

CITY of CLOVIS

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

December 16, 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.

The Clovis Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see "Verbal Comments" below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/planning-commission-agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: <u>www.cityofclovis.com/planning-commission-agendas</u> 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. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to 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.

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.

Verbal Comments Made by Telephone or Webex

- If you wish to speak to the Commission on the item by telephone, you must contact the City Planner, Dave Merchen, at (559) 324-2346 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 five (5) minutes.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. Planning Commission Minutes for the Meeting of November 18, 2021.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

PUBLIC COMMENTS

This is an opportunity for the members of the public to address the Planning Commission on any matter within the Planning Commission's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to

be placed on the Agenda for a specific topic should contact the Planning Division and submit correspondence at least 10 days before the desired date of appearance.

PUBLIC HEARINGS

1. Consider Approval, Res. 21-___, CUP2021-011, A request to approve a conditional use permit for a U-Haul motor vehicle rental and leasing business at 270 Shaw Avenue. Green Planet, LLC., applicant/ representative; Punjab Bhavan, LLC., property owner.

Staff: Emily Lane, Assistant Planner **Recommendation:** Approve

2. Consider Approval - Res. 21-___, TM6393, A request to approve a tentative tract map for a 7lot single-family residential development on property located on the east side of Temperance Avenue at Palo Alto Avenue. Gill Gaheer Development, LLC., applicant; Kamaldeep and Jagvir Gaheer Trustees, owners; R. W. Greenwood and Associates, Inc., representative.

Staff: Kelsey George, Assistant Planner **Recommendation:** Approve

- 3. Consider items associated with ±0.85-acres of property located on the east side of N. Locan Avenue, north of Powers Avenue. A Place Called Home (Colin Murchison), applicant; James E. Call & Julie S. Call, Trustees of the Call Family Trust & Penncal Properties, LLC., owners, Dirk Poeschel Land Development Services, Inc., representative.
 - a) Consider Approval Res. 21-___, CUP2021-013, A request to approve a conditional use permit to allow a 10-bed senior assisted living facility to be located at 1817 N. Locan Avenue.
 - b) Consider Approval Res. 21-___, CUP2021-014, A request to approve a conditional use permit to allow a 10-bed senior assisted living facility to be located at 3019 Powers Avenue.

Staff: George González, Senior Planner **Recommendation:** Approve

ADJOURNMENT

MEETINGS & KEY ISSUES

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

January 27, 2022

February 24, 2022

March 24, 2022

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.

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CLOVIS PLANNING COMMISSION MINUTES November 18, 2021

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

Flag salute led by Commissioner Cunningham.

Present: Commissioners Bedsted, Cunningham, Hatcher, Chair Hinkle

Absent: Commissioner Antuna

Staff: Dave Merchen, City Planner George Gonzalez, Senior Planner Kelsey George, Assistant Planner Joyce Roach, Planning Technician I Sean Smith, Supervising Civil Engineer Tyler Brown, Business Workflow Specialist Wesley Carlson, City Attorney

<u>MINUTES – 6:01</u> ITEM 1 – APPROVED.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, to approve the October 28, 2021, minutes. Motion carried 4-0-1 with Commissioner Antuna absent.

COMMISSION SECRETARY - 6:02

Senior Planner George Gonzalez reminded that the December 13th joint meeting was postponed, new date forthcoming.

PLANNING COMMISSION MEMBERS COMMENTS - 6:02

Chair Hinkle informed that he'd received inquiries from members of the public about courses of action regarding a house on Sierra Avenue west of De Witt Avenue with trash in the front yard for over a month, and the first three houses on the south side of Menlo Avenue, west of Peach Avenue, constantly leaving their trash totes out on the street. Senior Planner Gonzalez assured that staff will look at the sites and informed that such issues are handled by community service officers in conjunction with the Public Works Department. He also informed that such requests may be submitted through the City's online CRM system.

PUBLIC COMMENTS – 6:03 None.

PUBLIC HEARINGS

ITEM 1A - 6:04 – APPROVED - **RES. 21-33, CUP2021-007**, A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH USE IN ASSOCIATION WITH A PROPOSED <u>+935</u> SQUARE FOOT COFFEE KIOSK; ITEM 1B – APPROVED - **RES. 21-34**, **CUP2021-010**, A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A FUTURE DRIVE-THROUGH USE.

Motion by Commissioner Hatcher, seconded by Commissioner Bedsted, for the Planning Commission to approve **Resolution 21-33**, a resolution approving a request for a conditional use permit allowing a drive-through use in association with a proposed +935 square foot coffee kiosk. Motion carried 4-0-1 with Commissioner Antuna absent.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 21-34**, a resolution approving a request for a conditional use permit allowing a future drive-through use. Motion carried 4-0-1 with Commissioner Antuna absent.

ADJOURNMENT AT 6:43 P.M. UNTIL the Planning Commission meeting on December 16, 2021.

Paul Hinkle, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: **Clovis Planning Commission**

FROM: Planning and Development Services

DATE: December 16, 2021

SUBJECT:

Consider Approval, Res. 21-___, CUP2021-011, A request to approve a conditional use permit for a U-Haul motor vehicle rental and leasing business at 270 Shaw Avenue. Green Planet, LLC., applicant/ representative; Punjab Bhavan, LLC., property owner.

Staff: Emily Lane, Assistant Planner **Recommendation:** Approve

ATTACHMENTS:

- 1. Draft Resolution
- 2. Conditions of Approval
- 3. Operational Statement
- 4. Site Plan
- 5. Correspondence from Commenting Agencies

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2021-011, subject to the conditions of approval included as Attachment 2.

EXECUTIVE SUMMARY

The Applicant, Green Planet, LLC., is proposing to operate a U-Haul vehicle and equipment rental facility. The project would utilize a small portion of the existing retail space within Punjab Bhavan, LLC.'s business and parking spaces within the ±2.38 acre property. The property is located at 270 Shaw Avenue, on the south side of Shaw Avenue between Minnewawa and DeWitt Avenues, as shown in Figure 1 below. In order to accommodate the Project, the applicant is requesting approval of a conditional use permit for the vehicle rental use within the C-2 Zone District.

BACKGROUND

- General Plan Designation:
 - **General Commercial**
- Existing Zoning:
- C-2 (Community Commercial)

• Lot Size:

+2.38 acres

- Current Land Use:
- Adjacent Land Uses:
 - o North:

Commercial

- - South: 0
 - East: 0
 - o West:

Previous Entitlements:

Commercial (Quality Carpets Design Center) and Residential (College Square) Professional Office (SMS Services) and Residential (Rodeo Estates) Professional Office (Hibbard Dental Care) Commercial (Bank of the West) SPR207, SPR207A, AUP2019-009, AUP2020-003, V77-03, V77-04, V91-09, V136

PROPOSAL AND ANALYSIS

The applicant is requesting approval of CUP2021-011 to allow for a U-Haul vehicle and equipment rental facility at the Project site shown in Figure 1 below. The U-Haul vehicle rental facility will operate out of an existing storefront located at 270 Shaw Avenue. The proposed U-Haul business will be ancillary to the existing cleaning supply and services storefront operated by Green Planet, LLC. Within the store, the U-Haul business will only utilize the cash register area. There will not be any interior improvements to coincide with the new U-Haul business. The U-Haul business will utilize the existing parking behind the storefront for the placement of U-Haul trucks, vans and trailers.

FIGURE 1 Project Location



Existing Site and Surrounding Area

The Project site is an existing shopping center. The surrounding area is developed with a mix of commercial and residential land uses, including retail and professional offices.

Conditional Use Permit

As part of the Project, the applicant is requesting to conduct a vehicle and equipment rental use within an existing shopping center. Section 9.12.020, Table 2-4 of the Clovis Municipal Code, identifies this land use (Motor Vehicle Renting and Leasing), subject to a conditional use permit within a commercial zone district. The review and approval of a conditional use permit application provides the opportunity to ensure that the operational characteristics of the proposed use are consistent with applicable policies and standards and to verify that the use is compatible with existing uses in the surrounding vicinity. This process allows evaluation of a business model that incorporates motor vehicle rental and leasing within a single site.

Operations

The applicant has provided an operational statement **(Attachment 3)** that describes the proposed use. The U-Haul business will operate within the existing storefront of Green Planet, LLC's janitorial business. U-Haul customers can reserve the vehicles and trailers either inperson or online. Customer parking is offered in front of the cleaning business and throughout the shopping center. Customers have the option of returning vehicles and trailers to the same location or to any other U-Haul business location. This nuanced business model allows the inventory of vehicles and trailers to fluctuate. The applicant estimates that 10 to 15 vehicles and trailers may be on the Project site at one time. The applicant also anticipates 20-30 separate rental orders each day.

The Project does incorporate security measures with the operation of the business. There are 6 cameras that exist along the building of 270 Shaw Avenue. Two of the existing cameras cover the storefront along Shaw Avenue, three cameras cover the drive aisle between 270 and 290 Shaw Avenue, and one is located at the rear of the building and faces towards the proposed parking area of the U-Haul vehicles and trailers. On the site plan, the applicant has indicated that two additional cameras will be installed at the southwest corner of 280 Shaw Avenue. The new cameras will cover the southern drive aisle and provide a second angle to the parking area for U-Haul vehicles and trailers.

Parking and Access

Parking requirements for the proposed use under consideration can be found in Section 9.32.040(D) of the Development Code. However, since the Project is located within an existing shopping center, the number of required spaces should adhere to the standards for commercial/ service uses. The required number of parking spaces is determined by the total area of multi-tenant space available in the shopping center. The total area of the shopping center multi-tenant space is 22,150 square feet. For shopping centers between 20,001 square feet to 70,000 square feet, 5.0 parking spaces are required to each 1,000 square foot of gross floor area. Therefore, the Project site requires a total of 110 parking spaces. The property currently offers 131 parking spaces.

On the site plan **(Attachment 4)**, the applicant has provided details for equipment staging and vehicle parking. All rental vehicles and trailers will be located within the parking area highlighted in light blue, as shown in **Figure 1** above. On the western side of the property, there will be 15 parking spaces for vehicles that can fit within 10' x 20' parking stalls. For longer trucks or trailers, the applicant plans to use a section of parking behind the storefront. The applicant plans to restripe 6, 10' x 20' parking stalls to make 3 long parking stalls that would safely contain larger vehicles. The U-Haul vehicles and trailers shall not block the drive aisles within the shopping center.

A reciprocal parking agreement is pending between the Project site and adjacent property to the east. The site plan **(Attachment 4)** shows the available parking for both the Project site and adjacent property. The Project site can be accessed along the Shaw Avenue frontage from the north and from the adjacent property to the east by three separate, shared drive aisles.

Hours of Operation

The applicant is requesting the ability to operate the vehicle rental facility between the hours of 7:00 a.m. to 8:00 p.m. daily. The applicant's proposed hours do not present a potential concern. Staff recommends including these hours as a condition to further mitigate noise impacts to the residential neighbors to the south.

Review and Comments

Review and Comments from Agencies

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

Comments received are attached (**Attachment 5**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Public Comments

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

California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to CEQA Guidelines 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.

The Class 32 categorical exemption exempts projects that satisfy the following criteria: (a) the project is consistent with the applicable land use designation, General Plan policies, and zoning; (b) is located within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) is located on a site 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 resource. Based on staff's review, these exceptions would not be triggered by the proposed project. Therefore, Staff will file a Notice of Exemption with the County Clerk if the project is approved.

The City published notice of this public hearing in *The Business Journal* on Wednesday, December 1, 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 policies seek to encourage and foster economic opportunities that support jobs for the area.

Economic Development Element

- **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 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

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 vehicle and equipment rental facility.

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, all applicable design guidelines will be utilized to ensure as many of the features recommended can be appropriately implemented.

REASON FOR RECOMMENDATION

Conditional Use Permit 2021-011 is consistent with the goals and policies of the General Plan, Clovis Municipal Code and the C-2 (Community Commercial) Zone District. The Project would provide a service to businesses and residents located within the Shaw Avenue commercial corridor. In light of this, staff is recommending that the Planning Commission approve CUP2021-011, subject to the conditions of approval listed as **Attachment 2**.

Conditional Use Permits 2021-011

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.

The proposed use is a permitted use for the property zoning (C-2: Community Commercial Zone District), subject to a conditional use permit. The Project is located in a commercial zone district area that is intended to be developed to commercial uses. The conditions for approval preserve the integrity and character of the zoning district and ensure compliance with the Development Code. The Project will undergo a site plan review (SPR) to ensure that the site layout and development standards are met and will not conflict with the C-2 (Community Commercial) zone district.

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

The project is consistent with the 2014 Clovis General Plan, as described above in the staff report. The proposed use is acceptable within the underlying General Plan land use designation of General Commercial, 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.

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 and future land uses in the vicinity. The conditions of approval mitigate significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses.

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed. This finding is based on the following:

The property consists of an existing building and parking lot that is large enough to accommodate the requested use. The parking conditions provide for adequate available parking for the 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 will comply with all applicable public health standards. Further, as an infill site surrounded by 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.

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

None.

NOTICE OF HEARING

Property owners within 300 feet notified: 36

Prepared by:

Emily Lane, Assistant Planner

Reviewed by:

Dave Merchen City Planner

RESOLUTION 21-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING CONDITIONAL USE PERMIT CUP2021-011 TO ALLOW A VEHICLE RENTAL USE FOR PROPERTY LOCATED AT 270 SHAW AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

WHEREAS, Punjab Bhavan, LLC., 270 Shaw Avenue, Clovis, CA, 93612, applied for a Conditional Use Permit CUP2021-011 to allow a vehicle rental use ("Project") for property located at 270 Shaw Avenue ("Property"); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on December 1, 2021, mailed public notices to property owners within 300 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on December 16, 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 meets the requirements of a Class 32 (Infill Development) Categorical Exemption, pursuant to CEQA Guidelines section 15332; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, and the conditions of approval attached as **Attachment A** to this Resolution, which are incorporated herein by this reference.

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

- 1. CUP2021-011 is hereby approved with incorporation of the conditions of approval set forth in **Attachment A** to this Resolution.
- 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).
- 3. The Planning Commission could not make the findings necessary for approval of CUP2021-011 without the conditions of approval set forth in **Attachment A** to this Resolution.
- 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 Infill Development).
- 5. The basis for the findings is detailed in the December 16, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on December 16, 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-XX DATED: December 16, 2021

Paul Hinkle, Chair

ATTEST:

Renee Mathis, Secretary

Conditions of Approval – CUP2021-011

PLANNING DIVISION CONDITIONS

(Emily Lane, Division Representative – (559) 324-2316)

- Conditional Use Permit CUP2021-011 may be reviewed in one year for compliance with the conditions of approval. Planning staff may conduct a review of the use and present these findings to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit for revocation.
- 2. This conditional use permit allows for a vehicle rental facility for the property located at 270 Shaw Avenue.
- 3. Any future requests to expand the use beyond the characteristics reviewed and approved in conjunction with CUP2021-011 shall be subject to submittal of an amendment to this conditional use permit for review and consideration.
- 4. The applicant shall obtain site plan review approval prior to renovation of the exterior of the building or any site modifications.
- 5. This conditional use permit CUP2021-011 is approved per the site plan marked as **Attachment 4** to the December 16, 2021 staff report for this project.
- 6. Hours of operation for the use shall not exceed the following:
 - a. 7:00 a.m. to 8:00 p.m.
- 7. The applicant shall operate the use in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties and tenants.
- 8. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.
- 9. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.
- 10. The applicant shall obtain City approval of temporary and permanent signage through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
- 11. The operator is responsible for site maintenance in relation to its operation. Daily cleanup of litter and debris related to the business is required.
- 12. All parking of employees and patrons shall occur on site.
- 13. The parking spaces designated for U-Haul vehicles shall be restriped and labeled as U-Haul Parking.

ATTACHMENT 2

- 14. The applicant shall keep free and clear access between the subject site and adjacent business to the east. Under no circumstances shall access to the site drive aisles be obstructed with vehicles or equipment.
- 15. Outdoor auto repair and maintenance is not permitted on this site.
- 16. All conditions of SPR207, SPR207A, AUP2019-009, AUP2020-003, V77-03, V77-04, V91-09, V136 and any other applicable conditions are hereby referred to and made a part of this conditional use permit.

COUNTY OF FRESNO HEALTH DEPARTMENT CONDITIONS

(Kevin Tsuda, Department Representative – (559) 600-3271)

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

AGENDA ITEM NO. 1.

Green Planet LLC

DBA Premier Janitorial

270 Shaw Ave

Clovis, CA. 93612

Statement Letter

To whom This May Concern-

In a letter dated September, 1st. 2021 the City Of Clovis requested a written statement for the following.

1. Operations Of Business

The operation of our business is a Carpet Cleaning, Janitorial and Janitorial supply company.

2. Hours of business

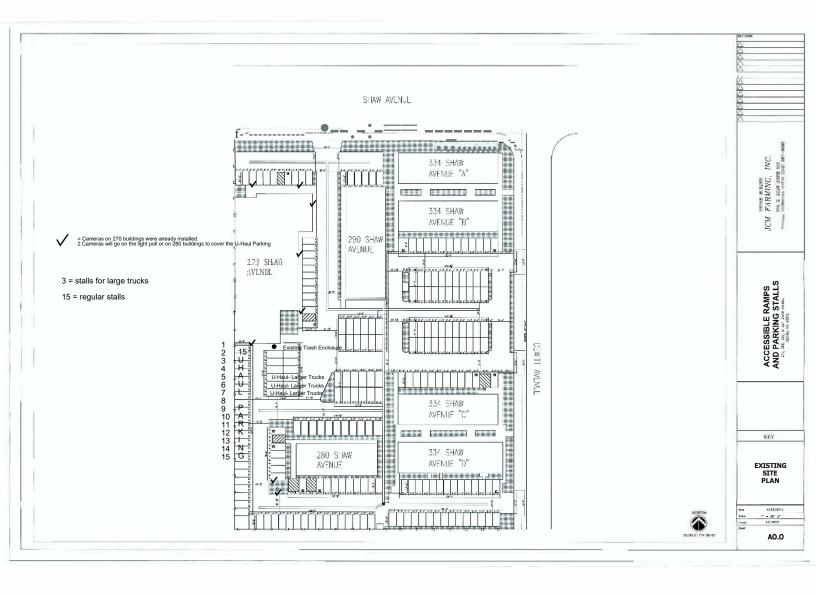
The hours are from 7am-8pm Monday-Sunday

2. Types of units being rented

Uhaul equipment such as Trailers, trucks and vans.

- Anticipated Volume
 I anticipate about 20-30 pieces of equipment per day be rented out of this facility.
- 4. Where will the Uhauls be parked. Any uhauls that are left on property will be parked in the rear of the property. At any one time there would probably be about 10-15 pieces of equipment parked on premises.

Best Regards Paul Greer P. Sle





County of Fresno DEPARTMENT OF PUBLIC HEALTH

November 10, 2021

LU0021479 2604

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

Dear Ms. Lane:

PROJECT NUMBER: CUP2021-011

CUP2021-011; A request to allow the operation of a U-Haul motor vehicle renting and leasing business at 270 Shaw Avenue. Green Planet LLC, applicant; Punjab Bhavan LLC, property owner.

APN: 499-021-09

ZONING: C-2

ADDRESS: 270 Shaw Avenue

Recommended Conditions of Approval:

- If the tenant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall
 meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter
 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a
 hazardous material or hazardous waste may be required to submit a Hazardous Materials Business
 Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section
 25507 (<u>http://cers.calepa.ca.gov/</u>). 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.

REVIEWED BY:

Kenin Toud

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

(559) 600-3271

KΤ

cc: Caroline Morgan- Environmental Health Division (CT. 31.02) Paul Greer- Applicant (<u>pgreer@gpcpros.com</u>)

> Promotion, preservation and protection of the community's health 1221 Fulton Mall /P. O. Box 11867, Fresno, CA 93775 (559) 600-3271 · FAX (559) 600-7629 The County of Fresno is an Equal Opportunity Employer www.co.fresno.ca.us · www.fcdph.org

ATTACHMENT 5



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: December 16, 2021

SUBJECT: Consider Approval - Res. 21-___, TM6393, A request to approve a tentative tract map for a 7-lot single-family residential development on property located on the east side of Temperance Avenue at Palo Alto Avenue. Gill Gaheer Development, LLC., applicant; Kamaldeep and Jagvir Gaheer Trustees, owners; R. W. Greenwood and Associates, Inc., representative.

Staff: Kelsey George, Assistant Planner **Recommendation:** Approve

ATTACHMENTS:

- Draft Resolution
 Conditions of Approval
- 3. Tentative Tract Map TM6393
- 4. Correspondence

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Tract Map TM6393 subject to the conditions of approval listed as **Attachment 2**, and make a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested.

EXECUTIVE SUMMARY

The applicant is proposing the development of a 7-lot single-family, non-gated, residential subdivision on the east side of Temperance Avenue at Palo Alto Avenue as shown below in **Figure 1.** The proposed map is consistent with the existing 2014 Clovis General Plan Medium Density Residential (4.1 to 7.0 dwelling units per acre) land use designation and R-1 (Family Residential) zone district standards.

Approval of this project would allow the applicant to move forward with the final map process.

FIGURE 1 Project Location



= Subject Property - ±1.7 acres

BACKGROUND

- General Plan Designation: DU/Ac)
- Existing Zoning:
- Lot Size:
- Current Land Use:
- Adjacent Land Uses:
 - North:
 - South:
 - East:
 - West:

Single-Family Residential Multi-Family Residential

Single family house

Medium Density Single Family Residential (4.1 - 7.0

- Single-Family Residential
- Single-Family Residential

R-1

±1.7 acres

- ntitlements: TM5562 (7-lot subdivision in 2005)
- Previous Entitlements:
- A similar request was filed for the subject property in 2005 as TM5562, which also requested approval for a 7-lot subdivision, approved by the Planning Commission on September 22, 2005. As provided for the Subdivision Map Act, an original approval period is granted for two years, after which the applicant may request up to five extensions in one-year increments.

The applicant was approved for an extension in 2007; however, a final map was never recorded within the extended timeline and TM5562 expired. The current proposal (TM6393) is similar to the previously approved map which ultimately expired.

PROPOSAL AND ANALYSIS

The following section provides a detailed analysis of the Project. As shown on the map exhibit in **Attachment 3**, the applicant requests approval of a 7-lot single family, non-gated, residential subdivision. The Project would comply with the existing General Plan land use designation and standards of the existing R-1 zone district; therefore, there are no amendments to the 2014 Clovis General Plan or the zone district requested as part of the request. The Project would also include sidewalks and roadways consistent with City standards throughout the subdivision.

Medium Density Residential (4.1 to 7.0 DU/Ac) Land Use Designation

The subject property has a 2014 Clovis General Plan land use designation of Medium Density Residential which allows for 4.1 to 7.0 dwelling units per acre (DU/Ac). Based on the lot size, 7 to 12 single family dwelling units could be accommodated on this site. The project is proposing 7 units on ± 1.7 acres which equates to 4.12 dwelling units per acre (DU/Ac). Therefore, the Project's density is consistent with, and at the lowest end of, the permitted density range of 4.1 to 7.0 du/ac pursuant to the General Plan.

Pedestrian and Vehicular Circulation

The Project is accessible from one main entry on the east side of the subject property along Applegate Avenue, at Palo Alto Avenue, via a 50-foot wide minimum street with a cul-de-sac. The street meets City Standards, which includes a 36-foot minimum street width from curb to curb. This standard provides sufficient space for travel lanes and street parking on both sides of the street. Additionally, a minimum 5-foot sidewalk will be provided on both sides of the street consistent with City standard.

R-1 Zone District

The Project is located within the R-1 (Single Family Residential Low Density) zone district, which requires the following development standards:

Lot Configuration Standards:

- Minimum lot size 6,000 square feet
- Minimum parcel width 60 feet
- Minimum corner parcel 65 feet
- Minimum parcel depth 100 feet

Setback Standards:

- Front setback 20 feet
- Side (Interior)setback 15% of the lot with total combined setback, 5 feet each side

10 feet

20 feet

40%

- Side (Street) setback
- Rear setback
- Max. parcel coverage
- Max. height 35 feet

Lot Sizes and Development Standards

As shown in **Attachment 3**, the Project proposes 7-lots ranging from approximately 6,312 square feet to $\pm 10,067$ square feet with an average lot size of $\pm 8,162$ square feet, which exceeds the minimum lot $\pm 6,000$ square foot lot size required under the R-1 Zone District. Lot widths meet or exceed the minimum 60-foot lot width, 65-foot lot width for corner lots, for the Zone District. The proposed lot depths also meet or exceed the required 100-foot depth.

Lot Development

The applicant has indicated that each lot would be a custom home. Thus, although detailed plans have not yet been proposed as part of TM6393, a condition has been added (see **Attachment 2**) ensuring that elevations and site layout will be confirmed administratively at the staff level as homes are proposed.

These homes will be required to comply with the R-1 standards, including height, setbacks, and lot coverage. These development standards are consistent with the standards permitted in the surrounding area.

Additionally, the Project will be required to comply with all applicable California Building Code which includes the Green Building Code electric vehicle (EV) capable and solar-ready requirements for new residential developments.

Further, the minimum side yard setback is 5-feet which provides sufficient storage for trash toters. A condition of approval has been added to ensure a paved path will be installed for each home.

Landscape Setbacks

The Project proposes a 30-foot setback along Temperance Avenue which is required to match the existing development to the north and south. Pursuant to the Development Code, all landscaped setbacks are required to comply with the Water Efficient Landscape Ordinance and will be reviewed administratively as lots are proposed for development. The Project is also required to annex into the Landscape Maintenance District for the maintenance of all landscaping and irrigation installed in the public right-of-way.

Demolition of Existing Residence and Tree Removal

There are currently seven structures on the subject property which include a single family residence, deck, garage, and several sheds. Prior to the removal of the existing buildings and the commencement of construction, the applicant would be required to obtain a demolition permit.

The Project may require the removal of trees to accommodate lot development. A condition of approval is recommended to ensure compliance with the City of Clovis Tree Protection Standards outlined in Chapter 9.30 of the Clovis Municipal Code. Consistent with Clovis Tree Protection Standards, a tree removal permit would be required which would include, among other things, an arborist report, written explanation of why the trees should be removed, photographs of the trees, and a replanting plan.

This ensures that any trees removed would either be replaced elsewhere on the subject property or an in-lieu fee would be assessed to purchase trees for placement within the public right-ofway or on other public property as directed by the City.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

The Project was distributed to City Divisions and Departments as well as outside agencies including Caltrans, Clovis Unified School District, Fresno Irrigations District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, and the State Department of Fish and Wildlife.

Comments received are included as **Attachment 4** only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life.

The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

General Plan

- **Goal 5:** A city with housing, employment, and lifestyle opportunities for all ages and incomes of residents.
- Policy 5.3: **Innovative housing:** Encourage innovative housing product types, including multigenerational, cooperative, and variations on live-work housing.
- **Goal 6:** A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

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

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

California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (Class 32 – Infill Development Projects) and that applicable exceptions to the exemption under CEQA Guidelines Section 15300.2 (cumulative impacts and unusual circumstances) would not be triggered as a result of the project.

A Class 32 categorical exemption is appropriate for 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.

Based on staff review, the Class 32 criteria are met and there are no significant cumulative effects or unusual circumstances with the Project rendering the exemption unavailable. 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, December 1, 2021.

REASON FOR RECOMMENDATION

The proposed TM6393 is consistent with the goals and policies of the General Plan and the Development Code. Staff therefore recommends that the Planning Commission approve TM6393, subject to the conditions of approval attached as **Attachment 2**.

The findings to consider when making a decision on a tentative subdivision map application are as follows:

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;

As described above under the General Plan goals and policies, the proposed project meets many of the stated goals and policies of the applicable planning documents. For example, the proposed Project would contribute to the buildout of the General Plan, add to the mix and diversity of housing stock, and would be considered orderly development for what is envisioned in the area.

2. The site is physically suitable for the type and proposed density of development;

The Project is physically suitable for the type and intensity of project proposed by the applicant. It is surrounded by other residential uses at similar and compatible densities.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

As described above, the Project is exempt from CEQA pursuant to a Class 32 categorical exemption. The Class 32 exemption is defined as an in-fill development less than 5 acres in size meeting the conditions described in CEQA Guidelines Section 15332. The proposed Project results in 4.12 dwelling units per acre which is compatible with the planned land use and zone district designation, and was previously analyzed in the 2014 General Plan EIR, and is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;

The proposed Project was determined not to be detrimental to the public interest, health, safety, convenience, or general welfare of the City. During review of the proposed Project, agencies and City departments had the opportunity to review the proposed Project to ensure consistency with applicable health and safety codes and regulations. Further, the proposed project would be adequately served by water and sewer and other City facilities and infrastructure.

5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;

The proposed Project will not conflict with easements. During final review of the Project, the City Engineer and other outside agencies would check for easements and ensure that no conflicts would occur as a result of the Project.

6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;

The proposed Project would comply with requirements for proper conveyance of sewer and water serving the site. Utility plans will be reviewed and approved by the City Engineer to ensure compliance with applicable laws.

7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and

The Project is subject to all current Building Code standards and therefore meets this condition.

8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.

The proposed Project would comply with the regulations of the Development Code. Where inconsistencies are identified, conditions of approval have been added to ensure compliance with applicable Development Code regulations. Compliance with the Development Code would occur at various stages of plan review of the Project.

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

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT None.

NOTICE OF HEARING

Property owners within 600 feet notified: 132

Prepared by:

Kelsey George, Assistant Planner

Reviewed by:

Dave Merchen City Planner

DRAFT RESOLUTION 21-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A TENTATIVE TRACT MAP FOR A 7-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON APPROXIMATELY 1.7 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF TEMPERANCE AVENUE AT PALO ALTO AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15332 (CLASS 32 – INFILL DEVELOPMENT PROJECTS).

WHEREAS, Gill Gaheer Development, LLC., 1077 N Willow Ave Suite 105, Clovis, CA, 93611, has applied for a tentative tract map (TM6393) for a 7-lot single-family residential subdivision on approximately 1.7 acres of property located on the east side of Temperance Avenue at Palo Alto Avenue, in the City of Clovis ("Project"); and

WHEREAS, tentative tract map TM6393, depicting a 7-lot subdivision, was filed on November 2, 2021, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2 of the Municipal Code and the City of Clovis; and

WHEREAS, City staff recommends that approval of tentative tract map TM6393, as shown in Attachment A, should be conditioned on all conditions set forth in Attachment B of this resolution; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed public notices to area residents within 600 feet of said property boundaries 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 public hearing was held on December 16, 2021; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, and the conditions of approval attached as Attachment B to this Resolution, which are incorporated herein by this reference.

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

- 1. The Planning Commission hereby approves TM6393 as shown in **Attachment A**, subject to the conditions of approval included in **Attachment B**.
- 2. The Project satisfies the required findings for approval of a tentative tract map, as follows:
 - a. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan.

ATTACHMENT 1

- b. The site is physically suitable for the type and proposed density of development.
- c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.
- e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- f. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
- g. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
- h. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.
- 3. The Planning Commission could not make the findings necessary for approval of TM6393 without the conditions of approval set forth in **Attachment B** to this Resolution.
- 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 Infill Development).
- 5. The basis for the findings is detailed in the December 16, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on December 16, 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: December 16, 2021

Paul Hinkle, Chair

ATTEST:

Renee Mathis, Secretary

Conditions of Approval – TM6393

PLANNING DIVISION COMMENTS

(Kelsey George, Assistant Planner – 559-324-2338)

- 1. This Project is subject to the development standards of the 2014 Clovis General Plan and the Clovis Development Code.
- 2. The developer shall repair and or replace any broken or damaged irrigation lines, valves, and other equipment on their properties which are intended to serve adjacent or downstream properties.
- 3. Tentative Tract Map TM6393 is approved per Attachment A of these conditions of approval.
- 4. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the City Planner on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements of any other siting or setback/yard requirements established under this application. If such a waiver is requested, the developer and City Planner shall work together to ensure that any sitings of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts that may result.
- 5. The development shall utilize the development standards of the R-1 Zone District:

Lot Configuration Standards:

- Minimum lot size 6,000 square feet
- Minimum parcel width 60 feet
- Minimum corner parcel 65 feet
- Minimum parcel depth 100 feet

Setback Standards:

- Front setback 20 feet
- Side (Interior)setback 15% of the lot with total combined setback, 5 feet each side
- Side (Street)setback 10 feet
- Rear setback 20 feet
- Max. parcel coverage 40%
- Max. height 35 feet
- 6. Maximum lot coverage is 40% unless specifically approved through a Minor Deviation or Variance.

ATTACHMENT 2

- 7. Maximum building height (main structure) shall not exceed thirty-five (35) feet or 2 and a half stories.
- 8. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in Section 9.24.100 of the Clovis Municipal Code.
- 9. Setbacks shall be measured in compliance with the R-1 Zone District in Section 9.10.030 of the Clovis Development Code.
- 10. The applicant shall provide an all-weather surface for the placement and storage of trash receptacles leading from the 5-foot side yard to the front of the property.
- 11. Prior to construction of individual homes, appropriate building permits and planning review shall occur.
- 12. Garages shall be a minimum of 20'x22' (interior clear dimension).
- 13. The applicant shall relay all Conditions of Approval for this Tentative Tract Map (TM6393) to all subsequent purchasers of individual lots if applicable and/or to subsequent purchasers of the entire tract map development.
- 14. The applicant shall enter into a Covenant Agreement regarding a "right to farm." Such agreement shall be disclosed to all future home buyers.
- 15. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
- 16. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
- 17. Prior to any removal of existing trees on the Project site, a tree removal permit shall be required in compliance with the City of Clovis Tree Protection Standards section of the Clovis Municipal Code (Chapter 9.30).
- 18. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
- 19. The developer shall construct a minimum six-foot high masonry wall along the length of the project which abuts Temperance Avenue.
- 20. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
- 21. Upon final recordation of this Tentative Tract Map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.

22. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.

FIRE DEPARTMENT COMMENTS

Rick Fultz, Fire and Life Safety Analyst (559-324-2214, rickf@cityofclovis.com)

Fire department access

23. *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.

Fire hydrants

24. **Residential Fire Hydrant:** The applicant shall install ____1 ___4 ¹/₂" x 2 ¹/₂" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.

Relocate the proposed hydrant to the location shown on the attached Fire Hydrant Plan near Palo Alto and Applegate.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Division Representative – 559-324-2363) (Paul Armendariz, Department Representative – 559-324-2649)

Maps and Plans

- 1. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
- 2. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains,

laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc.

Plan check and inspection fees per City of Clovis Resolution No. 18-61 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.

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

General Provisions

- 5. The applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
- 6. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
- 7. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the "Developer Reimbursement Procedures" a copy of which may be obtained at the City Engineer's Office.
- 8. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.

- 9. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
- 10. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
- 11. The applicant shall provide and pay for all geotechnical services per Citypolicy.
- 12. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
- 13. All new utility facilities located on-site or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
- 14. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
- 15. The applicant shall contact and address Caltrans requirements.

Dedications and Street Improvements

- 16. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
 - a. Temperance Avenue Along frontage, dedicate to provide right-of-way acquisition for 73' (existing 53') east of centerline, and improve with landscape and irrigation.
 - b. Temperance Avenue All existing driveway approaches and aprons shall be replaced with City standard curb, gutter, sidewalk, landscaping and irrigation.

- c. Applegate Avenue Along frontage, dedicate to provide right-of-way acquisition for 27' (existing 15') west of centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, permanent paving and overlay as necessary to match the existing permanent pavement.
- d. 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.
- e. Entry feature streets with median islands shall have a minimum of 22' wide travel lanes in each direction with parking or without parking.
- f. Cul-De-Sacs dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
- g. The applicant shall relinquish all access to Temperance Avenue.
- 17. The applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
- 18. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
- 19. The applicant shall remove and repair all damaged or broken concrete improvements. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.
- 20. The applicant shall not install any fences, temporary or permanent in public rightof-way.
- 21. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
- 22. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.

<u>Sewer</u>

23. The applicant shall identify and abandon all septic systems to City standards.

- 24. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
 - a. Interior Street install 8" mains.
- 25. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
- 26. All existing sewer services that will not be used with this development shall be abandoned by cutting and capping the service at the right-of-way line.

<u>Water</u>

- 27. The applicant shall identify and abandon all water wells to City standards.
- 28. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
 - a. Interior Street install 8" mains.
- 29. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.
- 30. All existing water services that will not be used with this development shall be abandoned by closing the service's corporation stop and creating a physical separation between the corporation stop and the service.
- 31. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Grading and Drainage

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

Irrigation and Landscaping Facilities

- 34. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the mini-park, paseos, paseo lights, interior street lights, entry features, landscape strip along Temperance Avenue.
- 35. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The assessment for each lot shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$185.64, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City

Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount.

Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.

- 36. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
- 37. Prior to design of any landscape irrigation system, the applicant shall verify with the City that the nearest existing landscape irrigation controller can accommodate additional stations. If so, the applicant shall modify the corresponding landscape irrigation system to install the required landscape and irrigation improvements. All newly installed landscape irrigation systems shall be designed to provide for future extensions to ultimately use the maximum number of available stations on all landscape irrigation controllers.
- 38. The applicant 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 included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
- 39. The applicant shall indicate on construction drawings the depth, location and type of material of any existing Fresno Irrigation District's irrigation line along the proposed or existing street rights-of-way or onsite. 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.
- 40. 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. 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 identify on site plans and construction plans, all existing irrigation systems and their disposition

(abandonment, repair, relocation, and/or piping). 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.

41. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant shall be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

Miscellaneous

- 42. The applicant shall install one (1) streetlight per the attached Street Light Plan. Streetlights shall be installed 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. Streetlights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided.
- 43. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for replacement of existing monuments shall be provided by the contractor/the applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
- 44. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.
- 45. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

FRESNO IRRIGATION DISTRICT

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

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

COUNTY OF FRESNO HEALTH DEPARTMENT CONDITIONS

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

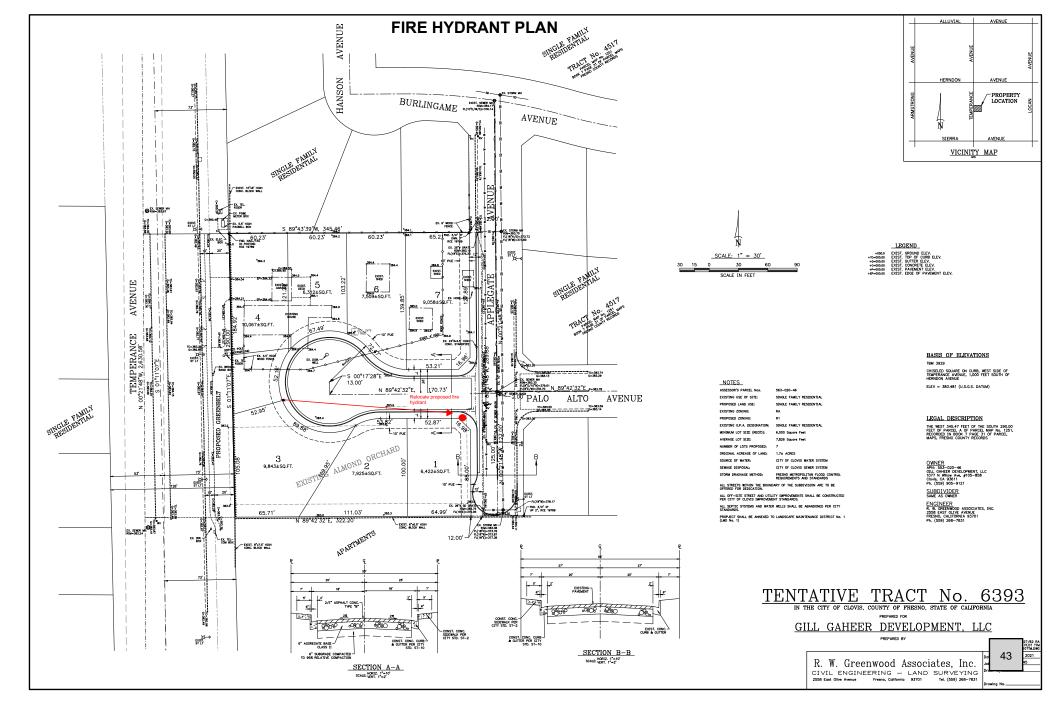
(Robert Villalobos, FMFCD Representative – 559-456-3292)

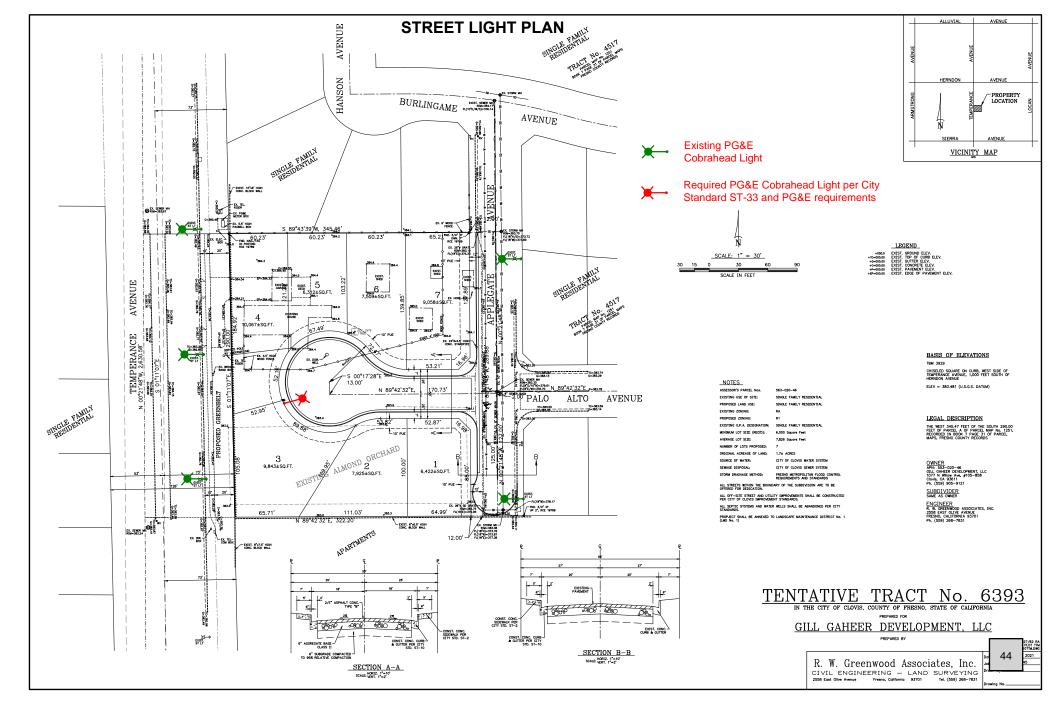
27. The Applicant shall refer to the attached FMFCD requirements. If the list is not attached, please contact the District for the list of requirements. □

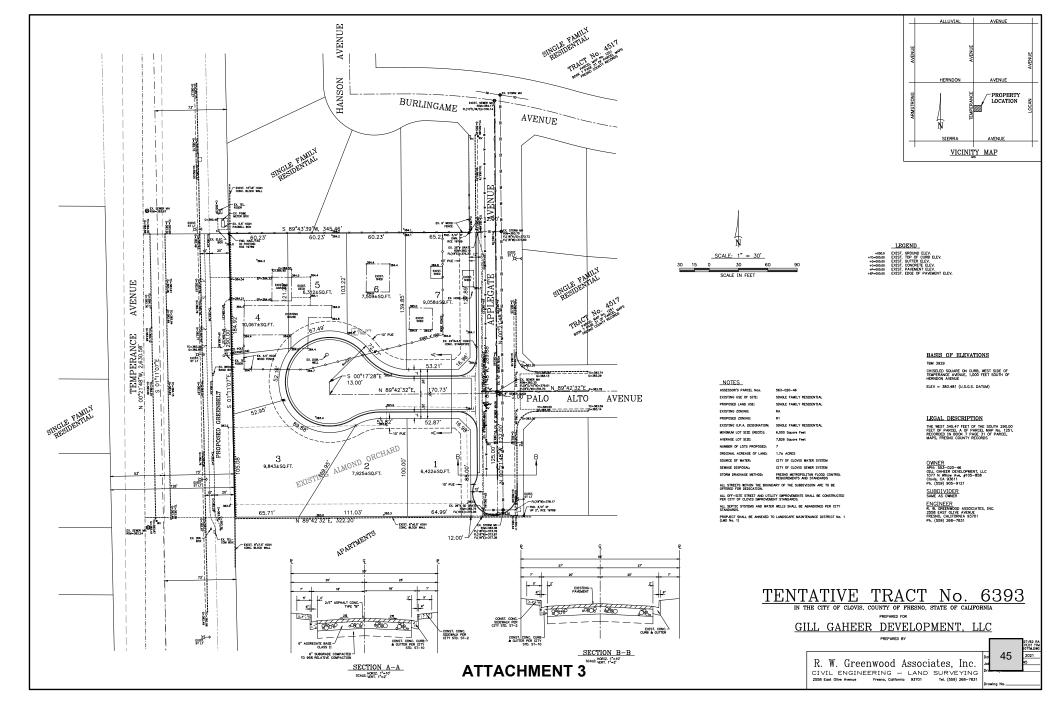
CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS

(Michael Johnston, Clovis Unified School District Representative – 559-327-9000)

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







AGENDA ITEM NO. 2.



2907 S. Maple Avenue Fresno, California 93725-2208 Telephone: (559) 233-7161 Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

November 10, 2021

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

RE: Vesting Tentative Tract Map Application No. TM6393 S/E Herndon and Temperance avenues

Dear Ms. George:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map Application No. TM6393 for which the applicant proposes a 7-lot single-family residential development, APN: 553-020-62. FID has the following comments:

1. FID previously reviewed and commented on the subject property on September 24, 2021, as Development Review Committee Application No. 21-00042. Those comments and conditions still apply, and a copy has been attached for your reference.

FID has the following additional comments:

- The proposed development may negatively impact local groundwater supplies. The area is currently rural residential with little water demand. Under current circumstances the overall area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in an increase water demand or a conversion from imported surface water to groundwater, this deficit will increase. FID suggests the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.
- 2. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

ATTACHMENT 4

G:\Agencies\Clovis\Tract Map\TM6393\TM6393 FID Comments.doc

BOARD OF DIRECTORSPresident RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOO 46
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

Kelsey George RE: TM6393 November 10, 2021 Page 2 of 2

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

Sincerely,

Laurence Kimura, P.E. Chief Engineer

Attachment



2907 S. Maple Avenue Fresno, California 93725-2208 Telephone: (559) 233-7161 Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

September 24, 2021

Maria Spera City of Clovis Planning Division 1033 Fifth Street Clovis, CA 93612

RE: Development Review Committee Application No. PL-DRC-21-00042 S/E Herndon and Temperance avenues

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. PL-DRC-21-00042 for which the applicant request approval for a 7-lot subdivision, APN: 553-020-62. FID has the following comments:

- 1. FID does not own, operate, or maintain any facilities located on the subject properties, as shown on the attached FID exhibit map.
- 2. For informational purpose, FID's active Clovis No. 115 runs westerly along the north side of Herndon Avenue and crosses Temperance Avenue approximately 1,060 feet north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Herndon Avenue, Temperance Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.

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

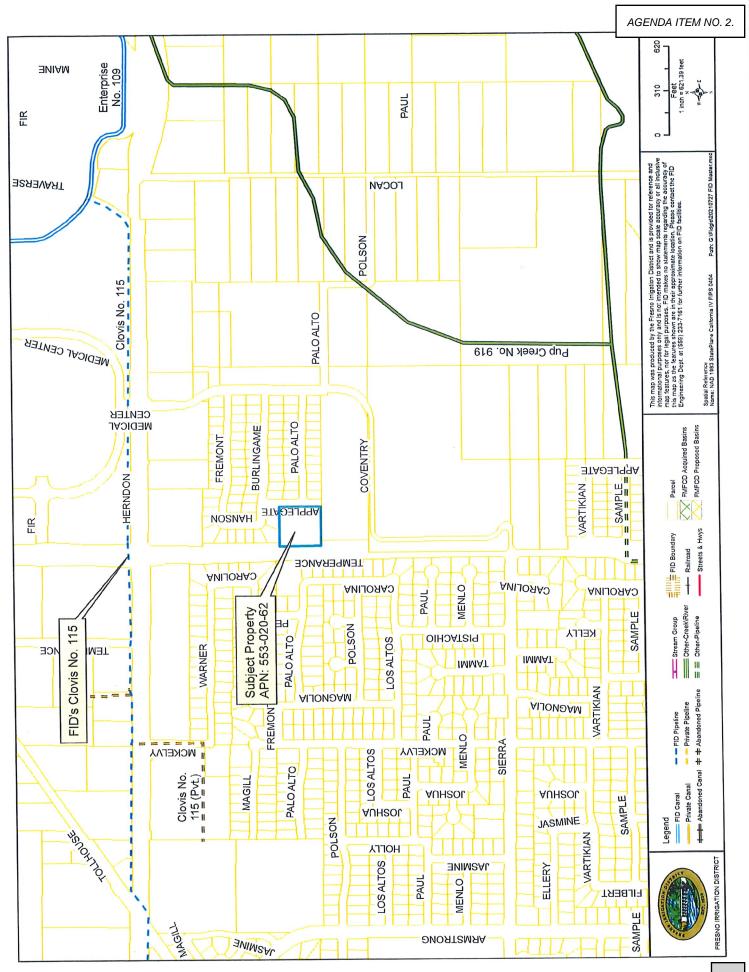
Sincerely,

Laurence Kimura, P.E. Chief Engineer

Attachment

G:\Agencies\Clovis\DRC Meetings\21-00042\PL-DRC-21-00042 FID Comment.doc

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





County of Preside Item NO. 2. DEPARTMENT OF PUBLIC HEALTH

November 10, 2021

LU0021480 2604

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

Dear Ms. George:

PROJECT NUMBER: TM6393

TM6393; A request to approve a vesting tentative tract map for a 7-lot single-family residential development on land located at 251 N. Temperance Avenue. Gill Gaheer Development LLC, applicant; multiple property owners; R. W. Greenwood Associates, Inc., representative.

APN: 553-020-62 ZONING: R-1 ADDRESS: 251 N. Temperance Avenue

Recommended Conditions of Approval:

- Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction/demolition 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 Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

Kelsey George November 10, 2021 TM6393 Page 2 of 2

The following comments pertain to the demolition of any existing structures:

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

REVIEWED BY: Kenin Touda

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

(559) 600-33271

cc: Deep Sidhu- Environmental Health Division (CT. 59.07) Sabrina Winn- Applicant (<u>sabrinakwinn@gmail.com</u>)

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51



November 30, 2021

Kelsey George Planning and Development Services Dept. 1033 Fifth St Clovis, CA 93612

SUBJECT: TM 6393, 7 Single-Family Residences Gill Gaheer Development LLC

Dear Ms. George:

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

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

School Name:	Cedarwood Elementary School
Address:	2851 Palo Alto Ave Clovis CA 93611-6831
Telephone:	(559) 327-6000
Capacity:	750
Enrollment:	747 (CBEDS enrollment 2019-20 school year)

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

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Administration

Elmear O'Brien, Ed.D. Superintendent

Norm Anderson Deputy Superintendent

Robyn Castillo, Ed.D. Associate Superintendent

Corrine Folmer, Ed.D. Associate Superintendent

Barry S. Jager, Jr. Associate Superintendent

Michael Johnston Associate Superintendent Kelsey George November 30, 2021 Page 2

2. Intermediate School Information:

School Name:	Clark Intermediate
Address:	902 5th St Clovis CA 93612-1399
Telephone:	(559) 327-1500
Capacity:	1620
Enrollment:	1499 (CBEDS enrollment 2019-20 school year)

3. High School Information:

School Name:	Clovis High School
Address:	1055 Fowler Ave Clovis CA 93611-2099
Telephone:	(559) 327-1000
Capacity:	2808
Enrollment:	2944 (CBEDS enrollment 2019-20 school year)

- 4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
- 5. The District currently levies a school facilities fee of \$4.67 per square foot (as of July 1, 2021) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

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

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

Sincerely,

Michael Johnston Associate Superintendent Administrative Services



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO:	Clovic Planning Commission		
	Clovis Planning Commission		
FROM:	Planning and Development Services		
DATE:	December 16, 2021		
SUBJECT:	Consider items associated with ±0.85-acres of property located on the east side of N. Locan Avenue, north of Powers Avenue. A Place Called Home (Colin Murchison), applicant; James E. Call & Julie S. Call, Trustees of the Call Family Trust & Penncal Properties, LLC., owners, Dirk Poeschel Land Development Services, Inc., representative.		
	 a) Consider Approval – Res. 21, CUP2021-013, A request to approve a conditional use permit to allow a 10-bed senior assisted living facility to be located at 1817 N. Locan Avenue. 		
	 b) Consider Approval – Res. 21, CUP2021-014, A request to approve a conditional use permit to allow a 10-bed senior assisted living facility to be located at 3019 Powers Avenue. 		
	Staff: George González, Senior Planner Recommendation: Approve		
ATTACHMENTS:	 Draft Resolution, CUP2021-013 Draft Resolution, CUP2021-014 Correspondence from Commenting Agencies Applicant's Operational Statement Elevations & Floor Plan (1817 N. Locan Avenue) Site Plan & Landscape Plan (1817 N. Locan Avenue) Elevations & Floor Plan (3019 Powers Avenue) Site Plan & Landscape Plan (3019 Powers Avenue) Site Plan & Landscape Plan (3019 Powers Avenue) Conditions of Approval, CUP2021-013 Conditions of Approval, CUP2021-014 		

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve Conditional Use Permit 2021-013, subject to the conditions of approval included as **Attachment 9**; and
- Approve Conditional Use Permit 2021-014, subject to the conditions of approval included as **Attachment 10**.

EXECUTIVE SUMMARY

As shown on **Figure 1** below, the applicant is requesting approval of two (2) distinct and separate conditional use permits for the operation of senior assisted living facilities at 1817 N. Locan Avenue and 3019 Powers Avenue. Approval of these conditional use permits will allow the applicant to continue processing development drawings and finalize the site plan review entitlements associated these two Project sites.



FIGURE 1 Project Location

The two conditional use permits under consideration are being presented together because the sites are adjacent to one another, the applicant is the same, and nature of the proposed operations at the two sites is identical. However, each of the senior assisted living facilities would be separately licensed by the State and should be viewed as a "stand-alone" operation. The Planning Commission will act on each site individually, and the findings required as part of the Commission's decision should be made for each conditional use permit separately. The approval or denial of one conditional use permit does not mean that the same action must be taken on the other.

BACKGROUND

 General Plan Designation: Very Low Density Residential (0.6 – 2.0 DU/Ac) Large Lot Residential (Herndon-Shepherd Specific Plan)

Vacant

- Specific Plan Designation:
- Existing Zoning:
- Lot Size:
- Current Land Use:
- Adjacent Land Uses:
 - o North:
 - o South:
 - East:

Single-Family Residential

0.85 Acres (Two Lots)

- Single-Family Residential
- West:
- Previous Entitlements:
- Single-Family Residential Single-Family Residential

R-1-B (Single-Family Residential – 12,000 Sq. Ft.)

PM2018-011, PM2017-001, R2017-004

PROPOSAL AND ANALYSIS

Project Sites

The Project sites are located on the east side of N. Locan Avenue, south of Shepherd Avenue. More specifically, the first site is located at the northeast corner of N. Locan and Powers Avenues and the second site is located directly to the north of the first site. It is important to note that CUP2021-013 pertains specifically to 1817 N. Locan Avenue and CUP2021-014 pertains to 3019 Powers Avenue. Both Project sites have their own set of conditions related to each conditional use permit. The Planning Commission will consider these as separate Projects and may modify the conditions of approval as necessary for each site.

Project Design

The architectural design of both senior care facilities (4,603 sq. ft. each) will resemble custombuilt homes with enhanced architectural treatments along the front elevations. The applicant's intent is to provide attractive, complimentary building elevations that will be compatible with the existing single-family residential uses in the surrounding area (see Attachments 5 and 7).



Front Elevation of 1817 N. Locan Avenue



Front Elevation of 3019 Powers Avenue

Project Operations

Per the applicant's operational statement (see **Attachment 4**), the proposed Project will offer senior citizens in the Clovis community a residential housing environment where personalized care and assistance will be provided by professional staff. Both senior care facilities will be licensed through the State of California and adhere to all operational and site maintenance requirements imposed by the State and the City of Clovis. Both homes intend to be licensed and operate as non-medical facilities where staff will assist residents with the activities of daily living, such as laundry, cooking, and medication management.

The senior care facilities are proposed to operate 24-hours a day, seven (7) days a week. The facilities will allow visitation to occur between the hours of 10 a.m. to 8 p.m. daily. It is important to note that both facilities will not be open to the general public, but only to family members and friends of the seniors residing at these locations.

There will be two (2) employees at each facility between the hours of 7 a.m. to 9 p.m. daily and one (1) designated employee during the evening/ night shift. The two employees who work during the day at each site will also live at the home as their primary residence. Employees working during the evening and weekends may or may not live on site. Deliveries to both Project sites are anticipated to occur twice a week, including food deliveries by a selected retailer.

Circulation & Parking

The Project site at 1817 N. Locan will utilize two access points along the N. Locan Avenue frontage. The first access point is a driveway to an attached 738 Sq. Ft. 3-car garage and a second point of access on the north side of the Project site for additional parking spaces.

The site at 3019 Powers Avenue will be served by Powers Avenue, which is classified as a local street. This site will also have a 3-car garage and four (4) additional parking spaces accessible from a driveway along the south property line.

Development Standards

Both Project sites will follow the required development standards under the R-1-B Zone District. These standards include a 35-foot front yard setback, 10-foot side yard setback, 25-foot street side yard setback, and a 20-foot rear yard setback.

Compatibility with Adjacent Land Uses

As indicated above, both senior care facilities will be designed as single-family residential homes with enhanced landscaping along the street frontages. Planning staff finds the proposed Projects compatible with the existing single-family residential uses in the vicinity.

Review and Comments by 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 3**) 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 CEQA Guidelines 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.

The Class 32 categorical exemption exempts projects that satisfy the following criteria: (a) the project is consistent with the applicable land use designation, General Plan policies, and zoning; (b) is located within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) is located on a site 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 resource. 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, December 1, 2021.

Consistency with General Plan Goals and Policies

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

Goal 1: A quality of buildings and neighborhoods within the older parts of Clovis is in the same class as the quality of those in recently developed areas.

- Policy 1.1 **Long term plans.** Establish and implement long term plans for areas identified on Figure LU-5 as older areas that may not be on par with recently developed areas.
- Policy 1.2 **Open to changes.** Be open to potential changes in land use, circulation, and development standards to reposition areas identified on Figure LU-5 if necessary for revitalization and redevelopment.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The subject Projects will provide needed care and services to the community's senior population. These Projects do not substantially impact traffic, sewer, water and other public services and will contribute to their proportionate share of infrastructure and open space. The proposed uses are consistent with the goals and policies of the General Plan, Herndon-Shepherd Specific Plan and Development Code. Staff therefore recommends that the Planning Commission approve CUP2021-013 and CUP2021-014, subject to the conditions of approval provided as **Attachments 9 & 10**, respectively.

Conditional Use Permits 2021-013, and 2021-014

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.

The subject projects are allowed within the R-1-B Zone District with an approved conditional use permit. The Projects will be in compliance with applicable provisions, development standards and subject to the conditions of approval. These Projects will undergo site plan review (SPR) to further ensure that the site layout and development standards are met and will not otherwise conflict with the development standards for the R-1-B Zone District. During the SPR review, the height, setbacks, parking standards, and aesthetics will be reviewed to ensure that applicable standards are met.

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

These Projects are consistent with the 2014 Clovis General Plan, as described above in the staff report. The proposed uses are acceptable within the underlying General Plan land use designation of Very Low Density Residential, according to the 2014 Clovis General Plan.

3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental

to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.

These Projects are compatible with the existing uses and will complement the singlefamily residential homes in the vicinity. The Projects complement the residential uses and will not be out of the ordinary as it relates to the character of the surrounding area. Further, the Projects will maintain the general circulation pattern existing at both sites by retaining primary ingress/egress from N. Locan and Powers Avenues.

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

The subject parcels are surrounded by existing single-family residential developments and have the infrastructure in place to support both senior care facilities. The Projects will be required to comply with all conditions from Public Utilities and Engineering, which will further ensure the sites are suitable for the proposed uses.

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 Projects will comply with all applicable public health standards. Further, as an infill site surrounded by residential related uses, the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed uses. Although modifications and/or upgrades may be required to the existing infrastructure, the overall sites can be adequately served.

Details and final approval will occur during engineering review if approved and the Projects move forward. This review will ensure utility services are sufficient to accommodate the Projects 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 Projects were determined to be categorically exempt. Therefore, the Projects have been reviewed in compliance with CEQA.

ACTIONS FOLLOWING APPROVAL None.

NOTICE OF HEARING

Property owners within 300 feet notified: 29

Prepared by:

George González, Senior Planner

Reviewed by:

5

Dave Merchen City Planner

DRAFT RESOLUTION 21-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING CONDITIONAL USE PERMIT CUP2021-013 TO ALLOW A 10-BED SENIOR ASSISTED LIVING FACILITY LOCATED AT 1817 N. LOCAN AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

WHEREAS, Colin Murchison (Applicant), 1851 N. Twinberry Avenue, Clovis, CA 93619, applied for a Conditional Use Permit CUP2021-013 to allow a 10-bed senior assisted living facility on ±0.41-acre of property located at 1817 N. Locan Avenue in the City of Clovis ("Property"); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, December 1, 2021, mailed public notices to property owners within 300 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on December 16, 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 meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, and the conditions of approval attached as **Attachment A** to this Resolution, which are incorporated herein by this reference.

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

- 1. CUP2021-013 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
- 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).
- 3. The Planning Commission could not make the findings necessary for approval of CUP2021-013 without the conditions of approval set forth in **Attachment A** to this Resolution.
- 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 Infill Development).
- 5. The basis for the findings is detailed in the December 16, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on December 16, 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: December 16, 2021

Paul Hinkle, Chair

ATTEST:

Renee Mathis, Secretary

DRAFT RESOLUTION 21-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING CONDITIONAL USE PERMIT CUP2021-014 TO ALLOW A 10-BED SENIOR ASSISTED LIVING FACILITY LOCATED AT 3019 POWERS AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

WHEREAS, Colin Murchison (Applicant), 1851 N. Twinberry Avenue, Clovis, CA 93619, applied for a Conditional Use Permit CUP2021-014 to allow a 10-bed senior assisted living facility on ±0.44-acre of property located at 3019 Powers Avenue in the City of Clovis ("Property"); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, December 1, 2021, mailed public notices to property owners within 300 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on December 16, 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 meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, and the conditions of approval attached as **Attachment A** to this Resolution, which are incorporated herein by this reference.

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

- 1. CUP2021-014 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
- 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).
- 3. The Planning Commission could not make the findings necessary for approval of CUP2021-014 without the conditions of approval set forth in **Attachment A** to this Resolution.
- 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 Infill Development).
- 5. The basis for the findings is detailed in the December 16, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on December 16, 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: December 16, 2021

Paul Hinkle, Chair

ATTEST:

Renee Mathis, Secretary

Page 1 of 3

DEVELOPER

CLOVIS, CA 93619

1851 N. TWINBERRY LANE

COLIN MURCHISON, A PLACE CALLED HOME

PUBLIC AGENCY

GEORGE GONZALEZ PLANNING AND DEVELOPMENT SERVICES CITY OF CLOVIS 1033 FIFTH STREET CLOVIS, CA 93612

PROJECT NO: 2021-013

ADDRESS: 1817 N. LOCAN AVE.

APN:	558-510-10			SENT: December 01, 2021
Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
BX	\$995.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$100.00	Amount to be submitted with first grading plan submittal.
	Total Drainage Fee: \$995.00	Total Service Charge:	\$150.00	

* The Development Review Service Charge shown above is associated with CL SPR 2021-010 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 2/28/22 based on the site plan submitted to the District on 11/12/21 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.

Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district underb.) 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.
- Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the f.) General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or
- f.) 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.

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

- 1. <u>X</u> a. Drainage from the site shall BE DIRECTED TO LOCAN AVENUE.
 - **b.** Grading and drainage patterns shall be as identified on Exhibit No.
 - c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
- 2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 - ____ Developer shall construct facilities as shown on Exhibit No. 1 as
 - <u>X</u> None required.
- **3.** The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 - X Grading Plan
 - _____ 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:
 - **X** 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:

6.

- Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
- **X** Does not appear to be located within a flood prone area.
- 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.

- Page 3 of 3 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
- 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.

7.

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

letti Campbell

Debbie Campbell Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 12/1/2021 3:26:01 PM

Digitally signed by Mikel Meneses-Arias Date: 11/30/2021 4:48:44 PM

Mikel Meneses-Arias Engineer I

OTHER REQUIREMENTS EXHIBIT NO. 2

The District's existing Master Plan drainage system is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed high density residential land use. The developer shall be required to mitigate the impacts of the increased runoff from the proposed high density residential land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a high density residential developed medium density residential. Implementation of the mitigation measures may be deferred until the time of development. However, the District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of mitigation design prior to preparing a grading plan.

Basin "BX" was designed with capacity for runoff from low to very low density residential. Because of the higher density proposed by developers for urbanization of drainage area, the basin must have additional capacity to control the excess runoff. To accomplish the capacity increase and allow for the opportunity to increase the basin capacity without a direct charge to developers, the expanded excavation cost was not included in the drainage fee structure. Instead, each developer is required to excavate and export 1,000 c.y. of material for each residential acre of development by the developer. The District has an on going program to issue permits to remove material from the basin. This may result in an opportunity to reduce the obligation for Basin "BX" excavation. It may also be feasible to defer this obligation if the developer can provide guarantees for future removal, subject to adequate assurances to the District. If and when the District can reduce the excavation obligation, the District will notify the developer of the lesser excavation obligation.

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.

Page 1 of 3

PUBLIC AGENCY

GEORGE GONZALEZ PLANNING AND DEVELOPMENT SERVICES CITY OF CLOVIS 1033 FIFTH STREET CLOVIS, CA 93612

PROJECT NO: 2021-014

ADDRESS: 3019 E. POWERS AVE.

APN: **558-510-05**

DEVELOPER

COLIN MURCHISON, A PLACE CALLED HOME 1851 N. TWINBERRY LANE CLOVIS, CA 93619

SENT: December 01 2021

Arn.	330-310-03			SENT. December 01, 2021
Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
BX	\$1,219.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$112.00	Amount to be submitted with first grading plan submittal.
	Total Drainage Fee: \$1,219.00	Total Service Charge:	\$162.00	

* The Development Review Service Charge shown above is associated with CL SPR 2021-011 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 2/28/22 based on the site plan submitted to the District on 11/12/21 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.

Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district underb.) 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.
- Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the
 f.) 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.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

NOTICE OF REQUIREMENTS Page 2 of 3

b. Grading and drainage patterns shall be as identified on Exhibit No.

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

- 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
 - <u>X</u> None required.

1.

- **3.** The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 - X 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:
 - **X** 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:

6.

- Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
- **X** Does not appear to be located within a flood prone area.
- 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.

- Page 3 of 3 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.

7.

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

letti Campbell

Debbie Campbell Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 12/1/2021 3:19:50 PM

Digitally signed by Mikel Meneses-Arias Date: 12/1/2021 8:54:30 AM

Mikel Meneses-Arias Engineer I



AGENDA ITEM NO. 3.

OTHER REQUIREMENTS EXHIBIT NO. 2

The District's existing Master Plan drainage system is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed high density residential land use. The developer shall be required to mitigate the impacts of the increased runoff from the proposed high density residential land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a high density residential developed medium density residential. Implementation of the mitigation measures may be deferred until the time of development. However, the District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of mitigation design prior to preparing a grading plan.

Basin "BX" was designed with capacity for runoff from low to very low density residential. Because of the higher density proposed by developers for urbanization of drainage area, the basin must have additional capacity to control the excess runoff. To accomplish the capacity increase and allow for the opportunity to increase the basin capacity without a direct charge to developers, the expanded excavation cost was not included in the drainage fee structure. Instead, each developer is required to excavate and export 1,000 c.y. of material for each residential acre of development by the developer. The District has an on going program to issue permits to remove material from the basin. This may result in an opportunity to reduce the obligation for Basin "BX" excavation. It may also be feasible to defer this obligation if the developer can provide guarantees for future removal, subject to adequate assurances to the District. If and when the District can reduce the excavation obligation, the District will notify the developer of the lesser excavation obligation.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.



County of Preside Item NO. 3. DEPARTMENT OF PUBLIC HEALTH

September 29, 2021

LU0021427 2604

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

Dear Ms. George:

PROJECT NUMBER: DRC-21-00043

DRC-21-00043, Residential Care Facility for the Elderly (RCFE) licensed for 10 beds. It will appear as any other single-family home and will be non-medical, providing senior housing for dependent and independent residents who no longer drive and need assistance with activities of daily living.

APN: 558-510-05, -10 ZONING: R-1-PRD ADDRESS: NEC Locan & Powers Avenues

Recommended Conditions of Approval:

 Section 113789 of the California Health and Safety Code (California Retail Food Code) exempts child day care facilities, community care facilities, residential care facilities for the elderly, and residential care facilities for the chronically ill, which has the same meaning as a residential care facility, as defined in Health & Safety Code Section 1568.01. These facilities are not deemed to be FOOD FACILITIES, and, therefore, are exempt from this part. As such, this Division has no regulatory jurisdiction on the daycare facility. Section 114437 delegates the authority to the State Department of Social Services.

The project should be routed to the following agency for comment:

California State Department of Social Services Community Care Licensing 770 E. Shaw Ave., Suite 330 Fresno, CA 93710-7708 (559) 243-8080

- Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.

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 • www.fcdph.org Kelsey George September 29, 2021 DRC-21-00043 Page 2 of 2

- 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.
- 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 Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

REVIEWED BY: Kenin Touda

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

(559) 600-33271

cc: Deep Sidhu- Environmental Health Division (CT. 55.18) Colin Murchison- Applicant (<u>colin@apchcare.com</u>)

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AGENDA ITEM NO. 3.



2907 S. Maple Avenue Fresno, California 93725-2208 Telephone: (559) 233-7161 Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

December 6, 2021

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

RE: Conditional Use Application No. CUP2021-013 S/E Shepherd and Temperance avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Application No. CUP2021-013 for which the applicant requests to allow a 10-bed senior assisted living facility, APN: 558-510-05 / 558-510-10. This request is being processed concurrently with SPR2021-010 as well as CUP2021-014 and SPR2021-011. FID has the following comments:

1. FID previously reviewed an commented on the subject property on October 6, 2021 as Development Review Committee Application No. DRC-21-00043. Those comments and conditions still apply and a copy has been attached for your review.

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

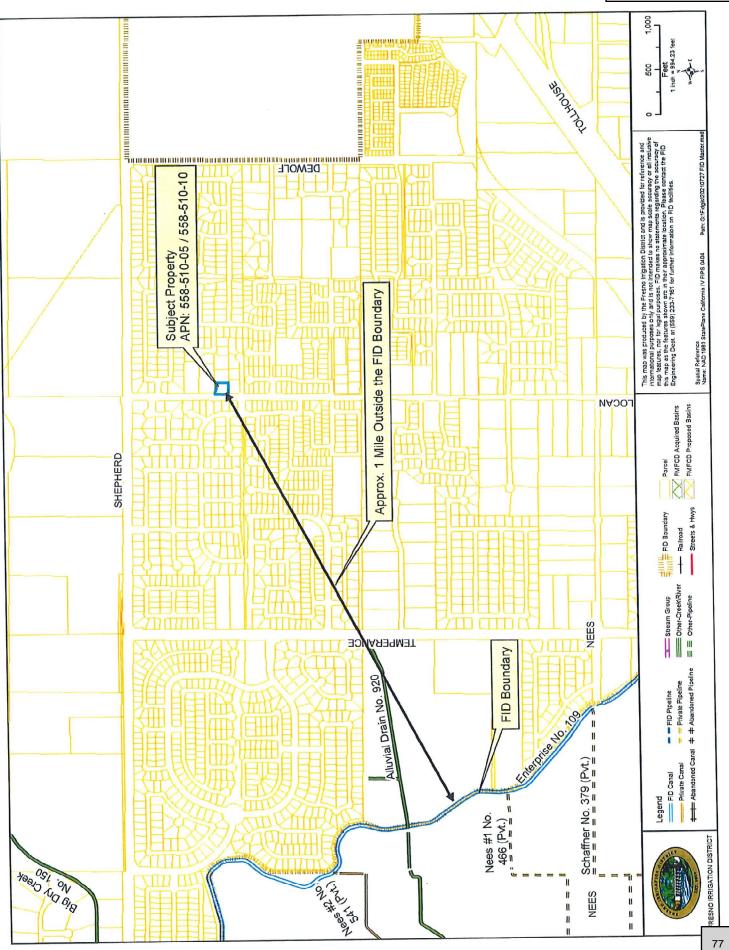
Sincerely,

havence Kimera

Laurence Kimura, P.E. Chief Engineer

Attachment

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AGENDA ITEM NO. 3.



2907 S. Maple Avenue Fresno, California 93725-2208 Telephone: (559) 233-7161 Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

October 6, 2021

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

RE: Development Review Committee Application No. 21-00043 S/E Shepherd and Temperance avenues

Dear Ms. George:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 21-00043 for which the applicant proposes a residential care facility, APN: 558-510-05 / 558-510-10. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map. The subject property is located approximately 1 mile outside the FID boundary.

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

Sincerely,

Laurence Kimura, P.E. Chief Engineer

Attachment

G:\Agencies\Clovis\DRC Meetings\21-00043\DRC-21-00043 FID Comment.doc

A PLACE CALLED HOME Licensed Residential Care Facility Conditional Use Permit-Operational Statement

October 26, 2021

Applicant/Owner:

Mr. Colin Murchison Emosewa, Inc. Dba A Place Called Home 1851 N. Twinberry Ave. Clovis, CA. 93619

Representative:

Dirk Poeschel Land Development Services, Inc. 923 Van Ness Ave., Suite 200 Fresno, CA 93721 (559) 445-0374

Location:

3019 E. Powers Ave. and 1817 N. Locan Ave. Clovis CA 93619

APN:

558-510-05 & 558-510-10

Request:

Approve a Conditional Use Permit for two licensed, 10-bed residential care facilities adjacent to one another for the care of elderly within a single-family home.

Project Purpose/Justification

The applicant currently operates seven, 6-bed residential care facilities for the elderly in Clovis. They have operated without issues for many years. In fact, most nearby residents do not know the care facility occurs in the residences.

As celebrated in the Fresno Bee, the applicant was honored to receive recognition as the "Best Senior Living in Fresno" from *SeniorAdvisor.com*, a part of their *Best of the Best* awards that are given to less than 1% of the assisted living community.

1 ATTACHMENT 4 The subject two homes will include an additional four beds for a more sustainable business model that would allow the applicant to provide more caregivers throughout the day, a more luxurious environment, and a significant cost savings to families who use these services. Furthermore, the applicant intends to use proceeds to increase the daytime caregivers' monthly salary by nearly 65% to attract the best talent. The project is **not** for the care of those adjudicated or referred by a court of law or for psychological or sexual criminals, is **not** a drug treatment, drug rehabilitation or drug "halfway house" or for clients who have aggressive tendencies. The facility will not be used for long-term housing of individuals who are cognitively impaired. Great care is given to assure no such people are allowed in the home.

The State of California states that Senior Residential Care Facilities with less than 15 residents are only required by applicable law to have waking night staff on-call when live-in caretakers are present. However, the applicant believes it is in the best interest of their residents to employ an awake caretaker on-site during overnight hours while live-in staff is sleeping.

Like the applicant's other care facilities, the two proposed residential care facilities are located within a residential area to facilitate visitation and to create a residential atmosphere for the clients. The structures are custom built homes using architectural treatments and landscaping to assure they are attractive attributes to the neighborhood.

The properties are proximate to three major regional hospitals and a variety of medical and physical rehabilitation services. The nature of the proposed use is completely residential in character. The main exception is that the residents do not drive.

A *Place Called Home* is operated by the owners with their private equity invested. One of the principals is a registered nurse with extensive experience in residential care. Other similar residential care facilities have few calls for service, are well maintained, are quiet and as such do not adversely affect neighborhoods in which they are located. In addition, the facility will be licensed by the State of California and will meet all operational and maintenance criteria for such uses. The two sites will also comply with City of Clovis development standards.

National and California population trends rapidly gentrifying seniors places a high demand on facilities such as the one proposed. In addition, such facilities relieve traditional hospital beds from being used for these types of services and provide care for those whose families simply cannot provide the required level of care. State and federal law facilitate the permitting and operation of these types of uses to address social and economic costs of the private and public sector.

Consistent with the City of Clovis General Plan policy to provide *varying housing types*, the proposed project provides a residential housing environment for a specialized segment of the population that require care and assistance.

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1. Project Operations:

The facility will operate on a 24 hr. /7-day basis.

2. **Operational Time Limits**

Ten beds are proposed, the addition of which will not affect the hours of operation.

3. Number of Visitors

The properties are not open to the public. Visitation is from 10 AM to 8 PM every day. However, typically, most visitation occurs from noon to six as family members and friends utilize that time for visitation because it is more convenient.

4. Employees

There are two employees from 7AM to 9 PM per residence. The night shift has one employee. All employees have appropriate licenses associated with the level of care services they provide.

5. Service and Delivery Vehicles

Food is delivered to the sites by a retailer once a week. Perhaps one other delivery per week occurs. The company has no service or delivery vehicles.

6. Site Access

The sites have a driveway to its adjacent public street.

7. <u>Number of parking spaces for employees, customers, and commercial vehicles.</u> Type of surfacing on parking area.

As senior assisted living facilities, the two sites will comply with the parking standards for senior housing projects and semi-independent/dependent units, according to Clovis Municipal code section 9.32.040. This section requires 0.5 spaces for each unit with half of the spaces enclosed, plus 1 guest parking space for each 10 units. The proposed facilities will meet this standard with three enclosed garage spaces and three off-street spaces.

8. Goods sold on site

No goods or sales occur on the site.

9. Equipment List

There is no specialized equipment not found in a typical residential home.

10. What supplies or materials are used and how are they stored?

Typical residential supplies and materials are maintained at the site.

11. Does the use cause an unsightly appearance? Or cause noise, glare, dust or odor? If so, explain how this will be reduced or eliminated.

As illustrated on the attached pictures, the homes are typical in size, shape of nearby residences. The sites are intentionally nondescript. Nothing about the homes has been or will be modified to indicate its use. The sites will be well-maintained and kept clean and free of debris. There will be no signage.

Noise

Due to the nature of the inhabitants, there is little or no noise emanating from the homes. Activities that typically annoy adjacent property owners do not occur in the homes.

Glare

All lights are typical of residential homes. All lights are shielded or otherwise directed to keep the lighting on-site and not adversely impact adjacent properties.

Dust

The subject sites will be completely improved and landscaped. No dust related impacts can occur.

Odor

Refuse is collected by a municipal solid waste company at established intervals. The waste profile is typical of a single-family residence. The sites will be maintained in a very sanitary manner. Therefore, for the reasons stated above, odor will not be an issue.

12. Solid and liquid waste

A minimal amount of solid waste is generated by the residences. All refuse is placed in a typical residential refuse totter and serviced by a municipal solid waste collection company.

13. Water Consumption

Water consumption is typical of a single-family residence.

14. Signage

No signs are proposed.

15. Will existing buildings be used or will new buildings be constructed? Describe type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate

Appropriate construction materials will be used to meet R2.1 building and fire codes. The facilities will be single-story with vaulted ceilings in public areas and high ceilings throughout. The exterior will feature stonework, large windows, and earth-tone colors. The general presentation inside and outside the home will not vary from typical singlefamily homes of similar size.

16. Explain which buildings or what portion of buildings will be used in the operation.

All portions of the proposed buildings will be for operational use including public living spaces, private bedrooms, bathrooms, offices, and storage.

17. Outdoor Lighting

All lights will be shielded or otherwise directed to keep the lighting on-site and not impact adjacent properties.

18. Landscaping & Fencing

The site will be fully landscaped including grass, trees, shrubbery, flowers, and rocks. The rear (i.e., north side) of the site is currently fenced. Additional fencing will be added to enclose the backyard.

19. Other information that will provide a clear understanding of the project

Security

The applicant will install automatic locks and alarms on every door. People entering and exiting the residences must sign in and verify their identity. Although not required, the night shift person is always awake so that monitoring of the clients can occur at an appropriate level.

Traffic

The Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition, Land Use Code 254 *Assisted Living* estimates .19 AM PEAK trips will be generated per bed 1.9 TOTAL AM PEAK trips per day.

The Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition, Land Use Code 210 *Single Family Detached Housing* estimates .99 PM PEAK trips will be generated per home per day. A total of 9.44 daily trips are estimated to occur per typical single family detached home.

Traffic generation by the proposed two facilities, will be very similar to a typical single family detached home. The applicant observed traffic over a 30-day period at each current facility and determined they generate an average of 2.1 visitor trips per day. Staff live on site and generally do not leave the facility during their 5-day shift rotations and were not included in applicant traffic study. Food is delivered to each facility once a week. Medical treatment is provided by licensed professionals who visit the site as required.

For these reasons, the proposed use does not fit into established ITE land use categories generating fewer traffic trips than such established care categories with actual trip generation rates much closer to single family detached homes.

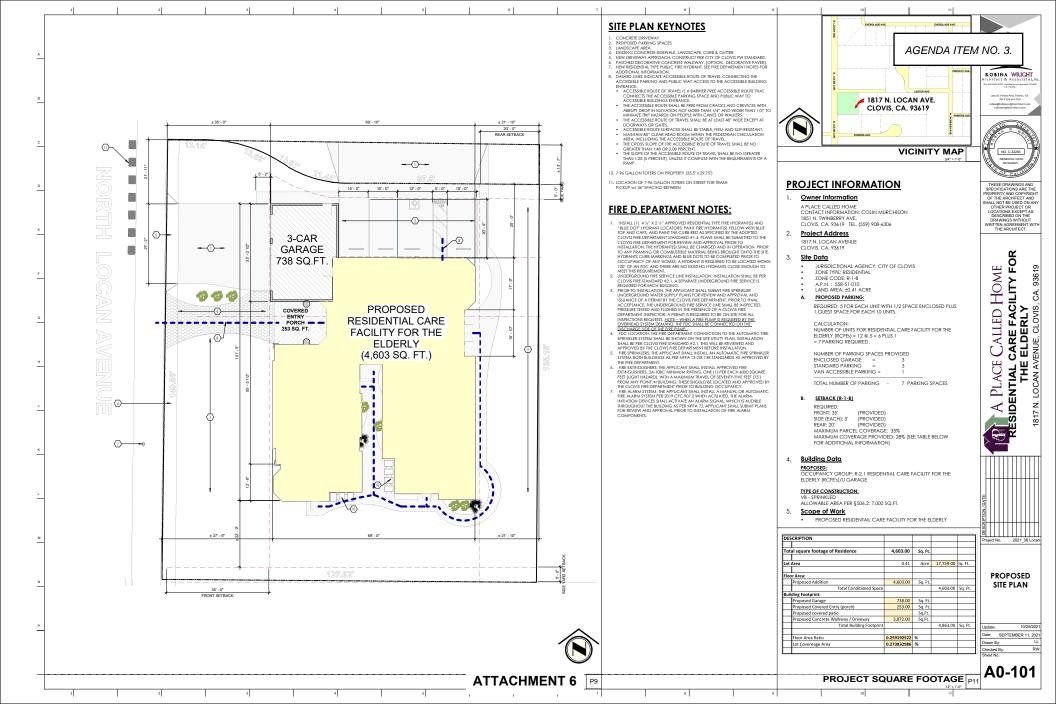
Training

All employees will have appropriate licenses for the tasks that they perform. Other health professionals will visit the site as required.

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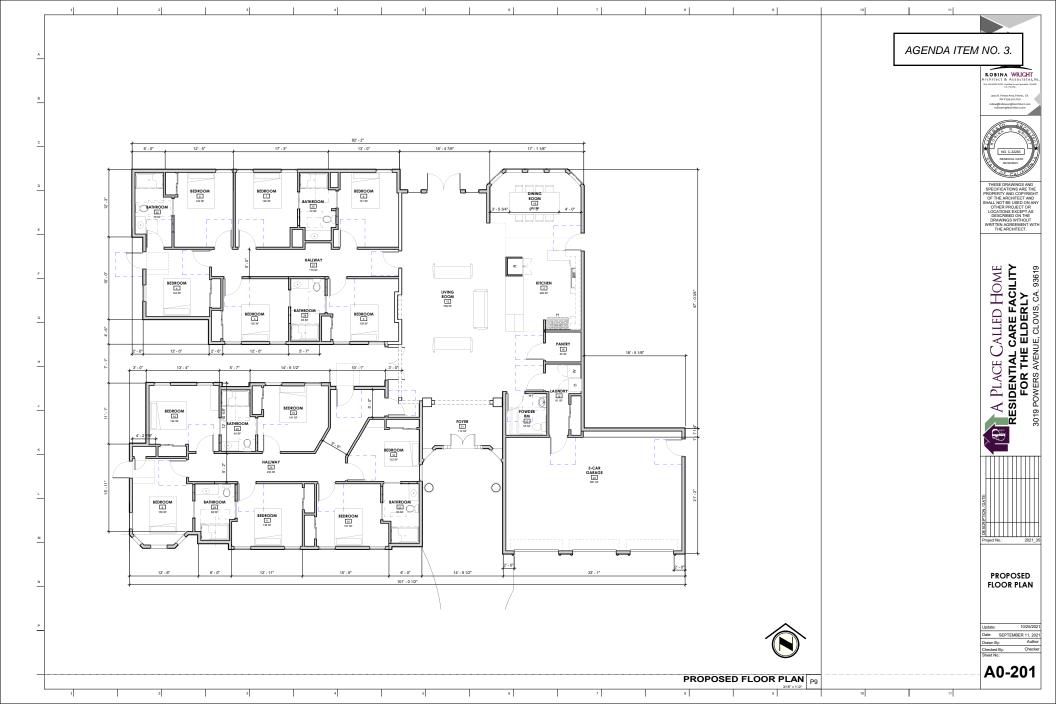


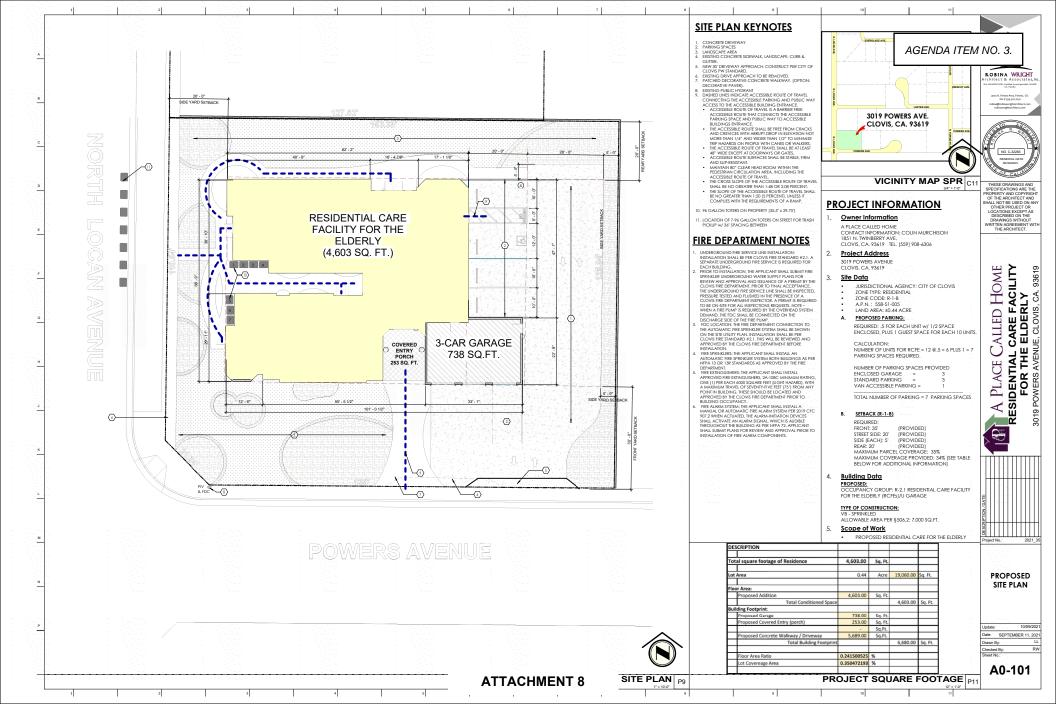














CONDITIONS OF APPROVAL CUP2021-013

PLANNING DIVISION CONDITIONS (George González, Division Representative – (559) 324-2383)

- 1. This Conditional Use Permit approval is for the operation of a 10-bed senior assisted living facility for property located at 1817 N. Locan Avenue.
- 2. This Conditional Use Permit is not transferable to another location.
- 3. 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 from the December 16, 2021 Planning Commission hearing.
- 4. 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 Very Low Density Residential land use designation, R-1-B (Single-Family Residential 12,000 Sq. Ft.) Zone District, and other applicable standards as determined by the Planning Division during the SPR review process.
- 5. The Project will comply with the development standards of the R-1-B Zone District.
- 6. The hours of operation for the senior assisted living facility shall be as follows:

Monday through Sunday: 24-hours a day

7. The hours of operation for family visitations shall be as follows: Any deviation from those hours will require an amendment to CUP2021-013.

Monday through Sunday: 10:00 a.m. to 8:00 p.m.

- 8. Service deliveries to the site shall not occur between the hours of 10 p.m. to 7 a.m.
- 9. 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 senior assisted living facility.
- 10. All lighting associated with this use shall be screened from direct view from the public right-of-way and adjacent residential properties.
- 11. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
- 12. 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.

- 13. Operational noise from the Project shall conform with the Clovis General Plan noise standards and not be in excess of 65 decibels to the outside of any residential structure nor 45 decibels to the interior of any structure.
- 14. There shall be no public address (PA) system, phone ringing, or music system used that may be heard on the exterior of the building/ facility.
- 15. 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.
- 16. Any future request to expand and/or modify the use shall be subject to an amendment to the CUP.
- 17. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
- 18. All parking of employees and visitors shall occur on-site.
- 19. The proposed parking is approved per the attached site plan to the December 16, 2021, Planning Commission staff report.
- 20. Applicant must have on file a current City of Clovis Business License prior to conducting business.
- 21. CUP2021-013 may be reviewed one year after the senior assisted living facility use begins for compliance with the conditions of approval. Clovis Planning staff may conduct a review of the use in regard to conditions of approval and present findings of this review to the City Planner.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

22. 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 METROPOLITAN FLOOD CONTROL DISTRICT

(Mikel Meneses, FMFCD Department Representative – (559) 456-3292)

23. 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.

CONDITIONS OF APPROVAL CUP2021-014

PLANNING DIVISION CONDITIONS (George González, Division Representative – (559) 324-2383)

- 1. This Conditional Use Permit approval is for the operation of a 10-bed senior assisted living facility for property located at 3019 Powers Avenue.
- 2. This Conditional Use Permit is not transferable to another location.
- 3. 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 from the December 16, 2021 Planning Commission hearing.
- 4. 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 Very Low Density Residential land use designation, R-1-B (Single-Family Residential 12,000 Sq. Ft.) Zone District, and other applicable standards as determined by the Planning Division during the SPR review process.
- 5. The Project will comply with the development standards of the R-1-B Zone District.
- 6. The hours of operation for the senior assisted living facility shall be as follows:

Monday through Sunday: 24-hours a day

7. The hours of operation for family visitations shall be as follows: Any deviation from those hours will require an amendment to CUP2021-014.

Monday through Sunday: 10:00 a.m. to 8:00 p.m.

- 8. Service deliveries to the site shall not occur between the hours of 10 p.m. to 7 a.m.
- 9. 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 senior assisted living facility.
- 10. All lighting associated with this use shall be screened from direct view from the public right-of-way and adjacent residential properties.
- 11. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
- 12. 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.

- 13. Operational noise from the Project shall conform with the Clovis General Plan noise standards and not be in excess of 65 decibels to the outside of any residential structure nor 45 decibels to the interior of any structure.
- 14. There shall be no public address (PA) system, phone ringing, or music system used that may be heard on the exterior of the building/ facility.
- 15. 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.
- 16. Any future request to expand and/or modify the use shall be subject to an amendment to the CUP.
- 17. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
- 18. All parking of employees and visitors shall occur on-site.
- 19. The proposed parking is approved per the attached site plan to the December 16, 2021, Planning Commission staff report.
- 20. Applicant must have on file a current City of Clovis Business License prior to conducting business.
- 21. CUP2021-014 may be reviewed one year after the senior assisted living facility use begins for compliance with the conditions of approval. Clovis Planning staff may conduct a review of the use in regard to conditions of approval and present findings of this review to the City Planner.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

22. 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 METROPOLITAN FLOOD CONTROL DISTRICT

(Mikel Meneses, FMFCD Department Representative – (559) 456-3292)

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