



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION

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

February 25, 2021

6:00 PM

Council Chamber

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

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

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

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

Written Comments

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

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



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

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

Verbal Comments

- If you wish to speak to the Commission on the item by telephone, you must contact the 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 three (3) minutes.

Webex Participation

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

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

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The Planning Commission welcomes you to this meeting.

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

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City of Clovis Planning Division, located in the Planning and Development Services building, between 8:00 a.m. and 4:00 p.m. Monday through Friday. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

ABOUT THE MEETING

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

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

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

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

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

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. Planning Commission Minutes for the Meeting of January 28, 2021.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

BUSINESS FROM THE FLOOR

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

PUBLIC HEARINGS

- [2.](#) Consider Approval, Res. 21-____, CUP2021-001, A conditional use permit request to allow for the increase of the R-3 Zone District standard building height of 2 ½ stories (no greater than 35 feet) to 3 stories (no greater than 35 feet) for proposed multifamily buildings on property located at 1703 De Wolf Avenue. Bottom Line Group LLC, Sachdeva Mickey Etal, property owners; Jay Virk, Bottom Line Group LLC, applicant.

Staff: Lily Cha, Associate Planner

Recommendation: Approve

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

MEETINGS & KEY ISSUES

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

March 25, 2021

April 15, 2021

May 27, 2021

CLOVIS PLANNING COMMISSION MINUTES

January 28, 2021

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

Flag salute led by Chair Hatcher

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

Absent: None

Staff: Dave Merchen, City Planner
Ricky Caperton, Senior Planner
George Gonzalez, Senior Planner
Sean Smith, Supervising Civil Engineer
Michael Linden, City Attorney

PLANNING COMMISSION REORGANIZATION

Nomination and vote of Planning Commission Chair and Chair Pro Tempore. Commissioner Hinkle was nominated for Planning Commission Chair by Chair Hatcher, seconded by Commissioner Cunningham. Chair Hatcher was nominated for Chair Pro Tem by Commissioner Hinkle; the motion was withdrawn following discussion of the rotation method for the positions. Commissioner Cunningham was nominated for Chair Pro Tem by Commissioner Hinkle, seconded by Chair Hatcher. The motion to approve the nominations was approved by a vote of 5-0.

MINUTES

1. The Commission approved the December 17, 2020, minutes by a vote of 5-0.

COMMISSION SECRETARY

None.

PLANNING COMMISSION MEMBERS COMMENTS

None.

COMMUNICATIONS AND REFERRALS

Item of correspondence related to Agenda Item X-4.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider Approval - **Res. 21-___, CUP2020-008**, A request for a conditional use permit allowing for the construction of a gas station and \pm 4,500 square-foot convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control license located at 984 West Shaw

Avenue. Steven G. Sanders, Trustee of Steve G. Sanders Trust, owner; Randel Mathias, applicant and representative.

Senior Planner Ricky Caperton requested a continuance to a date uncertain.

At this point, the Commission voted by consensus to continue CUP2020-008 to a date uncertain. The motion was approved by a vote of 5-0.

3. Consider Approval - **Res. 21-001, OA2021-002**, A request to amend the standards of the R-1-MD (Single Family Residential Medium Density) zone district and the general property development and use standards in conjunction with the adoption of objective standards for the development of single family residential housing projects. City of Clovis, applicant.

City Planner Dave Merchen presented the staff report.

Commissioner Cunningham inquired, in regards to the four-foot side setback, as to whether staff had done any research on the acceptability of such a setback, given that his own research into the size of trash totes means that such a setback will only leave six inches for a gate latch and hinges. City Planner Merchen responded that this setback has been adopted for an ample number of subdivisions within the City and that he believes there is a way for a gate to accommodate the totes. While he acknowledges that often totes have to be moved in order to allow a person to pass, staff has determined that four feet can work as a minimum standard.

Commissioner Cunningham sought clarification as to the entity(ies) referred to by “the City.” City Planner Merchen clarified that the standard has been approved by the City Council and that it had been determined to be an acceptable minimum standard by Planning and Development staff as well as public safety staff.

Commissioner Cunningham expressed confusion as to why the Planning Commission is addressing this if it is already standard. City Planner Merchen clarified that it is a standard that has been approved through PRD zoning, whereas tonight’s proposal would apply to the R-1-MD zone district as part of the objective standards. In addition, if this setback becomes codified for the R-1-MD zone district, then it would probably become viewed as the baseline for developments with lots of a similar size.

Commissioner Cunningham remarked that though that may be correct, in his time on the Commission, there have been a lot of requests for this in other areas. He expressed concern about where to put the totes if a reduced side setback and reduced garage sizes prevent those areas from being used. City Planner Merchen responded that staff has substantially reviewed this issue and feels that these standards are appropriate for smaller lots. However, this does not prevent Commissioners from recommending a different standards.

Commissioner Hatcher inquired as to whether totes are all required to be the same size, as she recalls seeing smaller totes and assumes that smaller houses would be able to use smaller totes. The issue of side setback vs trash tote storage has come up numerous times. She expressed understanding of Commissioner Cunningham’s view, but pointed out that a four-foot setback has been approved and it does not make sense to make developers come to the Planning Commission each time for the same request. Commissioner Cunningham responded that if the City Council has already approved the standard, then the Planning Commission should not have to address it. City Planner Merchen and

Supervising Civil Engineer Sean Smith both offered that they believe there is an option for residents to request totes of either a smaller or larger size.

Commissioner Bedsted expressed that he is a proponent of setting standards, as setting precedent can make it challenging to address issues like this, which has come up for debate fairly often. However, he believes that the reduced setback will cause an increase in totes sitting out on the streets. Returning to Commissioner Cunningham's last remark, he inquired as to whether this is actually a standard, as he was under the impression it had been approved as an exception to standards. In addition, he sought and received clarification regarding the allowance of tandem garages. He expressed concern that two-car tandem garages will, by their nature and in combination with shorter driveways, lead to an increased spillover of vehicles onto streets.

Commissioner Antuna expressed agreement with Commissioners Cunningham and Bedsted, as it was also her understanding that the four-foot setback was an exception rather than a standard. Though she understands that City staff have found the four-foot/three-foot side yard setbacks acceptable, she wonders how many totes will be left out. She personally would not want to move a trash tote every time she needs to access her backyard from the side, and believes the Commission should possibly put forward a different recommendation when making a motion on this.

Commissioner Hinkle expressed gratitude to City Planner Merchen and Planning Department staff for including all-weather pathways for trash totes, as most often totes being left out front are due to a lack of such. He expressed great difficulty with the four-foot garage-side setback, as he fears interference with first responders during critical moments. He also sought and received confirmation of swing garage dimensions, then expressed doubt regarding the proposed reduced garage sizes, as three quarters of vehicles sold in Clovis currently are SUVs or pickup trucks. He stated that the requirement for vehicle charging stations further reduces available space within garages.

Commissioner Hatcher pointed out a section of the staff report calling out swing garage dimensions as being ten feet by twenty feet, then sought and received confirmation that the proposed reduced setbacks are just for the medium density, R-1-MD zone district. She also inquired as the current standard side yard setbacks for low density residential development. City Planner Merchen responded that it is five feet on both sides.

Commissioner Hatcher inquired as to whether there had been any consideration towards having developers who use reduced site setbacks place fences in such a way that the totes can still be screened. City Planner Merchen responded that there had been no such discussion so far.

Commissioner Hatcher remarked that, in regards to commentary regarding 1,800 square foot lots, she hopes the City never has to codify such, as she cannot imagine a lot that small. In term of side yards, she is unsure as to whether she would vote against them given the Commission's propensity to approve them otherwise. Though she hears her fellow commissioners, she also has to take into account that the Police and Fire Departments do not have an issue getting in.

Chair Hinkle returned to the question regarding the swing garage dimensions. City Planner Merchen responded that it seems to be an error and that it was a good thing to catch it now and change it to the twenty-foot by twenty-foot standard.

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

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

There being none, the Chair closed the public portion.

City Planner Merchen clarified that the four-foot/three-foot setbacks approved previously by the City Council have all been as part of the PRD process, a process that has different standards for each subdivision. Therefore, the City Council has not approved these setbacks as a universal standard, but rather as one that has been found acceptable on an individual basis.

Chair Hinkle sought and received confirmation that the Commission has the ability to make a motion to change the garage-side setback back to five feet, then invited Fire Department personnel present to comment if they wish. Chief John Binaski offered to answer any questions if the Commission had any. No questions were presented.

At this point, a motion was made by Chair Hinkle and seconded by Commissioner Bedsted to approve OA2021-002 with modifications to swing garage sizes to 20' x 20' and side setbacks in the R-1-MD Zone District to require a 5' garage side setback. The motion was approved by a vote of 4-1, with Commissioner Hatcher dissenting.

4. Consider Approval - **Res. 21-002, CUP2020-007**, A request for a conditional use permit for the construction of a \pm 9,400 square-foot ambulatory surgery center on a portion of an approximately 2.7-acre parcel located at 570 North Magnolia Avenue. AMEL Investments, LLC, a California Limited Liability Company, owner; Eric Lindvall, AMEL Investments, LLC, applicant; Marlette Associates, representative.

Senior Planner George Gonzalez presented the staff report.

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

Ron Marlette of Marlette Associates offered to answer any questions.

Chair Hinkle sought confirmation regarding the currently proposed operational hours and the applicant potentially seeking expansion of those hours in the future. Mr. Marlette deferred such questions to the applicant.

Commissioner Bedsted inquired as to whether any parking spaces would be specifically designated for patient pickup. Mr. Marlette responded that, rather than designate parking, there would be a set patient arrival/departure area, providing an explanation.

Eric Lindvall stepped forward to answer operational questions.

Chair Hinkle returned to the issue of proposed operational hours and recommended that the applicant expand them now rather than having to come back sometime in the future to modify them. Do so now would give them flexibility to change hours later as needed without having to repeat this process. Mr. Lindvall provided information regarding the currently proposed operational hours and expressed willingness to expand them now in order to simplify the process.

Commissioner Hatcher recommended the hours of 5:00 a.m. to 8:00 p.m. Mr. Lindvall agreed to them.

Chair Hinkle assured that such hours would not affect any other business, but would ensure maximum flexibility for their own business.

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

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

At this point, the Chair closed the public portion.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve CUP2020-007 with an added condition allowing for operational hours of 5:00 a.m. to 8:00 p.m. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 7:04 P.M. UNTIL the Planning Commission meeting on February 25, 2021.

Paul Hinkle, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: February 25, 2021

SUBJECT: Consider Approval, Res. 21-____, CUP2021-001, A conditional use permit request to allow for the increase of the R-3 Zone District standard building height of 2 ½ stories (no greater than 35 feet) to 3 stories (no greater than 35 feet) for proposed multifamily buildings on property located at 1703 De Wolf Avenue. Bottom Line Group LLC, Sachdeva Mickey Etal, property owners; Jay Virk, Bottom Line Group LLC, applicant.

Staff: Lily Cha, Associate Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. Applicant's Development Statement
3. Conceptual Site Plan
4. Conceptual Elevations
5. Comments from Agencies
6. Draft Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit 2021-001, subject to the conditions of approval included as **Attachment 1**.

EXECUTIVE SUMMARY

The applicant is proposing to develop a 60-unit, high density multiple family project on the 2.60 acre subject property shown below in **Figure 1**. In order to meet the required high-density range and R-3 Zone District development standards, the applicant is seeking approval of this conditional use permit to allow for a third story for the multifamily buildings.

FIGURE 1
Project Location



BACKGROUND

- General Plan Designation: High Density Residential (15.1-25 DU/Ac)
- Specific Plan Designation: High Density Residential (15.1-25 DU/Ac)
- Existing Zoning: R-3
- Lot Size: 2.60
- Current Land Use: Rural Residential Home and Accessory Structure
- Adjacent Land Uses:
 - North: Rural Residential Single Family Home
 - South: Rural Residential Single Family Home
 - East: Jefferson Canal / Rural Residential
 - West: Single Family Residential Subdivision
- Previous Entitlements: RO295 & R2017-07

The subject property was annexed into the City in 2017 as a part of the Shaw-Leonard Northwest Reorganization RO295. The annexation incorporated into the City approximately 77 acres of property, primarily within the Loma Vista Community Centers Master Plan area. The subject

property is one of the few properties incorporated into the City's limits under RO295 that is not a part of the Community Master Plan area.

PROPOSAL AND ANALYSIS

Development Proposal

The applicant is proposing to develop a 60-unit, high density multiple family project on approximately 2.60 acres of property located at 1703 De Wolf Avenue in the City of Clovis. The subject property is generally located on the east side of De Wolf Avenue and north of Shaw Avenue, within the Loma Vista Community. At completion, the Project will provide market rate housing with two and three-bedroom units.

The Project has been conceptually designed with five multifamily buildings, each accommodating 12 units. Overall, the project will provide 48 two-bedroom units and 12 three-bedroom units. The site will also include a total of 132 required parking stalls including 66 covered and 66 uncovered stalls, meeting the parking standard for each unit proposed. Additionally, the Project will provide ample open space, integrating over 600 square feet of open and common areas per unit. Also incorporated into the Project's design is a centrally located 5,064 square foot children's play area.

Land Use Consistency

As a high density multifamily residential development, the Project is a permitted land use under the City's R-3 Zone District and General Plan designation. The City's General Plan designates the subject property as High Density Residential, allowing for multifamily development with densities of 15.1 to 25 dwelling units per acre. At 2.6 acres, the subject property may develop between 39 and 65 units. Consequently, the Project falls within the density requirement with 60 units proposed. The Project has also been designed to meet the required multifamily high density R-3 Zone District development standards. With the exception of this over height request, the conceptual project design is consistent with the development standards of the R-3 Zone District and the Loma Vista Specific Plan.

Over Height Request

The development standards for the R-3 Zone District specify a two-tiered height requirement. Projects may incorporate a maximum of 2½ stories, and they must comply with a 35' overall building height limit. While the Clovis Development Code does not define a "half-story," the term may be generally viewed as usable living space above a finished story, enclosed within a sloping roof. Half-stories often incorporate the use of dormer windows for lighting. Under the provisions of the R-3 Zone District, the opportunity for buildings to exceed 2½ stories or the 35' maximum height limit may be considered and approved through the conditional use permit process.

Through this conditional use permit, the applicant is requesting to deviate from the R-3 Zone District's maximum height requirement of 2½-stories, no greater than 35-feet. In this case, the applicant is requesting to allow for a maximum building height of 3-stories, no greater than 35-feet. The project proposes 3-story buildings with an overall height of 33-feet, 2-inches. Although the number of stories will increase by half of a story, the overall height does not exceed the 35-foot maximum standard of the zone district. Additionally, the site provides constraints for the development at the density proposed by the applicant. In order to meet development standards while providing the proposed high density unit numbers, a full third story is required to facilitate

the Project. In light of the aforementioned points, staff has no objection to the proposal and recommends approval of the over height request.

Review and Comments from Agencies

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

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

Public Comments

A public notice was sent to area residents within 300 feet of the property boundaries. Staff has not received any inquiries prior to the finalization of the staff report.

California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 21084 and CEQA Guidelines Section 15332 (Class 32 – Infill Development Projects) and that the exceptions identified under CEQA Guidelines Section 15300.2 would not be triggered as a result of the Project.

Projects that satisfy the requirements of a categorical exemption have been determined to not have a significant effect on the environment and do not require further review. Under the Class 32 categorical exemption, a project is exempt from CEQA if the project: (a) is consistent with the applicable land use designation, General Plan policies, and zoning; (b) is within city limits on a project site of no more than five (5) 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 Project satisfies all the requirements of the Class 32 categorical exemption.

CEQA Guidelines Section 15300.2 precludes use of a categorical exemption if a project will result in cumulative impacts, significant effects due to unusual circumstances, damage to scenic resources, is located on or within the vicinity of a hazardous waste site, and/or the potential to negatively impact a historical resources. Based on staff's review, the Project will not result in these conditions and would not be triggered and the Section 15300.2 exception will not preclude use of Class 32 categorical exemption.

A Notice of Exemption has been completed. Staff will file the notice with the County Clerk if the Project is approved.

REASON FOR RECOMMENDATION

The proposed conditional use permit is consistent with the goals and policies of the General Plan, Loma Vista Specific Plan and Development Code. Staff, therefore, recommends that the

Planning Commission approve CUP2021-001, subject to the conditions of approval attached as **Attachment 1**.

The findings to consider when making a decision on conditional use permit applications 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. This finding is based on the following:
 - The proposed use is a permitted use for the property zoning (R-3: High Density Multifamily Residential) with over height exceptions subjected to a conditional use permit.
 - The conditions for approval preserve the integrity and character of the zoning district and ensure compliance with the Development Code.
2. The proposed use is consistent with the General Plan and any applicable specific plan. This finding is based on the following:
 - As outlined in the General Plan and the Loma Vista Specific Plan, the property is designated as High Density Residential, allowing for the R-3 Zone District.
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. This finding is based on the following:
 - The property is surrounded by existing rural residential type single-family residences and larger properties and future high density residential classifications.
 - The conditions for 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 allows the Project to be developed to the standards of the zone district and development code.
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. This finding is based on the following:
 - The Project proposal is consistent with the General Plan designation and surrounded by developed areas. There are no concerns related to public utilities and services.

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. This finding is based on the following:

- As identified above under the California Environmental Quality Act (CEQA) heading of this staff report, the Project has been reviewed in compliance with CEQA, the Project was determined to be categorically exempt pursuant to Class 32 CEQA exemption, and therefore the Project will not have a significant effect on the environment and does not require further review.

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None.

NOTICE OF HEARING

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

Prepared by: Lily Cha, Associate Planner

Reviewed by:



Dave Merchen
City Planner

**CONDITIONS OF APPROVAL
CUP2021-001**

PLANNING DIVISION CONDITIONS

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

1. This Conditional Use Permit approves the building height of 3 stories, no greater than 35 feet overall for property located at 1703 De Wolf in Clovis CA.
2. This Conditional Use Permit is not transferable to another location.
3. 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 High Density Residential land use designation, R-3 (High Density Multifamily Residential) Zone District, and other applicable standards as determined by the Planning Division during the SPR review process.
4. The applicant shall consult with the City of Clovis Building Division on any building code requirements.

FRESNO IRRIGATION DISTRICT

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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

6. 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.

DeWolf Avenue Multiple-Family
DEVELOPMENT STATEMENT
1703 N DeWolf Avenue

APN 554-053-41

Bottom Line Development Group proposes to develop a 60-unity High Density Multiple Family Project on 2.60 Acres of property generally located on the east side of DeWolf Avenue north of Shaw Avenue. The Project is intended to provide an attractive residential environment close in proximity to the Loma Vista commercial development known as the Urban Center North. The Project is designed to complement single family housing in the area by providing housing diversity to the area. The Project, when completed, will provide market rate housing in comfortable 2 and 3-bedroom units that offers various levels of housing needs.

The site will include 132 parking stalls which meets the parking ratio required for each unit per the City's Development Code.

Space within the Project is designed to be both functional and multi-faceted, with strong attention to the family environment, providing open space above and beyond the required 260 square feet per unit. The Project integrates over 600 square feet of open and common areas per unit to provide a more cohesive neighborhood environment. Exteriors of buildings will utilize high quality materials such as wood corbels, Spanish tile roofs, decorative wrought iron guardrails and gable ends, and Spanish styled wall sconces that will be complementary to existing neighboring residential development. The Project incorporates significant Loma Vista elements as the area transitions into the Urban Center North environment.

A key aspect of the development is that in order to meet the required High-density range, R-3 Zone District requirements, and provide the required off-street parking, a third story was needed to facilitate the Project. The Project encompasses five (5) 3-story buildings with building heights that do not exceed 33 feet 2 inches. The Development Code permits building heights of 35-feet or 2 ½ stories, whichever is less. Additionally, the recently adopted Multiple Family Objective Standards permits building heights to not exceed those heights permitted in the R-3 Zone District, therefore the requested third-story exception technically falls within the respected height allowances of the District. Moreover, the actual buildings have a 27-foot maximum height, and the requested over-height is for the construction of the 4/12 pitched roofs which are compatible and consistent with surrounding area development. Subsequently, in order to provide the expansive open space and common areas we feel is important to the development and the area, it necessitated 3-story development in order to avoid the massing of buildings to reach density and parking requirements.

Consequently, the Project falls in line with the General Plan, previous zoning actions, and its adopted principles in meeting the classification for a Class 32 Exemption, i.e., in-fill development on a site less than five acres. The Project is consistent with the applicable General Plan, its policies, and the applicable zoning designation and the request does

ATTACHMENT 2

not modify any of the required developments standards and requirements already set in place for Loma Vista, nor does the Project deviate from density or general land use requirements of the Ordinance. The project simply proposes development consistent with existing the R-3 Zone District and the High-density designation of the approved Loma Vista Plan.

FRONT ELEVATION BUILDINGS 1 & 2 - UNIT 'A'

SIDE ELEVATION BUILDINGS 1 & 2 - UNIT 'A'

SIDE ELEVATION BUILDINGS 1 & 2 - UNIT 'A'

BACK ELEVATION BUILDINGS 1 & 2 - UNIT 'A'

EXTERIOR ELEVATION KEY NOTES

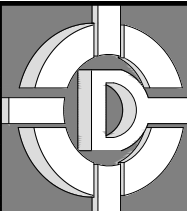
#	DESCRIPTION
EE001	FACIAL STUCCO FINISH OVER BACKED WITH REINFORCED LAYERS OF TYPE "B" PAPER ORBUILT SHEATHING. PROVIDE EXPANSION JOINTS WHERE SHOWN AND GPM SLEEP SEPARATE AT BASE. PROVIDE LIGHT BOLD TEXTURE. SHOWN EXTERIOR WALL LIGHT.
EE070	7/8" STUCCO FINISH ON/ FOAM BOARD.
EE078	DUAL GLAZED WINDOWS.
EE081	PERMANENT FASTENERS AT 4" ON CENTER. WINTER/MIDWINTER MEMBERS AT 4" O.C. AND HANDRAILS SHALL NOT BE LESS THAN 1-1/2" NOR MORE THAN 2" IN CROSS SECTION. FOR HANDRAILS, A ROUNDTOP DESIGN SUCH THAT NO OBJECT AT 1/4" DIAMETER CAN PASS THROUGH.
EE130	CONTINUOUS GALVANNEED SHEET METAL GUTTER AT PERIMETER. COORDINATE PAINT TO MATCH FACIAL. PROVIDE SMOOTH WALZED SHEET METAL DOWNPOUT PAINT TO MATCH ADJACENT WALLS W/CONCRETE. PROVIDE FLOORS AT OR ABOVE 0' DOWNPOUTS SHALL DRAIN FROM PLANTERS/LANDSCAPE AREAS. PROVIDE DRAIN SYSTEM SO THAT NO HOT SPOT FLOWS OVER WALKWAYS.
EE154	EYES KEYSTONE.
EE161	HOLLOW METAL SHIP GUARDRAIL.
EE240	FOAM BOARD KING BOLT.
EE250	SPANISH TILE ROOF (CONTOUR TO SELECT OVER 30A FLEET UNDERLAYMENT OVER PLYWOOD ROOF SHEATHING).
EE256	WOOD CO CORALS.
EE258	WROUGHT IRON GUARDRAIL.
EE262	EXPANDED VINYL SHUTTERS.
EE265	SABLE END DECORATIVE VENTS WITH DECORATIVE IRON.
EE267	EXPANSION JOINT.

COLOR MATERIAL FINISH COLOR:

SYM	MATERIALS	FINISH	COLOR:
1	STUCCO FINISH	DASH	CREAM
2	STUCCO EAVE	DASH	CREAM
3	STUCCO TRIM	DASH	CREAM
5	GLAZING	CLEAR	RED
7	ROOFING TILE	FACTORY FINISH	RED
11	EXTERIOR METAL COR	PAINTED	DARK BROWN
13	PIPE (BOLLARDS)	PAINTED	RED
15	WOOD CORALS	PAINTED	BROWN
16	METAL CANOPY	FACTORY FINISH	WHITE
17	EPS TRIM ACCENT	PAINTED	WHITE
22	BILLY BOND	PAINTED	BEIGE
23	WOOD BOARD	PAINTED	DARK BROWN
24	TIMBER	PAINTED AND SEALED	CLEAR
25	CORBEL/OUTROGGER	PAINTED	BEIGE
26	STANDING SEAM METAL ROOFING	FACTORY FINISH	WHITE
27	IRON/CORBELLUS	PAINTED	CREAM
30	EXTERIOR COR	PAINTED	DARK BROWN
031	IRON GUARDRAIL	PAINTED	BLACK
032	WINDOW FRAME	FACTORY FINISH	WHITE
034	DOOR AND FRAME	PAINTED	CREAM
036	FOAM TRIM	PAINTED	BEIGE
035	FOAM BOARD	PAINTED	BEIGE

NOTES

- ALL COLOR SELECTIONS TO BE APPROVED BY THE CITY OF FREMONT AND BY THE OWNER PRIOR TO APPLICATION. PROVIDE SAMPLES TO ARCHITECT FOR APPROVAL. ALLOW 2 DAYS FOR RESPONSE.
- PROVIDE TEXTURE TO LIGHT SAND FINISH. PROVIDE SAMPLE TO ARCHITECT FOR APPROVAL.
- PROVIDE 12" X 12" X 1/2" PANT SAMPLES ON COMPLETED WALL SURFACE OF EACH COLOR FOR REVIEW AND APPROVAL. SELECT A LESS THAN 1/2" OF BLACK AND WHITE SAMPLES. AND BE SMOOTH SHOW 3 COLOURS DIRECTLY ADJACENT TO EACH OTHER. SELECT TO BE GIVEN 24 HOURS NOTICE FOR REQUEST FOR REVIEW AND APPROVAL.
- PROVIDE TO PROVIDE 10' X10' PANT SAMPLES ON COMPLETED WALL SURFACE OF EACH COLOR FOR REVIEW AND APPROVAL. SELECT A LESS THAN 1/2" OF BLACK AND WHITE SAMPLES. AND BE SMOOTH SHOW 3 COLOURS DIRECTLY ADJACENT TO EACH OTHER. SELECT TO BE GIVEN 24 HOURS NOTICE FOR REQUEST FOR REVIEW AND APPROVAL.



DE ALBA ARCHITECTURE
5129 N. FIRST STREET FRESNO
CALIFORNIA 93710
PHONE: 559-225-2800
FAX: 559-225-1122

MKE DE ALBA, JR.
ARCHITECT

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THESE DRAWINGS, DESIGN SKETCHES, IDEAS, DOCUMENTS, PLANS, IMPROVEMENTS, INVENTIONS AND/OR DISCOVERIES, AND THE SUBJECT MATTER OF ANY PATENT APPLICATION, ARE HEREBY DECLARED TO BE THE SOLE PROPERTY OF MIMS DE ALBA & ASSOCIATES. THESE DOCUMENTS ARE DELIVERED AND ACCEPTED BY YOU IN TRUST AND ON THE EXPRESS UNDERSTANDING THAT YOU WILL NOT REPRODUCE OR TRANSMIT THEM OR HAVE THEM REPRODUCED OR OTHERWISE COPIED AS FAR AS THEY MAY BE COPIED, REPRODUCED, OR OTHERWISE COPIED, EXCEPT AS SPECIFICALLY AUTHORIZED BY MIMS DE ALBA & ASSOCIATES. ALL COPIES (PAPER, PHOTO, ETC.) SHALL BE PRODUCED, MADE OR DISTRIBUTED WITHOUT THE EXPRESS WRITTEN CONSENT OF MIMS DE ALBA & ASSOCIATES. NO PART OF THIS AGREEMENT OR ANY OF ITS TERMS OR CONDITIONS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF MIMS DE ALBA & ASSOCIATES. IF YOU VIOLATE ANY OF THE PROVISIONS OF THIS AGREEMENT, YOUR RIGHTS AS A SHAREHOLDER IN MIMS DE ALBA & ASSOCIATES UPON REQUEST, VOLUNTARILY WILL BE PRECLUDED TO THE FULL EXTENT OF THE LAW.

BOTTOM LINE
ATTN: JAY VIRK
ADDRESS: 1703 N. DEWOLF AVENUE CLOVIS CA. 93619
PHONE: (559) 286 - 6205

DRAWINGS PREPARED FOR:

BOTTOM LINE

ATTN: JAY VIRK
ADDRESS: 1703 N. DEWOLF AVENUE CLOVIS CA. 93619
PHONE: (559) 286 - 6205

CONTRACTOR:

BOTTOM LINE

ATTN: JAY VIRK
ADDRESS: 1703 N. DEWOLF AVENUE CLOVIS CA. 93619
PHONE: (559) 296-6205

REVISIONS		
NO.	DESCRIPTION	DATE

ARCHITECT'S SEAL



EXTERIOR ELEVATIONS

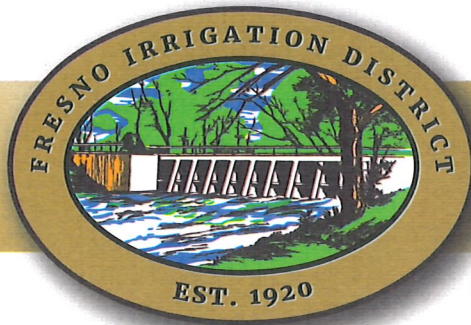
BUILDINGS 1 & 2 - UN

SHEET 20

JOB# : 200602
DATE: 30-Dec-20

PLOT TIME: 12/30/2020 4:35 PM

PLOT TIME: 12/30/2020 4:20 PM



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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

January 28, 2021

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

RE: Site Plan Review 2021-001 and Conditional Use Permit 2021-001
N/E Shaw and DeWolf avenues
FID's Jefferson Canal No. 112

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Site Plan Review 2021-001 and Conditional Use Permit 2021-001 for which the applicant proposes the construction of a 3-story 60-unit multi-family development, APN: 554-053-41. FID has the following comments and conditions:

Summary of Requirements:

- FID Board Approval
- Review and Approval of all Plans
- Substitute Open Canal with 42" ASTM C-361 RGRCP (with MacWrap)
- Execute 40' wide Grant of Easement Agreement
- Execute additional Agreement(s), if necessary
- Project Fees
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.)

Area of Concern

1. FID's Jefferson Canal No. 112 runs southwesterly along the east side of the subject property, crossing the intersection of Shaw Avenue and DeWolf Avenue approximately 800 feet south of the subject property, as shown on the attached FID exhibit map and will be impacted by the proposed development. FID records do not indicate a recorded easement for this section of canal; however, FID does own an easement and the width is as shown on FID's Standard Detail 1-01. The reach of canal affected by the development consists of a small, earthen, open canal. FID requires it review and approve all plans.

G:\Agencies\Clovis\Site Plan Review\SPF

ATTACHMENT 5

2. FID requires the applicant pipe the open canal as part of this project with new 42-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose.
3. FID requires a minimum 40-feet wide exclusive easement, and the applicant will need to meet with FID to determine the pipeline alignment. Typically, FID recommends that the pipeline easement be aligned parallel and adjacent to a City street right-of-way, in which case FID may reduce the easement from 40 feet to 20 feet if certain conditions are met.
4. The Site Plan indicates that trees and a trash enclosure are being proposed within what will likely be part of FID's 40 feet wide exclusive easement, these will need to be relocated as FID will not allow them to encroach.
5. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-watertight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID may require external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.
6. Trail - It is FID's understanding that a trail is master-planned along the Jefferson Canal. As with other developments with trails proposed along the canals, FID will not allow the trail to encroach/overlap FID's canal easement along open channels. If, however, the open channel is replaced with a pipeline, FID may reduce its requirements to the following:
 - a. FID does not allow FID owned property or easements to be in common use with Public Utility Easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Clovis enters into an appropriate agreement with FID. FID requires all block walls and fences to be located outside of its property and easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements unless specified under a common use agreement.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.

- d. FID's canals will not accept any drainage from the trail.
- 7. FID recommends the applicant contact the developers of the adjacent property to the south to coordinate the FID pipeline requirement. Depending on the timing for each development, it may be possible to work out an agreement between developers for a cost share in the pipeline project.

General Comments

- 1. FID requires the Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
- 2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
- 3. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
- 4. FID requires its easements be shown on all maps with proper recording information, and that FID be made a party to signing the final map.
- 5. Footings of retaining walls shall not encroach onto FID property/easement areas.
- 6. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
- 7. Trees will not be permitted within FID's property/easement areas. If trees are allowed to encroach they must be located a minimum of 15 feet from the edge of the FID pipeline.
- 8. No permanent structures will be allowed/permitted within FID's property/easement areas.
- 9. If a utility is required to cross the canal, FID will require an agreement for that purpose. It will either be an Encroachment Agreement or Common Use of Easements Agreement.
- 10. The proposed development may negatively impact local groundwater supplies. The area is currently mostly open land or limited agricultural production with little to no water demand. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in 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.

11. 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 project on the City's ability to comply with requirements of SGMA.
12. The above comments are not to be construed as the only request FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses.

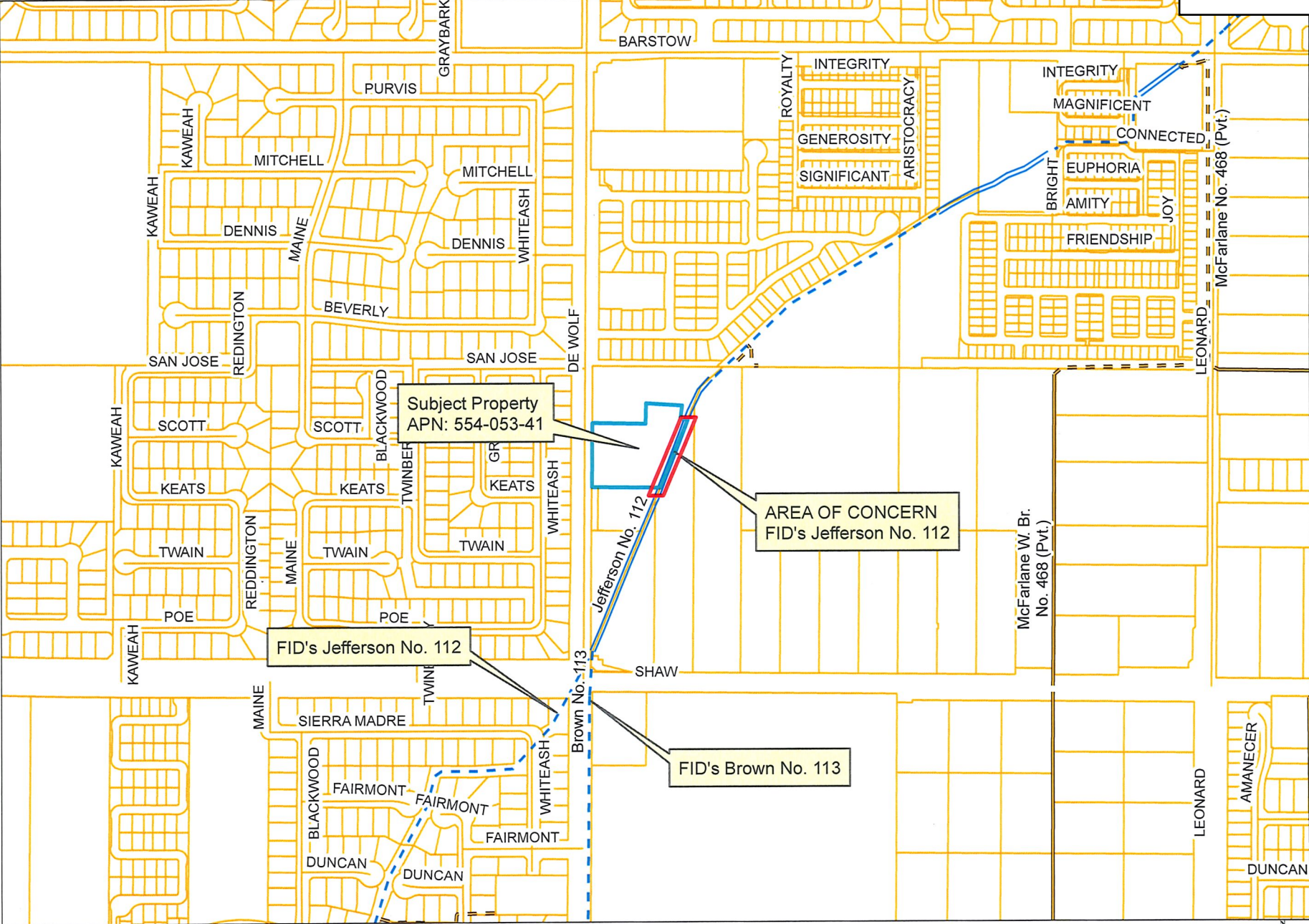
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

FRESNO IRRIGATION DISTRICT

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

0 260 520 Feet
1 inch = 539.66 feet
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City of Clovis

Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

Distribution Date: **1/11/2021**

PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - Lily Cha, Associate Planner

PLEASE ROUTE TO:

(In House)

- ☒ Planning Division
- ☒ Building Division
- ☒ Engineering Division
- ☒ Utilities Division
- ☒ Solid Waste Division
- ☒ Fire Department
- ☒ Police Department
- ☒ City Landscape Committee
- ☒ Legal Description Review
- ☐ Other (Specify)
- ☐

(Out-of-House)

- ☒ Fresno Irrigation District
- ☒ Fresno Metropolitan Flood Control Dist.
- ☒ Pacific Gas & Electric
- ☒ AT&T
- ☒ Clovis Unified School District
- ☒ Cal Trans
- ☒ SJV Unified Air Pollution Control Dist.
- ☒ State of California Department of Fish and Game
- ☐ LAFCO (when annexation is involved)
- ☒ County of Fresno Development
- ☒ Fresno County Environmental Health

Item(s): **SPR2021-001** Location: **1703 N. DeWolf Avenue**

APN: **554-053-41** Zoning: **R-3, P-F** General Plan: **High Density Residential, Open Space**

Name of Applicant: **Bottom Line Group LLC -Jay Virk** Phone/Email: **(559)286-6205/ jayv@bottom-line.com**

Applicant Address: **P.O. Box 1095** City: **Clovis** State: **CA** Zip: **93613**

Previously Reviewed Under DRC: _____ Or Other Entitlement: _____

Project Description: **SPR2021-001; A site plan review for a 3-story, 60-unit multi-family development at 1703 N. DeWolf Avenue. This request is being processed concurrently with CUP2021-001.**

This item is tentatively scheduled for a public hearing to be considered by the **Staff**

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by **2/1/2021**

Please check one below:

☐ No Comments ☐ Comments Attached ☐ Comments e-mailed or saved on: _____

RECOMMENDED CONDITIONS: Please draft conditions in final form that are acceptable to your department. They must be legible. Please phrase positively and clearly:

GOOD EXAMPLE: "1. Prior to occupancy, the developer shall install all landscaping as per the approved plans."

POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign): _____

PLEASE RETURN TO:

Lily Cha, Associate Planner
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612
Phone: 324-2335 Fax: 324-2844



City of Clovis

Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

AGENDA ITEM NO. 2.

Distribution Date: **1/11/2021**

PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - Lily Cha, Associate Planner

PLEASE ROUTE TO:

(In House)

- ☒ Planning Division
- ☒ Building Division
- ☒ Engineering Division
- ☒ Utilities Division
- ☒ Solid Waste Division
- ☒ Fire Department
- ☒ Police Department
- ☒ City Landscape Committee
- ☒ Legal Description Review
- ☐ Other (Specify)
- ☐

(Out-of-House)

- ☒ Fresno Irrigation District
- ☒ Fresno Metropolitan Flood Control Dist.
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- ☒ Cal Trans
- ☒ SJV Unified Air Pollution Control Dist.
- ☒ State of California Department of Fish and Game
- ☐ LAFCO (when annexation is involved)
- ☐ County of Fresno Development
- ☒ Fresno County Environmental Health

Item(s): **CUP2021-001** Location: **1703 N. De Wolf Avenue**

APN: **554-053-41** Zoning: **R-3, P-F** General Plan: **High Density Residential, Open Space**

Name of Applicant: **Bottom Line Group LLC -Jay Virk** Phone/Email: **(559)286-6205/ jayv@bottom-line.com**

Applicant Address: **PO Box 1095** City: **Clovis** State: **CA** Zip: **93613**

Previously Reviewed Under DRC: _____ Or Other Entitlement: _____

Project Description: **CUP2021-001; A request to construct a 3-story, 60-unit multi-family development on the property located at 1703 N. DeWolf Avenue. This request is being processed concurrently with SPR2021-001.**

This item is tentatively scheduled for a public hearing to be considered by the **Planning Commission.**

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by **2/1/2021**

Please check one below:

☐ No Comments ☐ Comments Attached ☐ Comments e-mailed or saved on: _____

RECOMMENDED CONDITIONS: Please draft conditions in final form that are acceptable to your department. They must be legible. Please phrase positively and clearly:

GOOD EXAMPLE: "1. Prior to occupancy, the developer shall install all landscaping as per the approved plans."

POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign): _____

PLEASE RETURN TO:
Lily Cha, Associate Planner
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612
Phone: 324-2335 Fax: 324-2844

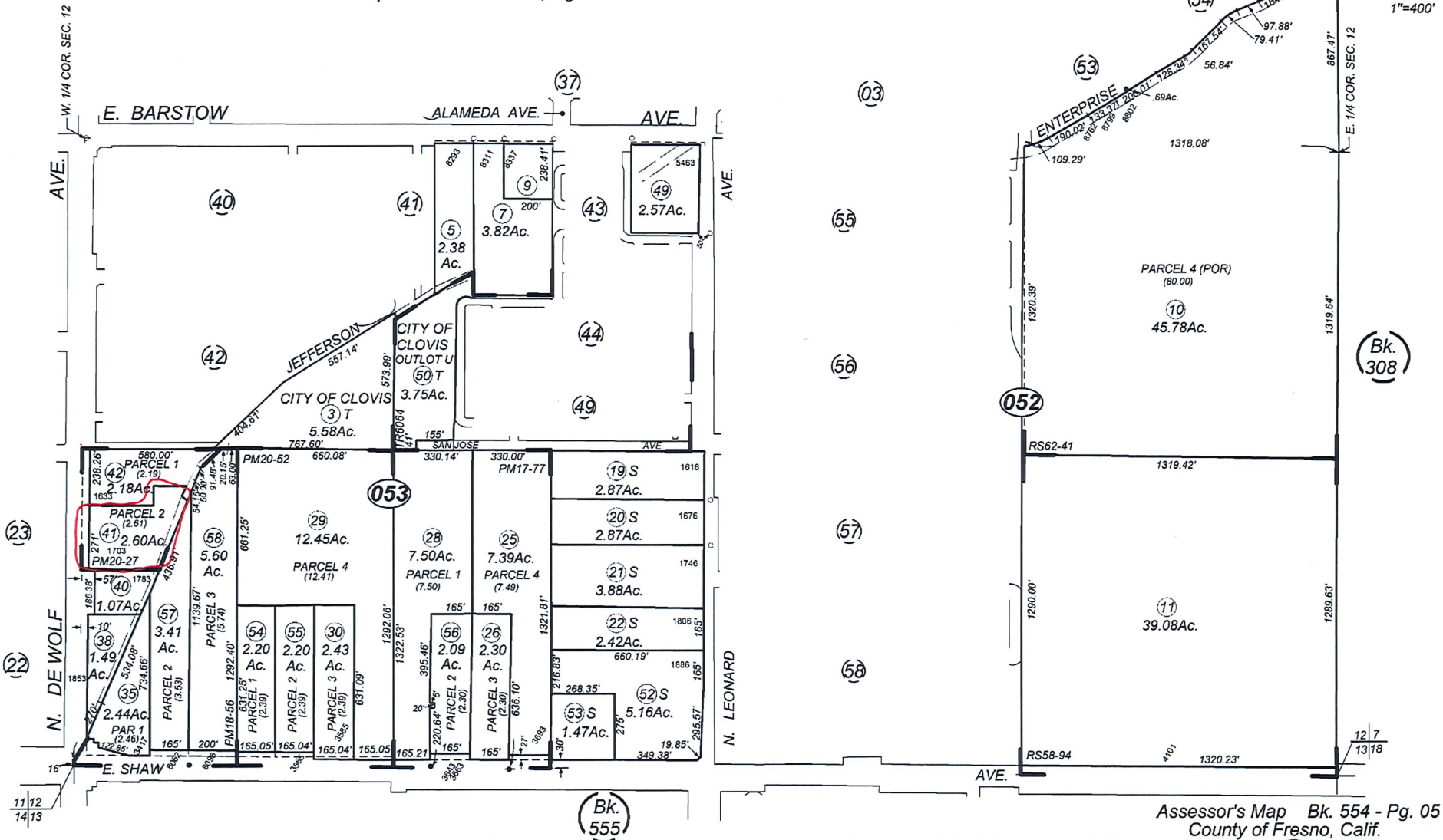
-NOTE-
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 12, T. 13 S., R. 21 E., M.D.B. & M.

Parcel Map No. 2670 - Bk. 17, Pg. 77
Parcel Map No. 2752 - Bk. 20, Pg. 27
Parcel Map No. 2769 - Bk. 18, Pg. 56
Parcel Map No. 3033 - Bk. 20, Pg. 52

Record of Survey - Bk. 58, Pg. 94
Record of Survey - Bk. 62, Pg. 41
Tract No. 6064 - Bk. 85, Pgs. 93-95

Tax Rate Area 554-05
1-160 76-052
1-166
1-171
1-172
1-173



1/31/2020

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 554 - Pg. 05
County of Fresno, Calif.

AGENDA ITEM NO. 2.



DE ALBA ARCHITECTURE
1514 N. FIRST STREET FRENCO
CALIFORNIA 93710
PHONE: (562) 258-3390
FAX: (562) 258-1122

OWNER:
MRS. DE ALBA, JR.
ARCHITECT

BOTTOM LINE

ATTN: JAY VIK
ADDRESS: 1701 N. DEVOLP AVENUE CLOVIS, CA 93216
PHONE: (562) 258-3390

BOTTOM LINE

ATTN: JAY VIK
ADDRESS: 1701 N. DEVOLP AVENUE CLOVIS, CA 93216
PHONE: (562) 258-3390

BOTTOM LINE

ATTN: JAY VIK
ADDRESS: 1701 N. DEVOLP AVENUE CLOVIS, CA 93216
PHONE: (562) 258-3390

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

AGENDA ITEM NO. 2.

Page 1 of 3

PUBLIC AGENCY

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

DEVELOPER

JAY VIRK, BOTTOM LINE GROUP LLC
P.O. BOX 1095
CLOVIS, CA 93613

PROJECT NO: 2021-001

ADDRESS: 1703 N. DE WOLF AVE.

APN: 554-053-41

SENT: February 04, 2021

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
3G	\$26,962.00	NOR Review *	\$91.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$463.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$26,962.00		Total Service Charge: \$554.00		

* The Development Review Service Charge shown above is associated with CL SPR 2021-001 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/21 based on the site plan submitted to the District on 1/11/21 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.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

CL CUP No. 2021-001

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

AGENDA ITEM NO. 2.

Page 2 of 3

**CL
CUP No. 2021-001**

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

1. ☒ **a.** Drainage from the site shall BE DIRECTED TO DE WOLF 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
 ☒ None required.

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

 ☒ Grading Plan
 ☒ Street Plan
 ☐ Storm Drain Plan
 ☐ Water & Sewer Plan
 ☐ Final Map
 ☐ Drainage Report (to be submitted with tentative map)
 ☐ Other
 ☐ None Required

4. Availability of drainage facilities:

 ☐ **a.** Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 ☐ **b.** The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 ☐ **c.** Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
 ☒ **d.** See Exhibit No. 2.

5. The proposed development:

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

6. ☒ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

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

AGENDA ITEM NO. 2.

Page 3 of 3

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



Debbie Campbell
Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 2/4/2021 11:50:24 AM



Robert Villalobos
Engineering Tech III

Digitally signed by Robert Villalobos Date: 2/4/2021 11:50:05 AM

**CL
CUP
No. 2021-001**

OTHER REQUIREMENTS

AGENDA ITEM NO. 2.

EXHIBIT NO. 2

Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed through existing Dewolf Avenue and into the existing temporary inlet.



City of Clovis

Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

AGENDA ITEM NO. 2.

Distribution Date: **1/11/2021**

PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - Lily Cha, Associate Planner

PLEASE ROUTE TO:

(In House)

- ☒ Planning Division
- ☒ Building Division
- ☒ Engineering Division
- ☒ Utilities Division
- ☒ Solid Waste Division
- ☒ Fire Department
- ☒ Police Department
- ☒ City Landscape Committee
- ☒ Legal Description Review
- ☐ Other (Specify)
- ☐

(Out-of-House)

- ☒ Fresno Irrigation District
- ☒ Fresno Metropolitan Flood Control Dist.
- ☒ Pacific Gas & Electric
- ☒ AT&T
- ☒ Clovis Unified School District
- ☒ Cal Trans
- ☒ SJV Unified Air Pollution Control Dist.
- ☒ State of California Department of Fish and Game
- ☐ LAFCO (when annexation is involved)
- ☐ County of Fresno Development
- ☒ Fresno County Environmental Health

Item(s): **CUP2021-001** Location: **1703 N. De Wolf Avenue**

APN: **554-053-41** Zoning: **R-3, P-F** General Plan: **High Density Residential, Open Space**

Name of Applicant: **Bottom Line Group LLC -Jay Virk** Phone/Email: [\(559\)286-6205/ jayv@bottom-line.com](mailto:jayv@bottom-line.com)

Applicant Address: **PO Box 1095** City: **Clovis** State: **CA** Zip: **93613**

Previously Reviewed Under DRC: _____ Or Other Entitlement: _____

Project Description: **CUP2021-001; A request to construct a 3-story, 60-unit multi-family development on the property located at 1703 N. DeWolf Avenue. This request is being processed concurrently with SPR2021-001.**

This item is tentatively scheduled for a public hearing to be considered by the **Planning Commission.**

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by **2/1/2021**

Please check one below:

☐ No Comments ☒ Comments Attached ☐ Comments e-mailed or saved on: _____

RECOMMENDED CONDITIONS: Please draft conditions in final form that are acceptable to your department. They must be legible. Please phrase positively and clearly:

GOOD EXAMPLE: "1. Prior to occupancy, the developer shall install all landscaping as per the approved plans."

POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign):

PLEASE RETURN TO:

Lily Cha, Associate Planner
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612
Phone: 324-2335 Fax: 324-2844

**DRAFT
RESOLUTION 21-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A CONDITIONAL USE PERMIT ALLOWING FOR THE INCREASE OF THE R-3 ZONE
DISTRICT STANDARD BUILDING HEIGHT OF 2 ½ STORIES (NO GREATER THAN 35
FEET) TO 3 STORIES (NO GREATER THAN 35 FEET) FOR PROPOSED MULTIFAMILY
BUILDINGS ON PROPERTY LOCATED AT 1703 DE WOLF AVENUE, AND FINDING THAT
THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL
EXEMPTION**

WHEREAS, Jay Virk, on behalf of Bottom Line Group LLC, PO BOX 1095, Clovis, CA 93613, has applied for a Conditional Use Permit (CUP2021-001); and

WHEREAS, the Applicant submitted an application for a conditional use permit allowing for the increase of the R-3 Zone District Standard Building Height from 2 ½ stories, no greater than 35 feet, to 3 stories, no greater than 35 feet, for property located at 1703 De Wolf Avenue, in the City of Clovis, County of Fresno, California; and

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

WHEREAS, a duly noticed hearing was held on February 25, 2021; and

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

WHEREAS, the Commission has reviewed and considered the staff report and all written materials submitted in connection with the request, including the conditions attached as **Attachment 1** to this Resolution and incorporated herein by this reference, and considered all the testimony presented during the public hearing.

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

1. The Project is exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332).
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. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
 - e. 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.
 - f. 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 because, as set forth above, the Project is determined to be exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332).
3. Without the conditions of approval set forth in **Attachment 1** to this Resolution, the Commission could not make the findings necessary for approval of CUP2021-001.
 4. The basis for the findings is detailed in the February 25, 2021, staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.
 5. CUP2021-001 is hereby approved with incorporation of the conditions of approval set forth in **Attachment 1** to this Resolution.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on February 25, 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: February 25, 2021

Paul Hinkle, Chair

ATTEST: _____
Renee Mathis, Secretary