempt. Therefore, the Project has been reviewed in compliance with CEQA.*

#### **ACTIONS FOLLOWING APPROVAL**

If approved, the project will continue with site plan review.

#### **FISCAL IMPACT**

None.

#### **NOTICE OF HEARING**

Property owners within 300 feet notified: 61

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:



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



**CONDITIONS OF APPROVAL  
CUP2020-008**

**PLANNING DIVISION CONDITIONS**

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

1. All conditions of CUPs 49, 69, 77-11, 81-11, and 83-11, along with SPRs 81-15, 83-76, and 97-17, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This Conditional Use Permit approval is for the operation of 24-hour use  $\pm$ 4,500 square-foot convenience store and 12-pump fuel station located on an approximately 1.25-acre portion of property located at 984 Shaw Avenue.
3. This Conditional Use Permit allows for the sale of alcohol within the convenience store, subject to all applicable Alcoholic Beverage ABC license requirements and Clovis Police Department approval and conditions.
4. This Conditional Use Permit is not transferable to another location.
5. This Conditional Use Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report.
6. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
7. The use shall prohibit overnight parking and/or camping on the site.
8. Fuel delivery shall pull completely onto the site during deliveries and shall only access the site from Shaw Avenue, and shall not block any pedestrian and/or vehicular circulation.
9. Unless otherwise permitted through an appropriate entitlement, there shall be no outdoor displays and/or sales of merchandise, including the use of vending machines (i.e. propane exchange cages, vending machines, ice machines, etc.)
10. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
11. The applicant shall maintain not fewer than 24 parking stalls. This may be satisfied through a combination of on-site and alternative off-street parking secured for the applicant's use, including through agreements with neighboring properties.
12. The applicant shall keep free and clear the access between the subject site and adjacent parcels.

**ATTACHMENT 1**

13. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
14. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
15. There shall be no use of exterior music and/or outdoor speaker systems.
16. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
17. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
18. Any future request to expand the use shall be subject to an amendment to the CUP.
19. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
20. All parking of employees shall occur on-site.

### **FIRE DEPARTMENT CONDITIONS**

**(Rick Fultz, Department Representative – (559) 324-2224)**

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. **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 roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of the project.
23. **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’).
24. **Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4’) from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, and porches. A Fire Department permit is required for an automatic fire sprinkler installation.

25. **Underground Fire Service Line:** Modifications to existing fire service underground will require plans to be submitted and permits to be obtained from the fire department.
26. **Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.
27. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1. This will be reviewed and approved by the Clovis Fire Department before installation.
28. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
29. **Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A 10BC minimum rating, one (1) per each 3000 square feet (ordinary hazard), with a maximum travel of seventy five feet (75') from any point in building. These should be located and approved by the Clovis Fire Department prior to building occupancy.
30. **UL 300 – Hood System:** The applicant shall install protection of cooking equipment by means of an automatic fire extinguishing system complying with UL 300 that is listed and labeled for its intended use. A fire extinguisher listed and labeled for Class K fires shall be installed within thirty feet (30') of commercial food heat processing. Plans shall be submitted to the Fire Department for approval and permit shall be obtained from Fire Department.
31. **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.
32. **Exit Doors Locking:** No locks are permitted to prevent the operation of doors except the main exterior door meeting the requirements of 1010.1.9.4 2019 CFC. The unlatching of any door shall not require more than one operation. 1010.1.9.6. 2019 CFC.
33. **Underground Fuel Tanks:** Plan and installation approval for underground fuel tanks must be obtained through Fresno County Environmental Health.
34. **Fuel Islands:** Installation of fuel dispensing islands and underground tanks shall comply with 2019 CFC Section 2303, 2304, 2305.

35. **LP-gas cylinder exchange for resale:** Plans shall be submitted and permits obtained for the exchange and resale of LP-gas cylinders per 2019 CFC 6109.15.
36. 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.
37. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**POLICE DEPARTMENT CONDITIONS**

**(Ken Wells, Department Representative – (559) 324-2400)**

38. A video surveillance system will be installed with coverage to include the interior and exterior of the business.
39. Video surveillance will be recorded and maintained for a minimum of 30 days and will be made available to law enforcement upon request.
40. There shall be signs prominently posted on the exterior of the business that no alcohol is to be consumed on the property as well as signs indicating that loitering is prohibited.
41. There shall be no sale of alcohol to obviously intoxicated people.
42. Employees selling alcohol, on site management and other supervisors are to take an appropriate Alcohol Beverage Control approved class for this type of location every year, related to checking/receiving proper identification from patrons.
43. The business owner must comply with the Clovis Municipal Code Sign Ordinance.
44. Any alcohol license conditions by the California State Alcohol Beverage Control must be complied with by the owner and all employees.
45. Landscaping and vegetation must be maintained in a manner that allows for a clear view of the business to aid in crime prevention.
46. Sales of alcohol may only occur between 6:00AM and 12:00AM.
47. The exterior of the business must be well lit around the entire perimeter.

**COUNTY OF FRESNO HEALTH DEPARTMENT**

(Kevin Tsuda, County of Fresno Health Representative – (559) 600-3271)

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

**FRESNO IRRIGATION DISTRICT**

(Chris Lundeen, FID Department Representative – (559) 233-7161 ext. 7410)

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

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

(Antony Zaragoza, FMFCD Department Representative – (559) 456-3292)

50. The applicant shall refer to the attached Fresno Metropolitan Flood Control District correspondence. If the list is not attached, please contact the District for the list of requirements.

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

(Christopher Nicholas, Caltrans Department Representative – (916) 653-4287)

51. The applicant shall refer to the attached California Department of Transportation correspondence. If the list is not attached, please contact the District for the list of requirements.

## OPERATIONAL STATEMENT

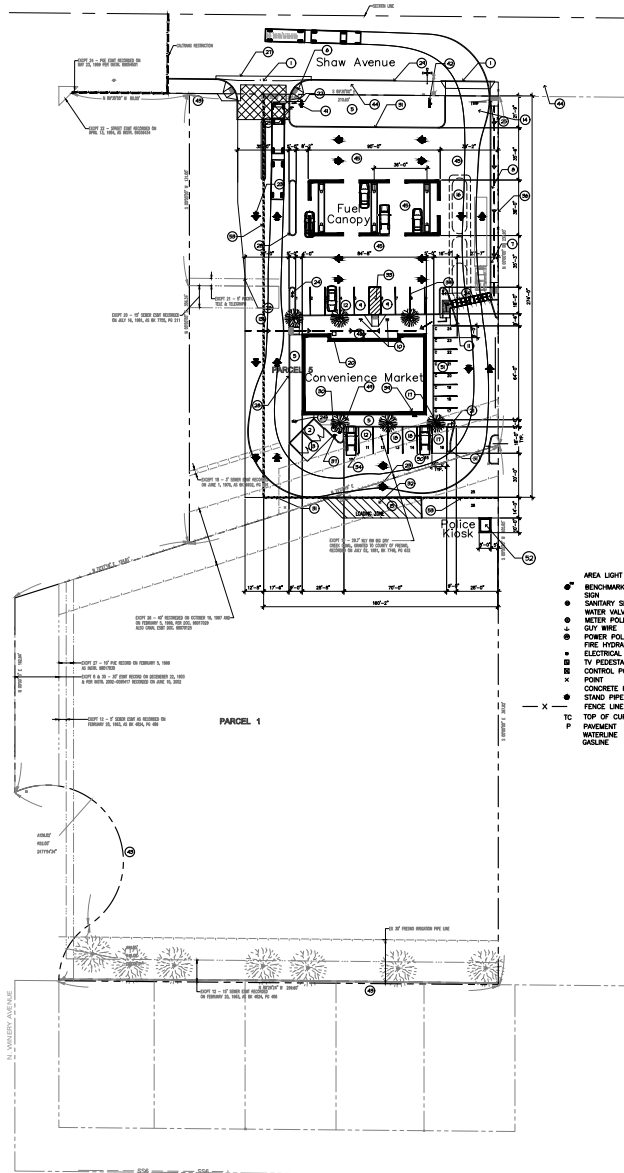
December 2, 2020

1. **Project Description:** This project is being submitted and developed by Randel Mathias (“Applicant/Developer”) for the benefit of ***Navjeet Chahal (Zippy Mart Convenience Markets; the ultimate retail user)***. This property is located at 984 W. Shaw Avenue, near the SEC of Shaw Avenue and Freeway 168, in Clovis, CA on approximately 1.007 acres as a part of a five (5) acre parcel of land.
2. **Assessor’s Parcel Number (APN):** 430-031-27s & 430-031-38s
3. **Land Use and Zoning:** The parcel is planned for General Commercial use and is currently zoned C-2(Community Commercial).
4. **Summary Description/Use:** The Applicant is requesting authorization to proceed with development, construction and operation of a gas station, convenience market with a quick serve restaurant (QSR), along with the ability to sell (1) beer, wine and liquor (Type 21 license) as may be permitted and allowed by the City of Clovis in conjunction with the Alcohol Beverage Control, and (2) retail propane. In addition to site plan and conditional use permit submittals, the Applicant will also pursue a Lot Line Adjustment application in order to create the proposed 1.007-acre site.
5. **Existing Use:** The land is currently being used to sell motorhomes/RVs.
6. **Operational Narrative:** The Applicant is developing the gas station and convenience market for retail use by the business owner and operator of twenty (20) gas station/convenience market/car wash facilities within the Fresno/Clovis area and central valley. The name of this particular business will be “Zippy Mart No. 7, LLC “(entity is in process with legal formation) (hereinafter “Operator”). The Operator will be leasing the subject property from the Property Owner (Sanders Trust). Together, Developer and Operator will be constructing and operating a gas station/convenience market (with QSR) on the subject property. See below for the as to the hours of operation, services and products offered, number of employees, et al.
7. **Hours of Operation:** The hours of operation in store use/purchases and fueling/recharging will be Sunday through Saturday 6:00 a.m. – 2:00 a.m. The Applicant reserves the right modify all hours to “24-hour service” if it enters into any franchise agreement in which the franchise requirements are such that the business is to remain open 24 hours per day.

## ATTACHMENT 2

8. **Product/Services:** As typical of all Zippy Mart stores and gas stations, gasoline/diesel/petroleum products will be offered for sale to the public at large. The gasoline sold will be a “major branded” gas product, in addition to branded diesel. *E-85 gasoline and bio-diesel E-85 (environmentally friendly fuel) will also be provided.* Other products will consist of in-store sales and will include, but not be limited to, consumer products such as food, snacks, dry consumer goods, coffee, other beverages, household consumer goods and beer/wine. Food service will include QSR/fresh food and produce (deli style) products. No product is produced on site other than the fresh food/QSR products.
9. **Employees:** Employees will number up to 10 full-time individuals, with an additional 6 part-time persons, for a total of 16 full/part-time employees. Typical work week for a full-time employee would be standard 40 hours. No person will be living on-site.
10. **Equipment:** The gas station will provide a fuel canopy (with inset shielded light) constructed “solar ready” for *solar panel placement and installation* on the canopy top, six (6) multi-product dispensers (12 fueling positions), and *electric auto charging station parking stalls.*
11. **Storage:** In-store racks, cold boxes and freezers will handle consumer goods and food items. Office items will be stored as typical in the office area of the store.
12. **Service and Delivery:** As typical of a gas station/convenience store, there will be periodic fueling trucks, product and food delivery vehicles/trucks. Adequate access and parking are depicted on the site plan.
13. **Building Material:** The store building will consist of wood frame, concrete foundation, stucco and siding, along with tile and/or metal roofing. More detail as to floor plan, elevations and building materials will be provided with site plan submittal.
14. **Hazardous Material:** The business does not produce hazardous material or waste, other than material (gas fumes from the MPD pumps) associated with and/or typical of the dispensing of automobile re-fueling. All State of California regulations will be adhered to in order to mitigate any gas fumes produced.
15. **Signage:** The Applicant will request that a pole sign be permitted along the Shaw Avenue frontage (see attached site plan).
16. **Entry gates:** None. However, the development will provide a decorative “street approach” main entrance to the development.

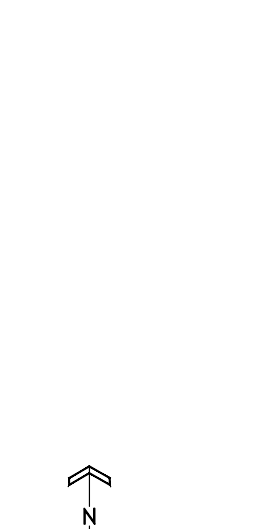
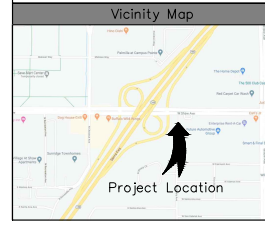
Highway 168 – Off Ramp



# ATTACHMENT 3

Site Data	
ADDRESS:	984 WEST SHAW AVENUE, CLOVIS, 93612
LOT AREA:	43,996.4 S.F. or 1,007 ACRES
CONVENIENCE MARKET AREA:	4,501 S.F.
FUEL ISLAND CANOPY AREA:	3,600 S.F.
POLICE KIOSK (TWO):	80 S.F.
ACCESSIBLE PARKING STALLS:	2
PROPOSED PARKING STALLS:	24
TOTAL PARKING STALLS:	26
A.P.N.:	430-031-075, 430-031-355, 430-031-365, 430-031-375
	430-031-385 & 430,020-72

Building Data	
LEGAL JURISDICTION:	CITY OF CLOVIS
BUILDING USE:	CONVENIENCE
PROPOSED 1 STORE:	
BUILDING ADDRESS:	SHAW # 168
CONSTRUCTION TYPE:	W6
NUMBER OF STORES:	1
OCCUPANCY TYPE:	B
CURRENT ZONING:	M-1
FIRE ZONE:	3
BUILDING AREAS:	
-C-STORE:	4,501 S.F.
-FUEL CANOPY:	3,600 S.F.



- ### Key Notes-Proposed Improvements
- 30' STREET & DRIVEWAY APPROACHES W/ 4'-0" PATH OF TRAVEL PER PW STANDARDS
  - REFUSE CONTAINER W/ GREASE BARREL STORAGE AND RECYCLE AREAS PER CITY OF CLOVIS PW STANDARDS.
  - 5-1/2" THICK CONCRETE ROLL OUT PAD FOR DUMPSTERS W/ STRIPES AND "NO PARKING"
  - TYPICAL 6"x6" CONCRETE CURBS
  - LANDSCAPE AREAS. SEE LANDSCAPE PLAN SHEET L-1
  - CORNER WALK WITH A.D.A. RAMPS.
  - 4'-0" MINIMUM WIDE WALKWAY PER CH. 118 OF CBC.
  - 4'-0" MINIMUM WIDE STRIPED "PATH OF TRAVEL" PER CH. 118 OF CBC.
  - A.D.A. VAN STYLE PARKING SPACES PER CH. 118 OF CBC.
  - A.D.A. VAN STYLE PARKING SPACE SIGNAGE PER NOTES AND DETAILS IN CH. 118 OF CBC.
  - A.D.A. APPROVED RAMPS PER CH. 118 OF CBC.
  - TYPICAL 10'x16' COMPACT PARKING STALLS W/ 2' OVERHANG IN FRONT (AND NO ADDITIONAL TRIP STRIPS) AND 4" WIDE WHITE NON-REFLECTIVE CONTRASTING PAINTED STRIPES BETWEEN DEVELOPER.
  - TYPICAL ASPHALTIC CONCRETE PAVING AT DRIVEWAYS TBD BY CIVIL ENGINEER PER GRADING AND PAVING PLANS AT TIME OF PLAN CHECK.
  - 10'-0" WIDE P.U.E. EASEMENT
  - 14'x40' "LOADING ZONE", STRIPE PER PW STANDARDS W/ WHITE NON-REFLECTIVE PAINT PAINT "LOADING ZONE" IN 12" TALL LETTERS.
  - 2-20,000 GALLON CALIFORNIA STATE APPROVED UNDERGROUND FUEL STORAGE TANKS. PLANS AND PERMITS BY OTHERS.
  - ELECTRIC VEHICLE CHARGING STATION AND ELECTRIC VEHICLE RESERVED PARKING SPACE W/ "RESERVED FOR ELECTRIC VEHICLE" SIGN IN FRONT PER "CAL-GREEN" REQUIREMENTS
  - TWO "EMPLOYEE CARPOOL" PARKING SPACES PER "CAL-GREEN" REQUIREMENTS.
  - CONCRETE MEDIAN
  - BICYCLE PARKING / LOCKING FIXTURE FOR 3 BICYCLES
  - AIR / WATER MACHINE
  - A.D.A. PARKING LOT ENTRY SIGN PER CH. 118 OF CBC
  - PARKING LOT TRAFFIC DIRECTION ARROWS PAINTED ON PAVING W/ NON-REFLECTIVE WHITE PAINT.
  - 30'-0" TALL LED PARKING LOT POLE LIGHT W/ PHOTO-CELL AND TIME CLOCK SWITCHING PER CAL-GREEN AND TITLE 24 REQUIREMENTS. HOOD AND ARRANGE SO AS NOT TO CAUSE GLARE TO ADJACENT STREET TRAFFIC OR TO LIVING ENVIRONMENT. THE AMOUNT OF LIGHT THAT SHALL BE PROVIDED SHALL BE PER THE STANDARDS OF THE PUBLIC WORKS DEPARTMENT.
  - "STOP" SIGN. INSTALL 30" STATE STANDARD "STOP" SIGN AT LOCATION SHOWN. SIGN SHALL BE MOUNTED ON A 2" DIA. GALVANIZED POST W/ BOTTOM OF THE SIGN AT 7'-0" ABOVE THE GROUND AND LOCATED BEHIND THE CURB AND IMMEDIATELY BEHIND MAJOR STREET SIDEWALK.
  - EXISTING CHAIN LINK FENCE ALONG PROPERTY LINE
  - EXISTING EDGE OF STREET PAVING
  - PAINT CURBS IN TRAFFIC LANES W/ OSHA RED PAINT AND LETTER IN 3" MINIMUM TALL WHITE PAINTED LETTERING "NO PARKING-FIRE LANE" PER FIRE DEPARTMENT STANDARDS.
  - EXISTING CURB AND GUTTER
  - LP FOR SALE TANK LOCATION W/ 12'x96" LOADING ZONE.
  - INSTALL CURBS, GUTTERS, SIDEWALKS, AS REQUIRED BY THE CITY OF CLOVIS.
  - "NO PARKING" LETTERED ON PAVEMENT W/ 12" TALL NON-REFLECTIVE WHITE PAINT.
  - 8" WIDE A.D.A. NO PARKING SPACE
  - 4" WIDE CONTRASTING PAINTED STRIPES BETWEEN PARKING STALLS.
  - "ONE WAY - DO NOT ENTER" SIGNS ON 2" DIA. GALVANIZED STEEL POSTS.
  - EXISTING 6'-0" TALL GALVANIZED CHAIN LINK FENCE TO REMAIN.
  - CONCRETE FILLED STEEL PIPE BOLLARDS AT LOCATIONS BY OTHERS.
  - 35' TALL "ARCO" POLE SIGN. PLANS AND PERMITS BY OTHERS.
  - VEHICULAR VAPOR / EMISSIONS CANISTER LOCATION. PLANS AND PERMITS BY OTHERS.
  - GREASE TRAP LOCATION. PLANS BY OTHERS.
  - PRICE 20'-0" POLE SIGN - PLANS AND PERMITS BY OTHERS
  - FREEMEDIA MEDIA SIGN - PLANS AND PERMITS BY OTHERS
  - EXISTING PROPERTY LINE
  - EXISTING DRIVE APPROACH TO BE REMOVED.
  - CONCRETE DRIVEWAYS AT PUMP ISLAND AND STORE ACCESS ENTRANCES.
  - N/A
  - N/A
  - 3-1/2" THICK CONCRETE WALKS.
  - NEW TREES
  - ECCO VEHICLE RESERVED PARKING STALL PER CAL-GREEN.
  - TYPICAL 8'x16' COMPACT PARKING STALLS W/ 2' OVERHANG IN FRONT (AND NO ADDITIONAL TRIP STRIPS) AND 4" WIDE WHITE NON-REFLECTIVE CONTRASTING PAINTED STRIPES BETWEEN DEVELOPER.
  - CITY OF CLOVIS POLICE KIOSK TO BE CONSTRUCTED AND DEDICATED BY DEVELOPER.
  - PROPOSED LOCATION OF NEW PROPERTY LINE PER SEPARATE LOT LINE ADJUSTMENT APPLICATION AND RECORDED INSTRUMENT. LOT LINE TO BE RECORDED AFTER DEMOLITION OF EXISTING BUILDING DUE TO LOCATION CONFLICT WITH EXISTING STRUCTURE.

Engineer:  
**Adaptive Re-Use Engineering**  
 3550 Watt Avenue  
 Suite 140  
 Sacramento, CA 95821  
 (214) 407-3184  
 chornei@are-eng.com

Contractor:  
**Richard Herzog Const., Inc.**  
 7847 N. Highland Ave.  
 Clovis, CA 93619  
 (559) 322-2011  
 Bryan@RHC-INC.net

Developer:  
**Zippy Mart No. 7**  
**Russell Mathias**  
 2268 Ezra Avenue, Clovis, CA 93619  
 Ph. No. (559) 441-3055  
 Email: rjrm@rmail.com  
 Site Address: 884 West Shaw Avenue, Clovis, California 93612

Drafting:  
**F.R.A. AVILA**  
 2268 Ezra Avenue, Clovis, CA 93611  
 Ph. No. (559) 287-7656  
 Email: francesca.avila@gmail.com

Revisions:

NO.	DESCRIPTION	DATE
1		

PROJECT NO. 20.026  
 DATE: 20  
 DRAWN BY: A  
 SHEET NO. 24



**RESOLUTION NO. 00- 131**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
DELEGATING AUTHORITY REGARDING ALCOHOLIC BEVERAGE  
LICENSING TO THE CLOVIS POLICE DEPARTMENT**

WHEREAS, California Business and Professions Code was amended in 1999 to allow local governing bodies to request special conditions in relation to alcoholic beverage licensing; and

WHEREAS, the same Code provides that a local governing body may designate a subordinate agency to submit evidence of problems to, and request special conditions from the Department of Alcoholic Beverage Control; and

WHEREAS, the Police Department works closely with businesses in this area to detect and prevent problems involving establishments with alcohol licenses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that responsibility for submitting evidence and requesting special conditions under Business and Professions Code Section 23800(e) be delegated to the Clovis Police Department.

\* \* \* \* \*

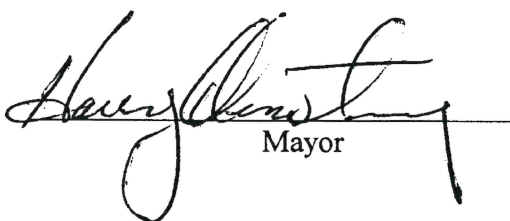
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 9, 2000, by the following vote to wit:


AYES: Councilmembers Flores, Waterston, Wynne, Mayor Armstrong

NOES: None

ABSENT: Councilmember Stearns

DATED: October 9, 2000

  
Mayor

  
  
City Clerk

**ATTACHMENT 4**

**RESOLUTION NO. 11-135**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DELEGATING AUTHORITY REGARDING ALCOHOLIC BEVERAGE LICENSING TO THE CLOVIS POLICE DEPARTMENT**

**WHEREAS**, two provisions of the California Business and Professions Code allow local governing bodies, or their designated subordinate officer or agency, to have a say in the issuance of Alcoholic Beverage Control (“ABC”) licenses; and

**WHEREAS**, more particularly, Section 23800(e) allows the City to request ABC, and requires that ABC impose, reasonable conditions upon the transfer of a license and Section 23958.4 requires that ABC obtain from the City a letter of public convenience or necessity prior to the issuance of a license for an area determined to be over-concentrated; and

**WHEREAS**, in 2000, with the adoption of Resolution No. 00-131, the City Council delegated the City’s authority over ABC licenses to the Police Department (**Exhibit A**);

**WHEREAS**, Resolution No. 00-131 expressly refers to Section 23800(e), which section incorporates by reference Section 23958.4; and

**WHEREAS**, in addition to the express Council delegated authority, it has been the practice of the City to allow the Police Chief to make final decisions regarding ABC matters; and

**WHEREAS**, in order to avoid any ambiguity that the Police Department has authority over both conditions on the transfer of a license (Section 23800(e)) and letters of public convenience or necessity (Section 23958.4), the City Council desires to adopt a new Resolution expressly referencing both sections.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The responsibility for submitting evidence and requesting special conditions on the transfer of a license under Business and Professions Code Section 23800(e) is delegated to the Clovis Police Department.
2. The responsibility for issuing letters of public convenience or necessity under Business and Professions Code Section 23958.4 is delegated to the Clovis Police Department.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 12, 2011, by the following vote to wit:

AYES: Councilmembers Armstrong, Ashbeck, Magsig, Whalen, Mayor Flores

NOES: None

ABSENT: None

ABSTAIN: None

Dated: December 12, 2011

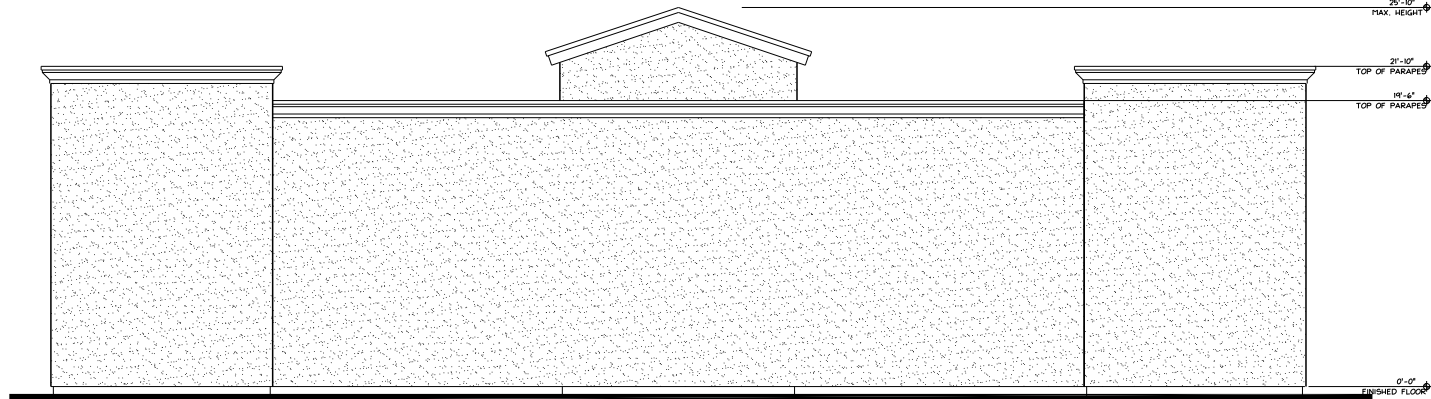
  
\_\_\_\_\_  
Mayor

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





**FRONT ELEVATION (NORTH)**



**REAR ELEVATION (SOUTH)**

**ATTACHMENT 5**

**PROPOSED EXTERIOR ELEVATIONS**  
SCALE: 1/4"=1'-0"

Engineer:  
**Adaptive  
Re-Use  
Engineering**  
3550 Watt Avenue  
Suite 140  
Sacramento, CA 95821  
(214) 407-3184  
chomer@are-eng.com

Contractor:  
**Richard  
Herzog  
Const., Inc.**  
7847 N. Highland Ave.  
Clovis, CA 93619  
(559) 322-2011  
Bryan@RHC-INC.net

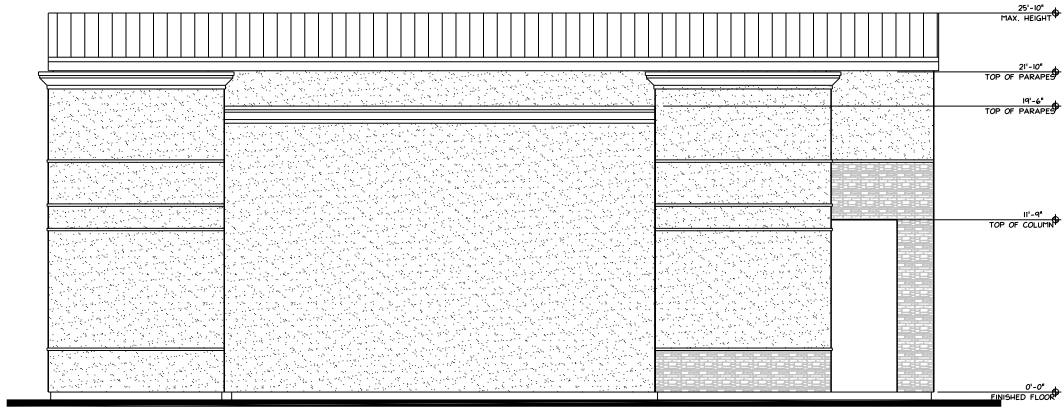
**Zippy Mart No. 7**  
Developer:  
**Richard Mathias**  
4000  
Clovis, CA 93619  
Ph. No.: (559) 441-3055  
Email: jrdm@gmail.com  
Site Address: 584 West Shaw Avenue, Clovis, California 93612

**F.R. AVILA**  
2288 Eslo Avenue, Clovis, CA 93611  
Ph. No.: (559) 287-7636  
Email: fredavila@gmail.com

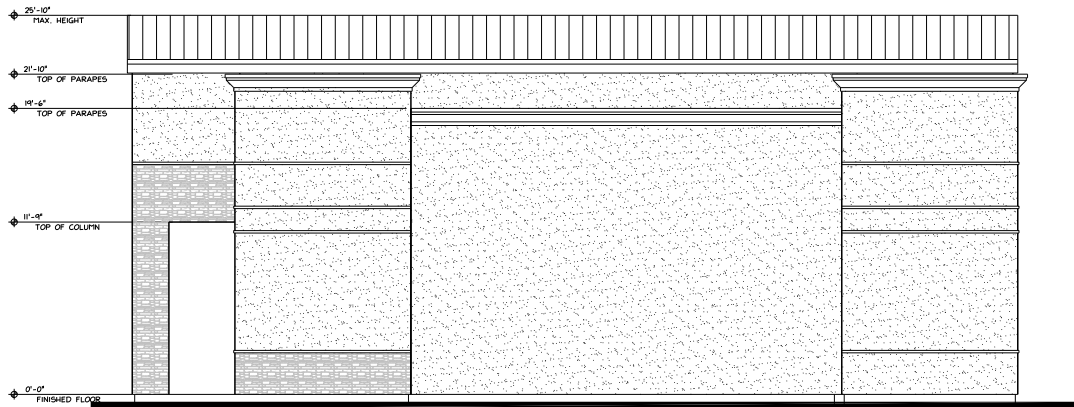
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**F R A**

NO.	DESCRIPTION	DATE

PROJECT NO.	20.026
DATE	20
DRAWN BY	1
SHEET NO.	28



LEFT ELEVATION (EAST)



LEFT ELEVATION (EAST)

Engineer:

**Adaptive  
Re-Use  
Engineering**

3550 Watt Avenue  
Suite 140  
Sacramento, CA 95821  
(214) 407-3184  
chomer@are-eng.com

Contractor:

**Richard  
Herzog  
Const., Inc.**

7847 N. Highland Ave.  
Clovis, CA 93619  
(559) 322-2011  
Bryan@RHC-INC.net

Zippy Mart No. 7

Designer:  
**Richard Mathias**  
Clovis, CA 93619  
Ph. No.: (559) 441-3055  
Email: jmath@zmail.com  
Site Address: 584 West Shaw Avenue, Clovis, California 93612

Drafting:  
**F. R. AVILA**

2288 Esip Avenue, Clovis, CA 93611  
Ph. No.: (559) 287-7656  
Email: fredrivas@gmail.com

NO.	DESCRIPTION	DATE

PROJECT NO.	20.026
DATE	20
DRAWN BY	FR
SHEET NO.	29

**PROPOSED EXTERIOR ELEVATIONS**

SCALE: 1/4"=1'-0"



# CITY OF CLOVIS FIRE DEPARTMENT

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



CUP 2020-008 SPR 2020-010 COMMENTS

Gas Station / Convenience Store  
1840 W. Shaw Ave.

## Roads / Access

**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.

**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 roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of the project.

**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’).

## Systems Fire Protection

**Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4’) from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, and porches. A Fire Department permit is required for an automatic fire sprinkler installation.

**Underground Fire Service Line:** Modifications to existing fire service underground will require plans to be submitted and permits to be obtained from the fire department.

**Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.

**FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1. This will be reviewed and approved by the Clovis Fire Department before installation.

**Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.

**Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A-10BC minimum per each 3000 square feet (ordinary hazard), with a maximum travel of seventy-five feet (75') from any point in building. These should be located and approved by the Clovis Fire Department prior to building occupancy.

**UL 300 – Hood System:** The applicant shall install protection of cooking equipment by means of an automatic fire extinguishing system complying with UL 300 that is listed and labeled for its intended use. A fire extinguisher listed and labeled for Class K fires shall be installed within thirty feet (30') of commercial food heat processing. Plans shall be submitted to the Fire Department for approval and permit shall be obtained from Fire Department.

### **Building Information**

**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. Apartment Complex map and addressing at entry gates shall be approved by Clovis Fire Department.

**Exit Doors Locking:** No locks are permitted to prevent the operation of doors except the main exterior door meeting the requirements of 1010.1.9.4 2019 CFC. The unlatching of any door shall not require more than one operation. 1010.1.9.6. 2019 CFC

### **Other**

**Underground Fuel Tanks:** Plan and installation approval for underground fuel tanks must be obtained through Fresno County Environmental Health.

**Fuel Islands:** Installation of fuel dispensing islands and underground tanks shall comply with 2019 CFC Section 2303, 2304, 2305.

**LP-gas cylinder exchange for resale:** Plans shall be submitted and permits obtained for the exchange and resale of LP-gas cylinders per 2019 CFC 6109.15

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.

Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

Plan Check Comments by:

Rick Fultz  
Fire Code Compliance Officer  
(559) 324-2224  
[rickf@cityofclovis.com](mailto:rickf@cityofclovis.com)

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

AGENDA ITEM NO. 2.

Page 1 of 4

**PUBLIC AGENCY**

RICKY CAPERTON  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

RANDEL MATHIAS  
4665 E. COPPER AVE.  
CLOVIS, CA 93619

PROJECT NO: **2020-008**

ADDRESS: **982 W. SHAW AVE.**

APN: **430-031-38S, 430-031-27S**

SENT: **January 07, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
Q	\$0.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$194.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$0.00</b>		<b>Total Service Charge: \$244.00</b>		

\* The Development Review Service Charge shown above is associated with CL SPR 2020-010 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District’s Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District’s reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/21 based on the site plan submitted to the District on 12/16/20 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. 2020-008**



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 2.

Page 2 of 4

CL  
CUP  
No. 2020-008

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 2.

Page 3 of 4

CL  
CUP  
No. 2020-008

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



Debbie Campbell  
Design Engineer, RCE

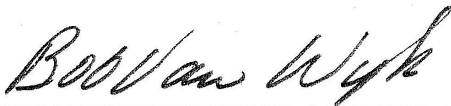
Digitally signed by Debbie Campbell Date: 1/7/2021 4:44:41 PM



Anthony Zaragoza  
Engineer II

Digitally signed by Anthony Zaragoza Date: 1/5/2021 8:10:06 AM

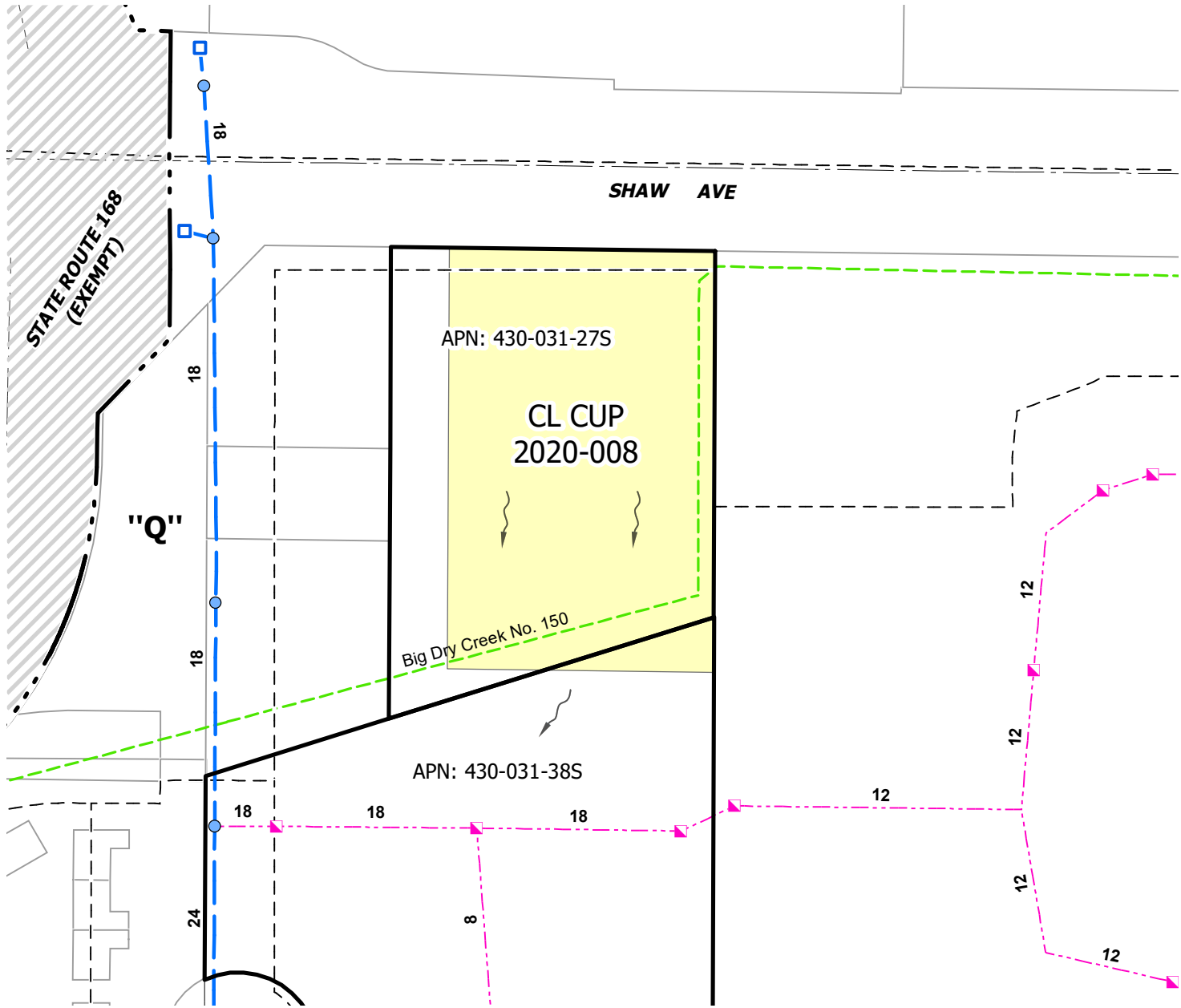
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

<p><b>POLICY MANUAL</b></p>	<p>Date Adopted: September 11, 1981</p>
<p>Classification: FLOOD PLAIN MANAGEMENT</p>	<p>Date Last Amended: August 10, 2005</p>
<p>Subject: Flood Plain Policy</p>	<p>Approved By: </p>

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

**Policy:**

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.



**LEGEND**

- Existing Master Plan Facilities
- Private Facilities (Existing)
- Existing FID Facilities
- Inlet Boundary
- Direction Of Drainage



**CL CUP 2020-008**  
**DRAINAGE AREA "Q"**

**EXHIBIT NO. 1**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



## OTHER REQUIREMENTS

### EXHIBIT NO. 2

The City of Clovis shall verify that drainage covenants are in place to allow surface runoff from APN 430-031-27S to drain to existing private facilities located on APN 430-031-38S as shown on Exhibit No. 1. If covenants are not in place, APN 430-031-27S is required to obtain a drainage covenant from APN 430-031-38S to allow surface runoff to reach the existing private facilities.

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.

## Joyce Roach

---

**From:** Gene Abella  
**Sent:** Monday, January 11, 2021 9:14 AM  
**To:** Ricky Caperton  
**Cc:** Sean Smith; Claudia Cazares; Joyce Roach  
**Subject:** CUP 2020-008 - ENGINEERING CONDITIONS

Ricky,

Engineering has no conditions for the subject entitlement.



**Gene G. Abella, P.E. | Civil Engineer**

City of Clovis | Engineering Division  
**Development Review**  
1033 Fifth Street, Clovis, CA 93612  
p. 559.324.2373 | f. 559-324-2843  
[genea@cityofclovis.com](mailto:genea@cityofclovis.com)



# CITY of CLOVIS

## POLICE DEPARTMENT

1233 FIFTH STREET • CLOVIS, CA 93612

CUP2020-008

- 1) A video surveillance system will be installed with coverage to include the interior and exterior of the business.
- 2) Video surveillance will be recorded and maintained for a minimum of 30 days and will be made available to law enforcement upon request.
- 3) There shall be signs prominently posted on the exterior of the business that no alcohol is to be consumed on the property as well as signs indicating that loitering is prohibited.
- 4) There shall be no sale of alcohol to obviously intoxicated people.
- 5) Employees selling alcohol, on site management and other supervisors are to take an appropriate Alcohol Beverage Control approved class for this type of location every year, related to checking/receiving proper identification from patrons.
- 6) The business owner must comply with the Clovis Municipal Code Sign Ordinance.
- 7) Any alcohol license conditions by the California State Alcohol Beverage Control must be complied with by the owner and all employees.
- 8) Landscaping and vegetation must be maintained in a manner that allows for a clear view of the business to aid in crime prevention.
- 9) Sales of alcohol may only occur between 6:00AM and 12:00AM.
- 10) The exterior of the business must be well lit around the entire perimeter.

Ken Wells  
 Police Corporal  
 Clovis Police Department

## Joyce Roach

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**From:** Mike McLemore  
**Sent:** Wednesday, December 16, 2020 1:17 PM  
**To:** Joyce Roach  
**Subject:** RE: Request for Comments for CUP2020-008 and SPR2020-010

Good afternoon Joyce. No comments from Building at this time. Thank you

### Mike McLemore CBO

*Senior Building Inspector*

City of Clovis | Building Department

E. [mikem@cityofclovis.com](mailto:mikem@cityofclovis.com)

P. 559.324.2393 | C. 559.213-7818

Mailing: 1033 Fifth Street | Clovis, CA 93612



CITY of CLOVIS

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**From:** Joyce Roach  
**Sent:** Wednesday, December 16, 2020 11:35 AM  
**To:** Amjad M. Qader <amjadq@fresnofloodcontrol.org>; Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Arthur Negrete <arthurn@ci.clovis.ca.us>; Bernard Jimenez <Bjimenez@co.fresno.ca.us>; Brian Weldon <bw1987@att.com>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Chris Motta <cmotta@co.fresno.ca.us>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Claudia Cazares <claudiac@ci.clovis.ca.us>; Colleen Vidinoff <colleenv@ci.clovis.ca.us>; Curt Fleming <curtff@ci.clovis.ca.us>; Dave Fey <dfey@co.fresno.ca.us>; Dave Padilla <dave.padilla@dot.ca.gov>; Dave Randall <drandall@co.fresno.ca.us>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Deep Sidhu <SSidhu@co.fresno.ca.us>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Eric Smith <erics@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; George Gonzalez <georgeg@ci.clovis.ca.us>; George Uc <guc@co.fresno.ca.us>; Gerald Conley <geraldc@ci.clovis.ca.us>; Glenn Allen <glallen@co.fresno.ca.us>; Holly Greathouse <hollyg@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Ivette Rodriguez <ivetter@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jesse Newton <jessen@ci.clovis.ca.us>; John Cross <JohnC@ci.clovis.ca.us>; John Willow <JohnWi@ci.clovis.ca.us>; Jose



Sandoval <joses@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>; Juan Lara <jlara@co.fresno.ca.us>; KatyB <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Kevin Tsuda <KTsuda@co.fresno.ca.us>; Lily Cha <lilyc@ci.clovis.ca.us>; Luis Murrieta <LDMQ@pge.com>; Luke Serpa <luke@ci.clovis.ca.us>; Maria Spera <mspera@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael\_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Nadia Lopez <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Renee Mathis <ReneeM@ci.clovis.ca.us>; Rick Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD <CEQA@valleyair.org>; Stephanie Andersen <StephanieA@ci.clovis.ca.us>; Steven Rhodes <SRhodes@co.fresno.ca.us>; Trina Vietty <trina@ci.clovis.ca.us>; Wildlife CEQA <R4CEQA@wildlife.ca.gov>  
**Cc:** Ricky Caperton <rcaperton@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>  
**Subject:** Request for Comments for CUP2020-008 and SPR2020-010

Good morning,

Please see the attached request for comments for CUP2020-008 and SPR2020-010, for 982 W. Shaw Avenue.

Thank you, and have a good day.



**Joyce Roach | Planning Assistant**

City of Clovis | Planning Division  
 1033 Fifth Street, Clovis, CA 93612  
 p. 559.324.2341 | f. 559.324.2844  
[joycer@cityofclovis.com](mailto:joycer@cityofclovis.com)

**County of Fresno  
DEPARTMENT OF PUBLIC HEALTH**

December 21, 2020

LU0021156  
2604

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

Dear Mr. Caperton:

PROJECT NUMBER: **CUP2020-080, SPR2020-010**

**CUP2020-008**, A conditional use permit request to allow a gas station and convenience store on the properties located at 982 W. Shaw Avenue. The applicant is also requesting an off-sale alcohol license.  
**SPR2020-010**, A site plan review for a proposed gas station and convenience store on the properties located at 982 W. Shaw Avenue. This will include demolition of the existing building.

**APN: 430-031-27S & -38S****ZONING: C-2****ADDRESS: 982 W. Shaw Avenue**

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicants shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- 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 Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health,

***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)

Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- 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.

The following comments pertain to the demolition of existing structure:

- Should the structure have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structure in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structure, 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 was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

- 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.
- 

REVIEWED BY:

*Kevin Tsuda*

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

(559) 600-33271

---

kt

cc: Rogers, Moreno, Salazar & Morgan- Environmental Health Division (CT. 31.02)  
Randel Mathias- Applicant ([jctrlm@gmail.com](mailto:jctrlm@gmail.com))

## Joyce Roach

**From:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Sent:** Wednesday, December 16, 2020 12:54 PM  
**To:** Joyce Roach  
**Subject:** RE: Request for Comments for CUP2020-008 and SPR2020-010

Hi Joyce,

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](#)

---

**From:** Joyce Roach <joycer@ci.clovis.ca.us>  
**Sent:** Wednesday, December 16, 2020 11:35 AM  
**To:** Amjad M. Qader <amjadq@fresnofloodcontrol.org>; Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Arthur Negrete <arthurn@ci.clovis.ca.us>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Brian Weldon <bw1987@att.com>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Motta, Chris <CMotta@fresnocountyca.gov>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Claudia Cazares <claudiac@ci.clovis.ca.us>; Colleen Vidinoff <colleenv@ci.clovis.ca.us>; Curt Fleming <curtff@ci.clovis.ca.us>; Fey, David <dfey@fresnocountyca.gov>; Dave Padilla <dave.padilla@dot.ca.gov>; Randall, David A. <drandall@fresnocountyca.gov>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Eric Smith <erics@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; George Gonzalez <georgeg@ci.clovis.ca.us>; Uc, George <guc@fresnocountyca.gov>; Gerald Conley <geraldc@ci.clovis.ca.us>; Allen, Glenn <glallen@fresnocountyca.gov>; Holly Greathouse <hollyg@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Ivette Rodriguez <ivetter@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jesse Newton <jessen@ci.clovis.ca.us>; John Cross <JohnC@ci.clovis.ca.us>; John Willow <JohnWi@ci.clovis.ca.us>; Jose Sandoval <joses@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>; Lara, Juan <jlara@fresnocountyca.gov>; Katy Benham <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Tsuda, Kevin <ktsuda@fresnocountyca.gov>; Lily Cha <lilyc@ci.clovis.ca.us>; Luis Murrieta <LDMQ@pge.com>; Luke Serpa <lukes@ci.clovis.ca.us>; Maria Spera <mspera@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael\_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Lopez, Nadia <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Renee Mathis <ReneeM@ci.clovis.ca.us>; Rick Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <sariay@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang

<Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD <CEQA@valleyair.org>  
Andersen <StephanieA@ci.clovis.ca.us>; Rhodes, Steven <srhodes@fresnocountyca.gov>; Trina Vietty  
<trinav@ci.clovis.ca.us>; Wildlife CEQA <R4CEQA@wildlife.ca.gov>  
**Cc:** Ricky Caperton <rcaperton@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>  
**Subject:** Request for Comments for CUP2020-008 and SPR2020-010

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Good morning,

Please see the attached request for comments for CUP2020-008 and SPR2020-010, for 982 W. Shaw Avenue.

Thank you, and have a good day.



**Joyce Roach | Planning Assistant**  
City of Clovis | Planning Division  
1033 Fifth Street, Clovis, CA 93612  
p. 559.324.2341 | f. 559.324.2844  
[joycer@cityofclovis.com](mailto:joycer@cityofclovis.com)

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**DEPARTMENT OF TRANSPORTATION  
DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5421  
FAX (559) 488-4088  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way  
of Life*

January 20, 2021

06-FRE-2020-01061  
CUP #2019-028  
Zippy Mart Convenience Market  
CUP2020-008  
**Amended**

Ricky Caperton, AICP  
Senior Planner  
City of Clovis Planning Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Caperton:

This is an amended comment letter that supersedes our previous comment letter dated January 5, 2021. Caltrans review is based on the Conditional Use Permit 2020-008 for a proposed Zippy Mart Convenience Market Project. The Project site is in the City of Clovis, at the corner of Shaw Avenue and State Route (SR) 168. The proposed Project will contain a gas station, convenience market with a quick serve restaurant in the building. The existing parcel currently has two driveways along Shaw Avenue. The project proposes removing and reconstructing both driveways. New project driveways will be constructed which are respectively referred to as the westerly and easterly for the purposes of Caltrans comments herein. Caltrans has the following comments:

**Trip Generation:**

Based on the I.T.E. Trip Generation Handbook, it is estimated that the Project would generate approximately 150 trips (12 fueling positions x 12.47 trips/fueling position) and 168 trips (12 fueling position x 13.99 trips/fueling position) during AM and PM peak travel hours respectively.

**Site Plan and Circulation:**

- The proposed westerly driveway should show the standard vehicle turning template on the site plan to confirm that the proposed onsite median island will not impede traffic flow.
- It is recommended that the new easterly driveway should show the truck turning template with a turning movement into the driveway straddling the number 2 lane and the number 3 lane to determine if the width of the easterly driveway will accommodate the fuel truck.
- It is Caltrans understanding that future development is being considered for the remaining parcels to the south and east of the project site. It is also our understanding that the remaining parcels and future development will have access

Ricky Caperton, AICP  
 January 20, 2021  
 Page 2

to both the westerly and easterly driveways, adding additional trips to Shaw Avenue. Therefore, **we recommend as a Condition of Approval on this CUP as well as the site plan (and future site plans), that any future development beyond the Zippy Mart Project, that a eastbound right-turn lane and shoulder be constructed with future projects; the lane and shoulder shall run near the SR 168 eastbound off-ramp and to the westerly driveway along Shaw Avenue.** In addition, it is also **recommended that the number 3 lane shoulder on Shaw Avenue be widened between the westerly and easterly driveways.** This work will require further discussions with Caltrans, the City of Clovis, and the future project proponent to determine width, length, transitions, etc. prior to Caltrans Encroachment permit. Caltrans is recommending that a conceptual layout for the right turn pocket and shoulder widening be required on all future project site plans.

- Caltrans has identified the need for an additional turn lane on the SR 168 eastbound off-ramp to Shaw Avenue. The City of Clovis has included this improvement to the Fresno Council of Government's 2020-2022 Regional Transportation Plan Update.

**Encroachment Permit Comments (Standard):**

The future eastbound right turn lane will require a Caltrans Encroachment permit. Prior to work commencing on State right-of-way, an encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued, therefore, prior to the work beginning, it will need to be environmental cleared. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058.

If you have any further questions, contact Christopher Nicholas at (707) 980-2669 or Christopher.nicholas@dot.ca.gov.

Sincerely,



DAVID PADILLA, Branch Chief  
 Transportation Planning – Fresno, Madera, Kings



**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A CONDITIONAL USE PERMIT ALLOWING A GAS STATION AND ±4,500 SQUARE FOOT CONVENIENCE STORE WITH ALCOHOL SALES (TYPE 21 ABC LICENSE) ON A ±1.25-ACRE PORTION OF PROPERTY LOCATED AT 984 WEST SHAW AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION**

**WHEREAS**, Randel Mathias (Applicant), 4665 E. Copper Avenue, Clovis, CA 93619, has applied for a Conditional Use Permit CUP2020-008; and

**WHEREAS**, the Applicant submitted an application for a conditional use permit allowing a gas station and ±4,500 square-foot convenience store with a Type 21 Alcoholic Beverage Control (ABC) license establishment on a ±1.25-acre portion of property located at 984 West Shaw Avenue, in the City of Clovis, County of Fresno, California; and

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

**WHEREAS**, a duly noticed hearing was held on January 28, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project is exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).

**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.

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

1. The Project is exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. 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.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.

- c. 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.
  - d. 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.
  - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and as set forth above the Project have been determined to be exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).
3. Without the conditions of approval (**Attachment 1** to this Resolution), the Commission could not make the findings necessary for approval of CUP2020-008.
  4. The basis for the findings is detailed in the January 28, 2021 staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.

**NOW, THEREFORE, BE IT FURTHER RESOLVED:**

1. CUP2020-008 is hereby approved with incorporation of the conditions of approval (**Attachment 1** to this Resolution).

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 28, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-\_\_\_\_  
DATED: January 28, 2021

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Renee Mathis, Secretary



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: January 28, 2021

SUBJECT: Consider Approval - Res. 21-\_\_\_, OA2021-002, A request to amend the standards of the R-1-MD (Single Family Residential Medium Density) zone district and the general property development and use standards in conjunction with the adoption of objective standards for the development of single family residential housing projects. City of Clovis, applicant.

**Staff:** Dave Merchen, City Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Resolution
2. Single Family Objective Standards
3. Ordinance Amendment Language
4. Comment Letter – Building Industry Association

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending approval of the single family objective design standards and the accompanying amendments to the City of Clovis Development Code.

### EXECUTIVE SUMMARY

In the fall of 2019, the State of California approved several bills related to housing, including Senate Bill (SB) 330, known as the Housing Crisis Act of 2019. SB 330 is aimed at increasing housing production and includes a requirement that objective design standards be utilized in the review of qualifying residential projects. Objective standards for multi-family development were adopted by the City of Clovis in December of 2019. Draft objective standards applicable to single family development have been completed and have been scheduled for consideration. Some of these standards alter existing requirements in the Development Code, focusing primarily on the R-1-MD (Single Family Residential Medium Density) zone district. These standards, if adopted, also require amendments to the Development Code to eliminate inconsistencies.

## **BACKGROUND**

The State of California has approved several bills related to housing, including Senate Bill (SB) 330, known as the Housing Crisis Act of 2019, which is aimed at increasing housing production. A portion of SB330 focuses on objective design standards in regard to streamlined review for residential projects. Under State law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark.

SB330 provides certainty in the development process, speeding the review of new housing development projects, preserving existing housing, and preventing certain zoning actions that reduce availability of housing. The bill establishes a statewide housing emergency until January 1, 2025. With the creation and implementation of the proposed objective design standards, the City will be able to comply with the requirements of SB 330 and the process of reviewing qualifying single-family projects will be more efficient.

## **PROPOSAL AND ANALYSIS**

All single-family projects will continue to comply with the Clovis Development Code. The single-family design standards will be used in tandem with the Development Code and will serve as minimum requirements for single-family residential development. The single-family design standards will apply to all projects of one or more detached single-family residential housing development projects within all residential zone districts except the PRD (Planned Residential Development) District. For any project seeking exceptions to these standards or any of the City's applicable design criteria, the City's existing discretionary Planned Residential Development (PRD) process is available.

For single family development, the objective design standards will be applied in conjunction with the approval of subdivision tract maps as well as with the layout and approval of permits for individual homes. Criteria applicable to subdivisions, for instance, address dedications and street improvements, utilities, grading and drainage, etc. Standards applied to the placement and construction of homes on individual lots address features including building setbacks, height, driveway and parking configurations, fencing, building design, etc.

The recommended single family design standards are primarily an assemblage of existing practices and requirements from the Development Code. However, there are several instances where the recommended criteria constitute a change from existing requirements. The majority of these changes focus on development and design standards for lots as small as 4,500, pursuant to the R-1-MD (Single Family Residential Medium Density) zone district. These changes are intended to add enhanced flexibility when constructing single family homes on smaller lots. The complete language for the text amendment is included as Attachment 3. A summary of the changes, which will require a corresponding amendment to the Development Code, is outlined below:

- R-1-MD Setbacks: Reduce front setbacks from 15' to 10' for living space; from 20' to the garage to 18' to the garage, and 20' to the garage door.
- R-1-MD Setbacks: Reduce side setbacks from 5' to 4' on the garage side and 3' on the interior side.

- R-1-MD Setbacks: Reduce rear setback from 15' to 10'.
- R-1-MD Parcel Coverage: Increase maximum lot coverage from 45% to 55%.
- Residential Garage Requirement: Remove prohibition on use of tandem garages to satisfy 2 car garage requirement.
- R-1-MD Garage Size: Reduce garage size from 22' x 20' to 20' x 20'.

### Public Comments

A draft version of the single family development standards was published on the City's website in mid-October of 2020 and comments from interested parties were requested by December 1, 2020. Staff also took informal feedback and provided regular updates to the Building Industry Association (BIA) during routine monthly meetings between the City and the BIA. Two general comments were received, as summarized below:

- **Reduced Garage Sizes:** The City's existing development code specified a minimum garage size of 22' x 20'. The recommended objective standards reduce the minimum size in the R-1-MD zone district to 20' x 20', which has commonly been utilized in PRD projects. General comments were received requesting that the City consider further reductions in garage sizes to 18' x 20'.

In the past, the City has allowed garage sizes of approximately 18' x 20' on an exception basis through the PRD zone. An informal survey of cities in California suggests that the prevailing garage size is 20' x 20' or larger, though several examples of smaller garage sizes were identified. Staff not recommending a reduction beyond the 20' x 20' size because it will the narrower width reduces the usability of garages for both parking and storage.

- **Standards for Compact Development:** The recommended objective standards focus on single family development permitted under traditional residential zones, which allows lot sizes at a minimum of 4500 square feet. Comments from the BIA request that the City consider adopting objective standards for lots as small as 1800 square feet (See Attachment 4).

The City has significant experience with compact residential development over the last several years, approving lots as small as 1800 square feet through the PRD process. Codifying the development criteria and establishing consistent standards for compact single family development has the potential to further streamline the development process for these projects. However, a significant amendment to the Development Code, and likely the creation of a new zone district, would be necessary to implement these standards. Therefore, Staff is recommending that objective standards for compact development be brought back as a separate item for consideration, along with an implementing zone district.

### California Environmental Quality Act (CEQA)

The City has determined that the project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2021-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project.

### **REASON FOR RECOMMENDATION**

SB330 requires the application of objective standards for qualifying housing development applications. The proposed single family objective standards will allow the City to comply with the requirements of SB330 and will streamline the approval process when the standards are applied. Where the recommended standards modify the existing requirements of the Development Code, a corresponding amendment to the Code is proposed to eliminate any inconsistencies.

The findings to consider when making a decision on an ordinance amendment include:

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

The proposed modifications to the Development Code are consistent with the goals, policies and actions of the General Plan. Neither the objective standards nor the corresponding changes proposed through Ordinance Amendment OA2021-002 include changes to land use designations or modifications to specific policies that would negatively impact the overarching goals of the General Plan.

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

The proposed ordinance amendment is not proposing any development projects. Modifications to the development standards are consistent with established practices implemented in conjunction with single family subdivisions approved in the PRD zone district. Therefore, the proposed modifications will not be detrimental to the public interest, health, safety, or general welfare of the City.

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
4. The Clovis Planning Commission does recommend approval of the single family residential objective design standards and Ordinance Amendment OA2021-002.

### **ACTIONS FOLLOWING APPROVAL**

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

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 13, 2021.

Prepared by:



---

Dave Merchen  
City Planner

**DRAFT  
RESOLUTION 21-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL OF AMENDMENTS TO THE STANDARDS OF THE R-1-MD  
ZONE DISTRICT AND THE GENERAL PROPERTY DEVELOPMENT AND USE  
STANDARDS AND THE ADOPTION OF OBJECTIVE STANDARDS FOR THE  
DEVELOPMENT OF SINGLE FAMILY RESIDENTIAL HOUSING PROJECTS AND FINDING  
THAT THE PROJECT IS NOT SUBJECT TO FURTHER ENVIRONMENTAL REVIEW  
PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES**

**WHEREAS**, the State of California adopted Senate Bill (SB) 330, known as the Housing Crisis Act of 2019, which includes a requirement that objective design standards be utilized in the review of qualifying residential projects; and

**WHEREAS**, the City of Clovis prepared objective design standards for single family development which will allow the City to comply with the requirements of SB 330 and streamline the process of reviewing qualifying single-family projects; and

**WHEREAS**, the City's current Development Code was adopted by the City Council on October 8, 2014; and

**WHEREAS**, some of these single family objective standards will alter existing standards and criteria specified in the Development Code, requiring amendments to the Development Code to eliminate inconsistencies; and

**WHEREAS**, the City published notice of the Public Hearing in the Fresno Business Journal ten days prior to said Planning Commission hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

**WHEREAS**, a duly noticed hearing was held on January 28, 2021; and

**WHEREAS**, the Planning Commission reviewed the record of proceedings, including the staff reports and other written records presented to, or otherwise made available to, the Planning Commission on this matter, and considered all oral comments made during the public hearing; and

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

1. The adoption of single family objective design standards and the corresponding Ordinance Amendment is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. The Project does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA



- Guidelines Section 15162, no further environmental review is required for this project; and
2. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and any applicable specific plans; and
  3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
  4. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

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

1. The adoption of single family objective design standards and the corresponding Ordinance Amendment is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2021-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Guidelines Section 15162, no further environmental review is required for this project.
2. Recommends that the City Council adopt the single family objective design standards as set forth in Attachment 2 of the accompanying staff report.
3. Recommends that the City Council approve the amendments to the Development Code as set forth in Attachments 3 of the accompanying staff report.
4. Directs that the record of proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the City Planner, Dave Merchen, or other person designated by the Director of Planning and Development Services.
5. Directs that these recommendations be immediately transmitted to the City Council for consideration.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on January 28, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 21-\_\_  
 DATED: January 28, 2021

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
 Renee Mathis, Secretary

**DRAFT  
SINGLE-FAMILY RESIDENTIAL  
DESIGN STANDARDS**

## Single Family Residential Design Standards

### INTRODUCTION

The State of California has approved several bills related to housing, including the recently adopted Senate Bill (SB) 330, known as the Housing Crisis Act of 2019, which is aimed at increasing housing production. A portion of SB330 focuses on objective design standards in regard to streamlined review for residential projects. SB330 provides certainty in the development process, speeding the review of new Housing Development Projects in preserving existing housing and preventing certain zoning actions that reduce availability of housing. The bill establishes a statewide housing emergency until January 1, 2025. With the creation and implementation of the proposed objective design standards, the process of reviewing single-family projects will be more efficient.

### APPLICABILITY

The Single-Family Design Standards shall apply to all projects of one or more detached single-family residential units. This document is intended to provide an objective design review process for all single-family dwelling units and provide guidance for applicants during the design process.

All single-family projects shall comply with the Clovis Development Code. The Single-Family Design Standards serve as minimum requirements for single-family residential development. These standards will be mandatory for all qualifying residential projects. For any project seeking exceptions to these standards or any of the City's applicable design standards, the City's existing discretionary Planned Residential Development (PRD) process is available.

### Objective Residential Design Standards

Consistent with existing State Law 65589.5, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark.

Residential developments that are subject to Chapter 9.10 must be consistent with each of the standards below:

### STANDARDS

#### **R-1 Zone District Building Setbacks and Separations**

- A. Buildings setbacks for properties within the **A, R-R, R-A, R-1-A, R-1-AH, R-1, R-1-B, and R-1-C** Zone Districts shall be per the Development Code Table 2-3 (Section 9.10.030).
- B. Building setbacks in the R-1-MD Zone District shall be per the Development Code (Section 9.10.030, Table 2-3, R-1-MD Development Standard Requirements) and those requirements listed within this section below:
- C. Buildings shall be separated from each other and other structures per Clovis Fire Standards and California Building Codes.
- D. When four (4) or more homes are proposed adjacent to a straight lineal public right-of-way, the front yard siting of homes shall provide a minimum of a two foot (2') variation from property line.

**R-1-MD DEVELOPMENT STANDARDS**

E. Buildings setbacks for properties within the **R-1-MD** Zone Districts shall be per the Development Code Table 2-3 (Section 9.10.030) (continued).

**TABLE 2-3  
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS  
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	R-1-MH	R-1-MD
Minimum Parcel Size	Determined by sub-zone classification	4,500 sq. ft.
Minimum Parcel Width	60 ft. <del>(14)</del>	50 ft.
Minimum Corner Parcel Width	65 ft.	50 ft.
Minimum Reverse Corner Parcel Width	70 ft.	50 ft.
Minimum Parcel Depth	100 ft.	90 ft.
<b>Setbacks Required (1)</b>		
Front	20 ft.	<b><u>10 15 ft. to living/porch and projections;</u></b> <b><u>20' 18 to garage wall and 20' minimum to garage door</u></b>
Side (Each)	5 ft.	<b>4 5 ft. (garage)</b> <b>3 ft (interior)</b>
Street Side	10 ft.	<b>10 ft.</b>
Reversed Corner (Street Side)	15 ft. <del>(12)(26)</del>	<b>15 ft. (12)(26)</b>
Rear	20 ft.	<b>10 15 ft.</b>
Accessory structures	See Section <a href="#">9.40.030</a> (Accessory uses and structures)	
Maximum Parcel Coverage	40% <del>(8)</del>	<b>55 45%</b>
Main Structure – Maximum Height (Whichever Is Less)	35 ft./2-1/2 stories	
Accessory Structure – Maximum Height (Whichever Is Less)	See Section <a href="#">9.40.030</a> (Accessory uses and structures)	
Antennas, Vertical	See Chapter 42 of this title (Wireless Telecommunication Facilities)	
Fences/Walls/Hedges	See Section <a href="#">9.24.060</a> (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

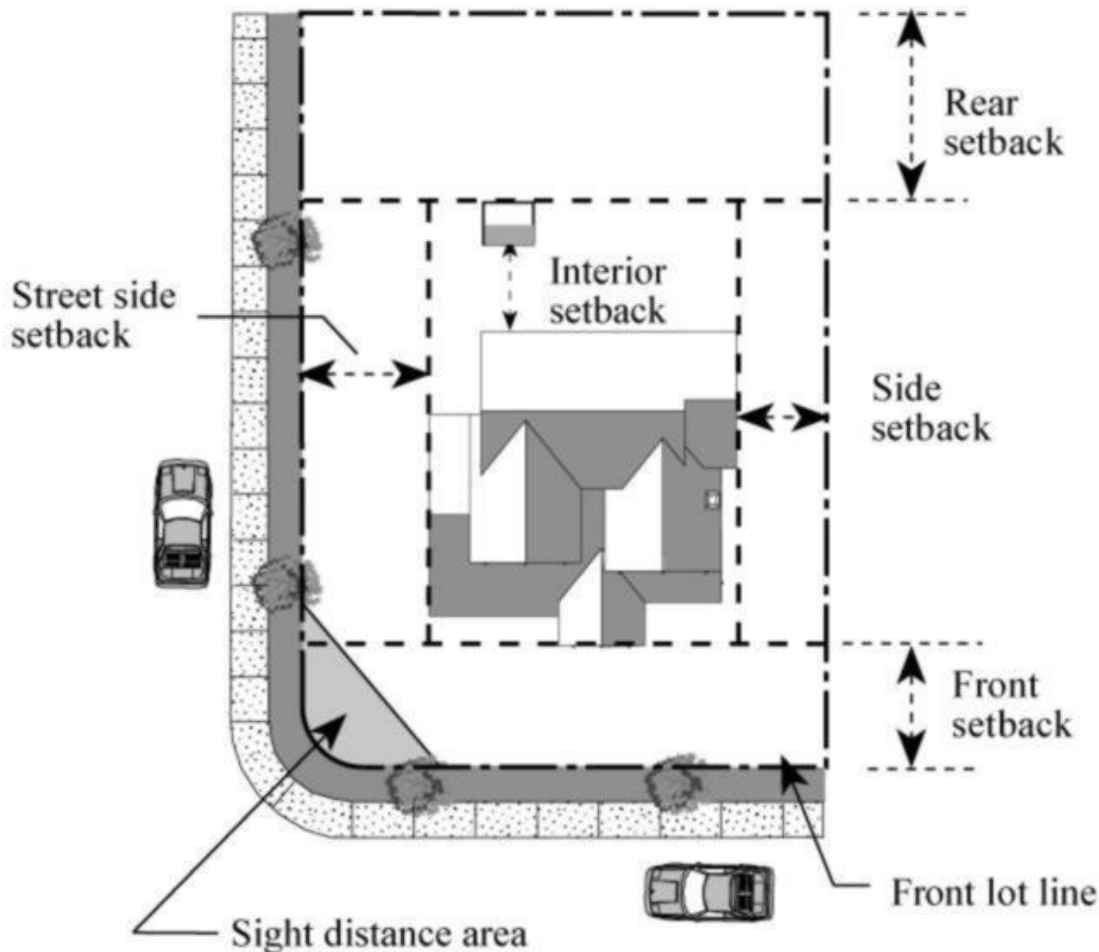
- (1) No main structure shall be erected within fifty feet (50') of a railroad or freeway right-of-way. A garage or carport shall be located not less than twenty feet (20') from any street frontage where the garage door or carport opening faces the street.
- (8) In single-family residential districts, the Director, through a single-family residential site plan review application, may grant a bonus parcel coverage provision of up to forty-five percent (45%) in compliance with subsection B of this section (Bonus parcel coverage). A particular model home, existing home or subdivision may be granted bonus parcel coverage based upon the provision of amenities identified in subsection B of this section. In single-family residential districts where a cottage home is proposed through the City's cottage home program, the maximum parcel coverage shall be fifty percent (50%) per Planning Area 7 (PA7) development standards.
- (12) Private garages located in the side yard area shall be set back at least twenty feet (20') from the property line on the side street and not less than five feet (5') from the rear property line of a reversed corner lot.
- (14) A parcel siding a freeway right-of-way shall have a minimum width of eighty feet (80').
- (25) A parcel siding a freeway right-of-way shall have a minimum width of one hundred feet (100'). A cul-de-sac parcel in the R-1-B District shall have a minimum street frontage width of sixty feet (60'). A cul-de-sac parcel in the R-1-AH District shall have a minimum street frontage width of eighty feet (80'). A cul-de-sac parcel in the R-1-A District shall have a minimum street frontage width of fifty feet (50').
- (26) A reverse corner lot may process an administrative use permit (AUP) to construct side yard fencing at five feet (5') from property line. There shall be a ten-foot (10') corner cut off

### **Driveways and Site Access for all Single-Family Residential Development**

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained as follows:

- A. Number of driveways.
1. A minimum of one (1) driveway access point shall be required for each parcel.
- B. Distance from street corners.
- C. Clearance from obstruction. The nearest edge of a driveway apron or curb return shall be:
- At least three feet (3') from the nearest alley or adjacent property line; and
  - Eight feet (8') from the nearest street right-of-way; and
  - At least seven feet (7') and six inches (6") from the nearest centerline of a fire hydrant; and
  - Five feet (5') for the nearest centerline of a light standard, traffic signal, utility pole, or other similar facilities
  - Driveways shall have a minimum overhead clearance of fourteen feet (14') in height, except within a parking structure which may be reduced to seven feet (7').

- D. Traffic safety visibility area. Structures or landscaping over thirty-six inches (36") in height shall not be allowed within a traffic safety sight distance area formed by the intersection of public rights-of-way, driveways, or alleys.



**FIGURE 1**  
**TRAFFIC SAFETY VISIBILITY AREA (CORNER CUTOFF)**

## **Parking**

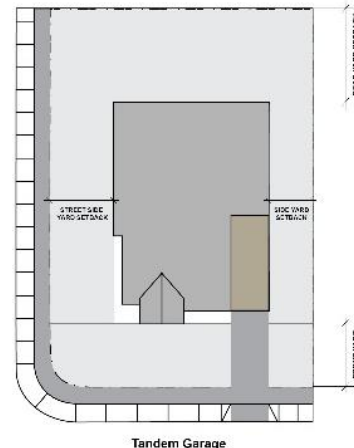
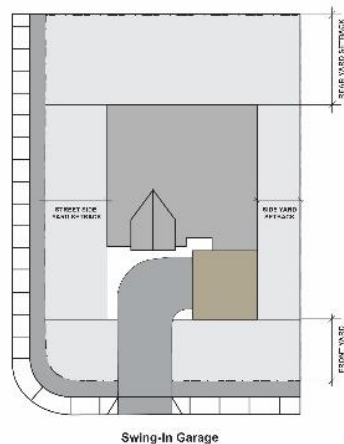
### **A. General Parking Requirements**

1. All required parking for the residence shall be located on the parcel which it serves.
2. The number of parking stalls shall be designed and constructed per Section 9.32.040, Table 3-12, of the Development Code.

### **B. Parking space and lot dimensions.**

1. **Minimum inside residential garage and carport dimensions.** The minimum standard two (2) car garage or carport shall have and maintain a clear inside dimension of at least twenty feet (20') by twenty-two (22'). If a third car bay is provided, it shall have and maintain a clear inside dimension of at least 10 feet (10') by twenty

- feet (20'). Tandem parking stalls are permitted and shall be a minimum of 10 feet (10') by twenty feet (20').
2. Open parking space dimensions shall be ten (10) feet wide by twenty (20) feet long. Carports. Parking spaces under carports shall conform to the garage space standards.
  3. **Minimum inside residential garage and carport dimensions in the R-1-MD Zone District.** The minimum standard two (2) car garage or carport shall have and maintain a clear inside dimension of at least twenty feet (20') by twenty feet (20').
  4. A tandem garage can be utilized to meet the off-street parking requirement of the R-1-MD Zone District and shall have and maintain a clear inside dimension of at least 10 feet (10') by forty feet (40').
  5. If a third car bay is provided, it shall have and maintain a clear inside dimension of at least 10 feet (10') by twenty feet (20').
  6. Swing garages- shall be a minimum of (10) feet wide by twenty (20) feet long and the side wall shall be placed at (10) feet from the front property line to the side wall.



### C. Carports

1. Carports shall be complimentary to the main buildings utilizing similar colors. Carport posts shall be constructed with metal, concrete, masonry, or cementitious wood materials. Wood and non-painted metal posts are prohibited.

### D. Garages

1. Garages shall be architecturally integrated, utilizing the same building, forms, materials, and colors as the main building.

## Open Space and Landscaping

- A. Open Spaces shall comply with the respective overlays, Specific Plans and Master Plans.



- B. All landscaping (open space and private yards) shall conform the City of Clovis Water Efficient Landscape Ordinance.

### **Fencing**

- A. Perimeter Fence. Fencing shall be per the Development Code Section 9.24.060 (Fences, walls and hedges).

### **Building Facades and Finish Materials**

- A. Building Height
  - 1. Overall building heights shall be consistent with the underlying zone district.
- B. Facade Articulation
  - 1. Buildings shall incorporate at least one of the following for front elevations:
    - a. Front elevations shall include at least one architectural projection, such as a porch or courtyard. Additionally, large, flat wall sections with a width of 20' or greater shall be broken by projecting or recessing 6' minimum sections by a depth of at least 12".
- C. Roof Articulation
  - 1. Roofs shall utilized pitched forms with a minimum slope of 4:12. Roof pitch which is concealed from the public view or public right of way is not subject to a minimum slope.
- D. Roof Materials
  - 1. Roof material shall consist of tile, metal, fiberglass, or composite material representing wood or tile. Composite fiberglass shall be a minimum of a 30 year roof material.
- E. Exterior Materials
  - 1. When exterior materials are utilized together within a building elevation, they must relate to each other in traditional and logical form. For example, heavier materials support lighter materials such as rock forms on the bottom supporting lighter materials above such as stucco or cementitious wood siding.
  - 2. Building facades shall incorporate details such as window trim, recessed windows, cornices, belt courses, coins, or other design elements.
  - 3. Exterior elevations shall utilize durable materials such as stucco, concrete siding, rock, or metal. Wood siding such as T-1-11 and wood fire board shall be prohibited.
- F. Exterior Colors
  - 1. Buildings shall utilize at least two (2) colors (inclusive of trim) but not more than five (5) colors on the front elevations.
- G. Windows
  - 1. Windows shall be framed and trimmed.
- H. Doors
  - i. Front entry doors shall have architectural details. Plain slab doors shall not be used.
- I. Accessory Structures

1. Accessory structures shall be architecturally integrated, utilizing the same building, forms, materials, and colors as the main buildings.

### **Utilities**

- A. HVAC Units. HVAC units shall be ground mounted or screened with a permanent structure using the same materials as the main exterior materials, when roof mounted. HVAC equipment shall not be placed in or on the front and/or street corner sides on the buildings.

### **Grading**

- A. Retaining Walls at property lines shall be masonry if the grade difference exceeds 12”.

### **Solid Waste, Engineering and Recycle Collection Standards**

Utility facilities are often overlooked in the design of projects. The handling of these components of a project make a significant difference in their visual appearance and their use. They shall be functionally and conveniently placed without detracting from the project or assuming greater prominence than is necessary. As an example, trash receptacles, if not properly located, can detract from an otherwise nicely-designed project. These are details important in their aggregate to creating quality of living environments.

#### **A. Trash Receptacles**

1. Trash receptacles shall be placed in locations that prevent the intrusion of noise, odor, insects, and dust into living areas.
2. Applicant will be required to meet the state mandated waste diversion goal (recycling) to divert at least 50 percent of non-hazardous solid waste, including food and compostable material but not construction and demolition material and debris, annually. Waste totes shall be stored in the back or side yard behind a fence or gate.  
Waste toter storage - An all-weather surface and path shall be provided between the storage location and the street curb (driveways shall incorporate the driveway as part of the path).

#### **B. Dedications and Street Improvements**

1. All projects will be required to provide right-of-way on adjacent streets as necessary to conform to current governing planning documents, policies, and City Standards. All right-of-way provided shall be free and clear of all encumbrances.
2. All Projects will be required to provide for the acquisition of right-of-way as necessary to provide for transitions and to conform to the municipal code.
3. Projects will be required to construct street improvements in accordance with the City's specific plans and shall match existing improvements. The project applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
4. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed. Sidewalk alongside yards shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.

5. Entry feature streets with median islands shall have a minimum of 22' wide travel lanes in each direction with parking or without parking.
6. Median cuts on major streets shall not be allowed without approval from the City Engineer.
7. Provide Temporary Turnabouts at the ends of all dead end streets that are to be extended in the future. Temporary turnabouts shall provide for a 48' radius dedication and installation of 45' of permanent/temporary paving plus 3' paved swale. Any lots that the temporary turnabout encroaches upon will not be able to be built upon until the street is extended and the temporary bulb and right-of-way can be abandoned.
8. Provide dedication for 10' public utility easements along all public street frontages. Alternative widths require written approval by the utilities companies.
9. Damaged or broken concrete improvements along the project frontage shall be removed and repaired to be compliant with City standards and ADA requirements prior to project completion.

C. Sewer

1. All public sewer mains not located in otherwise dedicated rights-of-way shall be centered in a 15' wide public sewer easement. The easement area shall be located in drive aisles where it is easily accessible for City maintenance. Exceptions may be approved by the City Engineer.
2. Projects installing sewer infrastructure shall notify all property owners that have annexed to the City and are adjacent to the sewer to provide the owners an opportunity to connect in conformance to the municipal code. Property owners that choose to connect shall be responsible for sewer connection fees according to the municipal code and may work directly with the applicant to determine construction costs and location of services.

D. Water

1. All development on projects that are not within the Fresno Irrigation District Service Area shall provide a City Engineer-approved water study to demonstrate that there is adequate water supply and pressure, and to determine what improvements are needed to service the property and/or project.
2. Projects shall identify and abandon all water wells to City standards in conformance to the Municipal Code.
3. All public water mains not located in otherwise dedicated rights-of-way shall be centered in a 15' wide public water easement. The easement area shall include water mains, hydrants, blow-offs, and water meters, and be located in drive aisles where it is easily accessible for City maintenance. Exceptions may be approved by the City Engineer.
4. Projects installing water infrastructure shall notify all property owners that have annexed to the City and are adjacent to the water to provide the owners an opportunity to connect in conformance to the municipal code. Property owners that choose to

connect shall be responsible for water connection fees according to the municipal code and may work directly with the applicant to determine construction costs and location of services.

E. Grading and Drainage

1. All projects shall provide for permanent storm drainage facilities according to the requirements of the Fresno Metropolitan Flood Control District (FMFCD). Projects that generate more runoff than provided for by the FMFCD master plan will be required to provide mitigation to modify the project flow characteristics to conform to the master plan.
2. If any portion(s) of the project appear to lie within a flood zone, the project shall comply with the requirements of the Clovis Municipal Code.
3. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and record a City prepared covenant for maintenance by the property owner. The size and design shall be in accordance with the City standards based on design calculations and access requirements for maintenance. The property owner shall be responsible for periodic cleaning of toxic material for the life of the temporary basin, which is solely for the convenience of the project. The applicant shall provide a cash deposit for each basin to offset the City's cost of maintaining the basins based on size, depth, expected maintenance schedule by the City, etc. in case of default by the property owner. Notice will be given by the City when the temporary basin(s) are no longer needed. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled and place a lien on the property to cover the cost of the work, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.

F. Irrigation and Landscaping Facilities

1. All projects shall provide landscaping and irrigation as necessary to conform to current governing planning documents, policies, master plans, City Standards, and shall coordinate with existing improvements. Plans for landscaping and irrigation systems shall be prepared by an appropriately registered professional that include the verification of the size, location, and components of the existing improvements. Plans for publicly maintained systems shall consider expansion of the system where feasible to use the existing improvements as fully as possible. Plans shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. The landscape strip around a planned unit development may be maintained by a perpetual maintenance covenant.
2. All project park and landscape improvements shall be installed and accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the park improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of improvements for the park.

3. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.
4. All projects shall record a City prepared covenant for annexation to the Landscape Maintenance District. The document shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or building permit approval. The covenant shall include acknowledgement and agreement by the property owner that such agreement serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The annual assessment is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The additional landscaping enhancements that exceed the City norms and are specific benefit to the property, if determined to be maintained by the Landscape Maintenance District, shall be maintained by an additional landscape maintenance assessment.
5. All projects shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be reviewed by the City to verify and address conflicts with other City facilities. Plans for these requirements and improvements shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. The construction drawings shall indicate the depth, location and type of material of any existing irrigation lines, as well as their disposition (abandonment, repair, relocation, and/or piping). Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.
6. All projects with water allocations shall have it transferred to the City of Clovis prior to the beginning of construction or the recording of the final tract map, whichever occurs first. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis by executing a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.

7. All projects that install privately maintained landscaping and irrigation in public rights-of-way shall record a City prepared covenant for maintenance of the landscape and irrigation by the property owner. The document shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or building permit approval. The privately maintained landscape and irrigation will not be maintained by the Clovis Landscape Maintenance District and it shall not eliminate the obligation to annex the property to the Clovis Landscape Maintenance District.
8. All perimeter walls shall be installed on private property and maintained by the property owner. When adjacent to public rights-of-way, the applicant shall execute a City prepared perpetual maintenance covenant that is recordable on all properties having a perimeter wall. The covenant shall indicate the property owner is responsible for maintenance and shall be executed by the property owner, notarized, submitted to and approved by the City of Clovis City Engineer prior to final map approval or the release of any development permits.

G. **Miscellaneous**

1. All projects shall install street lights along the major streets and local streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment. All street lights on wood poles shall be replaced with street lights on metal poles to local utility provider's standards.
2. All existing overhead and new utility facilities located within the street right-of-way along the streets adjacent to the project shall be undergrounded unless otherwise approved by the City Engineer.
3. A deferment, modification, or waiver of any engineering conditions shall be considered by the City Engineer and will require their express written approval.
4. The conditions given herein are for the entire single-family development. Additional requirements for individual phases may be necessary pending review by the City Engineer in order to provide adequate circulation and adequate utility services.

**Building Standards**

- H. Single-Family Residential Development is subject to the Current Edition(s) of the California Codes under Title 24.

**Public Safety**

- I. Refer to the adopted standards of the Police Department and Fire Department.

**OA 2021-002: Development Code Amendments**

Chapter 9.10: Residential Zoning Districts

Section 9.10.030: Residential District General Development Standards

Table 2-3: Residential Zones General Development Standards - Requirements by Individual Zoning District

**TABLE 2-3  
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS  
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature		R-1-MD
Minimum Parcel Size		4,500 sq. ft.
Minimum Parcel Width		50 ft.
Minimum Corner Parcel Width		50 ft.
Minimum Reverse Corner Parcel Width		50 ft.
Minimum Parcel Depth		90 ft.
<b>Setbacks Required (1)</b>		
Front		<b><u>10 45 ft. to living/porch and projections; 20' 18 to garage wall and 20' minimum to garage door</u></b>
Side (Each)		<b><u>4 5 ft. (garage) 3 ft (interior)</u></b>
Street Side		10 ft.
Reversed Corner (Street Side)		15 ft. (12)(26)
Rear		<b><u>10 45 ft.</u></b>
Accessory structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage		<b><u>55</u></b> 45%
Main Structure – Maximum Height (Whichever Is Less)	35 ft./2-1/2 stories	
Accessory Structure – Maximum Height (Whichever Is Less)	See Section 9.40.030 (Accessory uses and structures)	
Antennas, Vertical	See Chapter 42 of this title (Wireless Telecommunication Facilities)	
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	

**TABLE 2-3  
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS  
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature		R-1-MD
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Chapter 9.32: Parking and Loading Standards  
Section 9.32.040: Number of Parking Spaces Required  
Table 3-12: Parking Requirements by Land Use

Single-family dwellings	2 covered (garage or carport**, ***) spaces for each dwelling unit.
Residential planned unit developments	2 covered (garage or carport**, ***) spaces, plus 1 covered or uncovered guest space for each dwelling unit

\*\* Each two (2) car garage or carport shall have and maintain a clear inside dimension of at least twenty feet (20') by twenty-two feet (22'), except that a 2 car garage within the R-1-MD Zone may have a clear inside dimension of at least twenty feet (20') by twenty feet (20'). If a third car bay is provided, it shall have and maintain a clear inside dimension of at least ten feet (10') by twenty feet (20').

\*\*\* Tandem parking ~~may shall not~~ be allowed to satisfy this garage requirement. A two (2) car tandem garage shall have a clear inside dimension of at least ten feet (10') by forty feet (40'). The Director of Planning and Development Services may approve offset garages through the administrative use permit (AUP) approval process.





November 20, 2020

Dave Merchen, City Planner  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: Comments on Standards for Small Lot Subdivisions

Dear Dave:

The builder members of the Building Industry Association (BIA) have been discussing the draft provided by you on the proposed changes to the standards for small lot subdivisions. The builders believe changes are necessary to facilitate the development of small lot subdivisions. Based on the comments provided by the BIA builder members the BIA has taken the official position that there are a set of changes that the BIA is recommending. The changes to the standards are as follows:

- Minimum Parcel Size: 1,800 sf.
- Minimum Width: 36 ft.
- Minimum Depth: 50 ft.
- Front Setback to Living Space: 5 ft.
- Front Setback to Garage: 5 ft.
- Side Setbacks: Total of 7 ft.
- Corner Lot Street Side Setback: 8'
- Reverse Corner: 13'
- Rear Setback: 5'
- Lot Coverage Percentage: Remove
- Minimum Garage Dimension: 18'W x 20'D for two car and single Car Garage of 10 x 16

It is understood that additional actions may be necessary beyond those you were planning to submit to the Planning Commission and City Council for implementation. The BIA is prepared to cooperate with you to obtain approval of these changes.

Dave Merchen, City Planner  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Page 2: Comments on Standards for Small Lot Subdivisions

If you have any question, please call me at (559) 779-5838 or send me an email at [mikep@biafm.org](mailto:mikep@biafm.org).

Sincerely,



Michael Prandini  
President & CEO

cc: Renee Mathis



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: January 28, 2021

SUBJECT: Consider Approval - Res. 21-\_\_\_\_, CUP2020-007, A request for a conditional use permit for the construction of a ±9,400 square-foot ambulatory surgery center on a portion of an approximately 2.7-acre parcel located at 570 North Magnolia Avenue. AMEL Investments, LLC, a California Limited Liability Company, owner; Eric Lindvall, AMEL Investments, LLC., applicant; Marlette Associates, representative.

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

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Conceptual Site Plan and Elevations
3. Review and Comments from Agencies
4. Draft Resolution

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2020-007, subject to the conditions of approval included in **Attachment 1**.

### EXECUTIVE SUMMARY

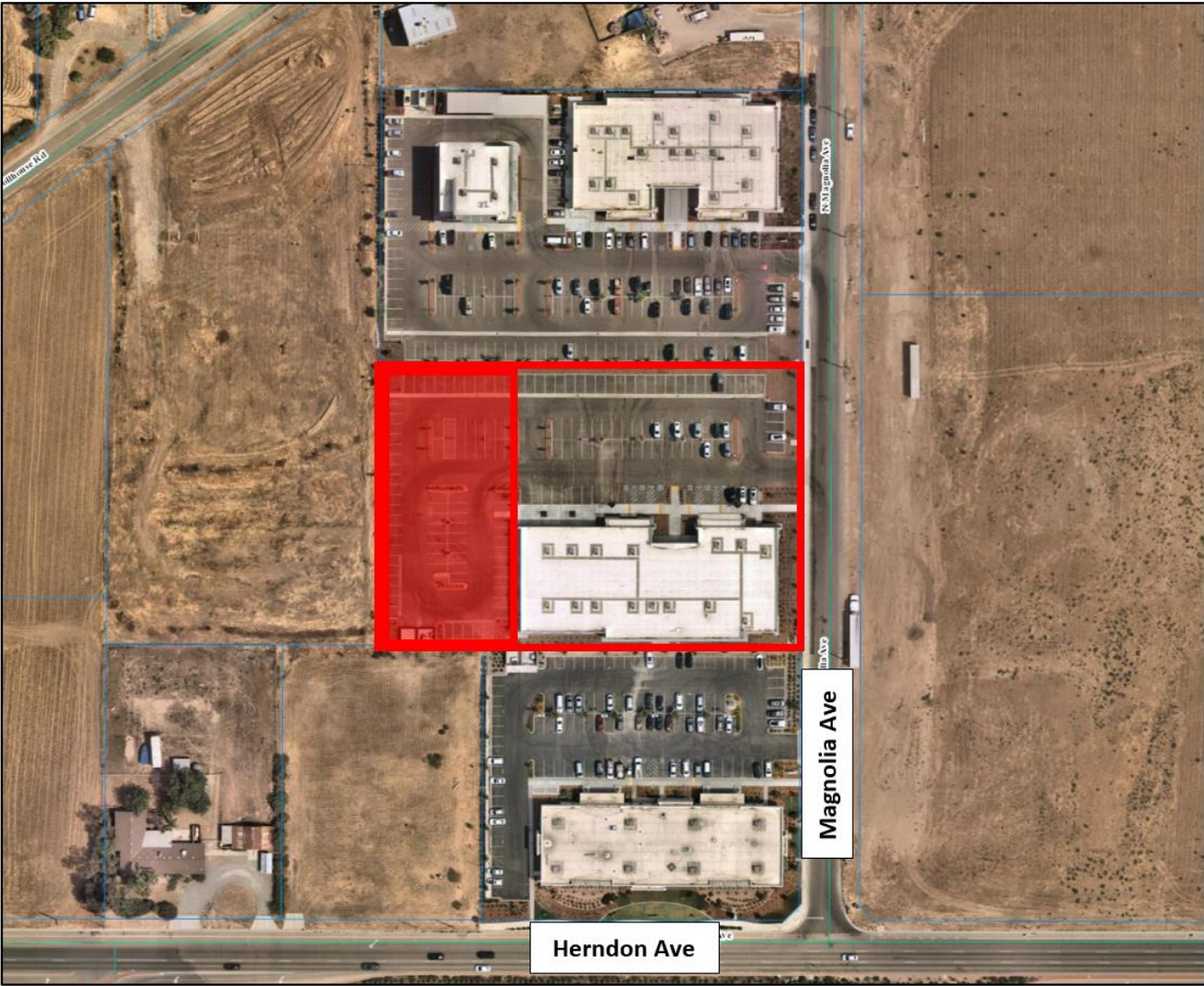
The applicant is proposing construction of a ±9,400 square-foot ambulatory surgery center on a portion of a site that is partially developed with an existing single-story medical office building. The property is located at 570 North Magnolia Avenue, on the west side of Magnolia Avenue between Tollhouse Road and Herndon Avenue, as shown below in **Figure 1**. Per Table 2-4 of Chapter 9.12, Commercial Zoning Districts, of the Clovis Municipal Code (CMC), the use would be classified as “medical services – surgery centers.” This use classification is defined as a medical facility designed and equipped to handle surgery, pain management, and certain diagnostic procedures that do not require overnight hospitalization.



Approval of this request would allow the applicant to continue with site plan review.

**BACKGROUND**

- General Plan Designation: Mixed Use/Business Campus
- Specific Plan Designation: Herndon Shepherd Specific Plan
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: ± 2.7 acres
- Current Land Use: Medical Office
- Adjacent Land Uses:
  - North: Medical Office
  - South: Medical Office and Vacant
  - East: Vacant
  - West: Vacant
- Previous Entitlements: SPR2018-010, 2018-10A, and 2018-10A2

**FIGURE 1  
Project Location**



-  = Subject Property
-  = Limits of Proposed Project (approximate)



## PROPOSAL AND ANALYSIS

As shown in **Attachment 2**, the applicant proposes a single-story medical office structure for an ambulatory surgical center use of up to ±9,400 square feet.

### Existing Site and Surrounding Area

The existing 2.7-acre site is currently developed with a ±25,600 square-foot office building recently approved and constructed. The site is bounded by existing medical office uses to the north and south which were constructed in recent years. Directly west and east are vacant and undeveloped parcels. In general, the area immediately surrounding the site are medical office and office related uses, and/or planned for medical and office uses.

### Project Characteristics

This section provides a more detail description of the project, including the use and the overall site modifications that would occur if CUP2020-007 is approved.

The applicant requests approval of a conditional use permit for a surgery center that would provide surgical and medical services to non-overnight patients. The applicant anticipates daily staff of approximately 10 employees and 2 physicians. Hours of operations are expected to be Monday through Friday from 7 a.m. to 4 p.m. with the potential to increase days and/or hours depending on demand. The types of services would be orthopedic surgical operations that qualify by governmental standards as outpatient procedures. Medical services, such as surgery centers, are permitted in the C-2 (Community Commercial) zone district subject to an approved conditional use permit.

### Parking and Circulation

As shown in **Attachment 2**, the site currently has one (1) point of ingress and egress along Magnolia Avenue, which also serves as access to and from the existing medical office building directly east of the project. However, as part of the project, the applicant proposes a common drive aisle between the subject site and the adjoining parcel to the north for reciprocal access and parking for a more efficient circulation pattern and to provide additional parking for both parcels. Upon completion, both the subject site and the site to the north would have two (2) points of ingress/egress along Magnolia Avenue.

Pursuant to Chapter 9.32, Parking and Loading Standards, of the Clovis Municipal Code, the project would require a minimum of four (4) parking stalls per 1,000 sf. of building space for a total of 140 spaces. Since the conceptual site plan shows an existing building of ±25,600 square feet in addition to the proposed ±9,400 square feet, a total of ±140 spaces would be required and the site plan shows 143 spaces; therefore, adequate parking is available. Further, once a reciprocal access and parking agreement is executed, additional parking would be provided by the site to the north. A condition of approval will be added to the site plan review entitlement to ensure that a reciprocal access agreement is in place upon completion of the project.

### Site Design and Elevations

The C-2 zone district allows for a maximum height of 35 feet / 2 stories, whichever is less. As shown in **Attachment 2**, the proposed ambulatory surgery center building is ±21 feet, 4 inches in height, thus, would meet this standard. Further, the conceptual elevations provided indicate that the proposed structure would be similarly designed and compatible with the existing single-story medical office building. Complete and final review of site details and elevations will occur during the site plan review process to ensure all applicable standards are met.

### Land Use and Zoning

The project site has a General Plan Designation of Mixed Use/Business Campus, Specific Plan Designation of Multi-Use Business Corridor, and is within the C-2 (Community Commercial) zone district. According to the Land Use Element in the 2014 Clovis General Plan, the Mixed Use/Business Campus land use designation is intended for higher intensity mix of employment generating businesses drawing from land uses permitted in the Office and Industrial designations. The Office and Industrial land use designations allow for professional offices, corporate headquarters, research and development, medical facilities, hotels, retail, industrial, and business park uses. Further, the project site is designed as a Multi-Use Business Corridor within the Herndon-Shepherd Specific Plan Area, which allows for offices catering to the medical profession. Lastly, medical services such as surgery centers are permitted in the C-2 zone district subject to an approved conditional use permit.

Therefore, the proposed use is consistent with the land use designations and zone district and would serve to meet the intent of this particular area as being able to accommodate a medical office use.

### **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.

### **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) and that the exceptions identified under Section 15300.2 of the CEQA Guidelines would not be triggered as a result of the project.

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.

The exceptions identified in Section 15300.2 identify further review of an exemption by the project's potential to result in a cumulative impact, significant effect, proximity to a scenic highway, location on or within the vicinity of a hazardous waste site, and/or the potential to negatively impact a historical resources. Based on staffs review, these exceptions would not be triggered by the proposed project. Therefore, a Notice of Exemption has been completed. 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, January 13, 2021.

### **Consistency with 2014 Clovis General Plan Goals and Polices**

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 and redevelopment in a responsible manner. The goals and polices seek to encourage and foster economic opportunities that support jobs for the area.

#### Land Use Element

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

Policy 5.5 **Jobs for residents.** Encourage development that provides job opportunities in industries and occupations currently underserved in Clovis.

#### Economic Development Element

**Goal 3:** Distinctive commercial destinations, corridors, and centers that provide a wide variety of unique shopping, dining, and entertainment opportunities for residents and visitors.

**Goal 5:** A mix of land uses and types of development sufficient to support a fiscally balanced city able to invest in and pay for maintaining and improving public facilities and services and enhancing the quality of life.

Policy 1.2 **Jobs-housing ratio.** Improve the city's job-housing ratio by promoting growth in jobs suited to the skills and education of current and future residents with the objective of an equal number of jobs and employed residents.

### **REASON FOR RECOMMENDATION**

The project would meet the 2014 Clovis General Plan goals and policies, identified above, by redeveloping an existing infill site with access to utilities already serving the area. The project also provides several medical-related employment opportunities and fits within the character as a medical use within the general vicinity.

In addition to meeting many of the stated goals and policies of the General Plan, the required findings for granting a conditional use permit can also be made, as described below.

### **Conditional Use Permit CUP2020-007**

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.

*If approved, the project would be allowed within the zone district for which the property is located and would be in compliance with applicable provisions, subject to the conditions of approval. The project would undergo site plan review (SPR) to further ensure that the site layout and development standards are met and would not otherwise conflict with the development standards for the C-2 (Community Commercial) zone district. During the SPR review, the height, setbacks, parking standards, and aesthetics would be reviewed to ensure that applicable standards are met.*

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

*If approved, the project would be in compliance with the 2014 Clovis General Plan, as described above in the staff report. The underlying General Plan land use designation of Mixed-Use Business Campus would remain unchanged and the proposed use is acceptable within that designation, according to the 2014 Clovis General Plan. Per the General Plan, the Mixed-Use Business Campus land use designation is intended for a mix of employment generating uses permitted in the Office and Industrial designations. As a proposed medical use, this is consistent with the land use designation and intent of the area as an office-related use.*

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.

*The project is compatible with the existing uses and would complement the other medical and office uses in the vicinity. The site is located within an area that has recently developed with other similar medical and office-related uses. The project complements these uses and would not be out of the ordinary as it relates to the character of the surrounding area. Further, the project would maintain the general circulation pattern existing area, and improve circulation between the subject site and the parcel to the north by adding a common drive aisle on-site between both parcels for improved circulation.*

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.

*The project would be placed on a site suitable for the size and shape of the parcel. As mentioned earlier in the staff report, the lot coverage would not exceed what is allowed at the site. Although site details will be further reviewed and refined during the site plan review process, the project is anticipated to be accommodated on the parcel.*

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.



*The project would comply with all applicable public health standards. Further, as infill development on a site that was previously developed with similar uses (i.e. medical office), the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use. Although modifications and/or upgrades may be required to the existing infrastructure, the overall site can be adequately served. Details and final approval will occur during engineering review if approved and the project moves forward. This review would ensure utility services are sufficient for to accommodate the project and impose conditions for upgrades as needed.*

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.

*As identified above under the California Environmental Quality Act heading of this staff report, the Project was determined to be categorically exempt. Therefore, the Project has been reviewed in compliance with CEQA.*

#### **ACTIONS FOLLOWING APPROVAL**

If approved, the project will continue with site plan review.

#### **FISCAL IMPACT**

None.

#### **NOTICE OF HEARING**

Property owners within 700 feet notified: 30

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:




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Dave Merchen  
City Planner

**CONDITIONS OF APPROVAL  
CUP2020-007**

**PLANNING DIVISION CONDITIONS**

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

1. All conditions of SPRs 2018-10, 2018-10A, and 2018-10A2, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This Conditional Use Permit approval is for the operation of a ±9,400 square-foot medical service – surgery center on a portion of an approximately 2.77-acre parcel located at 70 North Magnolia Avenue (APN: 564-050-30).
3. This Conditional Use Permit is not transferable to another location.
4. This Conditional Use Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report.
5. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the Mixed-Use Business Campus land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
6. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
7. The applicant shall maintain a parking a ratio of four (4) vehicle spaces per 1,000 square feet.
8. The applicant shall keep free and clear the access between the subject site and adjacent parcels.
9. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
10. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
11. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.

12. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
13. Any future request to expand the use shall be subject to an amendment to the CUP.
14. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
15. All parking of employees shall occur on-site.

### **FIRE DEPARTMENT CONDITIONS**

**(Rick Fultz, Department Representative – (559) 324-2214)**

16. 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').
17. Turning Radius: All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
18. All Weather Access & Water Supply: The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
19. Fire Lane: The fire lanes curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
20. Perimeter Fire Walking Access: Walking access is required to reach building openings within two-hundred feet (200') of a paved surface designed to fire apparatus use. Required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment. Gates shall be a minimum of four feet (4') in width if they are used in the walking access path. Gates that are locked and are required for building access shall have a fire/police padlock or approved lock box with gate keys installed for access.
21. Commercial Fire Hydrant: The applicant shall install 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. An additional hydrant will not be required if the PIV and FDC can be located adjacent to the existing hydrant in the parking lot near the drive entrance.
22. Fire Sprinkler – 2,500 Square Feet: The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4') from the wall or support, the gross roof area shall be used to determine the need

for automatic fire sprinklers, including covered walkways, patios, porches. A building permit is required for an automatic fire sprinkler installation.

23. Underground Fire Service Line Installation: Installation shall be per Clovis Fire Standard #2.1.
24. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests. NOTE – When a fire pump is required by the overhead system demand, the FDC shall be connected on the discharge side of the fire pump.
25. FDC Location: The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. This will be reviewed and approved by the Clovis Fire Department before installation.
26. Monitored Sprinklers: All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
27. Fire Alarm System: A manual and automatic fire alarm system is required for Group B Ambulatory Health Care facilities with one or more individuals who are rendered incapable of self-preservation. 2019 CFC, Section 907.2.2.1
28. 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.
29. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**COUNTY OF FRESNO HEALTH DEPARTMENT**

(Kevin Tsuda, County of Fresno Health Representative – (559) 600-3271)

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

**FRESNO IRRIGATION DISTRICT**

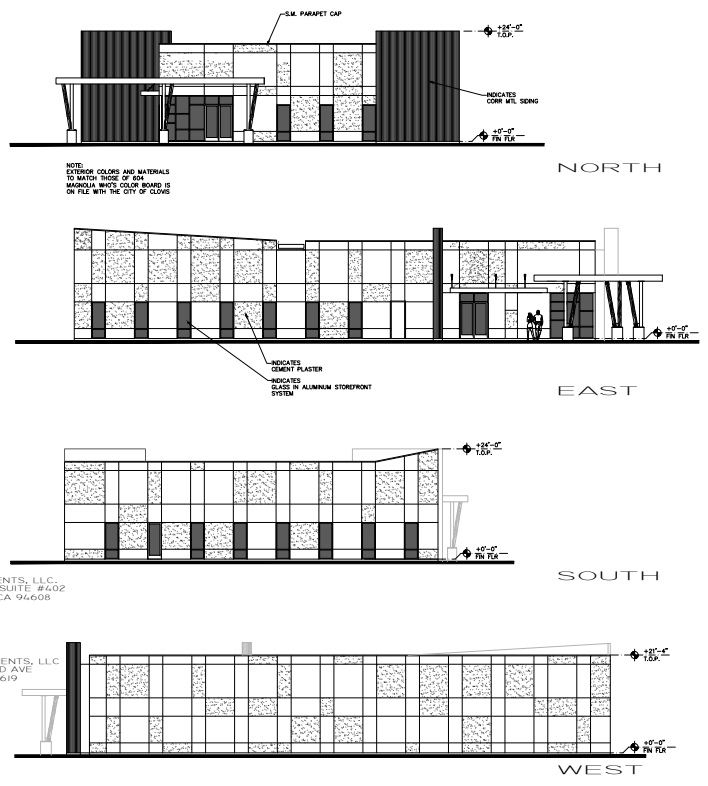
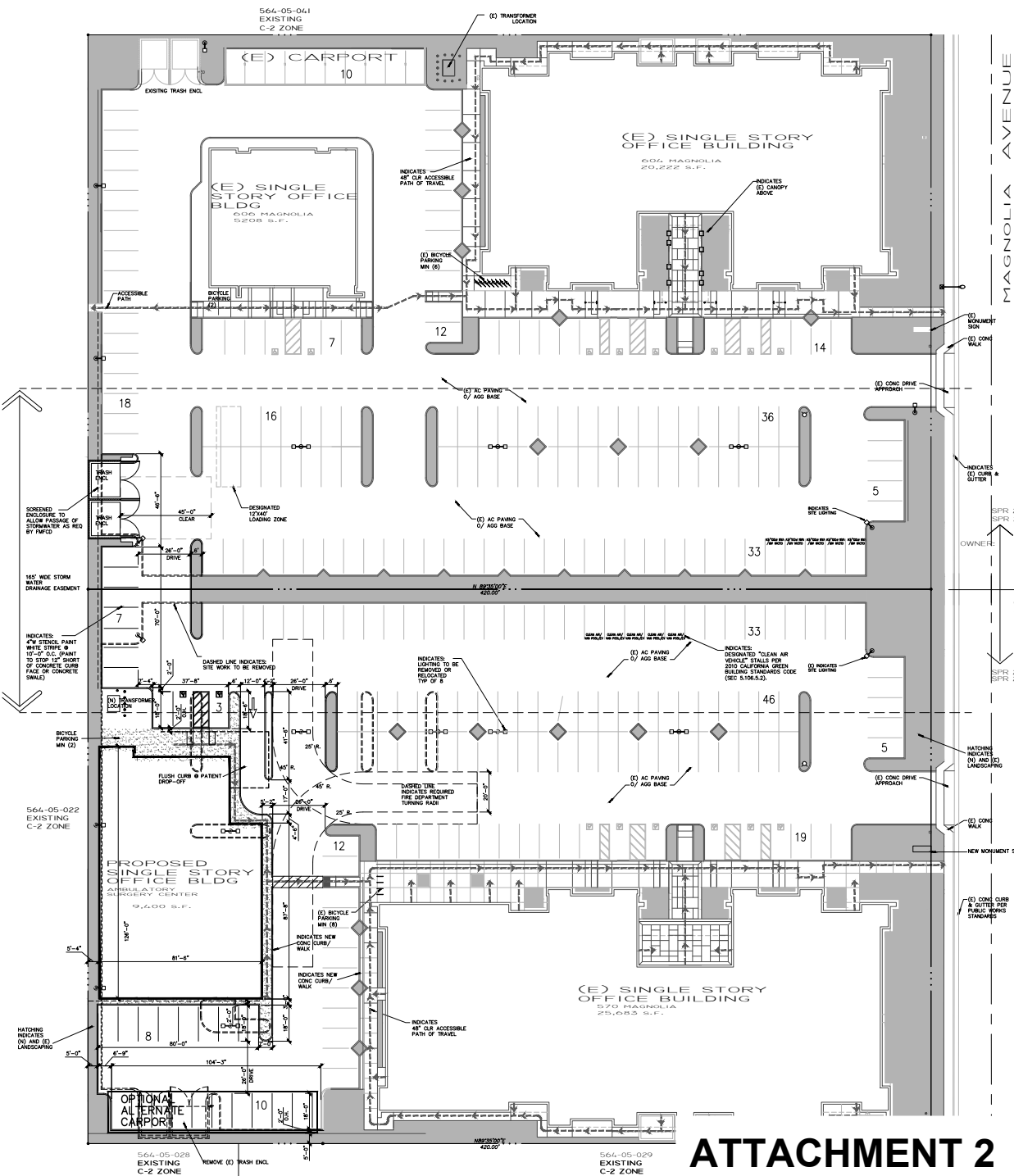
(Chris Lundeen, FID Department Representative – (559) 233-7161 ext. 7410)

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

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

(Robert Villalobos, FMFCD Department Representative – (559) 456-3292)

32. The applicant shall refer to the attached Fresno Metropolitan Flood Control District correspondence. If the list is not attached, please contact the District for the list of requirements.



EXTERIOR ELEVATIONS

PROPOSED  
**OFFICE BUILDING**  
N. MAGNOLIA AVENUE  
CLOVIS, CA 93611

PROJECT USE: AMBULATORY SURGERY CENTER  
MAGNOLIA AVENUE  
CLOVIS, CA 93611

ZONING: C-2  
LAND USE: MUBC

BUILDING AREA:  
564-050-30 14,917.000 RATIO  
564-050-31 9,600 S.F.  
(E) OFFICE 5,116 S.F.  
(N) OFFICE 9,600 S.F.  
TOTAL 60,514 S.F.

PARKING: TOTAL STALLS 294  
1:917.000 RATIO

RECORDATION OF RECIPROCAL ACCESS AND PARKING AGREEMENT TO BE TAKEN PARCELS 564-050-30 AND 564-050-31 IS REQUIRED PRIOR TO OBTAINING BUILDING PERMIT



ARCHITECT:  
**MARLETTE ASSOCIATES**  
2565 ALLUVIAL AVENUE, SUITE 162  
CLOVIS, CA 93611

**ATTACHMENT 2**



# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

December 3, 2020

LU0021134  
2604

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

Dear Mr. Caperton:

PROJECT NUMBER: **CUP2020-007, SPR2018-010A3**

**CUP2020-007**, A conditional use permit request to allow a surgery center use on the property located at 570 N. Magnolia Avenue. **SPR2018-010A3**, A request to amend the site plan review to add an approximately 8,800 s.f. building and reciprocal access point on the property located at 570 N. Magnolia Avenue. This will be a shell building, to be converted to a surgery center when an end user is found.

**APN: 564-050-30**

**ZONING: C-2**

**ADDRESS: 570 N. Magnolia Avenue**

- The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
- Prior to occupancy, the applicant must register any radiation diagnostic (X-ray) equipment with the California Department of Public Health, Radiologic Health Branch. Contact the registration staff at (916) 327-5106 for more information or visit the webpage at: <https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/RHB-X-ray/Registration.aspx>.
- The 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 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 Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

### ATTACHMENT 3

***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)

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REVIEWED BY:

*Kevin Tsuda*

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

(559) 600-33271

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kt

cc: Oung & Sauls- Environmental Health Division (CT. 59.07)  
Eric Lindwall- Applicant ([lindwall.em@gmail.com](mailto:lindwall.em@gmail.com))



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

AGENDA ITEM NO. 4.

Page 1 of 3

**PUBLIC AGENCY**

RICKY CAPERTON  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

ERIC LINDVALL, AMEL INVESTMENTS, LLC  
14209 ACADEMY OAKS LANE  
CLOVIS, CA 93619

PROJECT NO: **2020-007**

ADDRESS: **570 N. MAGNOLIA AVE.**

APN: **564-050-30**

SENT: **January 04, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
7H	\$0.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$148.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$0.00</b>		<b>Total Service Charge: \$198.00</b>		

\* The Development Review Service Charge shown above is associated with CL SPR 2018-010A3 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District’s Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District’s reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/21 based on the site plan submitted to the District on 12/01/20 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. 2020-007**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL  
CUP  
No. 2020-007

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 4.

Page 3 of 3

CL  
CUP  
No. 2020-007

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



Debbie Campbell  
Design Engineer, RCE

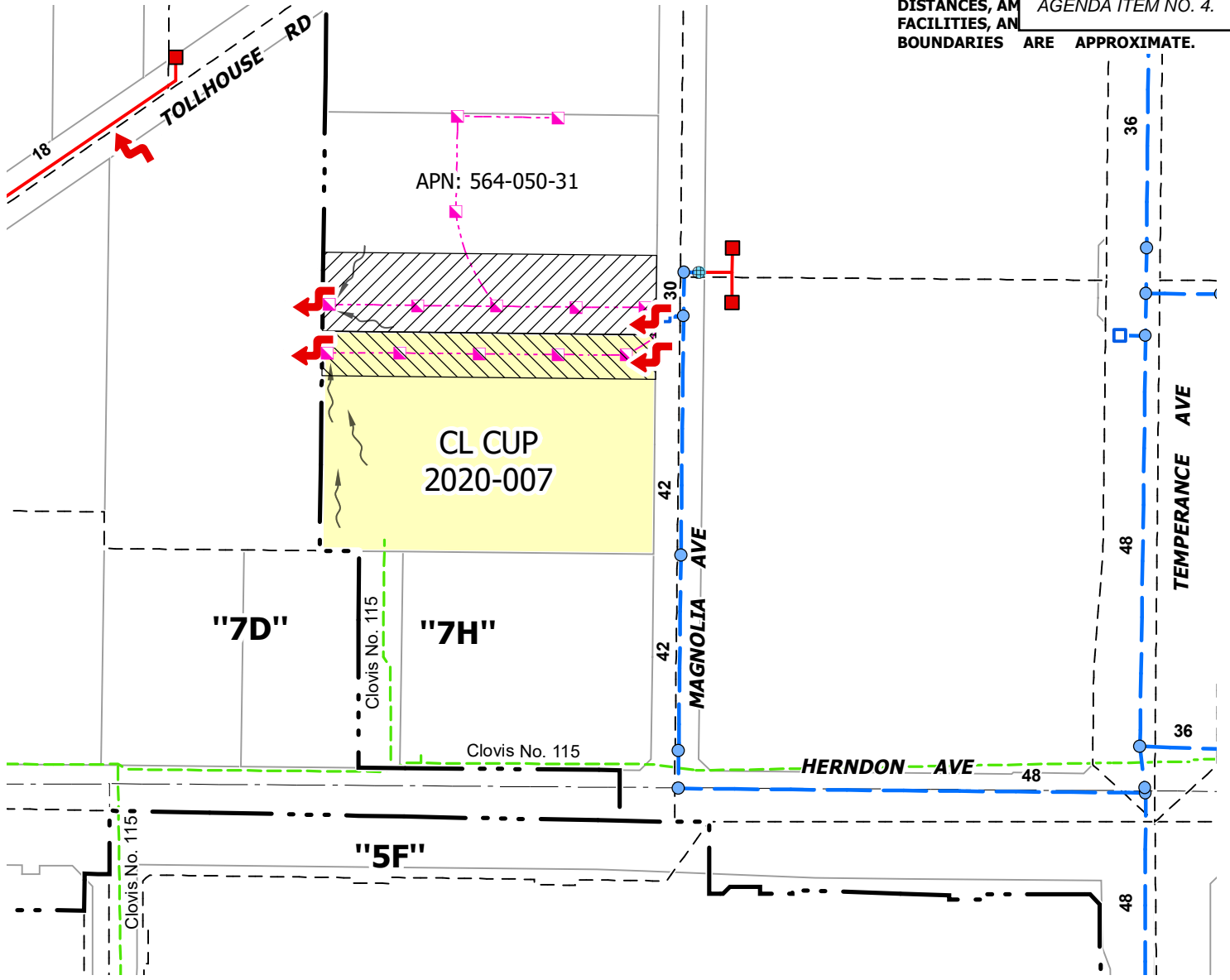
Digitally signed by Debbie Campbell Date: 12/31/2020 6:38:46 PM



Robert Villalobos  
Engineering Tech III

Digitally signed by Robert Villalobos Date: 12/30/2020 1:37:28 PM

NOTE: THIS AGENDA ITEM NO. 4.  
 DISTANCES, AM FACILITIES, AN  
 BOUNDARIES ARE APPROXIMATE.



**LEGEND**

- Existing Master Plan Facilities
- Existing Temporary Inlet
- Future Master Plan Facilities
- Private Facilities
- Existing FID Facilities
- Inlet Boundary
- Drainage Area Boundary
- Existing 100' Wide Major Storm Channel Easement
- Existing 56' Wide Major Storm Channel Easement
- Major Storm Breakover
- Direction Of Drainage



1" = 200'

**CL CUP 2020-007**  
**DRAINAGE AREA "7H"**

**EXHIBIT NO. 1**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



## OTHER REQUIREMENTS

### EXHIBIT NO. 2

There is an existing fifty-six foot (56') wide major storm channel easement located along the northerly property line of CL CUP 2020-007 and an existing one-hundred foot (100') wide major storm channel easement located along the southerly property line of the existing development to the north, Assessor's Parcel Number 564-050-31, as shown on Exhibit No.1. CL CUP 2020-007 shall not alter the grades of the existing channels or place any objects in the channels such that the capacity of the channels is reduced.

A private storm drain system currently exists within the area of the proposed project as shown on Exhibit No. 1. The private system connects to the District's Master Plan facilities. The developer of Clovis CUP 2020-007 shall relocate the private system as required.

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.

## Joyce Roach

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**From:** Gene Abella  
**Sent:** Wednesday, December 9, 2020 4:20 PM  
**To:** Ricky Caperton  
**Cc:** Sean Smith; Claudia Cazares; Joyce Roach  
**Subject:** CUP 2020-007 - ENGINEERING CONDITIONS

Ricky,

Engineering has no conditions for the subject entitlement. We will provide our conditions with SPR 2018-010A3.



**Gene G. Abella, P.E. | Civil Engineer**

City of Clovis | Engineering Division  
**Development Review**  
1033 Fifth Street, Clovis, CA 93612  
p. 559.324.2373 | f. 559-324-2843  
[genea@cityofclovis.com](mailto:genea@cityofclovis.com)

## Joyce Roach

---

**From:** Mike McLemore  
**Sent:** Thursday, December 3, 2020 6:31 AM  
**To:** Joyce Roach  
**Subject:** RE: Request for Comments for CUP2020-007 and SPR2018-010A3

Good morning Joyce. No comments from building. Thank you

### Mike McLemore CBO

*Senior Building Inspector*

City of Clovis | Building Department

E. [mikem@cityofclovis.com](mailto:mikem@cityofclovis.com)

P. 559.324.2393 | C. 559.213-7818

Mailing: 1033 Fifth Street | Clovis, CA 93612



CITY of CLOVIS

---

**From:** Joyce Roach  
**Sent:** Tuesday, December 01, 2020 3:12 PM  
**To:** Amjad M. Qader <amjadq@fresnofloodcontrol.org>; Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Arthur Negrete <arthurn@ci.clovis.ca.us>; Bernard Jimenez <Bjimenez@co.fresno.ca.us>; Brian Weldon <bw1987@att.com>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Chris Motta <cmotta@co.fresno.ca.us>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Claudia Cazares <claudiac@ci.clovis.ca.us>; Colleen Vidinoff <colleenv@ci.clovis.ca.us>; Curt Fleming <curtff@ci.clovis.ca.us>; Dave Fey <dfey@co.fresno.ca.us>; Dave Padilla <dave.padilla@dot.ca.gov>; Dave Randall <drandall@co.fresno.ca.us>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Deep Sidhu <SSidhu@co.fresno.ca.us>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Eric Smith <erics@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; George Gonzalez <georgeg@ci.clovis.ca.us>; George Uc <guc@co.fresno.ca.us>; Gerald Conley <geraldc@ci.clovis.ca.us>; Glenn Allen <glallen@co.fresno.ca.us>; Holly Greathouse <hollyg@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Ivette Rodriguez <ivetter@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jesse Newton <jessen@ci.clovis.ca.us>; John Cross <JohnC@ci.clovis.ca.us>; John Willow <JohnWi@ci.clovis.ca.us>; Jose

Sandoval <joses@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>; Juan Lara <jlara@co.fresno.ca.us>; KatyB <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Kevin Tsuda <KTsuda@co.fresno.ca.us>; Lily Cha <lilyc@ci.clovis.ca.us>; Luis Murrieta <LDMQ@pge.com>; Luke Serpa <lukes@ci.clovis.ca.us>; Maria Spera <mspera@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael\_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Nadia Lopez <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Renee Mathis <ReneeM@ci.clovis.ca.us>; Rick Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD <CEQA@valleyair.org>; Stephanie Andersen <StephanieA@ci.clovis.ca.us>; Steven Rhodes <SRhodes@co.fresno.ca.us>; Trina Vietty <trina@ci.clovis.ca.us>; Wildlife CEQA <R4CEQA@wildlife.ca.gov>  
**Cc:** Ricky Caperton <rcaperton@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>  
**Subject:** Request for Comments for CUP2020-007 and SPR2018-010A3

Good afternoon,

Please see the attached request for comments for CUP2020-007 and SPR2018-010A3, for 570 N. Magnolia Avenue.

Thank you, and stay safe and healthy.



**Joyce Roach | Planning Assistant**

City of Clovis | Planning Division  
 1033 Fifth Street, Clovis, CA 93612  
 p. 559.324.2341 | f. 559.324.2844  
[joycer@cityofclovis.com](mailto:joycer@cityofclovis.com)



**Joyce Roach**

**From:** Randall , David A. <drandall@fresnocountyca.gov>  
**Sent:** Wednesday, December 2, 2020 7:51 AM  
**To:** Joyce Roach  
**Subject:** RE: Request for Comments for CUP2020-007 and SPR2018-010A3

We have no comments on this project.

---

**From:** Joyce Roach <joycer@ci.clovis.ca.us>  
**Sent:** Tuesday, December 1, 2020 3:12 PM  
**To:** Amjad M. Qader <amjadq@fresnofloodcontrol.org>; Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Arthur Negrete <arthurn@ci.clovis.ca.us>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Brian Weldon <bw1987@att.com>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Motta, Chris <CMotta@fresnocountyca.gov>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Claudia Cazares <claudiac@ci.clovis.ca.us>; Colleen Vidinoff <colleenv@ci.clovis.ca.us>; Curt Fleming <curtf@ci.clovis.ca.us>; Fey, David <dfey@fresnocountyca.gov>; Dave Padilla <dave.padilla@dot.ca.gov>; Randall , David A. <drandall@fresnocountyca.gov>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Eric Smith <erics@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; George Gonzalez <georgeg@ci.clovis.ca.us>; Uc, George <guc@fresnocountyca.gov>; Gerald Conley <geraldc@ci.clovis.ca.us>; Allen, Glenn <glallen@fresnocountyca.gov>; Holly Greathouse <hollyg@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Ivette Rodriguez <ivetter@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jesse Newton <jessen@ci.clovis.ca.us>; John Cross <JohnC@ci.clovis.ca.us>; John Willow <JohnWi@ci.clovis.ca.us>; Jose Sandoval <joses@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>; Lara, Juan <jlara@fresnocountyca.gov>; Katy Benham <KatyB@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Tsuda, Kevin <ktsuda@fresnocountyca.gov>; Lily Cha <lilyc@ci.clovis.ca.us>; Luis Murrieta <LDMQ@pge.com>; Luke Serpa <lukes@ci.clovis.ca.us>; Maria Spera <mspera@ci.clovis.ca.us>; Max Garces <MaxG@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael\_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Lopez, Nadia <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Orlando Ramirez <OrlandoR@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Renee Mathis <ReneeM@ci.clovis.ca.us>; Rick Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@pge.com>; Robert Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Borsch <scottb@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD <CEQA@valleyair.org>; Stephanie Andersen <StephanieA@ci.clovis.ca.us>; Rhodes, Steven <srhodes@fresnocountyca.gov>; Trina Vietty <trinav@ci.clovis.ca.us>; Wildlife CEQA <R4CEQA@wildlife.ca.gov>  
**Cc:** Ricky Caperton <rcaperton@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>  
**Subject:** Request for Comments for CUP2020-007 and SPR2018-010A3

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Good afternoon,

Please see the attached request for comments for CUP2020-007 and SPR2018-010A3, for 570 N. Magnolia

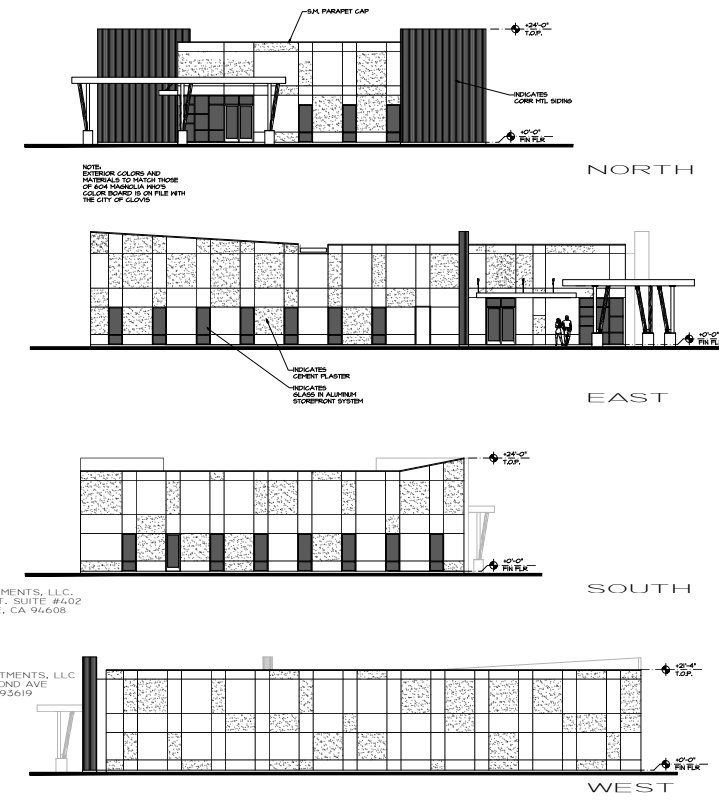
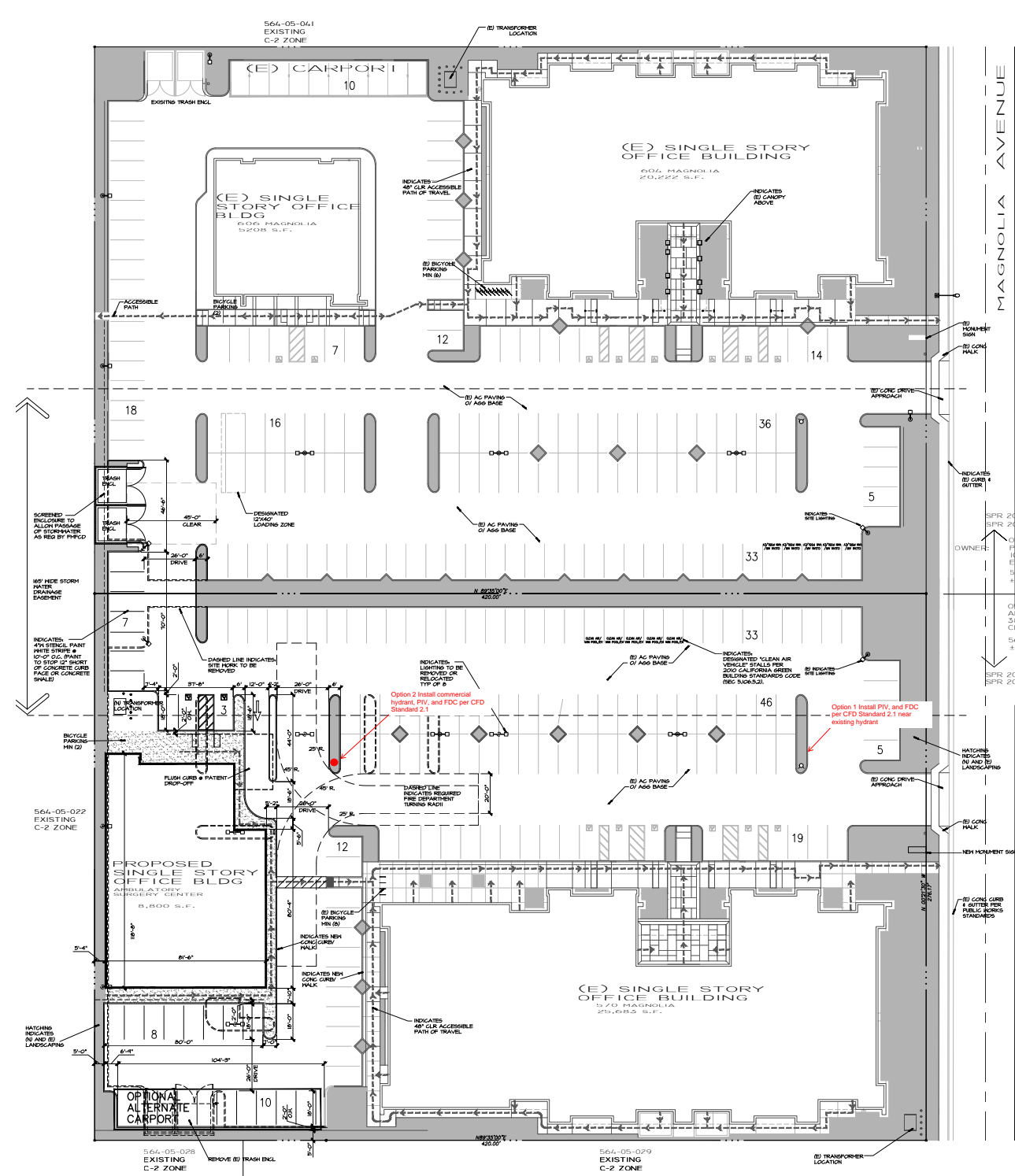
Thank you, and stay safe and healthy.



**Joyce Roach | Planning Assistant**

City of Clovis | Planning Division  
1033 Fifth Street, Clovis, CA 93612  
p. 559.324.2341 | f. 559.324.2844  
[joycer@cityofclovis.com](mailto:joycer@cityofclovis.com)

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OWNER: PHIL INVESTMENTS, LLC  
 1481 60TH ST, SUITE #402  
 ENERGYVILLE, CA 94608  
 564-050-31  
 ± 2.66

OWNER: AMEL INVESTMENTS, LLC  
 3854 RICHMOND AVE  
 CLOVIS, CA, 93269  
 564-050-30  
 ± 2.66

PROPOSED  
**OFFICE BUILDING**  
 N. MAGNOLIA AVENUE  
 CLOVIS, CA 93611

PROJECT USE: AMBULATORY SURGERY CENTER  
 MAGNOLIA AVENUE  
 CLOVIS, CA 93611

ZONING: C-2  
 LAND USE: MUBC

BUILDING AREA:  
 564-050-30 8,800 S.F.  
 564-050-31 59,914 S.F.  
 TOTAL 68,714 S.F.

(E) OFFICE 51,114 S.F.  
 (N) OFFICE 8,600 S.F.  
 TOTAL 59,914 S.F.

PARKING: TOTAL STALLS 294  
 4.97/1,000 RATIO

REGISTRATION OF RECORD  
 ACCESS AND PARKING AGREEMENT  
 BETWEEN PARCELS 564-050-30  
 AND 564-050-31 IS REQUIRED PRIOR  
 TO OBTAINING BUILDING PERMIT

**SITE PLAN**  
 14251372

ARCHITECT:  
**MARLETTE ASSOCIATES**  
 2565 ALLUVIAL AVENUE, SUITE 142  
 CLOVIS, CA 93611

II-05-20  
 CUP-1

**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT ALLOWING UP TO A ±9,400 SQUARE FOOT SURGICAL  
CENTER ON A ±2.7-ACRE PARCEL LOCATED AT 570 NORTH MAGNOLIA AVENUE AND  
FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32  
CATEGORICAL EXEMPTION**

**WHEREAS**, Eric Lindvall, AMEL Investments, LLC, 14209 Academy Oaks Lane, Clovis, CA 93619 (Applicant), has applied for a Conditional Use Permit CUP2020-007; and

**WHEREAS**, the Applicant submitted an application for a conditional use permit allowing up to a ±9,400 square-foot surgical center on a ±2.7-acre parcel located at 570 North Magnolia Avenue, in the City of Clovis, County of Fresno, California; and

**WHEREAS**, a public notice was sent out to property owners within 700 feet of said property boundaries a minimum of ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on January 28, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project is exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).

**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.

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

1. The Project is exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. 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.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.

- c. 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.
  - d. 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.
  - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and as set forth above the Project have been determined to be exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).
3. Without the conditions of approval (**Attachment 1** to this Resolution), the Commission could not make the findings necessary for approval of CUP2020-007.
  4. The basis for the findings is detailed in the January 28, 2021 staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.

**NOW, THEREFORE, BE IT FURTHER RESOLVED:**

1. CUP2020-007 is hereby approved with incorporation of the conditions of approval (**Attachment 1** to this Resolution).

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 28, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-\_\_\_\_  
DATED: January 28, 2021

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Renee Mathis, Secretary