



CITY *of* CLOVIS

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

September 24, 2020

6:00 PM

Council Chambers

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) hour before the meeting (4:00 p.m.). You will be prompted to provide:

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



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

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

Verbal Comments

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

Webex Participation

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

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

* * * * *

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.

* * * * *

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1 Planning Commission Minutes for the Meeting of July 23, 2020.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

BUSINESS FROM THE FLOOR

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

PUBLIC HEARINGS

- 2 Consider Approval, Res. 20-____, **CUP2020-004**, a request for a conditional use permit for the expansion of an existing athletic facility to include outdoor athletic training, activities, and events for a portion of an approximate .6 acre property located at 340 Clovis Avenue. Athletic Performance, applicant; David Standifer, representative.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

- 3 Consider items associated with approximately ten acres of land located at the northwest corner of Teague and Locan Avenues. Granville Homes, applicant; Valley Coastal Development, LLC & TriValley Development Group, LLC, owners; Gary G. Giannetta Civil Engineering & Land Surveying, representative.

Consider Approval, Res. 20-____, **TM6339**, A request to approve a vesting tentative tract map to include 47-lots and an outlot, and superseding two previously approved tentative maps TM6134A & TM6264.

Consider Approval, Res. 20-____, **PDP2020-001**, A request to approve a planned development permit to amend the conditions of approval and development standards for the planned residential development associated with TM6264.

Staff: George González, MPA, Associate Planner

Recommendation: Approve

- 4 Consider Approval, Res. 20-____, **R2020-003**, A request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues to be consistent with the underlying General Plan designation of MU-V (Mixed Use Village). This request is to rezone the subject property from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District. Clovis-Dakota, LLC, property owner; Don Pickett & Associates, Inc., applicant; Nick Crawford, representative.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

- 5 Consider items associated with approximately 1.07 acres (portion of) of property located on the northwest corner of Shaw and Cole Avenues. Debra and Robert Carlson, owners; Patrick Murphy of Clovis I, LLC, applicant/representative.

- a) Consider Approval - Res. 20-____, **GPA2020-002**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.
- b) Consider Approval - Res. 20-____, **CUP2020-003**, A request to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3,300 square foot drive-thru restaurant use.

Staff: Ricky Caperton, AICP, Senior Planner
Recommendation: Approve

- [6](#) Consider Approval - Res. 20-____, **OA2020-003**, A request to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 - RHN Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. City of Clovis, applicant.

Staff: Dave Merchen, City 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:

October 22, 2020

November 19, 2020

December 17, 2020

CLOVIS PLANNING COMMISSION MINUTES
June 23, 2020

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

Flag salute led by Chair Hatcher

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

Absent: None

Staff: Dave Merchen, City Planner
Ricky Caperton, Senior Planner
Lily Cha, Assistant Planner
Maria Spera, Planning Technician II
Sean Smith, Supervising Civil Engineer
Michael Linden, Assistant City Attorney

MINUTES

1. The Commission approved the June 25, 2020, minutes by a vote of 5-0.

COMMISSION SECRETARY

City Planner Dave Merchen informed that correspondence received recently is in relation to the Butterfly Gardens project, providing background information on the project.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Hinkle expressed gratitude to the City for the retirement celebration in honor of Dwight Kroll.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

Correspondence from Katie Work in opposition to the Butterfly Gardens project was read and then placed into the record.

Correspondence from Nathan and Heather Tucker in opposition to the Butterfly Gardens project was read and then placed into the record.

Correspondence from Makita Rivera in opposition to the Butterfly Gardens project was read and then placed into the record.

Correspondence from Susan Oliver in opposition to the Butterfly Gardens project was read and then placed into the record.

Correspondence from Kelly Devlin in opposition to the Butterfly Gardens project was read and then placed into the record.

Correspondence from Rebecca Devlin in opposition to the Butterfly Gardens project was read and then placed into the record.

Correspondence from Stacey Kristman in opposition to the Butterfly Gardens project was read and then placed into the record.

David Dench of 834 W. Holland Avenue spoke in opposition to the Butterfly Gardens project due to the proximity to both a daycare and a liquor store, existing traffic hazards, existing crime and nuisance issues, reduction in home values.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider Approval - **Res. 20-31, TM6161**, A request to approve a one-year extension to approved tentative tract map TM6161, located at the southeast area of Ashlan and Thompson Avenues. Stone Valley Communities, LLC, owner/applicant.

City Planner Dave Merchen presented the staff report.

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

The applicant chose not to make any statements.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Antuna and seconded by Commissioner Hinkle to approve TM6161. The motion was approved by a vote of 5-0.

3. Consider Approval - **Res. 20-32, SPR2020-002**, A request to consider an appeal of the Site Plan Review (SPR) approval for an industrial development located at 561 N. DeWitt within the Dry Creek Business Park (Project). Palm Bluffs Real Estate Inc., property owner; Partners 425 LLC, Bear Claw Investments LLC, Dan and Joey Properties LLC, appellants; Dowling Aaron Incorporated – Andrew Slater, representative.

Assistant Planner Lily Cha presented the staff report.

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

Harry Pascuzi, on behalf of the applicant, provided the applicant's argument against the appeal.

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

Andy Slater, representing the appellants, provided some rebuttal to the applicant and offered to answer questions following his clients' addresses of the Planning Commission.

Kim Bethel provided argument for the appeal.

Daniel Bond provided argument for the appeal.

Robert L. Davidson provided argument for the appeal.

Mr. Slater provided a close to the arguments for the appeal and offered to answer any questions.

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

Mr. Pascuzzi provided a rebuttal to the appellants' arguments.

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

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

There being none, the Chair closed the public portion.

Commissioner Hinkle inquired as to when the project was approved. Assistant Planner Cha provided the date.

Commissioner Hinkle then sought and received confirmation that the project is on an M-1 zoned lot rather than a C-M zoned lot, and that therefore it falls under different design rules from the appellants' projects.

Commissioner Hinkle sought and received confirmation of the timeframe of review and approval for this project, then inquired as to when the lot was purchased by the applicant, as he was wondering if there had been changes in plans between the initial purchase and the project approval. Assistant Planner Cha did not have that information.

Commissioner Antuna inquired as to whether there had been any appeals to other projects the appellants mentioned as being opposed to. Assistant Planner Cha responded that this was the first appeal in this area.

Mr. Davidson stated that though the appellants had built on C-M zoned properties versus M-1 zoned properties, there is no such distinction to the Dry Creek Business Park as defined in the Herndon Shepherd Specific Plan. As such, all the properties in the business park fall under the same design guidelines and should be more in line with the appellants' building designs.

Mr. Slater stated that until his clients entered an agreement with the City Attorney to be notified of any development proposed in this area before approval, there was no opportunity for appeal except to do so to the developers. This was the first project for which they received notice at this

stage, making this their first opportunity to appeal. To clarify Mr. Davidson's remarks, he informed that when speaking of zoning, the appellants are referring to aesthetic rather than use.

Mr. Davidson stated that though this is their first appeal, they had performed the necessary outreach when they contacted City staff and had several meetings regarding this issue. They had been assured that further projects of this type would not be approved, but that several projects were allowed to move forward during the nine-to-ten month period during which these meetings took place. He claimed that these projects were not of a quality that either the appellants or the City of Clovis wanted. They want to be good neighbors but feel that they are being taken advantage of.

Chair Hatcher inquired as to when the meeting took place in which Mr. Davidson states that staff and the City Council promised to address this issue. Mr. Davidson responded, after some consultation with Mr. Bond, that the final meeting took place in the summer of 2019, having started in early 2019 or late 2018, before many of the now-existing projects were approved. He explained that the reason they did not appeal anything previously was that they thought they were making progress in these meetings. He also stated that there was a huge chasm between their good efforts and action at the planning level as well as the passage of information to other city council members and the new mayor.

Commissioner Hinkle sought and received confirmation that they were of the belief that just because the mayor told them there would be change, such would happen.

Commissioner Hinkle pointed out that people can say anything, opinions can be expressed regarding what someone would like to see being done differently, but that it is the City Council that is the agent of such change. He also pointed out that it appeared that the appellants are trying to enforce the type of buildings in the C-M development onto the M-1 development, which has different types of businesses.

Mr. Davidson expressed objection to Commissioner Hinkle's characterization of the appellants' intent. He reiterated that the language of the Herndon Shepherd Specific Plan is specific and provides staff with guidelines they should be bound to but haven't adhered to after the approval of Mr. Bethel's building. He expressed that staff is trying to change the language to give them the ability to do whatever they want, invalidating the reason for having the specific plan or even the Planning Commission.

Mr. Davidson stated that the City Council had already made their decision for both the Herndon Shepherd Specific Plan and the business park tract map and therefore they didn't need to be involved again. Rather, they need staff to do as they had been directed and follow the guidelines set forth by the City Council.

Chair Hatcher inquired as to whether this would automatically go to the City Council for consideration. City Planner Merchen responded in the negative; the project would only go forward to the City Council if one of the parties appealed the Commission's decision.

Chair Hatcher sought clarification regarding the reason for this being the first time the appellants had the opportunity to appeal any of these projects. City Planner Merchen expressed disagreement with the appellants' terminology, as the Municipal Code has always allowed for such appeals, though they may not have been aware that approvals had occurred and their appeal periods were underway. To his knowledge, the appellants had not previously requested notification of such approvals.

Commissioner Hinkle sought and received confirmation that the Herndon Shepherd Specific Plan provides fairly open, subjective guidelines that grant staff the power to interpret and implement them as they feel will work within the plan. City Planner Merchen further pointed out that because the guidelines are vague statements, each member of staff may interpret and implement them differently, leading to considerations of what the original intent was and different results.

Commissioner Antuna referred to the appellants' statements regarding this being the first time receiving notification before a building is approved and inquired as to the actual notification process for this type of entitlement. City Planner Merchen explained that for nonresidential projects, the site plan review process does not require neighborhood notification. The notification the appellants received is specific to this area due to request by the appellants.

Chair Hatcher expressed bewilderment and disturbance regarding this becoming an issue for Planning Commission consideration with this final building when so many others were approved using the Herndon Shepherd Specific Plan. She personally had always viewed it as a guiding direction open to interpretation rather than an absolute. In all of her years serving on the Commission, this is the first time she has seen a commercial/light industrial project appeal like this. She expressed sympathy for the appellants going so long with no apparent resolution for them but points out that this issue was never brought before the Commission before this. Though the proposed building does not match the appellants' few buildings, it does match the rest of the buildings in the area; she does not feel that it would be fair to rescind the approval just because their building is the last one to go there.

Commissioner Cunningham expressed appreciation for the aesthetics of the appellants' buildings, informing that he has driven through the business park several times, including prior to any construction at all. He expressed disagreement with the appellants' description of the manufacture side of the park as ugly and not compatible with this site, pointing out that he has seen other industrial sites with fewer amenities than this one. Having read both the General Plan and the Herndon Shepherd Specific Plan, he feels that the language is permissive rather than mandatory and that deciding in favor of the appellants would mean going back to the other industrial projects approved and built and informing them that they have to change their design, an unfair action.

Commissioner Bedsted expressed agreement with Commissioner Cunningham's take on the permissive nature of the specific plan's language, which has resulted in some disparity in building designs. However, the building design under appeal conforms more to the majority of buildings more recently built rather than with the original three or four buildings. After listening to the appellants' descriptions of various meetings, he finds it disappointing that the vehicle for appeal

was not utilized much earlier in the process. As the zoning and language allow for some subjectivity and discretion for staff to exercise in the site plan review process, he sees this project as conforming and supports it moving forward.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to deny appeal and uphold approval of SPR2020-002. The motion was approved by a vote of 5-0.

4. Consider Approval - **Res. 20-33, SPR2018-005A2**, A request to consider an appeal of the site plan review denial for an additional access point on Willow Avenue for a previously approved commercial center located at the northeast corner of Willow and Alluvial Avenues. El Centro Corner Petroleum LLC, owner/applicant.

Assistant Planner Lily Cha and Supervising Civil Engineer Sean Smith presented the staff report.

Commissioner Bedsted, referring to the mention of recent denied access requests, inquired as to how many requests were approved as variances, as the accumulation of such over time can impede traffic flow. Supervising Civil Engineer Sean Smith responded that he does not have the total count but the applicant's report did correctly point out several access points that varied from such requirements as spacing from a signal. He also informed about a misplaced arrow on the graphic.

Commissioner Bedsted followed up with an inquiry as to whether any of those variances have been problematic. Supervising Civil Engineer Smith responded in the negative.

Commissioner Bested inquired as to whether any of those variances had been similarly evaluated with traffic studies indicating that the impact of said variances would be negligible or if instead they were overwhelmingly evaluated as having no impact. Supervising Civil Engineer Smith responded that he does not have the specifics, but that he assumes a fair amount of work went into each to evaluate different issues.

Commissioner Bedsted stated for the record that he is not convinced that precedent, something done in the past, is necessarily something that should be done in the future. He wished to evaluate those precedents objectively, hence the request for data.

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

Toni Merrihew, CFO of property owner, provided background on the request.

Fred Minegar, traffic engineer and consultant for the applicant, provided further background on the request.

Mrs. Merrihew provided closing statements on the request.

Commissioner Cunningham inquired as to whether the applicant was aware of the access restrictions when they purchased the property from the previous developer. Mrs. Merrihew responded that they did see the site plan before purchase but had not driven the site or visited the area.

Commissioner Cunningham inquired as to whether City staff had contacted City of Fresno, whether they wanted to modify the access recently, and what the City of Fresno's response was. Supervising Civil Engineer Smith responded that staff had done so with this application, as the practice is to do so with each and every application that comes in for this corridor, and their response has consistently been to uphold the 2001 agreement.

Commissioner Antuna sought and received confirmation, for the record, that the applicant was notified by City staff of the limitations regarding access on Willow Avenue and decided to move forward with the project anyway.

Commissioner Hinkle inquired as to how many times Mr. Minegar had been to the subject site. Mr. Minegar responded that he personally had never been to the site but that his registered civil engineers had visited and physical visits are no longer necessary with the technologies currently available.

Commissioner Hinkle followed up by enquiring as to the number and duration of visits by Mr. Minegar's technicians. Mr. Minegar responded with information regarding his engineers' visits, reiterating that several existing drive accesses are not in compliance or conformance with the City's municipal code or the policy while the applicant's proposal is in compliance with traffic impact requirements.

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

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

There being none, the Chair closed the public portion.

Commissioner Antuna expressed that she felt the commercial development was aware that access on the Willow Avenue corridor was not an option for them due to the City of Fresno wanting the City of Clovis to uphold the agreement and the City Engineer stating that it does not justify having another access. It may have been initially zoned residential, but even when rezoned, it seems that it was decided that the current agreement adopted between the two cities would be functional. Therefore, she has no issue supporting this denial.

Commissioner Cunningham expressed full agreement with Commissioner Antuna. He informed that he had read the traffic study, and that though it was very thorough, but the issue boils down to two things for him: our agreement with the City of Fresno and the fact that the current developer went into this knowing there was a Willow Avenue access restriction. He will support the denial as well.

Commissioner Bedsted echoed the previous comments, emphasizing that we need to honor our agreements. When someone sets precedents, he understands the frustrations that can ensue later. Projects have to be considered on a case by case basis, and sometimes variances are warranted. In this instance, however, the property was planned for this specific development and so he would support leaving it as it stands.

Commissioner Hinkle informed that he has driven through this particular intersection as many as ten times a week for many years, longer than the agreement with our neighbor city has been in effect. He has noticed that traffic is increasing with development on the west side of Willow Avenue. He has also noticed that many drivers making a right turn off Alluvial Avenue tend to run the yellow light, turning onto Willow Avenue while going 50 miles per hour, which would create problems for people pulling out onto Willow Avenue from the proposed second access. He suggests widening the shared access point with Derrel's Mini Storage, as that business has light traffic. In conclusion, he has difficulty accepting this appeal because of these considerations and the fact that the applicant know what the approved site design was when they purchased the property.

Chair Hatcher expressed agreement with the other commissioners' comments. When the land was purchased, there was already an approved site plan with limited access to Willow Avenue, which has limited access points because it is a busy arterial street. The applicant put emphasis on what other things were approved or denied but when considering the project on its own merits, it is well designed. She does not believe that there will be as much vehicle stacking as the applicant believes there will be, and sees no reason to deviate from how the particular site and Willow Avenue were designed. Therefore, she agrees with the rest of the Commission in denying the appeal.

Commissioner Hinkle informed that the development of the Heritage Grove area will see traffic increasing even more.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to deny appeal and uphold denial of SPR2018-005A2. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 8:22 P.M. UNTIL the Planning Commission meeting on August 27, 2020.

Amy Hatcher, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 24, 2020

SUBJECT: Consider Approval, Res. 20-___, **CUP2020-004**, a request for a conditional use permit for the expansion of an existing athletic facility to include outdoor athletic training, activities, and events for a portion of an approximate .6 acre property located at 340 Clovis Avenue. Athletic Performance, applicant; David Standifer, representative.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. Draft Resolution
3. Site Plan
4. Applicant's Operational Statement
5. Correspondence (Agencies and Departments)

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2020-004, subject to the conditions of approval included in **Attachment 1**.

EXECUTIVE SUMMARY

The applicant, Athletic Performance, is proposing expansion of its existing athletic training facility to include additional outdoor athletic training resources and events within an area currently utilized for parking. The property is located at 340 Clovis Avenue, on the west side of Clovis Avenue between 3rd and 4th Streets in Old Town, as shown in **Figure 1**. In order to accommodate the Project, the applicant is requesting approval of a conditional use permit for the expansion of a facility within the C-3 Zone District to provide for additional sports related activities and events.

Approval of this Project would allow the applicant to continue processing development drawings and to complete the site plan review process.

BACKGROUND

- General Plan Designation: Mixed Use Village-V
- Specific Plan Designation: Central Trading District
- Existing Zoning: C-3
- Lot Size: .6 Acres
- Current Land Use: Downtown Commercial
- Adjacent Land Uses:
 - North: Commercial
 - South: Commercial
 - East: Commercial
 - West: Chamber/Commercial

PROPOSAL AND ANALYSIS

The applicant is requesting approval of CUP2020-004 to allow for the expansion of an existing health-fitness facility at the Project site shown in **Figure 1** below. The “grandfathered” use is located on an approximate .6 acre property and is developed with an approximate 9,000 square foot athletic training facility building with associated parking and existing ancillary outdoor training. The use maintains several onsite parking stalls but is located within the City of Clovis Parking Business Improvement Area (PBIA) assessment district which waives off-street parking requirements for individual businesses. With approval, the applicant will replace the existing parking stalls with expansion of its outdoor training facility and the requested additional uses. Health and fitness facilities are a permitted use in the C-3 Zone District subject to conditional use permit approval.



Figure 1-Project Location

Conditional Use Permit

As part of the Project, the applicant is requesting to memorialize the existing health and fitness use and to expand on the facility to include outdoor recreational and specialized sports training, an outdoor event venue, and outdoor seasonal uses. Section 9.12.020, Table 2-4 of the Clovis Municipal Code, identifies this land use (health and fitness), 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 and planned uses in the surrounding vicinity. This process allows evaluation of a business model that incorporates operational, administrative, assembly, and athletic and entertainment activities within a single site.

Operations

The applicant has provided an operational statement (**Attachment 4**) that describes the proposed use. In general, the applicant will maintain the approximate 9,000 square foot existing building for the ongoing operation of the health and fitness use. The outdoor operational aspects of the business will be divided into separate operational components. Adult soccer leagues, football training, outdoor rental space, and movie nights, pumpkin and Christmas tree sales are seasonal uses that are under consideration for the Project and will operate at various times throughout the week. Generally, assembly/meeting facilities, event rental facilities, specialized training, and special outdoor events with onsite alcoholic beverage consumption, are uses that can be permitted subject to an approved conditional use permit. Outdoor activities such as movie nights, pumpkin and Christmas tree sales, and food trucks are uses typically approved with an approved administrative use permit and should be a separate entitlement from the conditional use permit request.

Subsequent to the public notice, staff received response from an area property owner (Mr. Jeff Davis) expressing concerns with the applicant's seasonal sales and parking. The applicant reached out to the concerned area business owner. Based on that discussion, the applicant has modified the request to eliminate the sale of pumpkins and Christmas trees from the Project description and list of proposed uses. Staff finds that if approved, the applicant will submit for administrative use permit and site plan review approval to address the less intensive use of onsite food trucks and to memorialize the placement of outdoor temporary structures and facilities and other site layout specifics.

Parking

Parking requirements for the specific uses under consideration can be specifically incorporated into the conditional use permit per Section 9.32.040(D) of the Development Code. However, the subject property is located in the City's PBIA Assessment District. PBIA assessments contribute to the development, maintenance and parking enforcement of public parking facilities. For properties within the PBIA, no onsite parking is required, allowing use of the entire parcel for the intended operations. The proposal has several levels of uses within one site that would generally trigger individualized parking count analysis. Based on the breakdown of the operation, the following parking requirements of the Clovis Development Code normally would have applied:

- Health/Fitness/Training Facility- 1 parking stall per every 100 s.f. of gross floor area;
- Event Venue - 1 parking stall per every 45 s.f. of seating area;
- Food Trucks- Operation of the use shall not restrict required off street parking;
- Seasonal Uses- As determined by the administrative use permit.

Following the parking ratios described above, the proposed use would potentially result in an aggregate impact to on-street parking in Old Town. The use presents a unique dynamic in that the proposed uses do not operate concurrently, providing for multiple uses that the applicant feels would not detrimentally affect available public parking. As indicated above in staff's report, staff was in receipt of a letter of opposition from Mr. Jeff Davis. Mr. Davis' specific concern was that patrons of the facility would potentially use the Saddleback Center (located at the southeast corner of Clovis and Third), for overflow parking which would impact Mr. Davis' tenants. The applicant reached out to Mr. Davis and provided a level of comfort that both feel addresses any potential concern. The applicant will require patrons to utilize available City public parking fields during special events. The applicant already utilizes social media that informs visitors to not block area businesses nor their parking areas. Additionally, the applicant will provide parking security detail that will quickly inform visitors to the Project site that vehicles must be moved if they are affecting neighboring businesses.

Mr. Davis has indicated that as a result of his conversation with the applicant, he wishes to rescind his letter of opposition and is now in support of the applicant's use permit request. Staff has not included this correspondence since the concern has been withdrawn.

Generally, on street parking stalls are not factored into parking calculations for uses within the PBIA. However, existing on-street parking and the public parking available east of Clovis Avenue, present a viable means of meeting parking demands during peak operational periods. Since there is no prior history with the use, in order to further protect the surrounding commercial area, conditions of approval are recommended that allow the Commission to amend the conditions of approval for a period of one year after operation to address any parking deficiencies. Additionally, for any request to conduct special events and food trucks, staff has included a condition that requires the applicant to provide arrangements via the conditional use permit and administrative use permit process to accommodate traffic and parking that must be approved by the Clovis Police Department as well as Planning staff.

Hours of Operation

The requested expansion of the existing fitness facility includes the addition of several outdoor activities that involve different timelines. The hours for any proposed events are as follows:

- Friday Night Movies- 6pm to 9pm;
- Adult soccer leagues- Tuesdays and Thursdays, 6pm to 9pm;
- Sports related Special Events and Activities - Saturdays. Varying hours (dependent on weather but generally between the hours of 9am to 11pm.
- Health and Fitness Facility (existing) - Daily, 5am to 8pm on Mondays and Wednesdays, and 5am to 6pm on Tuesdays and Thursdays.

Site Design

The applicant's use will require minor modification to the northern side of the property within the existing parking field. Currently, the operator has placed temporary turf on top of the existing driveway for use by the training facility in compliance with current COVID restrictions and procedures that prohibit using indoor facilities. With an amendment to the approved site plan, the applicant is proposing to install a more permanent all-weather artificial turf encompassing approximately 6,750 sq. ft. of outdoor space with associated perimeter screening for protection from Clovis Avenue. Additional minor changes to the open space area also includes placement

of portable seating, booths, porta-potties, shading, and the fencing, which will provide an additional measure of security and wayward ball protection from Clovis Avenue. The applicant's exhibit is conceptual and, with exception of the turf area, the site plan does not reflect the specific placement of any of the proposed outdoor furniture and other portable services. Staff's primary concern is that Clovis Avenue is a high visibility thoroughfare that warrants careful consideration to placement of porta-potties and ancillary uses. Exact locations of these uses shall be thoroughly reviewed through the site plan process with emphasis on maintaining an aesthetic view corridor from Clovis Avenue. Approval of the Project will allow the applicant to move forward with the site plan review amendment process.

Review and Comments from Agencies

Public Comments

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

Comments received are included in **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.

California Environmental Quality Act (CEQA)

The Project satisfies the Class 1 categorical exemption for Existing Facilities. The proposed use outdoor expansion of an existing health/fitness facility to incorporate outdoor training and ancillary events and activities on the north side of its current building. The outdoor Project encompasses approximately 8,000 square feet of the overall .6 acre parcel located at 340 Clovis Avenue within the Central Clovis Specific Plan area. The use permit will regulate the use and development within the Project area by providing standards for the proposed land use intensification. The use is located within the PBIA area and pays into the City's parking program. The proposed Project does not deviate from the commercial intent of the land use and is subject to use permit approval. No further environmental review is required for this project.

Required Findings for Conditional Use Permit

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

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code. This finding is based on the following:
 - The proposed use is a permitted use for the property zoning (C-3: Downtown 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.

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 Central Clovis Specific Plan, the property is designated as a commercial 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 operational statement (**Attachment 4**) details the operating characteristics of the proposed use and demonstrates compatibility with existing and future land uses.
 - 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 consists of an existing building and open space area that is large enough to accommodate the requested uses.
 - The operational statement (**Attachment 4**) details how the various uses will operate and coordinate with the primary use of a health and fitness facility. Additionally, the applicant is located in the City of Clovis' PBI A parking assessment district which provides parking to serve the use.
 - The parking conditions provide for adequate available parking 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. This finding is based on the following:
 - The proposed use will be located in an existing building and developed open space in a commercial area serviced by 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:
 - The Project is categorically exempt as a Class 1 Existing Facilities Exemption.
 - The proposed use will be located in an existing building in a commercial area.
 - The proposed use will involve a negligible expansion of the existing use by adding only commercial uses (athletic training, outdoor events) permitted in the existing zoning district by a conditional use permit and/or administrative use permit.

REASON FOR RECOMMENDATION

This request is unique in that it plans to operate a multi-stage gym facility operation with ancillary outdoor uses. The use is permitted with an approved conditional use permit and administrative use permit that would address and memorialize the operation, hours of operation, compatibility and parking. Improvements to the site are minimal, in that they utilize an existing building, make minor modifications to the current parking field, and provide additional training and entertainment opportunities within Old Town.

Conditional Use Permit CUP2020-004 is consistent with the goals of the General Plan Land Use Diagram, the Central Clovis Specific Plan, Clovis Municipal Code, and the C-3 (Commercial) Zone District. Therefore, staff recommends that the Planning Commission approve CUP2020-004, subject to the conditions of approval attached as **Attachment 1**.

ACTIONS FOLLOWING APPROVAL

None

FISCAL IMPACT

None

NOTICE OF HEARING

Property owners within 300 feet notified: 33

Prepared by: Orlando Ramirez, Deputy City Planner

Reviewed by:



Dave Merchen
City Planner

Conditions of Approval – CUP2020-004**PLANNING DIVISION CONDITIONS**

(Orlando Ramirez, Division Representative – (559) 324-2345)

1. Conditional Use Permit CUP2020-004 shall be reviewed in one year for compliance with the conditions of approval. Planning staff shall 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 the continued use of the existing health/fitness facility with expansion into the outdoor area.
3. This conditional use permit allows for the operation of outdoor events specific to assembly/meeting facilities as an outdoor venue with the ability to serve alcohol during seasonal events such as Big Hat Days, Clovis Rodeo weekend, and similar events approved by planning staff.
4. An operational statement and detailed site plan shall be submitted to the Planning and Development Services Department no less than thirty days prior to each event.
5. Event operational hours shall not exceed 9:00am to 11:00 pm and will be reviewed on an event specific basis.
6. Operation of this site shall conform to the Clovis noise and vibration standards (CMC9.22.080 and 9.22.100).
7. The applicant shall obtain administrative use permit approval prior to conducting any food truck events, special events, and outdoor movie nights and prior to renovation of the exterior of the building or any site modifications.
8. The applicant's administrative use permit application shall also include any request to conduct a special or promotional event expected to draw above average numbers of people. The applicant shall include all requested events as part of the administrative use permit process for approval to the Director, Police Chief, Fire Chief, or their designees, not less than thirty (30) days prior to the event, arrangements that address security, parking, canopies, and traffic. Valet parking and parking agreement(s) with additional neighboring businesses can be considered for event parking.
9. This conditional use permit approval specifically allows for alcohol consumption use for the property located at 340 Clovis Avenue, subject to all applicable Alcoholic Beverage Control ("ABC") license requirements.
10. Any proposed outdoor seating shall be surrounded by a fence, minimum 42" in height, if alcoholic beverages are to be served in a patio area. Patrons shall not be allowed to enter or exit the patio area through any exterior gates. Patrons shall exit

ATTACHMENT 1

the patio through the licensed premises only, except in cases of emergency. Any exterior gate on the fenced patio shall be alarmed or designed to discourage use in non-emergency situations.

11. The applicant shall obtain site plan review amendment approval prior to renovation of the exterior of the building or any site modifications.
12. 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.
13. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.
14. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.
15. CUP2020-004 is approved per the site plan marked as Attachment 3 to the September 24, 2020 staff report for this project.
16. With respect to parking conditions, if the Director determines that parking is inadequate or the use otherwise results in a parking nuisance, the Director may bring forth to the Planning Commission an amendment to this conditional use permit to address those parking issues and the Planning Commission shall have the right to amend the parking conditions. This right shall remain for a period of one (1) year from operation, which for the purposes of this condition shall mean the business being fully open to the public. The initiation of an amendment by the Director within the one year period is sufficient to trigger this condition. Nothing in this condition shall affect any other rights the City may have to amend or revoke the conditional use permit.
17. The operator shall be responsible to assure there is no overnight camping on the site.
18. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
19. The applicant shall keep free and clear the access between the subject site and adjacent businesses.
20. The operator is responsible for site maintenance in relation to its operation. Daily cleanup of litter and debris related to the business is required.
21. In addition to permanent perimeter fencing, the applicant shall utilize retractable fencing within the outdoor areas for directional, queuing, staging and pedestrian seating areas. Retractable fencing shall be reviewed through the site plan review process.

POLICE DEPARTMENT CONDITIONS

(Ken Wells – Department Representative – (559) 324-2468)

22. The hours of operation of the outdoor use shall occur only between the hours of 9:00am and 11:00pm each day of the week.
23. During special events in the area drawing above average numbers of people who congregate on the sidewalks and gathering areas near the sidewalk, the Police Department may request that the business post an employee in the sidewalk area. That employee's primary responsibility is to ensure that alcoholic beverages are not passed from any patio/serving area to the public areas outside the patio or alcohol serving areas. In the event the business is unable to effectively staff this position, the Police Department may request the patio and/or alcohol serving area be closed for the duration of the special event.
24. The business shall supply adequate litter disposal receptacles in the patio area. They shall match the appearance of the building and not deter from their design.
25. The applicant shall ensure compliance with all criminal and administrative state, county, and city laws by the applicant, employees, patrons, and their associates on or near the use.
26. The business will establish and maintain crime prevention measures to enhance public safety. This is also intended to eventually reduce calls for police service to the site. The permit holder(s) and their agents, employees or representatives shall notify the Police Department of all violations of local, state, or federal law that occur at the site, related to the site, or near the site. This notification shall take place immediately upon an employee, manager, or owner learning of such violation. The police department realizes that if a business representative is notifying the police of incidents that calls for service to their business may increase slightly. This condition is intended to enhance the safety of the public, both at the site and in the surrounding area. This condition is also intended to mitigate the cost of the city police services as a result of law enforcement problems generated by the site.
27. The Clovis Police Department may close the operation of any event in the interest of public safety and welfare. Any violations of these conditions could be cause for closure of any event by an on-duty police supervisor. These conditions are set forth in the interest of public safety and welfare and are to be adhered to by the business owners throughout the duration of any and all events.
28. Any events with sales or service of alcohol will require a Daily Use Permit from the California Department of Alcoholic Beverage Control.

FIRE DEPARTMENT CONDITIONS

(Gary Sawhill Department Representative – (559) 324-2224)

Roads / Access

29. **Pedestrian Exit Gates:** Install two exit gates with panic hardware and approved

exit signs and lighting. Minimum width of gate opening shall be 48”.

30. **Floor Plans:** Provide seating diagrams to Fire Department for review and approval and any required permits for various events such as tents, stages, generators, and beer gardens.
31. The interior of the gym may not be used in conjunction with any outside events due to overcrowding

DEPARTMENT OF PUBLIC HEALTH

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

32. 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.

ENGINEERING DEPARTMENT CONDITIONS

(Sean Smith Department Representative – (559) 324-2363)

(Paul Armendariz – (559) 324-2649)

Dedications and Street Improvements

33. 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.
34. The applicant shall remove and repair all damaged or broken concrete improvements, such as but not limited to the following list. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.
35. Remove drive approaches on Clovis Avenue, and replace with City standard curb, gutter and sidewalk.
36. The existing backflow prevention assembly shall be tested by an approved AWWA certified tester with the results sent to the City Utilities Division.

Irrigation and Landscaping Facilities

37. The applicant shall provide a request by the property owner for annexation to and a covenant for the Landscape Maintenance District. The property owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment is \$72.96, or 3 Equivalent Dwelling Units (EDU) at \$24.32 per EDU, which is subject to change prior to issuance of building permit 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 this parcel that it 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.

38. The applicant shall modify and construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be designed to accommodate for future grading of the alley. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
39. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
40. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.

**DRAFT
RESOLUTION 20-_____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING CONDITIONAL USE PERMIT CUP2020-004, FOR THE EXPANSION OF AN EXISTING ATHLETIC FACILITY TO INCLUDE OUTDOOR ATHLETIC TRAINING, ACTIVITIES, AND EVENTS FOR A PORTION OF AN APPROXIMATE .6 ACRE PROPERTY LOCATED AT 340 CLOVIS AVENUE, AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Athletic Performance, 340 Clovis Avenue, Clovis, CA, 93612, has applied for a Conditional Use Permit (CUP2020-004) to allow for the expansion of an existing athletic facility to include outdoor athletic training, activities, and events for a portion of an approximate .6 acre property located at 340 Clovis Avenue., in the City of Clovis, County of Fresno (“Project”); and

WHEREAS, the City scheduled a noticed Public Hearing on the Project for September 24, 2020; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed notice to area residents within 300 feet of the property boundaries ten days prior to the Public Hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, the Planning Commission held the Public Hearing on September 24, 2020, at which time the Commission considered testimony and information received at the Public Hearing, the oral and written reports from City staff, the conditions attached as Attachment “1” to this Resolution, which are incorporated herein by this reference, and all other documents and evidence contained in the record of proceedings relating to the Project (“Administrative Record”); and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project is categorically exempt from CEQA review as a Class 1 Existing Facilities Exemption (CEQA Guidelines section 15301).

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

1. The Project is categorically exempt from CEQA review as a Class 1 Existing Facilities Exemption (CEQA Guidelines section 15301).

2. The Project satisfies the required findings for approval of a conditional use permit, as follows:

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

(2) The proposed use is consistent with the General Plan and any applicable specific plan.

(3) The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.

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

(5) There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

(6) The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources, therefore the Project is exempt from CEQA pursuant to a Public Resources Code Section 15031 (Class 1 – Existing Facilities).

3. Without the conditions of approval (Attachment “1” to this Resolution), the Commission could not make the findings necessary for approval of CUP2020-004.

4. The basis for the findings is detailed in the September 24, 2020 staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

1. CUP2020-004 is hereby approved with incorporation of the conditions of approval (Attachment “1 to this Resolution).

* * * * *

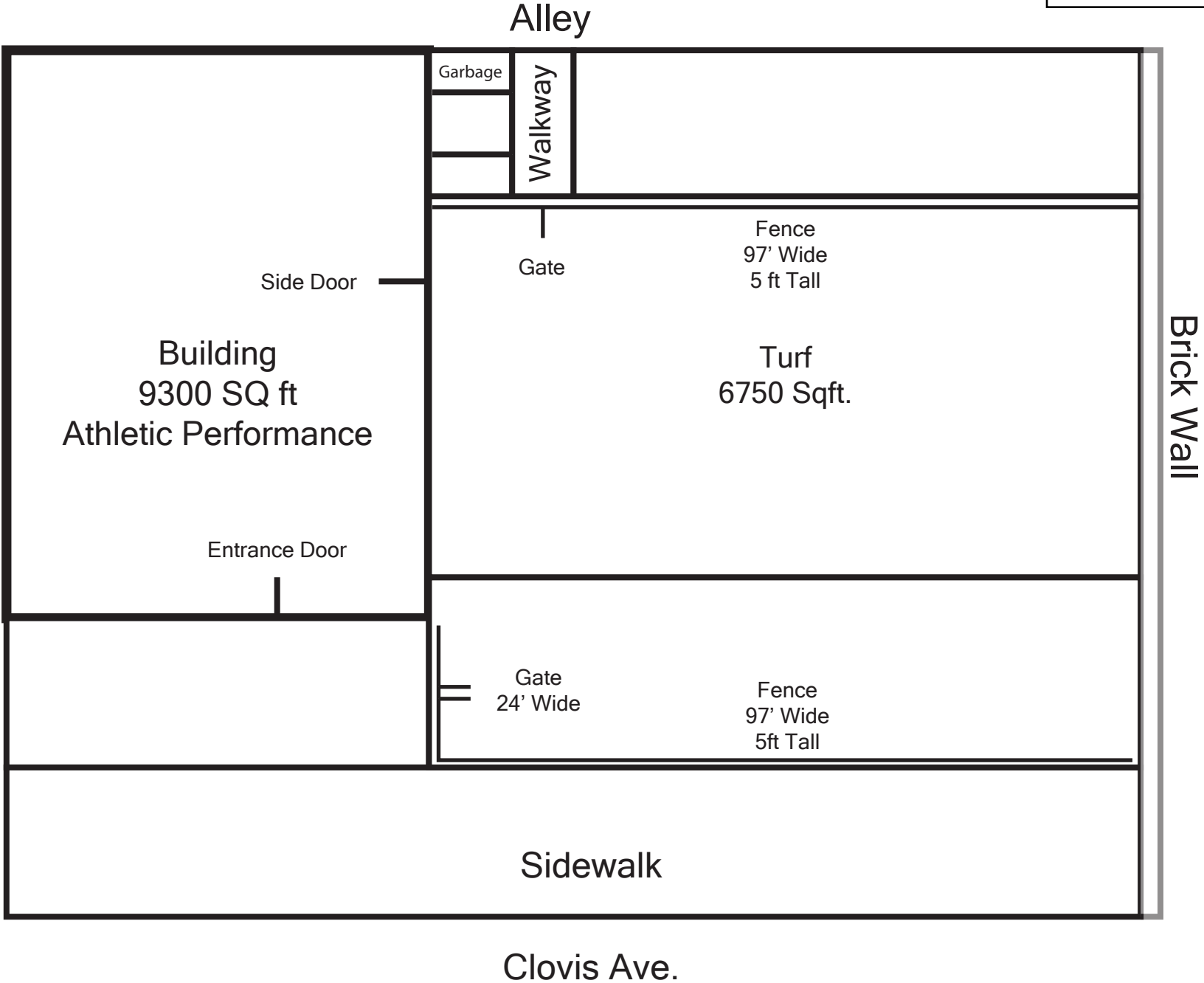
The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 20-_____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary



Expected Uses for Newly Turfed Portion of 340 Clovis Avenue Site

Upon completion of the turfing project of the lot of Athletic Performance's site, the following are the expected/potential uses for said property:

- **Adult Soccer Leagues**

In addition to the turf, AP intends to add retractable netting to cover the property to prevent soccer balls from going into and impeding traffic of Clovis Avenue.

These leagues would allow a Five-on-Five format and (weather permitting) can be held on a seasonal basis

- **Football Training**

Just as for the Soccer leagues, the training of AP's high school, college and professional football players will require the use of the retractable netting.

- **Outdoor Rental Space**

Via established agreement, AP would allow companies, businesses, organizations, etc. to rent out this turfed space to host fundraisers, parties, casino nights, etc.

This would also necessitate the need for on-site security as well as additional seating, lighting and/or audio equipment.

All events will conclude no later than 11pm and, should alcohol wished to be served, the responsibility falls to the entity seeking to rent AP's site to secure the necessary permits and approval.

- **Free Movie Nights**

AP intends to partner with local businesses and/or companies to host Free movie night for families (weather permitting)

These family-friendly events ideally would coincide with the City's established Farmer's Market night as well as give the community entertainment options for other parts of the year.

- **Seasonal Uses**

Provided the necessary permitting is secured by an outside vendor(s), the potential remains for this site to be used for the selling of seasonal items such as pumpkins and Christmas trees.

- **Hours of Operation**

The hours for the following events will be Friday Night Movie 6pm to 9pm Adult soccer leagues will be Tuesday and Thursday from 6pm to 9pm Special Events would vary depending on if they are done during the day or at night. I am planning on a window from noon to 11pm. Those would only be held on Saturdays Football camp would be on the weekends for 3-4 hours from 9am to 12 or 1pm.

> Our daily training for the gym will be from 5am to 8pm on Monday and Wednesdays and 5am to 6pm on Tuesday and Thursday.

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

AGENDA ITEM NO. 2

Page 1 of 3

PUBLIC AGENCY

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

DEVELOPER

ATHLETIC PERFORMANCE - DAVID STANDIFER
340 CLOVIS AVENUE
CLOVIS, CA 93612

PROJECT NO: **2020-004**

ADDRESS: **340 CLOVIS AVENUE, CLOVIS, CA 93612**

APN: **492-163-03**

SENT: **September 10, 2020**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
5B/5C	\$0.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$0.00		Total Service Charge: \$50.00		

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 8/31/20 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL CUP No. 2020-004

ATTACHMENT 5

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

CL
CUP
No. 2020-004

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

1. a. Drainage from the site shall REMAIN AS EXISTING.
 b. Grading and drainage patterns shall be as identified on Exhibit No.
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 Developer shall construct facilities as shown on Exhibit No. 1 as
 None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Drainage Report (to be submitted with tentative map)
 Other
 None Required

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

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

CL
CUP
No. 2020-004

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

Debbie Campbell
Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 9/9/2020 5:40:30 PM

Robert Villalobos
Engineering Tech III

Digitally signed by Robert Villalobos Date: 9/9/2020 5:40:08 PM

OTHER REQUIREMENTS

EXHIBIT NO. 2

No runoff shall be directed to the alley.

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.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

September 3, 2020

LU0021014
2604

Orlando Ramirez, Deputy City Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Ramirez:

PROJECT NUMBERS: CUP2020-004

CUP2020-004; Proposed usage for athletes: This would require Athletic Performance to hire a professional installer to lay down 6750 square feet of outside turf. The use of this turf space would be two-fold: 1) Performance of sprint drills; 2) Soccer and football camps; 3) Train athletes for the NFL combine and Pro draft; 4) Strongman competitions.

Non-Athletic Performance events:

Rental of facilities 1) Partner with local catering companies and event organizers to host weddings, casino nights, etc. for nonprofits and/or local business or organizations. 2) Friday or Saturday night - host a free outdoor viewing of movies projected onto our building's side brick wall. 3) Usage for special events in conjunction with City of Clovis events such as Big Hat Days, Rodeo weekend, etc. AP would work with a local catering company to bring mobile bar service as well as a DJ to host outside from 9pm to 11pm on a previously specified date during the events. This event would adhere specific City of Clovis rules that include all necessary measures to ensure outdoor safety.

APN: 492-163-03

ZONING: C-3

SITE ADDRESS: 340 Clovis Avenue

Recommended Conditions of Approval:

- Prior to issuance of building permits, should the applicant propose food sales or provide facilities as a "commissary", they will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant will also be required to apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

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

- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

The Following Comments are for Proposed Future Special Event Uses:

- As the Conditional Use Permit holder, Athletic Performance, shall be responsible for ensuring that the mobile food preparation units or caterers operating onsite is permitted by and in compliance with Fresno County Department of Public Health, Environmental Health Division permit requirements. All mobile food preparation units and caterers shall maintain a valid Fresno County Department of Public Health Permit to Operate, and do so within the scope of their permit. Temporary food facilities/booths are not permitted. Contact the Matt Gore with the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to any alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- All mobile food preparation units and caterers shall be located within 200 feet of an approved restroom facility (California Retail Food Code Section 114315). Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- In accordance with California Retail Food Code Section 114259.5 Prohibiting Animals: (except under specific situations) live animals may not be allowed in a Food Facility and shall be kept at least 20 feet (6 meters) away from any mobile food facility or food preparation area.
- The proposed special event uses has the potential to expose nearby residents to noise levels in excess of standards established in the Noise Element of the City of Clovis General Plan and Municipal Code. It is recommended City Staff require an acoustical analysis, prior to approval of the project, to identify all potential noise sources including the use of amplified speakers and offer appropriate mitigation measures to be incorporated into the project.

REVIEWED BY:

Kevin Tsuda

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

(559) 600-3271

KT

cc: Rogers, Moreno, Gore, Bal, Sauls & Oung- Environmental Health Division (CT. 56.02)
David Standifer- Applicant (david@apfresno.com)



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 24, 2020

SUBJECT: Consider items associated with approximately ten acres of land located at the northwest corner of Teague and Locan Avenues. Granville Homes, applicant; Valley Coastal Development, LLC & TriValley Development Group, LLC, owners; Gary G. Giannetta Civil Engineering & Land Surveying, representative.

- a) Consider Approval, Res. 20-____, **TM6339**, A request to approve a vesting tentative tract map to include 47-lots and an outlot, and superseding two previously approved tentative maps TM6134A & TM6264.
- b) Consider Approval, Res. 20-____, **PDP2020-001**, A request to approve a planned development permit to amend the conditions of approval and development standards for the planned residential development associated with TM6264.

Staff: George González, MPA, Associate Planner

Recommendation: Approve

ATTACHMENTS:

1. Location Map
2. Conditions of Approval TM6339
3. Conditions of Approval PDP 2020-001
4. Draft Resolution TM6339
5. Draft Resolution PDP 2020-001
6. Correspondence from Commenting Agencies
7. Applicant's Development Standards
8. Vesting Tentative Tract Map TM6339
9. Modified 50-lot Development Plan
10. Conceptual Lotting and Circulation Plan
11. Draft Resolution Modified TM6339 (50-Lot Project)

CONFLICT OF INTEREST

Finance Director Jay Schengel owns property within 1,000 feet of this project. Mr. Schengel has not been involved or commented on the subject project.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve Vesting Tentative Tract Map 6339, subject to the conditions of approval listed as **Attachment 2**;
- Approve Planned Development Permit 2020-001, subject to the conditions of approval listed as **Attachment 3**; 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 47-lot non-gated single-family planned residential development with public streets on approximately ten acres of property at the northwest corner of Teague and Locan Avenues. The proposal would supersede two previously approved vesting tract maps, which allowed a combined total of 50-lots. TM 6264 was previously approved to allow 36 lots on the northern 5 acres of the project area, and TM 6134A was previously approved to allow 14 lots on the southern 5 acres of the project area. The subdivision map now under consideration (TM 6339) proposes a modified street circulation system and an updated set of conditions of approval in comparison to the previously approved maps. The applicant is not proposing a homeowner's association with this project. Approval of this project would allow the developer to continue processing a residential site plan review entitlement and development drawings.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 – 4.0 units per acre) & Medium Density Residential (4.1 - 7.0 units per acre)
- Specific Plan Designation: Herndon-Shepherd Specific Plan (Low Density & Medium Density)
- Existing Zoning: R-1 (Single-Family Residential – 6,000 Sq. Ft.) & R-1-PRD (Planned Residential Development) Zone Districts
- Lot Size: 10 acres
- Current Land Use: Rural Residential and Vacant Land
- Adjacent Land Uses:
 - North: Single-Family Residential
 - South: Rural Residential
 - East: Single-Family Residential
 - West: Single-Family Residential & Rural Residential
- Previous Entitlements:
 - GPA2016-09** (Very Low Density to Low Density)
 - R2016-15** (R-1-AH to R-1)
 - TM6134** (20-lot Single-Family Residential Subdivision)
 - TM6134A** (14-lot Single-Family Residential Subdivision)
 - GPA2019-004** (Very Low Density to Medium Density)
 - R2019-005** (R-1-AH to R-1-PRD)
 - TM6264** (36-lot Gated Single-Family Planned Residential Development)
 - RSPR2019-004** (Residential Site Plan Review for TM6264)

On May 15, 2017, the City Council approved general plan amendment 2016-09, rezone 2016-15 and vesting tentative tract map 6134 for a 20-lot single-family residential development on approximately five acres of land (see **Figure 1** below). This development was approved subject to the development standards of the R-1 Zone District including a 20 to 24-foot front yard setback, 20-foot rear yard setback, and 5-foot on each side. Vesting tentative tract map 6134 includes standard 50-foot and 60-foot wide City streets and sidewalks. The project is required to contain all of its own storm water within the boundaries of the tract (temporary basin) or be directed to the master plan system when the tract is completely built out.

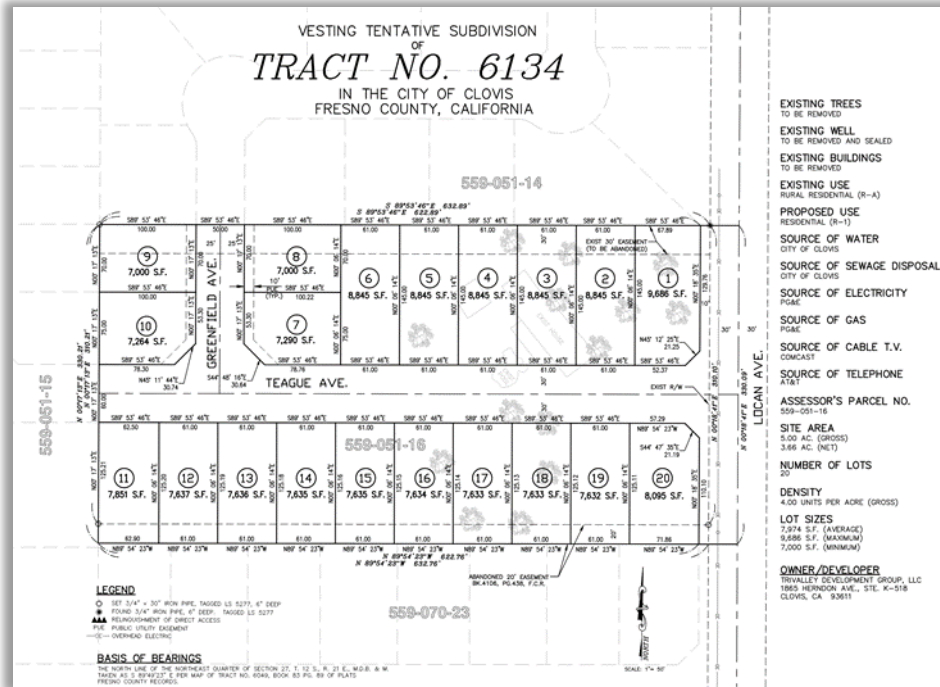


Figure 1

On August 23, 2018, the Planning Commission approved an amendment to TM6134, which reduced the lot count from 20-lots to 14-lots and an outlot (see **Figure 2** below). The amendment was a result of Fresno Metropolitan Flood Control District (FMFCD) issues in the vicinity, which affected the original approved vesting tentative tract map. A 42-inch pipeline was relocated by FMFCD to the south of TM6134, requiring the applicant to modify the circulation of the map in order to accommodate an open drain channel for future major storm flow. This open drain channel was placed along the southern border of TM6134A to provide for continued development of the single-family homes on this site.

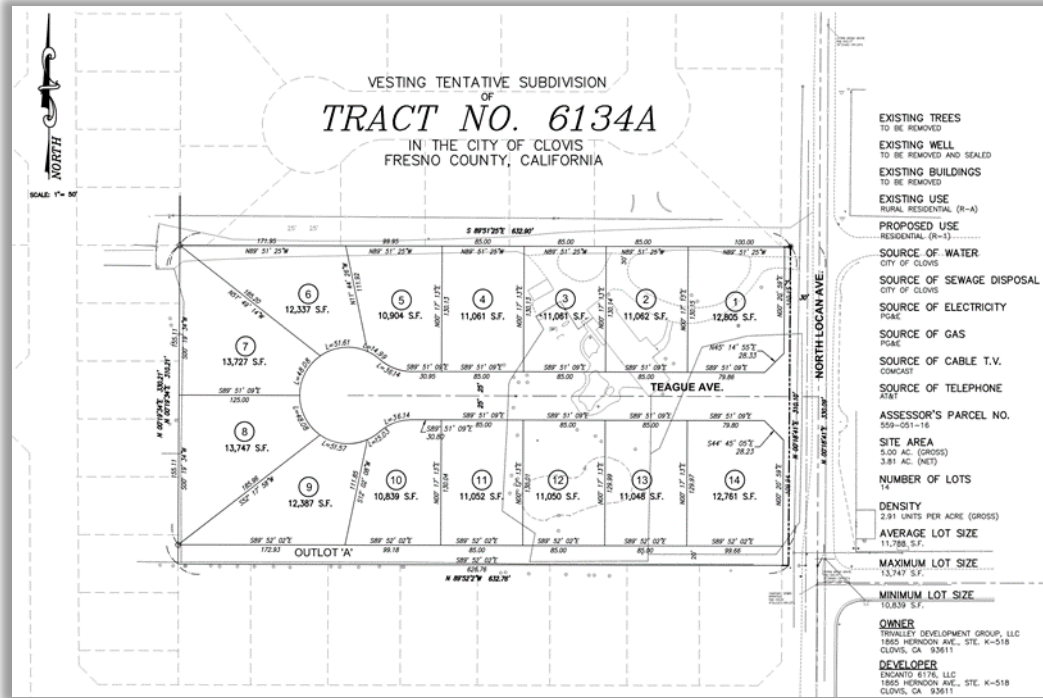


Figure 2

On November 18, 2019, the City Council approved general plan amendment 2019-004, rezone 2019-005 and vesting tentative tract map 6264 for a 36-lot gated single-family planned residential development on approximately five acres of land (see **Figure 3** below). This approved project is located directly north of vesting tentative tract map 6134A. This development was approved subject to the R-1-PRD (Planned Residential Development) Zone District for a gated, detached single-family PRD with private streets and a Homeowner's Association. The PRD allowed project-specific setbacks, lot size, garage dimension, and lot coverage standards.

TM6264 was approved with the following development standards:

TM6264 Planned Residential Development Standards	
Minimum Lot Area	2,470 sq. ft.
Minimum Lot Width	32 feet
Minimum Lot Depth	65 feet
Maximum Lot Coverage	60%
Maximum Building Height	35 ft./ 2-1/2 stories
Minimum Front Setback	6 feet
Minimum Side Setback	4 feet
Minimum Rear Yard Setback:	8 feet

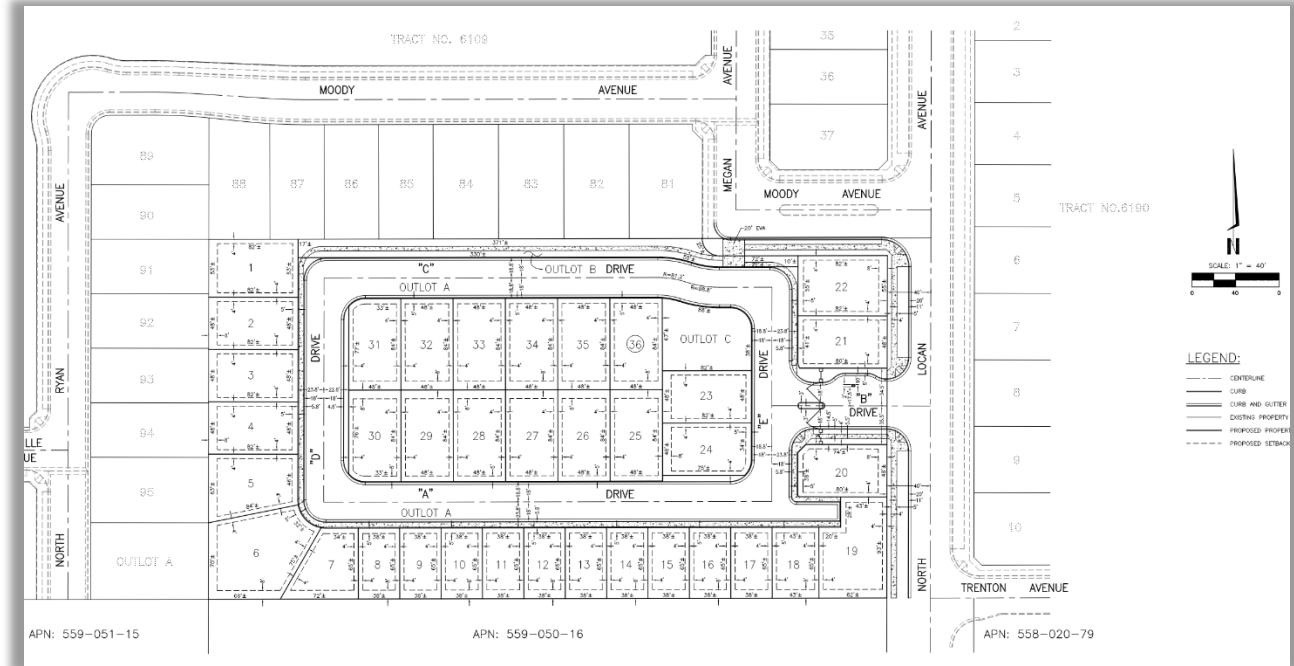


Figure 3

PROPOSAL AND ANALYSIS

Planned Development Permit

The applicant would like to combine both projects described above into one comprehensive development project that will maintain the existing land uses and zoning districts. To accomplish the unification of both previously approved projects, the applicant is requesting to amend the planned development permit (PDP) previously approved for vesting tentative tract map 6264. The amended PDP will be applied to the proposed subdivision property (TM6339) and will allow the development of the 47 lots as requested by the applicant.

Development Standards

The applicant is requesting approval of a non-gated, detached single-family subdivision with public streets and standard interior sidewalks. In addition, the request includes reduced setbacks and increased lot coverage. The applicant is not proposing a homeowner’s association with this project.

The project will follow the standards of the R-1-PRD Zone District and the Planned Development Standards and Guidelines. The Development Code permits the applicant to propose their own project-specific setbacks and lot coverage standards. The applicant has provided a list of standards, as follows, which are also provided in **Attachment 7**:

Lots 1 through 31 (North of Trenton Avenue)

- Lot Coverage: 60% Max
- Maximum Height: 2-stories not to exceed 35 feet
- Minimum Lot Size: 3,600 square feet
- Minimum Parcel Width: 45 feet
- Minimum Front Yard Setback to Garage: 20 feet

Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	82 feet
Minimum Side Yard Setback on Garage Side:	4 feet
Minimum Side Yard Setback (opposite from garage):	3 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x22' interior dimension (2-car)

Lots 32 through 47 (South of Trenton Avenue)

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	5,300 square feet
Minimum Parcel Width:	50 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	100 feet
Minimum Side Yard Setback on Garage Side:	5 feet
Minimum Side Yard Setback (opposite from garage):	4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x22' interior dimension (2-car)

Vesting Tentative Tract Map

The project includes a Vesting Tentative Tract Map 6339. The map includes 47 lots and is consistent with the requirements of the Subdivision Map Act. The applicant is seeking to supersede the previously approved tentative tract maps with the approval of TM6339 by the Planning Commission and City Council.

Circulation

The Project is accessible from two main entries along the Locan Avenue street frontage. The project includes 60-foot wide and 50-foot wide public rights-of-way with standard City streets and sidewalks. All of the proposed streets within TM6339 will follow the City standards and codes regarding street widths.

Landscape Setbacks

The Herndon-Shepherd Specific Plan adopted specific street section designs for each street. Locan Avenue is proposed to have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback. The wall along the Locan Avenue frontage will be a 6-foot split face masonry wall.

The project will incorporate the Chinese Pistache tree (main tree) and Grecian Laurel tree (accent tree) along the Locan Avenue frontage.

Amenities

Planned Residential Developments are required to provide a program of amenities in proportion to the request. Through the approval of vesting tentative tract map 6264, the applicant was required to provide a neighborhood pocket park as an amenity for this project. If approved, TM6339 will provide a neighborhood park, shade structure, picnic tables, benches, and park-style BBQ grills.

Residential Site Plan Review

A subsequent RSPR will follow these entitlements in order to allow staff to review landscaping, amenities, open space, architecture, elevations, community gateway, and specific plot plans within TM6339.

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.

Conceptual Plan

Staff requires applicants to provide a conceptual lotting and circulation plan for adjacent properties. The conceptual lotting and circulation plan provided by the applicant is for representation purposes only (see **Attachment 10**). The attached conceptual plan is provided to represent development potential and verify that the development configuration proposed by the current subdivision map (TM6339) does not unduly limit future development on surrounding properties. This does not imply that these properties must develop in the manner shown.

Modified 50 Lot Development Plan

Prior to filing the application for the proposed TM6339, the applicant evaluated subdivision configurations including both 47 lots and 50 lots. Just after the public notice was distributed describing the 47-lot subdivision proposal, the applicant expressed a desire to proceed with a modified 50-lot development project ("Modified Project"). This version of the map is included as **Attachment 9**. Staff has reviewed the map for the Modified Project and determined that it proposes only minor changes to the originally proposed TM6339 and the Modified Project does not constitute a significant change from the 47-lot project. The lot layout and street/circulation configuration for both plans are nearly identical, though the parcels in the Modified Project are narrower. Further, the Modified Project will preserve the 50 residential lots approved by TM6264 and TM6134A.

The proposal before the Planning Commission is for the 47-lot project pursuant to the public notice. The applicant has requested the Planning Commission consider and recommend approval of the entitlements for the Modified Project to the City Council. Since the maps are nearly identical and include only minor changes, staff would make the same findings in support of approval for the Modified Project as those detailed in this Staff Report for the 47-lot project. **Attachment 11** is a resolution for approval of TM6339 modified to reflect the Modified Project, which incorporates **Attachment 9** and makes a finding that the Modified Project and map are substantially similar to the originally proposed 47-lot development plan and proposed TM6339. The Planning Commission can recommend approval of the Modified Project for a 50-lot single-family planned residential development by approving this resolution. The conditions for approval (**Attachment 2**) would remain the same.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, and State Department of Fish and Wildlife. This distribution occurred during the Development Review Committee (DRC) review process.

Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures (see **Attachment 6**). 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 goals and policies of the General Plan. 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.

General Plan

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

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

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

Policy 5.1: **Housing variety in developments.** The Clovis General Plan has been planned to provide a variety of housing product types suitable to each stage of a person's life. Each development should contribute to a diversity of housing sizes and types within the standards appropriate to the land use designation. This policy does not apply to projects smaller than five acres.

Community Facilities District

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

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

California Environmental Quality Act (CEQA)

The City has determined that the project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264. No major revisions will be required with the adopted Mitigated Negative Declarations to accommodate the proposed project. Therefore, subject to CEQA Section 15162 and 15182, no further environmental review is required for this project. Proposed TM6339, if approved, will be subject to the mitigation measures adopted in conjunction with the earlier environmental documents.

The City published notice of this public hearing in *The Business Journal* on Monday, September 14, 2020.

REASON FOR RECOMMENDATION

The Project does not substantially impact sewer, water and other public services and will contribute a proportionate share of infrastructure and open space. The proposed vesting tentative tract map is 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 TM6339 and PDP2020-001, subject to the conditions of approval attached as **Attachment 2** and **Attachment 3**.

The findings to consider when making a decision on a planned development permit application include:

1. The planned development permit would:
 - a. Be allowed within the subject base zoning district.

The proposed planned development permit is allowed within the existing R-1 and R-1-PRD Zone Districts within the Project boundaries. The underlying zone districts allow for the development of the subdivision per the proposed development standards attached as **Attachment 7**.

- b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan.

The proposed planned development permit is consistent with several goals, and policies of the 2014 Clovis General Plan, including those identified above under the section of this staff report titled "Consistency with General Plan Goals and Policies." Furthermore, as described throughout this staff report, the Project is consistent with the existing General Plan land use designations of Low and Medium Density Residential and the vision and intent of the Herndon-Shepherd Specific Plan.

- c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this chapter and the subject base zoning district, including prescribed development standards and applicable design guidelines.

The proposed planned development permit is in compliance with the development standards attached as **Attachment 7** and the applicable design guidelines under the Herndon-Shepherd Specific Plan. The project will comply with on- and off-site improvements as required and directed by the City Engineer to ensure compliance with the City's Development Code.

- d. Ensure compatibility of property uses within the zoning district and general neighborhood of the proposed development.

As indicated above, the proposed planned development permit is compatible with the R-1 and R-1-PRD Zone Districts. The vicinity uses surrounding the proposed Project include single-family residential development and rural residential uses. The proposed development is compatible with the general neighborhood and their associated zoning districts, including R-1, R-1-PRD and R-1-AH.

- 2. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, incorporation of a program of enhanced amenities, etc.) than which might otherwise occur from more traditional development applications.

The Project will provide amenities associated with the planned development permit. These amenities include a neighborhood pocket park, furniture, and a shade structure. The project will provide various high quality architectural designs for elevations associated with the Project model homes.

- 3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare.

The proposed planned development permit will adhere to the Fire Department standards, Clovis Development Code and Building Code regulations for public health and safety compliance.

- 4. Proper on-site traffic circulation and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

The proposed planned development permit will comply with the Fire Department standards and City Engineer requirements regarding fire suppression and traffic circulation improvements associated with TM6339.

- 5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development.

The proposed tentative tract map affects approximately ten acres of land with a density of 4.68 unit per acre. The average lot size within TM6339 will be 6,051 square feet. Therefore, the site is physically suitable to accommodate the proposed development.

6. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection. (§ 2, Ord. 14-13, eff. October 8, 2014)

As indicated above, the proposed planned development permit is compatible with the existing land uses on the subject site, including the vicinity land uses. The proposed development will process a Residential Site Plan Review application where aesthetics and design will be evaluation in compliance with the Development Code. In regards to view protection, TM6339 will comply with the maximum height restrictions under the R-1 and R-1-PRD Zone Districts.

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.

The proposed amendment is consistent with several goals, and policies of the 2014 Clovis General Plan, including those identified above under the section of this staff report titled "Consistency with General Plan Goals and Policies." Furthermore, as described throughout this staff report, the Project is consistent with the existing General Plan land use designations of Low and Medium Density Residential and the vision and intent of the Herndon-Shepherd Specific Plan.

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

The proposed tentative tract map affects approximately ten acres of land with a density of 4.68 unit per acre. The average lot size within TM6339 will be 6,051 square feet. Therefore, the site is physically suitable for the proposed density of TM6339.

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 indicated in the Initial Studies for TM6134 and TM6264, the proposed project (TM6339) and associated improvements would not result in any significant impacts with implementation of mitigation measures prescribed in the Initial Studies. Therefore, the Project will not cause substantial environmental damage or injury to fish and wildlife.

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

The design of the subdivision will adhere to the Fire Department standards, Clovis Development Code and Building Code regulations for public health and safety compliance.

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.

All easements acquired by the public at large will be identified during the review process of the final map through the City's Engineering Division. If necessary, alternative easements will be provided that will be substantially equivalent to ones previously acquired for access through the proposed TM6339.

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 City Engineer has concluded that the City has capacity to accommodate the Project. Installation of sewer lines through the proposed subdivision and outside its boundaries will be done in compliance with requirements of the California Regional Water Quality Control Board.

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

The proposed subdivision will comply with the Clovis Development Code and California Building Code requirements as it relates to heating and cooling opportunities within TM6339.

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 subdivision is proposing a density of 4.68 units per acre, which is consistent with the Clovis General Plan and Herndon-Shepherd Specific Plan. The proposed subdivision is single-family product type as required by the Clovis General Plan for residential developments.

9. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

The Project in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264. No

major revisions will be required with the adopted Mitigated Negative Declarations to accommodate the proposed project. Therefore, subject to CEQA Section 15162 and 15182, no further environmental review is required for this 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

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

FISCAL IMPACT

None.

NOTICE OF HEARING

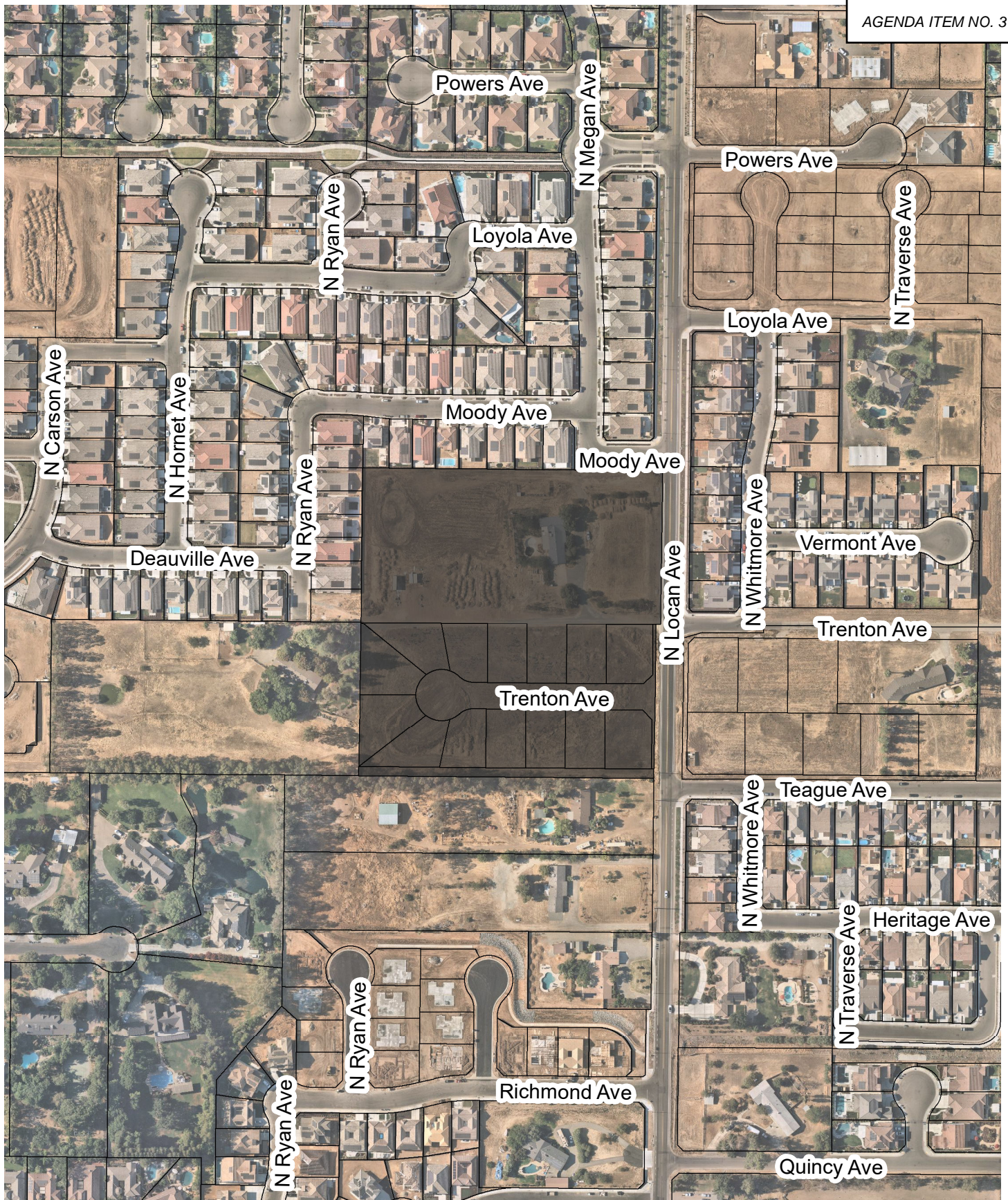
Property owners within 600 feet notified: 169

Prepared by: George González, MPA, Associate Planner

Reviewed by:



Dave Merchen
City Planner



9/10/2020

Location Map

TM6339 & PDP2020-001

ATTACHMENT 1



1" = 285' 50

Conditions of Approval - TM6339
Planning Division Comments

(George González, MPA, Associate Planner – 559-324-2383)

1. The developer shall comply with all mitigation measures identified in the initial study and mitigated negative declaration prepared for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264.
2. All conditions of approval under GPA2016-09, R2016-15, TM6134, TM6134A, GPA2019-004, R2019-005, and TM6264 shall be made part of this entitlement approval.
3. This Project is subject to the development standards of the Herndon-Shepherd Specific Plan.
4. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
5. 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.
6. 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.
7. TM6339 is subject to the development standards of the R-1-PRD Zone District, Planned Development Permit 2020-001, Planned Development Standards, and Guidelines.
8. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Municipal Code.
9. Maximum lot coverage for all lots within TM6339 is 60% unless specifically approved through a residential site plan review or variance.
10. All transformers for this subdivision shall be located underground. Pad mounted transformers may be considered through approval of an administrative use permit.

ATTACHMENT 2

- 11. The applicant shall contribute a proportionate share towards the development of a “paseo” system in this quarter section as required by the General Plan land use diagram and Herndon-Shepherd Specific Plan.
- 12. The developer shall construct a minimum six-foot high solid split face masonry wall along the Locan Avenue frontage.
- 13. Locan Avenue shall have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback.
- 14. The developer shall record a Covenant regarding a “right to farm,” for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
- 15. The developer shall construct 45 degree angle walls at the tract entrance.
- 16. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
- 17. Setbacks for lots 1 through 31 of TM6339 shall be as follows:

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	3,600 square feet
Minimum Parcel Width:	45 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	82 feet
Minimum Side Yard Setback on Garage Side:	4 feet
Minimum Side Yard Setback (opposite from garage):	3 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20’x22’ interior dimension (2-car)

- 18. Setbacks for lots 32 through 47 of TM6339 shall be as follows:

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	5,300 square feet
Minimum Parcel Width:	50 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	100 feet
Minimum Side Yard Setback on Garage Side:	5 feet
Minimum Side Yard Setback (opposite from garage):	4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20’x22’ interior dimension (2-car)

19. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
20. Prior to the submittal of civil plan review, the applicant shall submit a tree plan showing all existing trees with their variety. A tree removal/protection plan shall be reviewed and approved by the Director. Trees shall not be removed without approval from the Director.
21. Upon final recordation of this vesting 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 relay all conditions of approval for Vesting Tentative Tract Map 6339 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
23. 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.
24. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
25. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
26. This vesting tentative tract map is approved per **Attachment 8** of this report.
27. This Project requires the submittal and approval of a residential site plan review entitlement. Specific color and materials of the models, walls, amenities, landscaping, and fencing will be evaluated.
28. The applicant shall provide an all-weather surface for the placement and storage of trash receptacles.

Police Department Conditions

(Scott Borsch, Department Representative - 324-3464)

29. Construction work shall be limited to the hours set forth in the Clovis Municipal Code. (CMC § 5.18.15.)
30. It shall be the responsibility of the property owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 72 hours. (CMC §§ 5.18.02(r), 5.18.06 (b).)
31. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project.

32. All construction materials shall be located within a secured area or monitored by security staff during non-construction hours.

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

33. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
34. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1.
35. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
36. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls. Gate design at EVA shall be approved by Clovis Fire Department.
37. **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.
38. **Residential Fire Hydrant:** The applicant shall install _6_ 4 ½” x 2 ½” approved Residential Type fire hydrant(s) and “Blue Dot” hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
39. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

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

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

40. 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.
41. 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, 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.
42. 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).
43. 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

44. 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.
45. 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.

46. 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.
47. 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.
48. 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.
49. 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.
50. The applicant shall provide and pay for all geotechnical services per City policy.
51. 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 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.
52. All existing overhead and 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.
53. 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.
54. The applicant shall contact and address Caltrans requirements. The applicant shall be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

Dedications and Street Improvements

55. 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. Locan Avenue – Dedicate to provide right-of-way acquisition for 40' (exist 20') west of centerline, and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement, and transitional paving as needed.
 - b. Moody Avenue – Dedicate to provide right-of-way acquisition for 37' (exist 26') south centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement, and transitional paving as needed.
 - c. 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.
 - d. Entry feature streets with median islands shall have a minimum of 22' wide travel lanes in each direction with parking or without parking.
 - e. The applicant shall relinquish all access to Locan Avenue for all the lots that back onto or have sideyards onto this street.
56. All private road easements within the project site that are appurtenant to the adjacent properties shall be abandoned, with prior approval from all corresponding owners, unless the applicant dedicates to provide for right-of-way acquisition and improves per City standard the same area as the private road easement, as approved by the City Engineer. The applicant shall maintain access to the adjacent parcels that the private road easements are appurtenant to.
57. 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.
58. 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.

59. The applicant shall not install any fences, temporary or permanent in public right-of-way.
60. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
61. 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.
62. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
63. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

Sewer

64. The applicant shall identify and abandon all septic systems to City standards.
65. 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 Streets – install 8" mains.
66. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
67. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

68. The applicant shall identify and abandon all water wells to City standards.
69. 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 Streets – install 8" mains.

70. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
71. 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.
72. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
73. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Recycled Water

74. The applicant shall install recycled water mains of the sizes and in the locations indicated below. The recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and may require appropriate calculations.
- a. Locan Avenue – install mains as necessary to serve the street frontage.

Grading and Drainage

75. 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.

76. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.
77. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.
78. 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

79. 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 landscape strip along Locan Avenue.
80. All park and landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the park improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of

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

81. 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 \$244.88, 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 additional landscaping enhancements that exceed the City norms and are specific benefit to the property, such as the entry feature, columns, monuments, interior median islands, round-a-bouts, special street lights, etc, if determined to be maintained by the Landscape Maintenance District, shall be maintained by an additional landscape maintenance assessment. The applicant shall provide construction costs and deposit with the City an amount equal to 50% of the value of the enhanced landscaping hardscape features, or an alternate amount approved by the City Engineer, such as columns, monuments, and special street lights, that exceeds the City norms. The applicant shall provide the City with an estimate of the annual maintenance for the special lighting and landscaping enhancements that exceeds the City norms. 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.
82. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
83. All existing agricultural irrigation systems either on-site or in public right of way 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 owners of the system 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.

84. 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

85. The applicant shall install three (3) cobra head street lights and eleven (11) decorative street lights per the attached street light exhibit. All street lights 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. All street lights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant shall provide a conceptual lighting plan identifying adjacent properties that incorporated with thematic lights to create a neighborhood effect.

86. 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.

87. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.

88. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

County of Fresno Health Department Conditions

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

89. 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.

Administration Department Conditions

(John Holt, Department Representative – 324-2072)

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

Conditions of Approval – PDP2020-001
Planning Division Comments

(George González, MPA, Associate Planner – 559-324-2383)

1. The developer shall comply with all mitigation measures identified in the initial study and mitigated negative declaration prepared for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264.
2. All conditions of approval under GPA2016-09, R2016-15, TM6134, TM6134A, GPA2019-004, R2019-005, TM6264, and TM6339 shall be made part of this entitlement approval.
3. As an amenity for the Project, the developer shall contribute a neighborhood pocket park and associated outdoor furniture amenities per the conditions of approval under TM6264.
4. This Project is subject to the development standards of the Herndon-Shepherd Specific Plan.
5. 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.
6. Planned Development Permit 2020-001 is subject to the development standards of the R-1-PRD Zone District and Planned Development Standards and Guidelines.
7. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Municipal Code.
8. Maximum lot coverage for all lots within TM6339 is 60% unless specifically approved through a residential site plan review or variance.
9. All transformers for this subdivision shall be located underground. Pad mounted transformers may be considered through approval of an administrative use permit.
10. Maximum building (main structure) height shall not exceed thirty-five (35) feet.

11. Setbacks for lots 1 through 31 of TM6339 shall be as follows:

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	3,600 square feet
Minimum Parcel Width:	45 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	82 feet
Minimum Side Yard Setback on Garage Side:	4 feet
Minimum Side Yard Setback (opposite from garage):	3 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x22' interior dimension (2-car)

12. Setbacks for lots 32 through 47 of TM6339 shall be as follows:

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	5,300 square feet
Minimum Parcel Width:	50 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	100 feet
Minimum Side Yard Setback on Garage Side:	5 feet
Minimum Side Yard Setback (opposite from garage):	4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x22' interior dimension (2-car)

13. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.

14. Prior to the submittal of civil plan review, the applicant shall submit a tree plan showing all existing trees with their variety. A tree removal/protection plan shall be reviewed and approved by the Director. Trees shall not be removed without approval from the Director.

15. The applicant shall contribute a proportionate share towards the development of a trail system in this quarter section as required by the General Plan land use diagram.

16. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.

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

18. This planned development permit is approved per **Attachment 7** of this report.

19. This Project requires the submittal and approval of a residential site plan review entitlement. Specific color and materials of the models, walls, amenities, landscaping, and fencing will be evaluated.
20. The developer shall construct a minimum six-foot high solid split face masonry wall along the Locan Avenue frontage.

Police Department Conditions

(Scott Borsch, Department Representative - 324-3464)

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

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

25. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
26. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1.
27. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
28. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls. Gate design at EVA shall be approved by Clovis Fire Department.

29. **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.
30. **Residential Fire Hydrant:** The applicant shall install 6 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
31. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.

**DRAFT
RESOLUTION 20-___**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING A VESTING TENTATIVE TRACT MAP FOR A 47-LOT SINGLE-FAMILY
PLANNED RESIDENTIAL DEVELOPMENT ON APPROXIMATELY TEN ACRES OF
PROPERTY LOCATED AT THE NORTHWEST CORNER OF TEAGUE AND LOCAN
AVENUES**

WHEREAS, Granville Homes, 1396 W. Herndon Avenue, #101, Fresno, CA 93711, has applied for a vesting tentative tract map (6339) for a 47-lot single-family planned residential development on approximately ten acres of property located at the northwest corner of Teague and Locan Avenues, in the City of Clovis (“Project”); and

WHEREAS, vesting tentative tract map 6339, depicting a 47-lot subdivision, was filed on September 11, 2020, 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, 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 hearing was held on September 24, 2020; and

WHEREAS, the Planning Commission has given careful consideration to this map (attached and labeled **Attachment 8**) on September 24, 2020, and considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the finding that this project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM65134, GPA2019-004, R2019-005, and TM6264. This project will be subject to the mitigation measures adopted in conjunction with the aforesaid environmental documents; and

WHEREAS, the Commission has reviewed and considered the staff report and all written materials submitted in connection with the application and hearing and considered the testimony presented during the public hearing (“Administrative Record”); and

WHEREAS, this Commission finds and determines that approval of said map should be conditioned on all conditions recommended by the City staff, as set forth in **Attachment 2** which is on file with the City Clerk’s office.

WHEREAS, vesting tentative tract map 6339 will supersede the previously approved vesting tentative tract maps TM 6134A and TM 6264 on the subject site.

ATTACHMENT 4

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

1. The Planning Commission hereby recommends approval of TM 6339 (**Attachment 8**), which depicts 47 lots and one outlot.
2. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan.
3. The site is physically suitable for the type and proposed density of development.
4. 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.
5. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.
6. 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.
7. 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.
8. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
9. 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.
10. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City has determined that the project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264. No major revisions will be required with the adopted Mitigated Negative Declarations to accommodate the proposed project. Therefore, subject to CEQA Section 15162 and 15182, no further environmental review is required for this project.

- 11. Without the conditions of approval (**Attachment 2** of this resolution), the Planning Commission could not make the findings necessary for approval of vesting tentative tract map 6339 (attached and labeled **Attachment 8**).
- 12. The basis for the findings is detained in the September 24, 2020, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the Public Hearing.
- 13. TM 6339 shall be effective upon its recording, and at that time TM 6134A and TM 6264 shall terminate and be of no further force or effect.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary

**DRAFT
RESOLUTION 20-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL OF A PLANNED DEVELOPMENT PERMIT FOR VESTING
TENTATIVE TRACT MAP 6339 LOCATED AT THE NORTHWEST CORNER OF TEAGUE
AND LOCAN AVENUES**

WHEREAS, Granville Homes, 1396 W. Herndon Avenue, #101, Fresno, CA 93711, has applied for a Planned Development Permit (2020-001); and

WHEREAS, this is a request to approve a planned development permit to amend the conditions of approval and development standards for the planned residential development associated with vesting tentative tract map 6264 at the northwest corner of Teague and Locan Avenues, in the City of Clovis, California (“Project”); and

WHEREAS, the proposed planned development permit was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, the City published a Notice of the Planning Commission Public Hearing for September 24, 2020, to consider planned development permit 2020-001, in the Fresno Business Journal, mailed notices to area residents within 600 feet of said property boundaries ten days prior to said hearing, and posted notice of the Public Hearing according to applicable law; and

WHEREAS, the Planning Commission held a noticed public hearing on September 24, 2020, to consider the project approval, at which time interested persons were given opportunity to comment on the project; and

WHEREAS, on September 24, 2020, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings (“Administrative Record”) relating to planned development permit 2020-001, which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the finding that this project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM65134, GPA2019-004, R2019-005, and TM6264. This project will be subject to the mitigation measures adopted in conjunction with the aforesaid environmental documents; and

WHEREAS, the Commission has reviewed and considered the staff report and all written materials submitted in connection with the request and hearing and considered the testimony presented during the public hearing; and

WHEREAS, the planned development permit is in keeping with the intent and purpose of the Zoning Ordinance.

WHEREAS, the planned development permit 2020-001 is applicable to vesting tentative tract map 6339, for a 50-lot single-family planned residential development.

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

1. The planned development permit would:
 - a. Be allowed within the subject base zoning district.
 - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan.
 - c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this chapter and the subject base zoning district, including prescribed development standards and applicable design guidelines.
 - d. Ensure compatibility of property uses within the zoning district and general neighborhood of the proposed development.
2. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, incorporation of a program of enhanced amenities, etc.) than which might otherwise occur from more traditional development applications.
3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare.
4. Proper on-site traffic circulation and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).
5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development.
6. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection. (§ 2, Ord. 14-13, eff. October 8, 2014)
7. The Planning Commission does recommend approval of planned development permit 2020-001.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

September 3, 2020

LU0021013
2604

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

Dear Ms. Cha:

PROJECT NUMBER: **DRC2421-2020**

DRC2421-2020; Proposed 47-lot single family residential subdivision.

APN: 559-051-14, -16

ZONING: R-1-G

ADDRESS: West side of Locan Avenue North of Teague Avenue Alignment

Recommended Conditions of Approval:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project and proximity to an existing thoroughfare has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

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

ATTACHMENT 6

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

- Should the structure(s) have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structure(s) in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structure(s), the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structure(s) were constructed prior to 1979 or if lead-based paint is suspected to have been used in these 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.
- Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

KT

cc: Deep Sidhu- Environmental Health Division (CT. 55.20)
Gary Giannetta- Applicant (gary@giannettaengineering.com)

PRD
Property Development Standards Modification
September 15, 2020

Lots 1 through 31

	Proposed Tract No. 6339	Existing Tract No. 6264
Minimum Lot Area:	3,600 Sq. Ft.	2,470 Sq. Ft.
Minimum Lot Width:	45 Ft.*	32 Ft.
Minimum Lot Depth:	82 Ft.	65 Ft.
Maximum Lot Coverage	60%	60%
Maximum Building Height:	35 Ft.	35 Ft.
Minimum Front Living Area Setback:	10 Ft.	6 Ft.
Minimum Front Garage Setback	20 Ft.	20 Ft.
Minimum Side Setback:	3 Ft./4 Ft.**	3 Ft./4 Ft.**
Minimum Rear Yard Setback	8 Ft.	8 Ft.

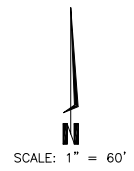
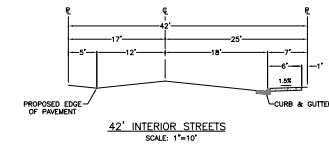
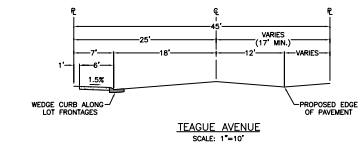
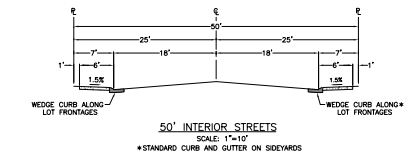
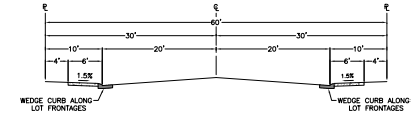
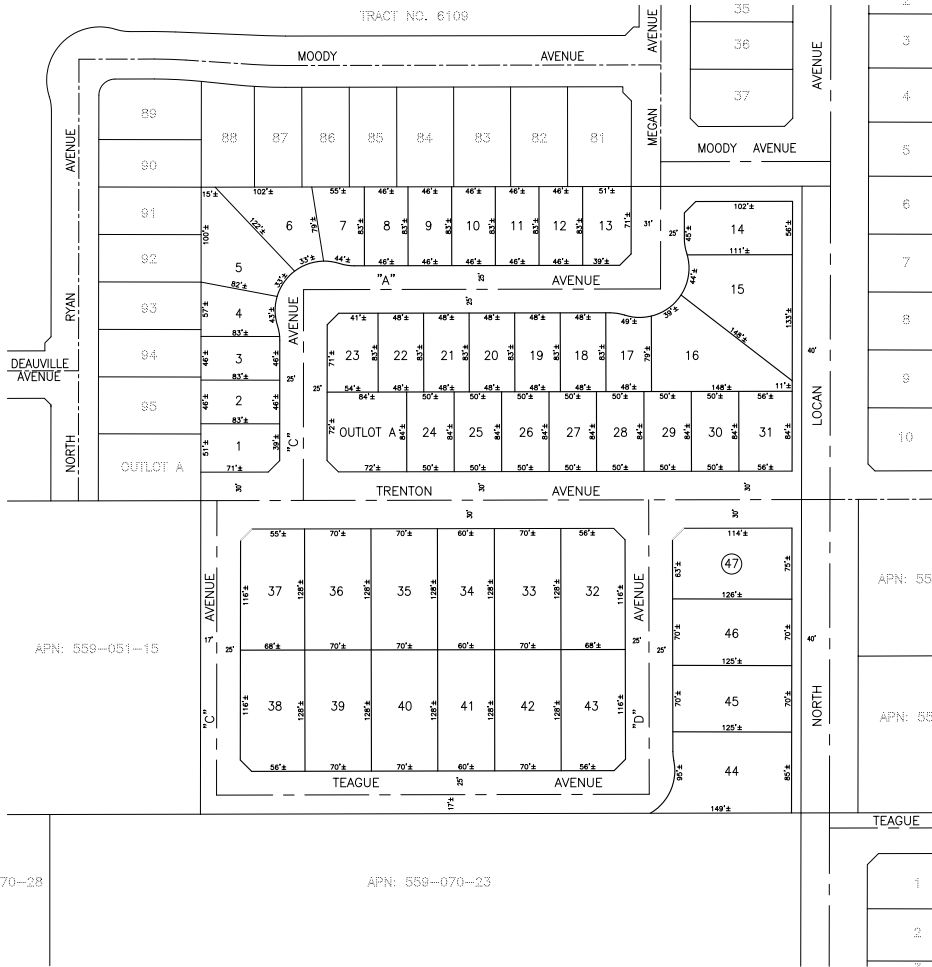
Lots 32 through 50

	Proposed Tract No. 6339
Minimum Lot Area:	5,300 Sq. Ft.
Minimum Lot Width:	50 Ft.
Minimum Lot Depth:	100 Ft.
Maximum Lot Coverage	60%
Maximum Building Height:	35 Ft.
Minimum Front Living Area Setback:	10 Ft.
Minimum Front Garage Setback	20 Ft.
Minimum Side Setback:	4 Ft./5 Ft.***
Minimum Rear Yard Setback	8 Ft.

*32 Ft. Knuckle Property Line Frontage
 **3 Ft. Living Side/4 Ft. Garage Side
 ***4 Ft. Living Side/5 Ft. Garage Side

TENTATIVE SUBDIVISION MAP TRACT No. 6339

A VESTING MAP
A PHASED MAP
APN 559-051-14 & 16
GROSS AREA = 10.05 ACRES
NET AREA = 9.44 ACRES



LOT	AREA (Sq. Ft.)
1	4,150
2	3,818
3	3,818
4	3,967
5	6,722
6	5,720
7	3,977
8	3,823
9	3,823
10	3,823
11	3,822
12	3,822
13	4,174
14	6,314
15	10,011
16	9,324
17	3,850
18	3,984
19	3,984
20	3,984
21	3,984
22	3,984
23	4,376
24	4,205
25	4,205
26	4,205
27	4,205
28	4,205
29	4,205
30	4,205
31	4,723
32	8,569
33	8,929
34	7,654
35	8,929
36	8,929
37	8,543
38	8,602
39	8,936
40	8,936
41	7,658
42	8,344
43	8,572
44	10,913
45	8,768
46	8,765
47	9,319
OUTLOT A	6,981

- NOTES:
1. PROPERTY AREA = 10.05 ACRES
 2. DENSITY = 4.68 UNITS/ACRE
 3. MINIMUM LOT SIZE = 3,818 Sq. Ft.
 4. AVERAGE LOT SIZE = 6,051 Sq. Ft.

APN: 559-070-28

APN: 559-070-23

APN: 558-020-15

APN: 558-020-14

TRACT NO. 6128

ATTACHMENT 8

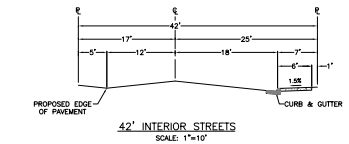
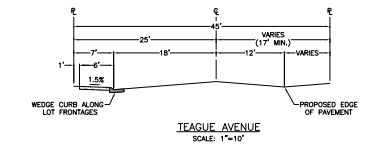
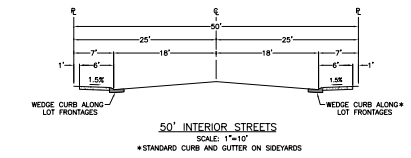
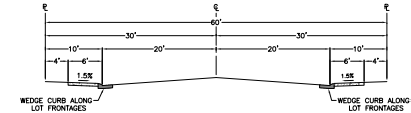
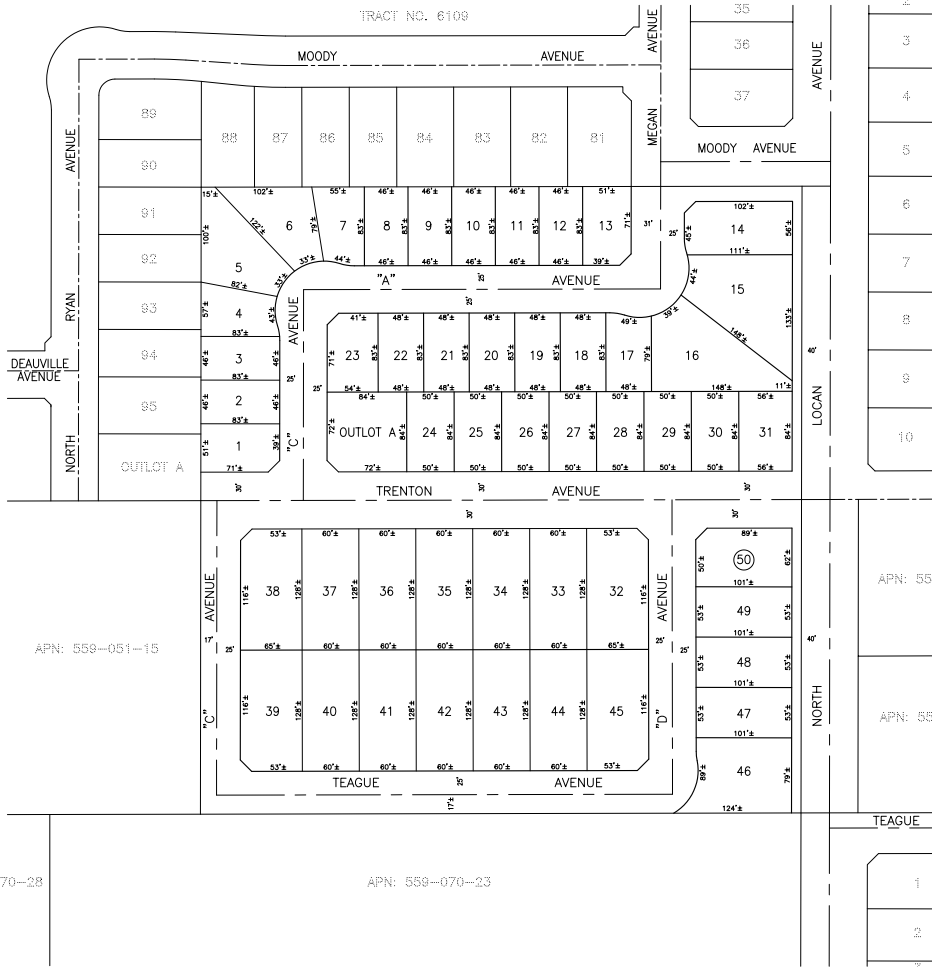
SUBDIVIDER
VALLEY COASTAL DEVELOPMENT, LLC
1396 WEST HERNDON SUITE 101
FRESNO, CA 93711
(559) 436-9000

GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1115 "D" STREET
FRESNO, CA 93711
(559) 294-3300 FAX (559) 294-0096

DATE: 9/11/20

TENTATIVE SUBDIVISION MAP TRACT No. 6339

A VESTING MAP
A PHASED MAP
APN 559-051-14 & 16
GROSS AREA = 10.05 ACRES
NET AREA = 9.44 ACRES



LOT	AREA (Sq. Ft.)
1	4,150
2	3,818
3	3,818
4	3,967
5	6,722
6	5,720
7	3,977
8	3,823
9	3,823
10	3,823
11	3,822
12	3,822
13	4,174
14	6,314
15	10,011
16	9,324
17	3,850
18	3,984
19	3,984
20	3,984
21	3,984
22	3,984
23	4,376
24	4,205
25	4,205
26	4,205
27	4,205
28	4,205
29	4,205
30	4,205
31	4,723
32	8,569
33	8,929
34	7,654
35	8,929
36	8,929
37	8,543
38	8,602
39	8,936
40	8,936
41	7,658
42	8,344
43	8,572
44	10,913
45	8,768
46	8,765
47	9,319
OUTLOT A	6,981

- NOTES:
1. PROPERTY AREA = 10.05 ACRES
 2. DENSITY = 4.68 UNITS/ACRE
 3. MINIMUM LOT SIZE = 3,818 Sq. Ft.
 4. AVERAGE LOT SIZE = 6,051 Sq. Ft.

ATTACHMENT 9

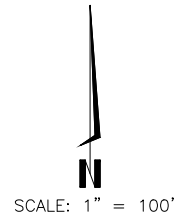
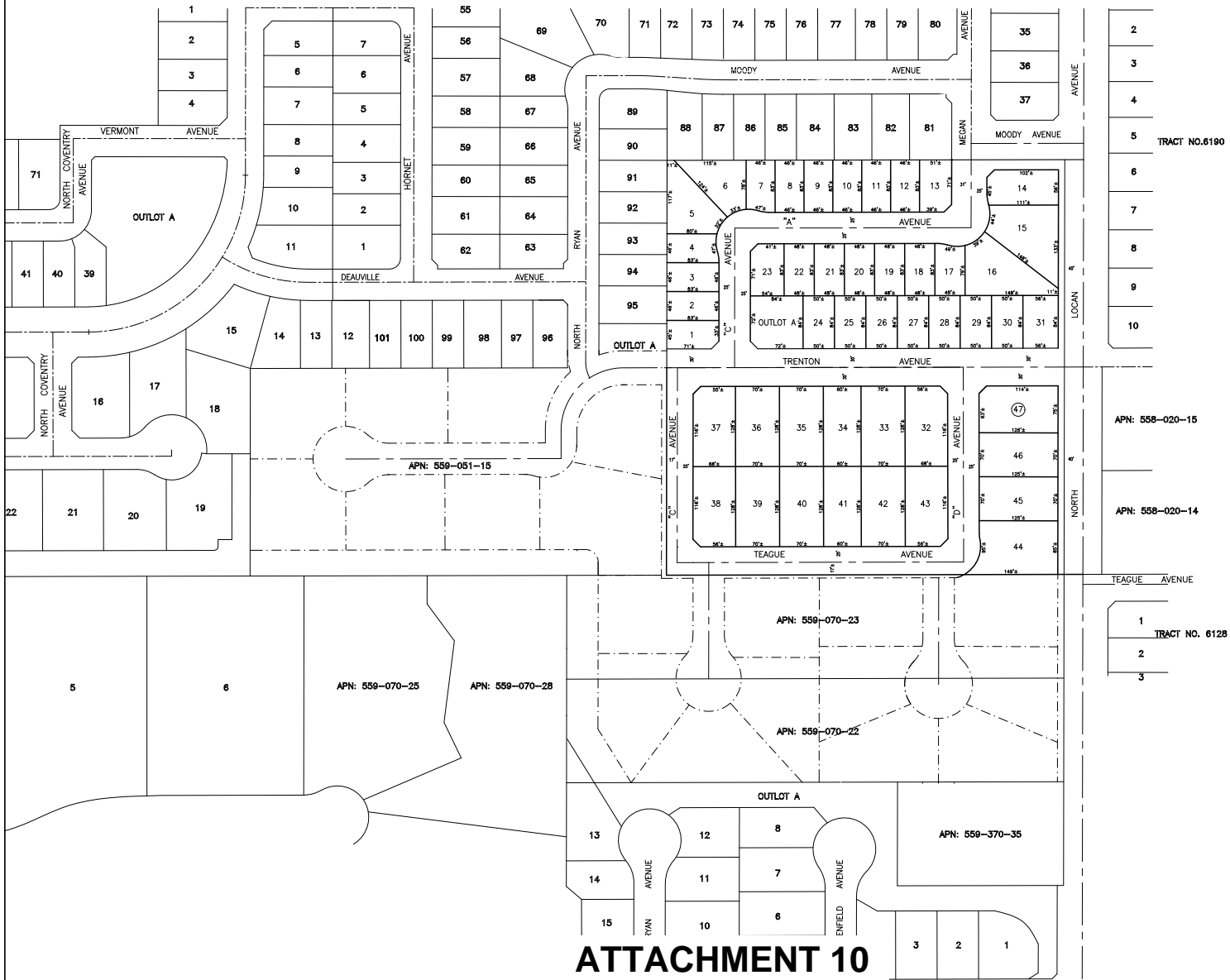
SUBMITTER
VALLEY COASTAL DEVELOPMENT, LLC
1396 WEST HERNDON SUITE 101
FRESNO, CA 93711
(559) 436-9000

GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING

1115 "D" STREET
FRESNO, CA 93711
(559) 294-3300

DATE: 9/14/20 FAX (559) 294-0096

TRACT No. 6339 CONCEPTUAL LOTTING PATTERN



ATTACHMENT 10

**DRAFT
RESOLUTION 20-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING A VESTING TENTATIVE TRACT MAP FOR A 50-LOT SINGLE-FAMILY
PLANNED RESIDENTIAL DEVELOPMENT ON APPROXIMATELY TEN ACRES OF
PROPERTY LOCATED AT THE NORTHWEST CORNER OF TEAGUE AND LOCAN
AVENUES**

WHEREAS, Granville Homes, 1396 W. Herndon Avenue, #101, Fresno, CA 93711, has applied for a vesting tentative tract map (6339) for a 47-lot single-family planned residential development on approximately ten acres of property located at the northwest corner of Teague and Locan Avenues, in the City of Clovis (“Project”); and

WHEREAS, vesting tentative tract map 6339 (**Attachment 8**), depicting a 47-lot subdivision, was filed on September 11, 2020, 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, 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, the applicant subsequently submitted a modified map for a 50-lot subdivision (**Attachment 9**) utilizing the same circulation and general lotting configuration; and

WHEREAS, the applicant has requested that the Planning Commission consider and recommend approval of a modified TM6339 for the 50-lot subdivision depicted in **Attachment 9** (“Modified TM6339”); and

WHEREAS, Staff has reviewed and evaluated the Modified TM6339 and determined that it contains only minor changes to the originally proposed TM6339 and does not constitute a significant change from the 47-lot project. The lot layout and street/circulation configuration for both plans are nearly identical, though the parcels in the 50-lot subdivision are narrower, and the 50-lot subdivision will preserve the 50 residential lots approved by TM6264 and TM6134A; and

WHEREAS, a duly noticed hearing was held on September 24, 2020; and

WHEREAS, the Planning Commission has given careful consideration to the Modified TM6339 on September 24, 2020, and considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the finding that this project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM65134, GPA2019-004, R2019-005, and TM6264. This project will be subject to the mitigation measures adopted in conjunction with the aforesaid environmental documents; and

ATTACHMENT 11

WHEREAS, the Commission has reviewed and considered the staff report and all written materials submitted in connection with the application and hearing and considered the testimony presented during the public hearing (“Administrative Record”); and

WHEREAS, this Commission finds and determines that approval of Modified TM6339 should be conditioned on all conditions recommended by the City staff, as set forth in **Attachment 2** which is on file with the City Clerk’s office.

WHEREAS, Modified TM 6339 will supersede the previously approved vesting tentative tract maps TM 6134A and TM 6264 on the subject site.

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

1. The Planning Commission hereby recommends approval of Modified TM 6339 for a subdivision of 50 lots and one outlot as depicted in **Attachment 9**.
2. The Planning Commission finds that Modified TM6339 proposes only minor changes to the originally proposed Vesting Tentative Tract Map TM6339 and do not constitute significant changes from the 47-lot project. The lot layout and street/circulation configuration for both plans are nearly identical, though the parcels in the 50-lot subdivision are narrower, and the 50-lot subdivision will preserve the 50 residential lots approved by TM6264 and TM6134A.
3. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan.
4. The site is physically suitable for the type and proposed density of development.
5. 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.
6. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.
7. 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.
8. 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.

- 9. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
- 10. 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.
- 11. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City has determined that the project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264. No major revisions will be required with the adopted Mitigated Negative Declarations to accommodate the proposed project. Therefore, subject to CEQA Section 15162 and 15182, no further environmental review is required for this project.
- 12. Without the conditions of approval (**Attachment 2** of this resolution), the Planning Commission could not make the findings necessary for approval of vesting tentative tract map 6339 (attached and labeled **Attachment 8**, as modified).
- 13. The basis for the findings is detailed in the September 24, 2020, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the Public Hearing.
- 14. Modified TM 6339 shall be effective upon its recording, and at that time TM 6134A and TM 6264 shall terminate and be of no further force or effect.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 24, 2020

SUBJECT: Consider Approval, Res. 20-____, **R2020-003**, A request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues to be consistent with the underlying General Plan designation of MU-V (Mixed Use Village). This request is to rezone the subject property from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District. Clovis-Dakota, LLC, property owner; Don Pickett & Associates, Inc., applicant; Nick Crawford, representative.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

ATTACHMENTS:

1. Conceptual Site Plan
2. Conceptual Elevations
3. Correspondence from the Public
4. Correspondence from Other Departments and Outside Agencies
5. Draft Resolution CEQA
6. Draft Resolution R2020-003

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve rezone R2020-003.

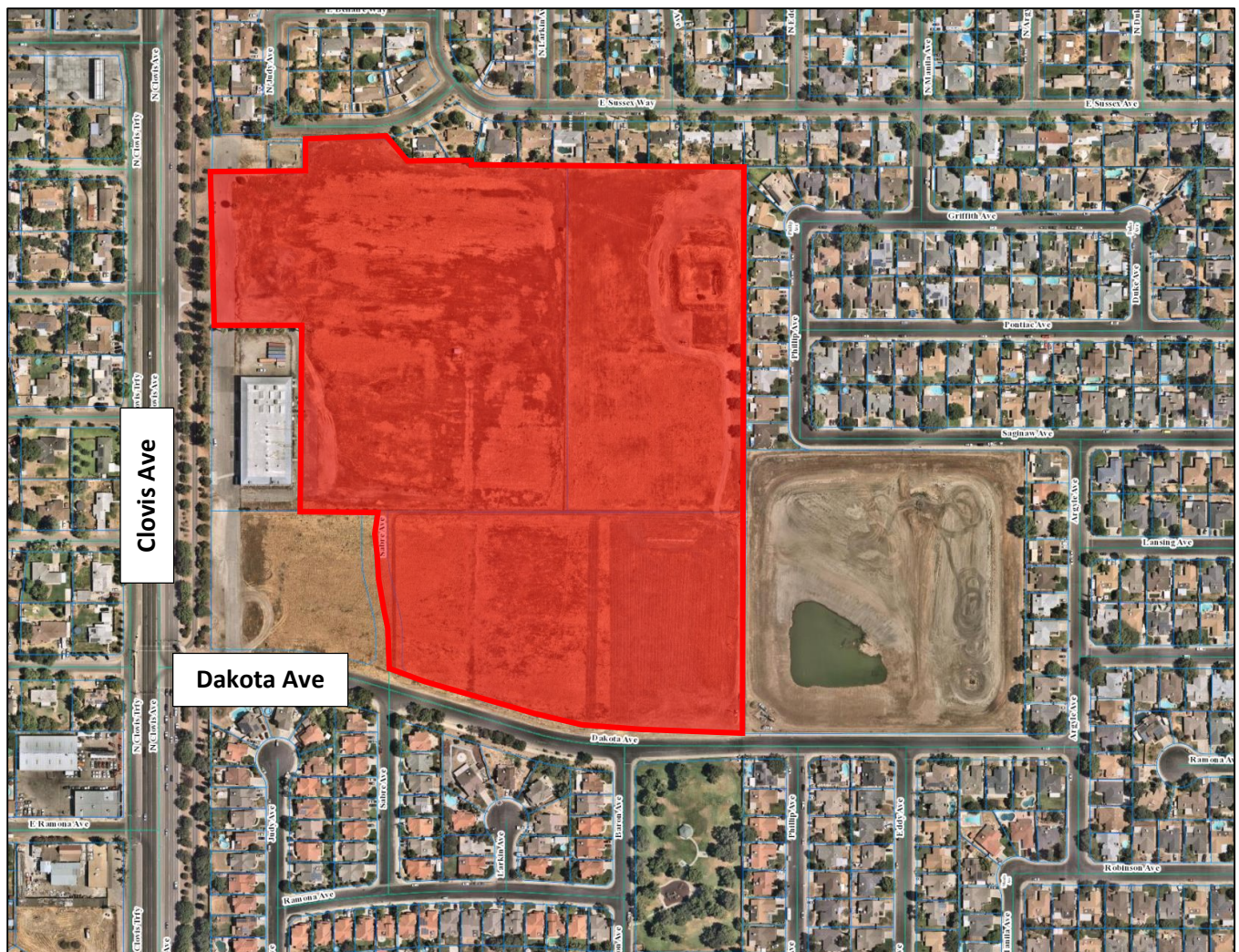
EXECUTIVE SUMMARY

Don Pickett & Associates, Inc. (applicant) is requesting to rezone the subject property (see **Figure 1** below) from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District.

Although the applicant's request only includes a rezone at this time, future improvement plans include the construction of approximately 49 buildings totaling approximately 390,000 square feet over the course of 5 to 10 years, depending on market conditions. A conceptual site plan is included as **Attachment 1**.

This development requires the rezone of the subject property for conformity with the underlying general plan designation of MU-V (Mixed Use Village). Approval of this rezone will allow the applicant to move forward with submittal for site plan review and processing of a parcel map.

**FIGURE 1
Project Location**



 = Project Site (approximate)



BACKGROUND

- General Plan Designation: MU-V (Mixed Use Village) (Focus Area 4)
- Existing Zoning: Multiple (C-2, M1, M-2, and R-2)
- Lot Size: 30 acres (approximately)
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Single-Family Residential Subdivision (County)
 - South: Single-Family Residential Subdivision
 - East: Single-Family Residential Subdivision and Ponding Basin
 - West: Single-Family Residential Subdivision (County)
- Previous Entitlements: CUP87-06, CUP99-04, CUP2014-07 R86-01, R86-16, R2014-06, SPR86-08, SPR87-52, SPR99-31, SPR2014-06, GPA85-04C, GPA99-01, GPA2007-15, and T6076

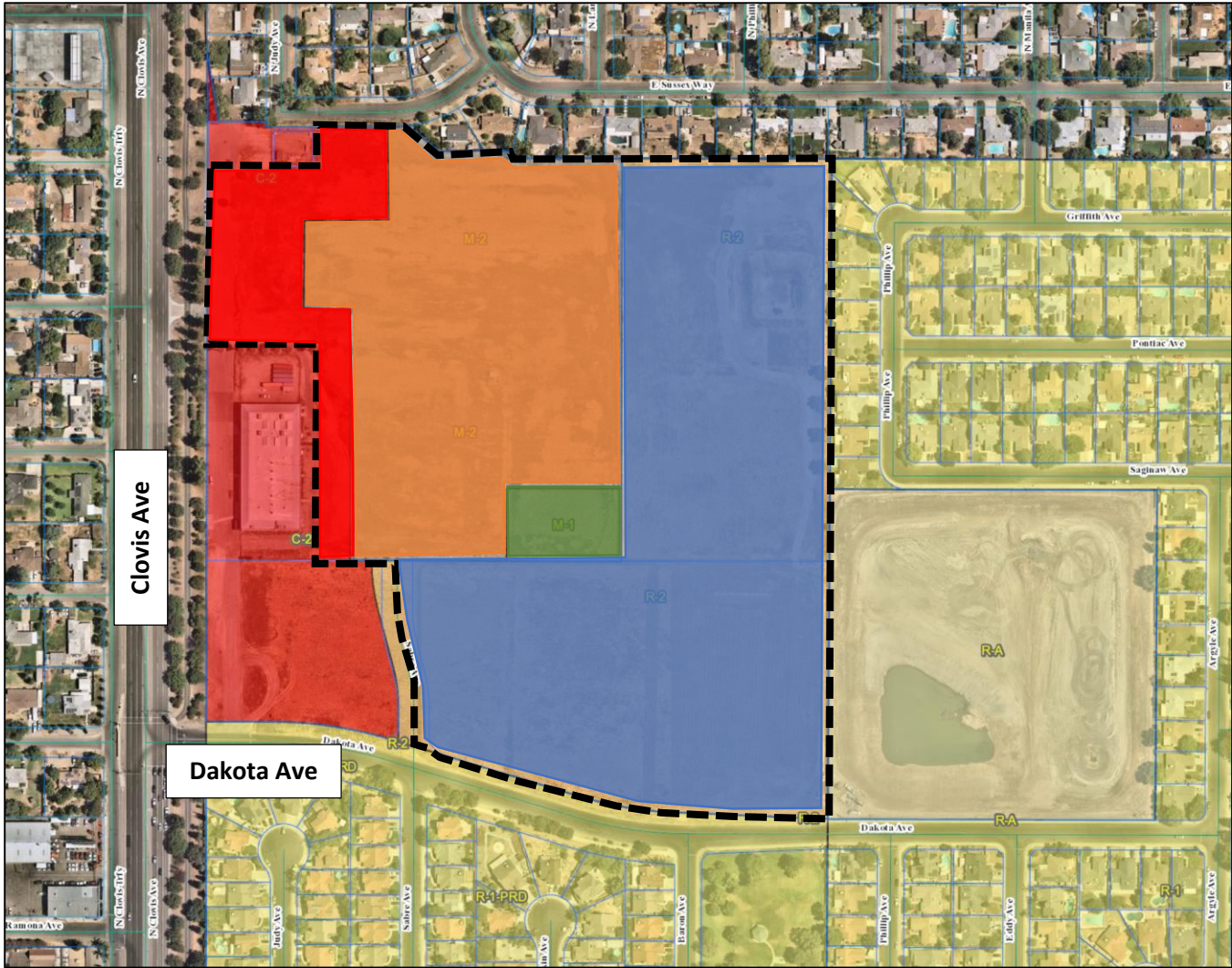
The Project area consists of approximately 30 acres spanning all or portions of three (3) different parcels near the northeast area of Clovis and Dakota Avenues. The site is currently vacant and undeveloped with the exception of a small uninhabitable structure near the center of the site. A portion of the Project contained a former winery, which was ultimately demolished in 2016. Most recently, a rezone (R2014-06), conditional use permit (CUP2014-07), tract map (T6076), and site plan review (SPR2014-06) were approved for the construction of approximately 144 multi-family condominium units on approximately 17 acres of the 30 total acres in 2014. The condominium project never moved forward, and the entitlements for the site have since expired. The site has since been acquired by the applicant.

As shown below in **Figure 2**, the project site consists of multiple zone districts in which the applicant requests to rezone to the C-M Zone District for consistency with the 2014 Clovis General Plan land use designation of MU-V. According to the Clovis Municipal Code, the C-M Zone District is intended to support retail and wholesale sales, light manufacturing, warehousing, distributing, and storage operations.

According to the 2014 General Plan (General Plan), the MU-V land use designation supports several zone districts, including residential districts permitting more than 15 units per acre, all commercial districts, all special purpose districts, and all industrial districts except for M-2 (Heavy Industrial). As such, portions of the site's existing M-2 and R-2 Zone Districts are inconsistent with the General Plan land use designation for the site. The proposed rezoning would correct that inconsistency.





If the rezone is approved, a parcel map will be processed to subdivide the parcels to accommodate the Project. The parcel map is reviewed and considered at the staff level, and therefore, is not included as part of the request in this staff report.

FIGURE 2
Existing Zone Districts



 = Project Site (approximate)

Existing Zone Districts

-  = R-2 (approx. 17 acres)
-  = M-2 (approx. 9 acre)
-  = M-1 (approx. 1 acres)
-  = C-2 (approx. 3 acres)

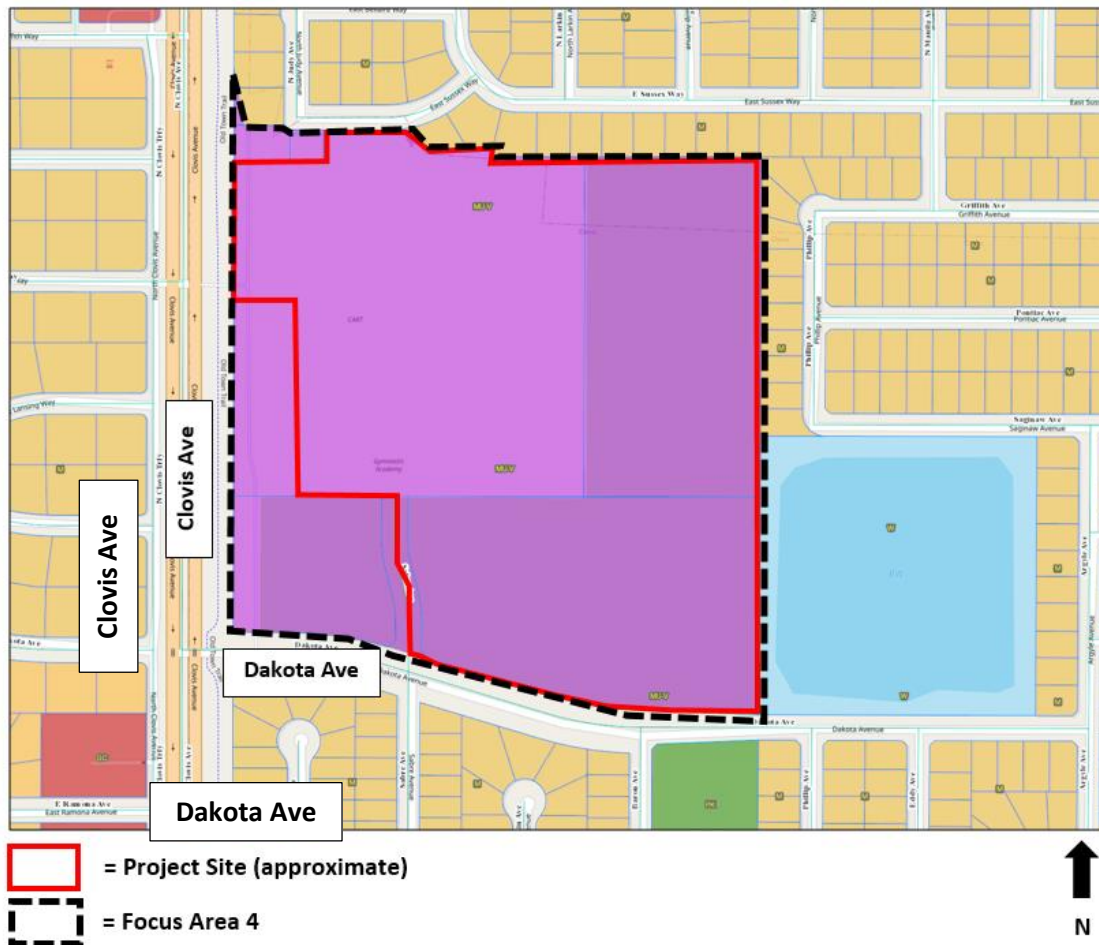


PROPOSAL AND ANALYSIS

As shown below in **Figure 3**, the Project site is designated as Mixed Use Village by the 2014 General Plan, and is within Focus Area 4 of the General Plan. The MU-V designation is intended to support a vertical or horizontal mix of commercial, office, and/or residential uses on the same parcel. Focus areas are specific areas throughout the City that complement a property's General Plan land use designation and more particularly identify permissible uses, policy requirements, and/or development standards. According to the General Plan, Focus Area 4 identifies primary uses as business-park, commercial, specialty retail, and office. Each of these uses may occupy 100% of the focus area acreage. Additionally, a portion of Focus Area 4 may be used for complementary residential uses (up to a maximum of 60% of the focus area acreage).

As mentioned earlier, the MU-V land use designation supports a variety of zone districts for consistency, including residential districts that permit more than 15 DU/ac, all commercial districts, all special purpose districts, and all industrial districts except for M-2. The prior rezone in 2014 that zoned portions of the site as M-2 and R-2 and led to the approval of the 144 unit condominium project at approximately 7 du/ac were actually in conflict with the General Plan zoning designation. The proposed rezone to C-M will correct the zoning inconsistencies and bring the entire site into compliance with the General Plan. Therefore, the applicant's request to rezone the subject site to the C-M Zone District is compatible with the General Plan land use designation.

FIGURE 3
Land Use Designation



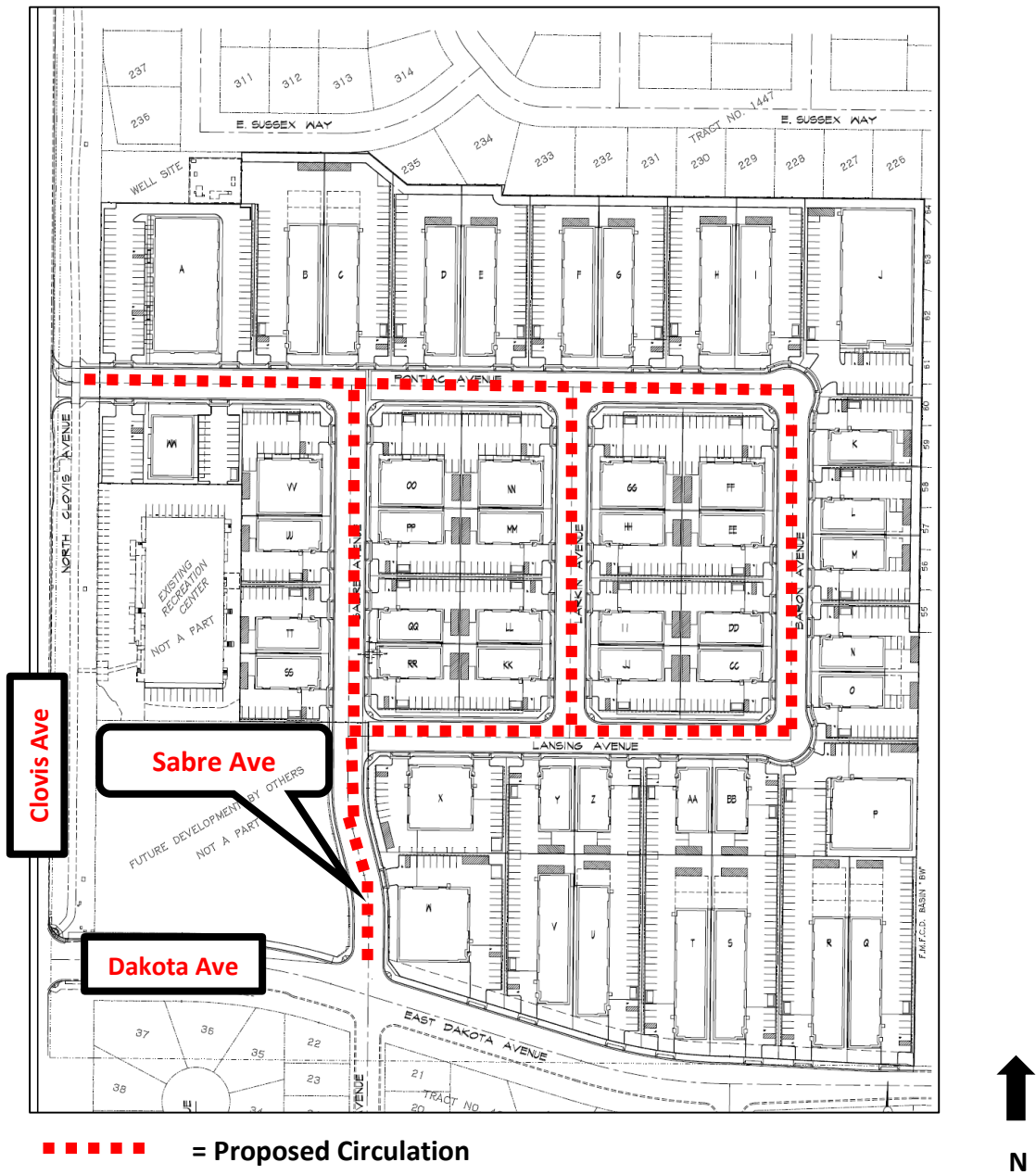
Surrounding Land Uses

As shown above in **Figure 1**, the Project site is surrounded primarily by single-family residential, with the exception of a ponding basin along the eastern border, the Clovis Recreational Center west of the site, and a neighborhood park to the south. Portions of the surrounding area to the north, and west are within the County of Fresno (Tarpey Village), while the neighborhoods east, and south of the site are within the City limit.

Circulation

As shown below in **Figure 4**, The Project site would be accessed via two (2) main access points, including along Dakota Avenue at Sabre Avenue, and along Clovis Avenue. Additional driveways are proposed along Dakota Avenue to serve the structures located directly along the Dakota Avenue frontage.

**FIGURE 4
Proposed Site Circulation**



Conceptual Site Layout

Approval of this rezone request would allow the applicant to move forward with the site plan review (SPR) process. The process provides staff the opportunity to review the location and memorialize the design, site plan and configuration of the project per the City's established development standards, regulations, and any other applicable design guidelines and policies. The conceptual site plan is provided as **Attachment 1**.

As shown, the Project proposes subdividing the property for the construction of up to 49 structures totaling approximately 390,000 square feet. Each structure would range in size from approximately 5,000 square feet to approximately 23,000 square feet, with a majority of the structures in the 5,000 to 10,000 square foot range.

Development Standards

Although the applicant has not yet submitted for site plan review, conceptual elevations are provided for reference in **Attachment 2**. The site is within Focus Area 4 which calls for a pedestrian oriented site plan, special gateway consideration into Clovis, and to incorporate pedestrian and bicycle connections to the Clovis Old Town Trail. In addition, the Project would be subject to the typical development standards required of the C-M Zone District.

The C-M Zone District would allow for a maximum height of up to 75 feet, front and street side minimum setbacks of 10 feet, and a minimum 15 foot setback from structures adjacent to residential. It is important to note that while the minimum street side setback is 10 feet, the minimum setback has been increased to 20 feet along the Dakota Avenue frontage for consistency with the setbacks of the adjacent residential developments. The Project would also include standard sidewalks and landscaped setbacks throughout the site to enhance pedestrian circulation and aesthetics.

A complete review of the site layout and its features will be conducted during the site plan review process to ensure consistency with applicable development standards.

Noise

Given the location of existing residential development adjacent to the project site, staff thought it would be helpful to expand upon the potential for noise mitigation discussion in the CEQA Initial Study. As noted in the Initial Study, Clovis Municipal Code Section 9.22.080, Noise [see also § 5.27.604], sets forth noise standards for development which would need to be complied with. For example, construction would only be permitted between the hours of 7:00 a.m. (6:00 a.m. during summer months) and 7:00 p.m. on weekdays, and between 9 a.m. and 5:00 p.m. on weekends. Vehicles would enter and exit along Clovis and/or Dakota Avenue (via Sabre Avenue) which is away from existing residential.

The Project would also be required to construct a masonry or other type of solid wall along the property lines where the Project is adjacent to residential uses and would be conditioned as part of the site plan review process. The Clovis Municipal Code also requires that a minimum 15 foot setback be provided for structures adjacent to residential. Therefore, for proposed buildings along the northern property line, as well as much of the eastern property line abutting residential, there would be a minimum 15 foot setback in addition to the masonry wall. This will serve as a noise buffer. Landscaping will also occur along the northern property line, as well as throughout the site, which would further serve to buffer noise from the Project.

In addition to the foregoing, a noise analysis will be performed as needed once specific uses are identified with the inclusion of any needed mitigation measures. Specifically, a variety of potential uses are authorized in the C-M (Commercial and Light Manufacturing) zone. Actual uses of the project site are currently unknown and therefore a comprehensive noise evaluation cannot take place at this time.

The 2014 General Plan, Environmental Safety Element, Goal 3 addresses noise issues. Specifically, Policy 3.3 requires an acoustical study for proposed projects that have the potential to exceed acceptable noise thresholds. Policy 3.5 commits the City to minimize noise impacts by requiring appropriate site, circulation, equipment, and building design, and sound walls, landscaping, and other buffers. Additionally, Policy 3.14 provides that the City will prioritize using noise mitigation measures to control sound at the source before buffers, soundwalls, and other perimeter measures are used. Additionally, all potential future users must comply with the City's noise ordinance, Clovis Municipal Code Section 9.22.080, which sets forth various noise thresholds that may not be exceeded. A violation of the noise standards is considered a public nuisance under Section 5.27.605. Consistent with the General Plan and the goals and policies expressed above, the City will review potential noise impacts related to site-specific uses and implement appropriate mitigation measures, if required, at the site plan review stage and approval for all other discretionary entitlements.

Public Comments

Although a rezone does not require a public meeting, the applicant still sent a public notice to property owners within 600 feet of the project boundaries and indicated a neighborhood meeting was held in the fall of 2019. The Project was since slightly revised and another public notice was mailed to property owners in August 2020 providing another opportunity for input via email and phone call as a result of COVID-19. Correspondence received at the time of preparation of this staff report is provided as **Attachment 3**.

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, and the State Department of Fish and Wildlife.

Comments received are attached (**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

The project has been evaluated in light of the General Plan's goals and policies related to the Land Use and Economic Development elements. The following goals and policies reflect the City's desire to encourage land use development that is linked to economic growth, jobs and income, and municipal revenues and expenditures.

Land Use Element:

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

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

Economic Development Element:

Goal 1 Regionally and globally competitive office and industrial employment centers that deliver desirable career opportunities for residents, create wealth-building opportunities for entrepreneurs, and attract private investment.

Policy 1.1 **Economic development objectives.** Invest in economic development to: 1) attract jobs suited for the skills and education of current and future City residents; 2) work with regional partners to provide opportunities for the labor forces to improve its skills and education; and 3) attract business that increase Clovis' stake and participation in growing sectors of the regional and global economy.

Policy 1.10 **Land use integrity.** Maintain and improve the competitive advantages of a Clovis business location by restricting the use of properties in the mixed-use business campus areas to office-based and manufacturing businesses; minimize and limit ancillary businesses to those that are subordinate to and serve the primary business.

California Environmental Quality Act (CEQA)

The City of Clovis has completed an environmental review (an assessment of the project's impact on natural and manmade environments) of the proposed Project, as required by the State of California. The City Planner has recommended approval of a mitigated negative declaration (a written statement announcing that this project will not have a significant effect on the environment). Recommendation of a proposed mitigated negative declaration does not necessarily mean this project will be approved.

The Initial Study/Mitigated Negative Declaration (ISMND) was circulated for public review in compliance with CEQA requirements from June 30, 2020 to July 21, 2020. During the public review period, no public comments were received.

The City published notice of this public hearing in *The Business Journal* on Wednesday, September 9, 2020.

REASON FOR RECOMMENDATION

The applicant's rezone request would bring the property's zoning into conformance with the property's general plan designation. With approval of the C-M zoning designation, the property may be developed per the development standards of the respective zone district.

As indicated by the conceptual site layout, the applicant is looking to develop the property per the C-M Zone District development standards. At full build-out, this project would provide development that is appropriate with the City's General Plan and the proposed Zone District.

Therefore, staff recommends that the Planning Commission approve R2020-003.

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

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

As described above, the Project would serve to carry out many of the land use and economic goals and policies stated in the 2014 Clovis General Plan by providing jobs to the area and increasing the City's competitiveness with respect to commercial and light manufacturing business. Further, the proposed Project brings multiple parcels into compliance with the land use designations by rezoning incompatible zoning (M-2 and R-2) to compatible zoning (C-M), if approved.

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

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

3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014).

The Project is suitable for the requested zoning designation. Compliance with standards, such as height, setbacks, sidewalks, etc., will be reviewed during the site plan review process if the rezone request is approved. In terms of access and utilities, the site would be served by Sabre Avenue via Dakota Avenue, and Clovis Avenue, providing the required points of ingress/egress. Further, the site is infill and has the necessary utilities (water, sewer, electric, and gas) readily available.

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None

NOTICE OF HEARING

Property owners within 600 feet notified: 294

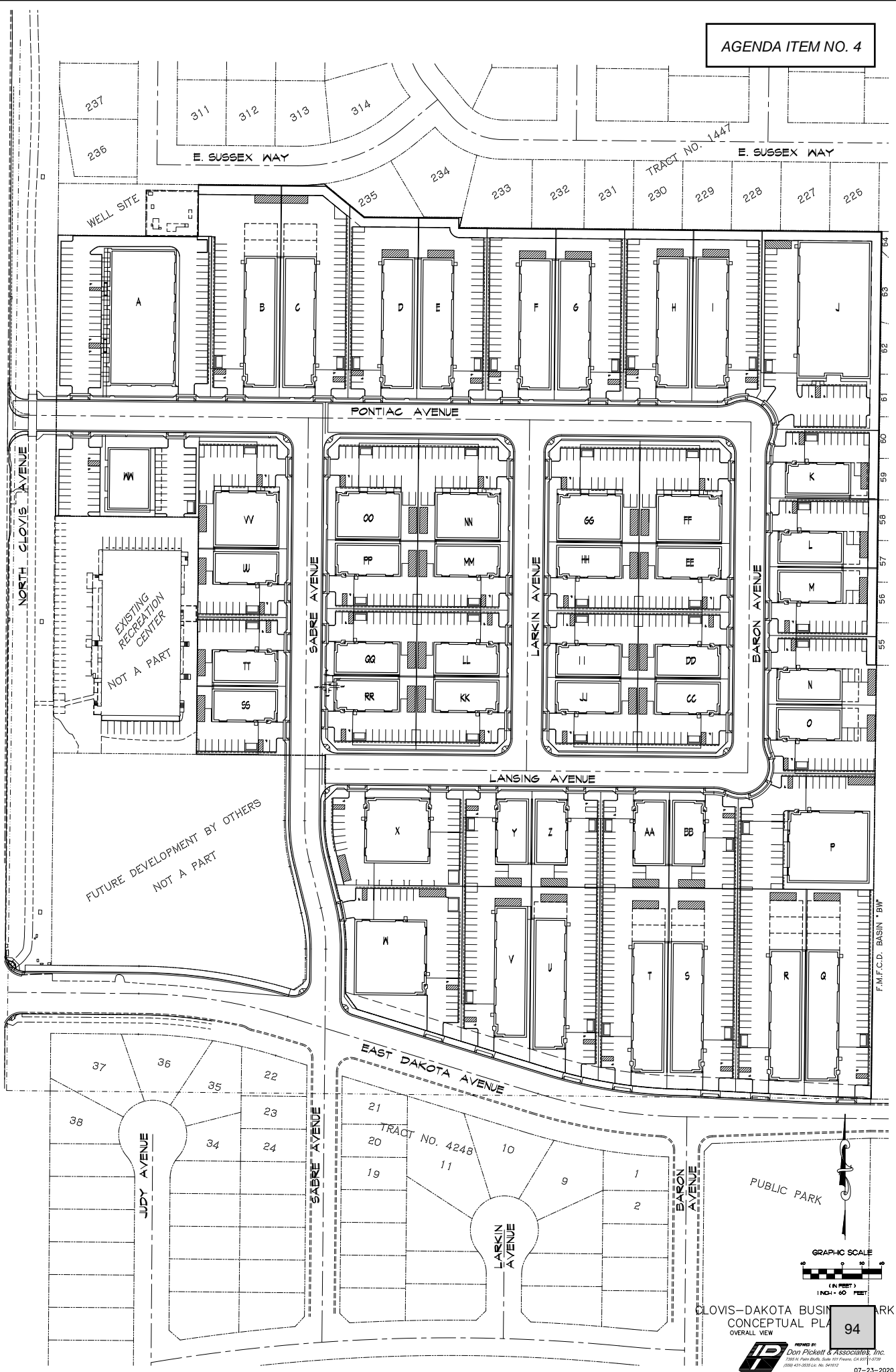
Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:

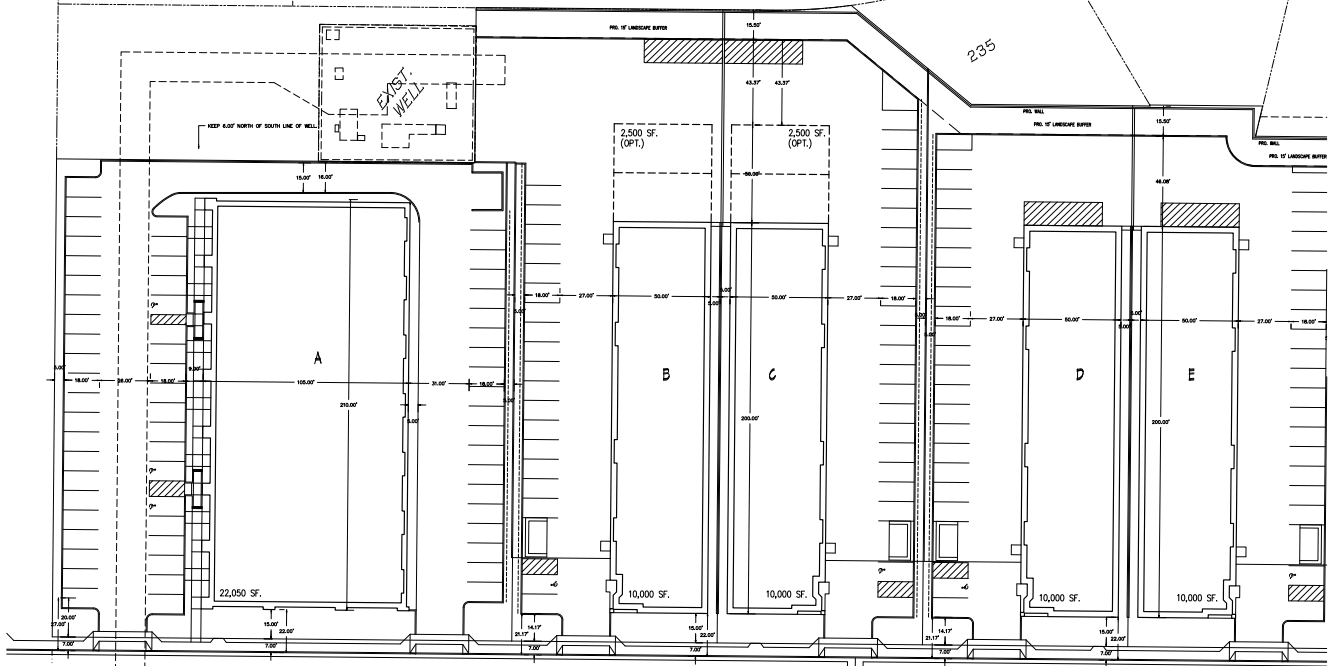
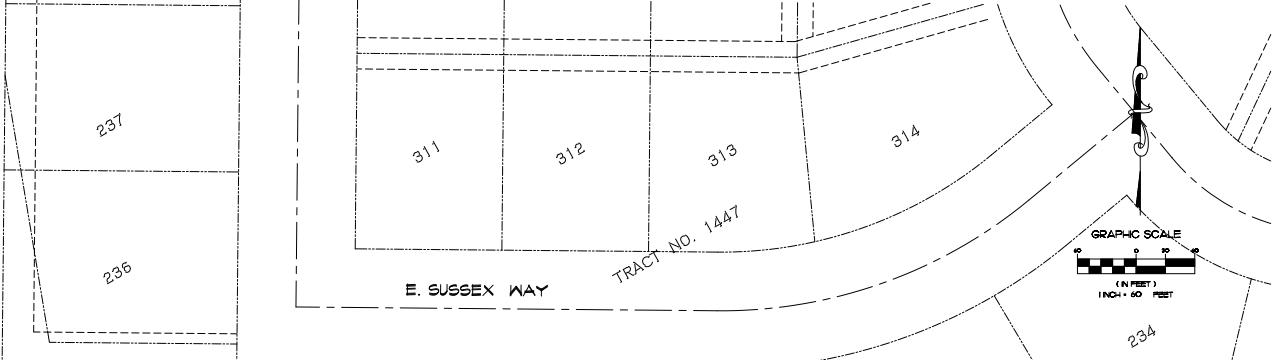
 Dave Merchen
 City Planner

Conceptual Site Plan

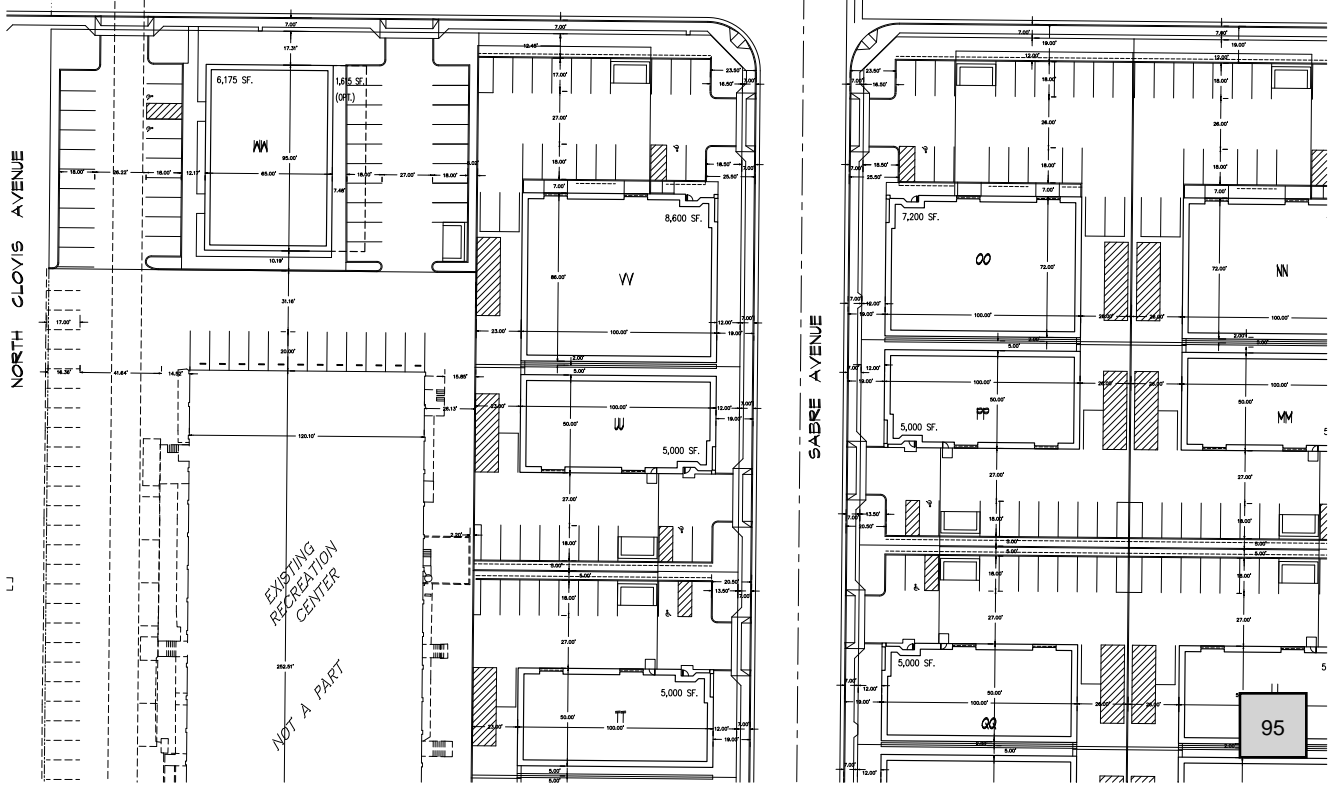
ATTACHMENT 1



CLOVIS-DAKOTA BUSINESS PARK CONCEPTUAL PLAN OVERALL VIEW



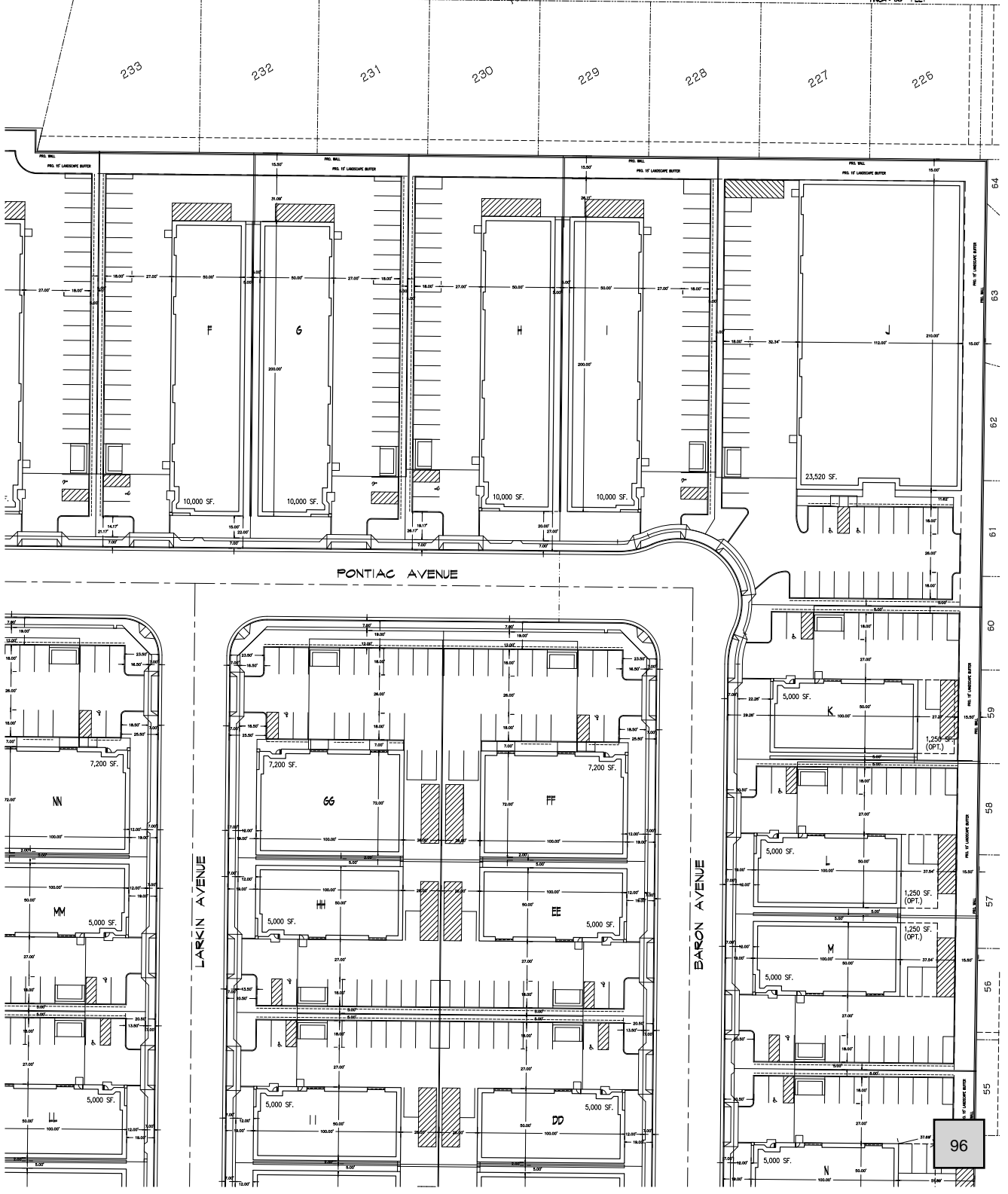
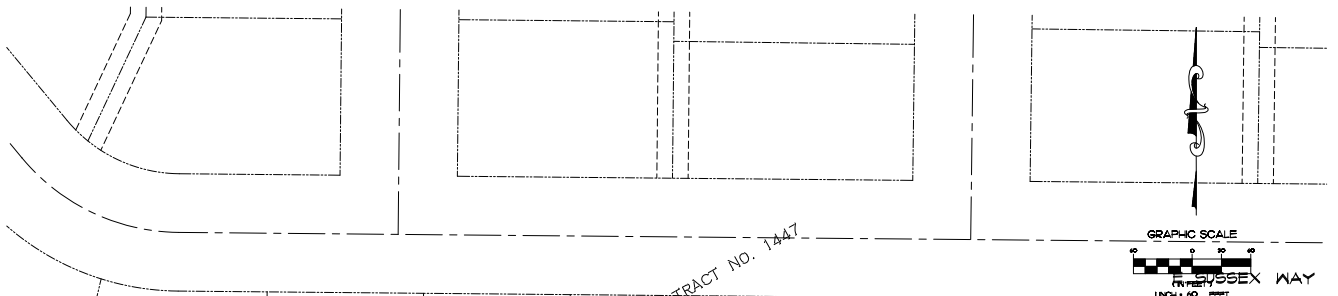
PONTIAC AVENUE

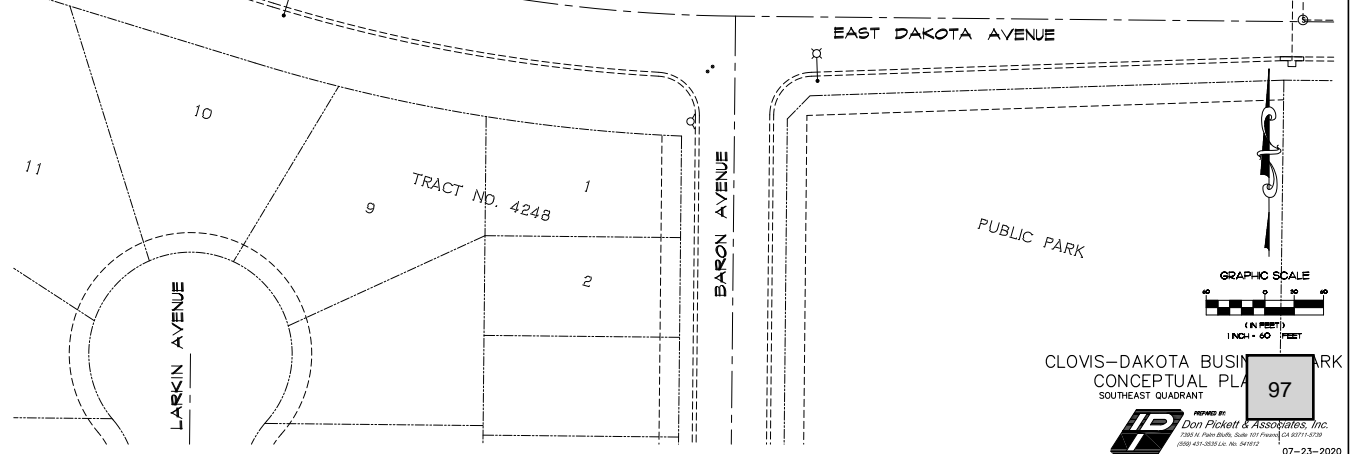
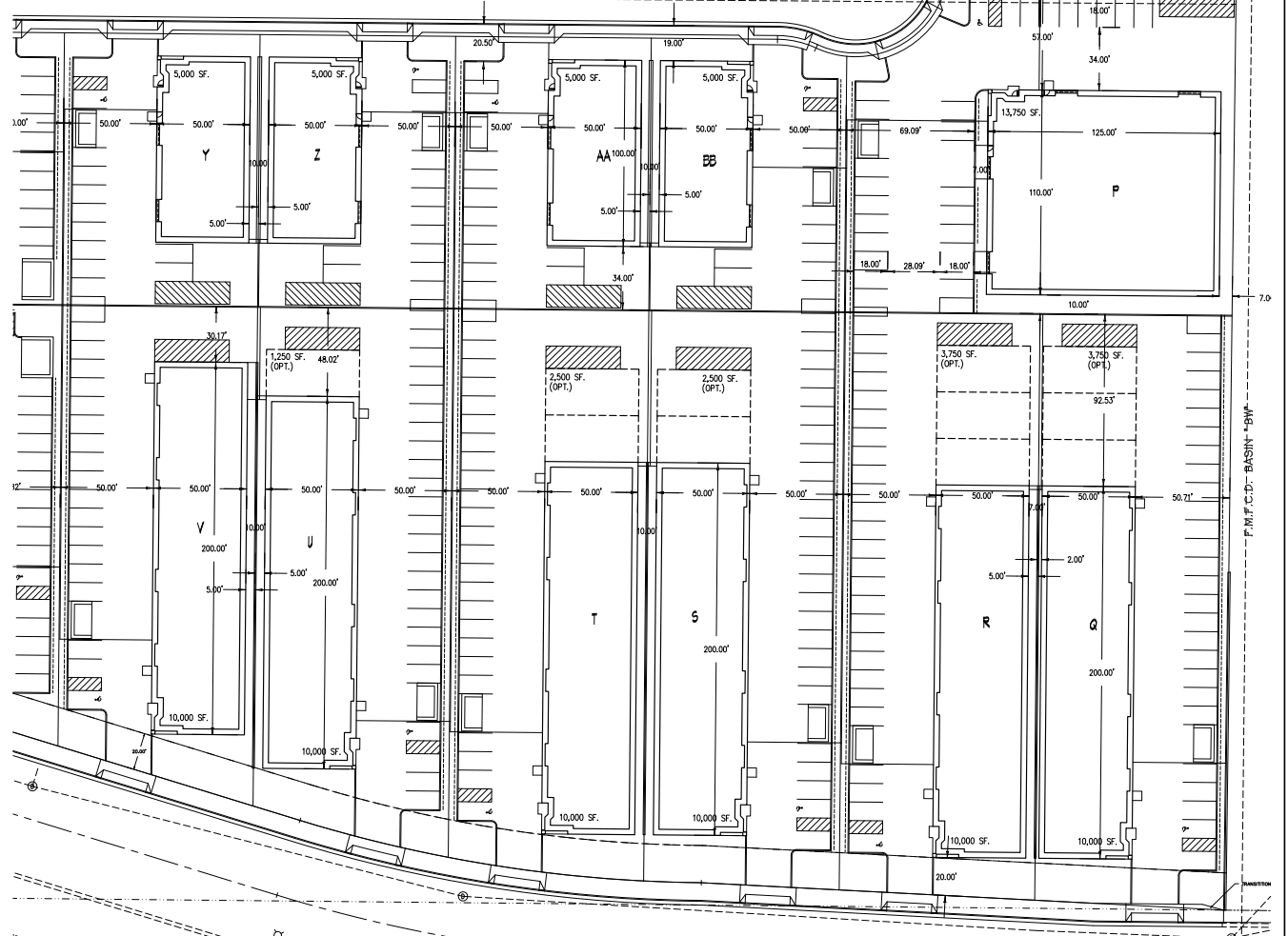
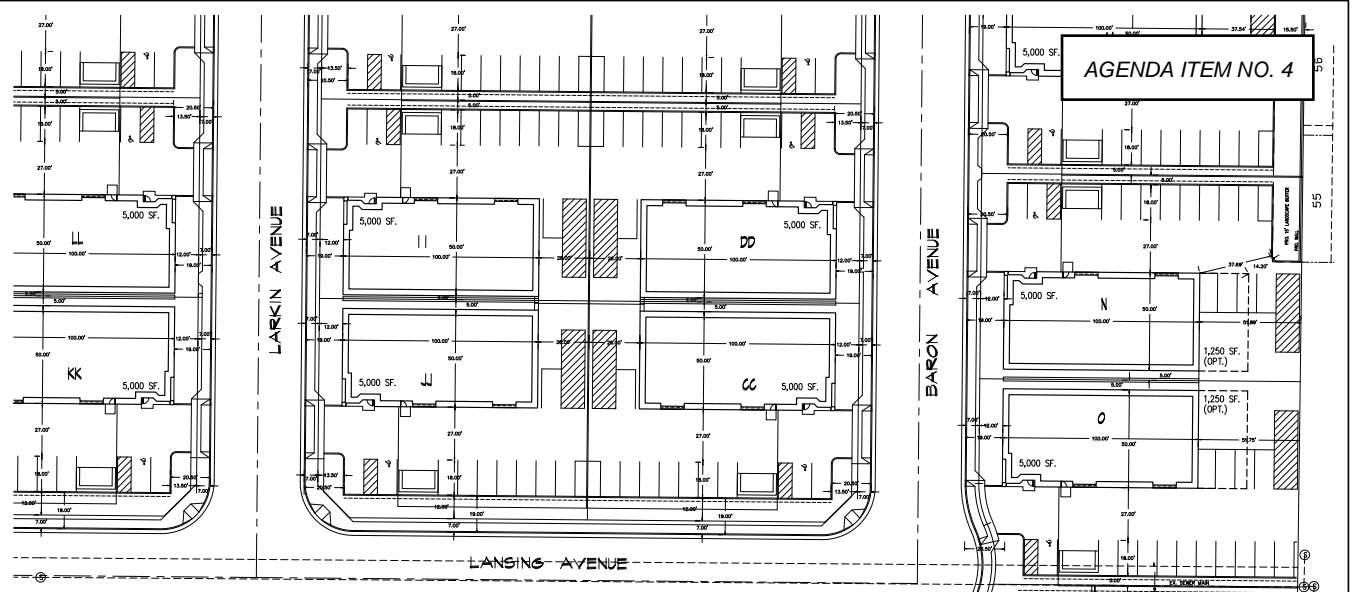


NORTH CLOVIS AVENUE

SABRE AVENUE

95





CLOVIS-DAKOTA BUSINESS PARK
 CONCEPTUAL PLAN
 SOUTHEAST QUADRANT

PREPARED BY:
Don Pickett & Associates, Inc.
700 N. 16th Street, Suite 107, Fargo, ND 58102-1007
 (701) 451-3555 FAX: (701) 451-3512

GRAPHIC SCALE
 1" = 60' FEET

97

07-23-2020

EXISTING RECREATION CENTER
NOT A PART

FUTURE DEVELOPMENT BY OTHERS
NOT A PART

AGENDA ITEM NO. 4

NORTH CLOVIS AVENUE

SABRE AVENUE

EAST DAKOTA AVENUE

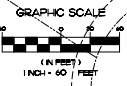
JUDY AVENUE

SABRE AVENUE

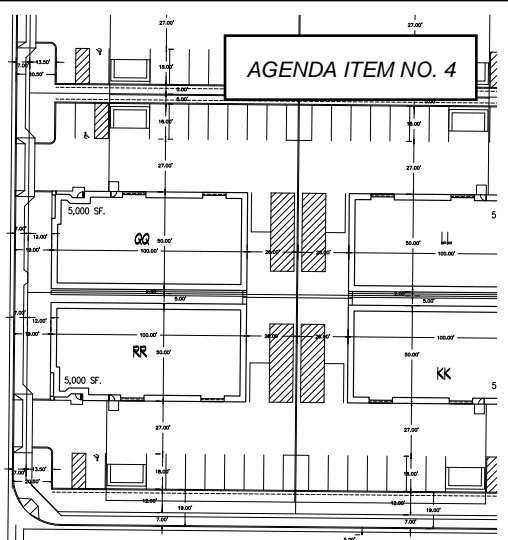
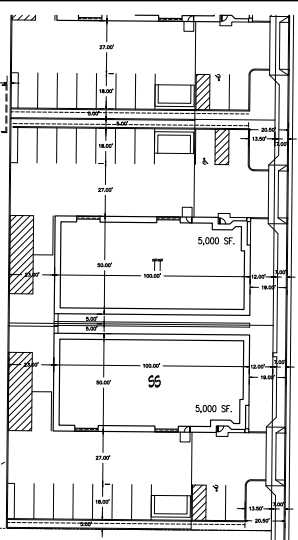
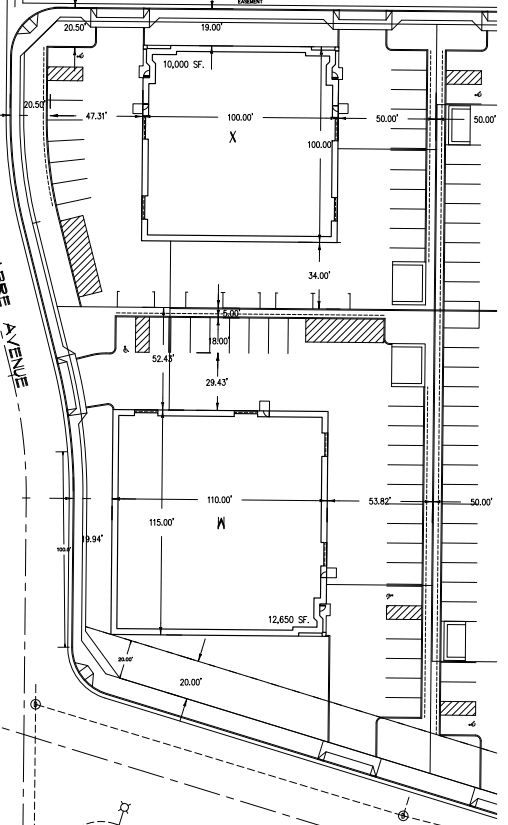
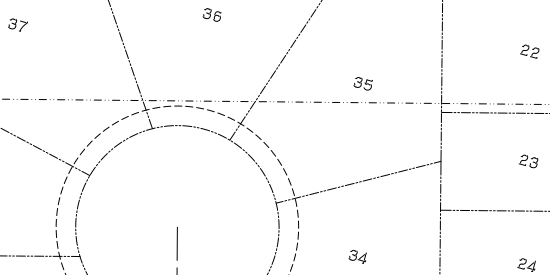
CLOVIS-DAKOTA BUSINESS PARK
CONCEPTUAL PLAN
SOUTHWEST QUADRANT

98

PREPARED BY
Don Pickett & Associates, Inc.
1700 N. DAVENPORT BLVD. SUITE 107 FARMINGTON, MO 64241
(502) 437-3333 FAX (502) 437-3312



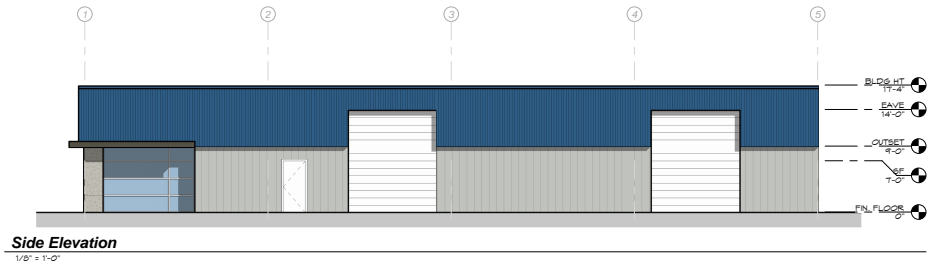
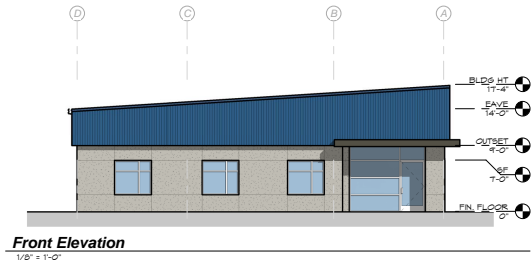
TRACT NO. 4248

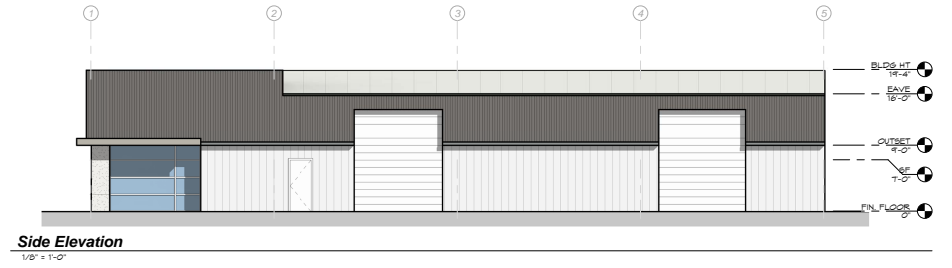


Vertical text on the left margin: 10/20/2010 10:00:00 AM C:\Users\pickett\Documents\1000000000.dwg

Conceptual Elevations

ATTACHMENT 2







Front Elevation
1/8" = 1'-0"



Side Elevation
1/8" = 1'-0"



Public Comments

From: Lynda Key <lynkey99@aol.com>
Sent: Tuesday, July 21, 2020 9:39 AM
Cc: Miclc@att.net
Subject: Notice of Availability R2020-003

I am in favor of Don Pickett & Associates building commercial and light manufacturing around the corner of Clovis and Dakota. I do NOT want ANY kind of medical building at Clovis and Dakota or in the area anywhere!! Tarpey Village has a HUGE problem with druggies/homeless AND the fact that the welfare is moving to Dakota and Peach will just invite more problems to our area. I have lived in my house for 51 years and Tarpey is going downhill because of too many renters and family members just moving in after the homeowner dies and they don't give a damn!!

We have a Tarpey group that is trying to clean our area up!! I have bikers that live on the corner of my street (Saginaw) and there is a horrible drug house in the 5600 blk of E. Hampton.

While I live in a county island, we love Clovis and do everything there!!

From: rweyant52 <rweyant52@comcast.net>
Sent: Wednesday, August 19, 2020 2:41 PM
To: Ricky Caperton
Subject: Dakota/Clovis Pickett industrial complex.

Follow Up Flag: Follow up
Flag Status: Completed

Regarding the proposed new industrial park as stated in the Pickett letter. I was at the initial fall presentation at the rec center. I did inquire about a few things related to the new proposal. I am asking you as the city planner to respond to these questions and concerns.

1. Will the city require the widening of the Dakota road entrance to accommodate traffic and turn lanes for the industrial complex.
2. Will the city require a landscape setback with a cinderblock wall and sidewalk/streetlights similar to the one existing on the south side of Dakota next to residences?
3. Will sidewalks and streetlights be included throughout the industrial complex area?
4. Will city water pressure to residences be affected by all the new buildings, what will be done to insure all residences continue having the same water pressure?
5. What is timeframe to build the nearly 50 bldgs. As show in conceptual drawing?
6. What can be done to insure truck traffic does not use the residential streets to the east as a shortcut to enter the industrial complex?
7. Will there be a time restriction made to the occupants of these bldgs. for their daily operations?
8. Can you please broaden the notification area to include all of the Dakota/Brentwood subdivision?

Thank you for your anticipated response.

Sent from my Verizon, Samsung Galaxy smartphone

From: rweyant52 <rweyant52@comcast.net>
Sent: Monday, August 24, 2020 11:20 AM
To: Ricky Caperton
Subject: RE: Dakota/Clovis Pickett industrial complex.

Thank you for your responses, just a couple of responses to your answers.

#2. If you look at the existing Dakota entrance road, the city requires about a 15 foot landscaped setback from the sidewalk, with the 6 ft. Cinderblock wall the residential boundary point. I am hoping this builder will also have a 15 ft. landscaped area to mirror this well traveled entrance road.

#6. The industrial traffic I referred to is large commercial trucks. That is what the neighborhood does not want taking shortcuts through our residential streets. Those streets would be coming south off Ashlan at Manila and Sunnyside. Also coming in off Shields at Duke through our neighborhood. I do see a couple of street signs with a truck and a red line drawn through them near the Dakota park area, maybe a few more like that put up would help.

#8. The notification expanded area would be from Judy to Sunnyside and Fedora to Griffith, that would pretty much notify the Brentwood subdivision which heavily relies on the Dakota road as their main entrance and exit.

Thank you again for your time.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Ricky Caperton <rcaperton@ci.clovis.ca.us>
Date: 8/24/20 9:43 AM (GMT-08:00)
To: rweyant52 <rweyant52@comcast.net>
Subject: RE: Dakota/Clovis Pickett industrial complex.

Good morning Rob – I apologize for the delayed response. Please see the responses below in red text to the questions. If you have follow up questions, please don't hesitate to reach out. My direct office line is 324-2347 and my work cell is 593-5176.

Thank you,

Ricky



Ricky Caperton, AICP | Senior Planner

City of Clovis | Planning Division

p. 559.324.2347 | m. 559.593.5176

rcaperton@cityofclovis.com

From: rweyant52 [<mailto:rweyant52@comcast.net>]
Sent: Wednesday, August 19, 2020 2:41 PM
To: Ricky Caperton <rcaperton@ci.clovis.ca.us>
Subject: Dakota/Clovis Pickett industrial complex.

Regarding the proposed new industrial park as stated in the Pickett letter. I was at the initial fall presentation at the rec center. I did inquire about a few things related to the new proposal. I am asking you as the city planner to respond to these questions and concerns.

1. Will the city require the widening of the Dakota road entrance to accommodate traffic and turn lanes for the industrial complex.

Yes, Dakota will be widened and include a two-way left turn lane down the middle.

2. Will the city require a landscape setback with a cinderblock wall and sidewalk/streetlights similar to the one existing on the south side of Dakota next to residences?

The project will be required to install streetlights and sidewalk along Dakota between Clovis and the basin.

3. Will sidewalks and streetlights be included throughout the industrial complex area?

Interior streetlights will be required and the project is proposing interior sidewalks.

4. Will city water pressure to residences be affected by all the new buildings, what will be done to insure all residences continue having the same water pressure?

There will be a looped water system, which is a consistent City requirement, through the project that allows for pressures to be evenly distributed. If there are any decreases in pressure, the expectation is the design of the looped water system will make them hardly noticeable.

5. What is timeframe to build the nearly 50 bldgs. As show in conceptual drawing?

This is difficult to answer. My best estimate is many years (5 to 10 years), although it depends on market conditions. The applicant would know better, but similar projects can take many years based on how quickly they lease/sell the buildings

6. What can be done to insure truck traffic does not use the residential streets to the east as a shortcut to enter the industrial complex?

I would have to know which streets you're referring to exactly. In general, streets are technically public roadways, though given the proximity to Clovis Avenue, it's anticipated that most traffic generated by the project would enter off of Clovis or Dakota Avenue. Given the street network of the area, I can't imagine much traffic going through the existing neighborhood east or south of the project. There's no access via Sussex to the north, so there would be no reason to circulate through the northern neighborhood either.

7. Will there be a time restriction made to the occupants of these bldgs. for their daily operations?

The end users of all the buildings are not yet known, but each individual use/business would have to adhere to City of Clovis Development Code requirements in terms of hours and/or noise. While most businesses in this type of complex tend to be normal

business hours, even if a business operates in the nighttime or early morning, adherence to the City noise adherence would be required so as not to disturb neighboring residents and/or users.

8. Can you please broaden the notification area to include all of the Dakota/Brentwood subdivision?

Can you provide me the parameters of those boundaries of what you consider the Dakota/Brentwood subdivision so I can include them. Also, as a reminder, the Planning Commission hearing for the project is tentatively scheduled for Thursday, September 24 at 6:00 pm. Limited amount of seats are available in the City of Clovis Council Chambers, though additional seating will be provided in the breezeway to maintain social distancing. We also have video conferencing available that evening so that you or neighbors may listen in and have an opportunity speak via the video conferencing. As the hearing gets closer, a formal notice will be mailed. Typically for this project it would be a 600 foot radius that we mail to, but if you provide the boundary of the Dakota/Brentwood subdivision, I will include them as well at your request.

Thank you for your anticipated response.

Sent from my Verizon, Samsung Galaxy smartphone

This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply e-mail and delete all copies of this message.

Untitled

About Thursday Sept 27, 2020 6:00PM meeting

Patricia E. Locatelli &
Joseph J. Locatelli
P. O. Box 2100
Santa Cruz, Ca., 95063

09/14/2020

Re::Don Pickette & Associates, Inc.;
R2020-003, A request to approve a rezone of approximately 32 acres of property located near the northeast corner of Clovis & Dakota Avenues to be consistent with the underlying General Plan designation of MU=V Mixed use Village: PLEASE SEE MY/PATRICIA ENCLOSURE PAGE # 1. I need you to highlight 1151 Pontaic Avenue, Clovis, Ca. APN 495-194-21 on you 32 acre! I/ would like to know what my rental property will be subject to by Don Pickette & Associates, Inc. development; as well as traffic flow increases?

Re: Don Pickette & Associates, Inc. have also requested development of a 5,000 SF Concept. My husband & I would like to know which area of the Developers property this development will be on. Additionally, how many people will this 5,000 SF Concept house; & will it be renters, Qualified Hud individuals or a business? How much parking is being approved by the Fresno Planning Department for this Concept?

Concern: Is there any chance in the near future 5 years this area could be rezoned to industrial? Our concern involves pollution & noise to the many personal residences in this area.

Concern: FUTURE DEVELOPEMENT BY OTHERS NOT A PART: IN REGARDS TO THIS AREA DESIGNED AS STATED ON THE TRACT MAP.... WHAT WOULD THE FRESNO COUNTY PLANNING DEPARTMENT PROJECT THEY WOULD ALLOW IN THIS AREA?

SINCERELY,

Patricia E. Locatelli
PATRICIA E. LOCATELLI

Patricia E. Locatelli as POA for Joseph J. Locatelli
JOSEPH J. LOCATELLI

PS AS FOR PAT PHONE 831-429-8848

Sent copy to Don Pickett (S) Assoc. Inc.



DON PICKETT & ASSOCIATES, INC.

DEVELOP • DESIGN • BUILD

Call

August 4, 2020

Dear Neighboring Property Owner,

Don Pickett & Associates, Inc. has acquired approximately 31 acres of land at the northeast corner of Clovis & Dakota Ave. In the fall of 2019, we hosted a community outreach meeting welcoming neighboring property owners to review plans, ask questions and provide feedback. Following this, plans have been reconfigured eliminating the Baron Ave. connection to Dakota Avenue.

This City of Clovis Planning Commission hearing is tentatively scheduled for September 24th. Included within, you will find an updated overview of the proposed project. We would like to extend the invitation once more and encourage you to direct your thoughts and questions to info@donpickett.com no later than August 25, 2020. Comments related to the project may also be provided to Ricky Caperton, AICP, Senior Planner for the City of Clovis at rcaperton@cityofclovis.com or (559) 324-2347.

Sincerely,

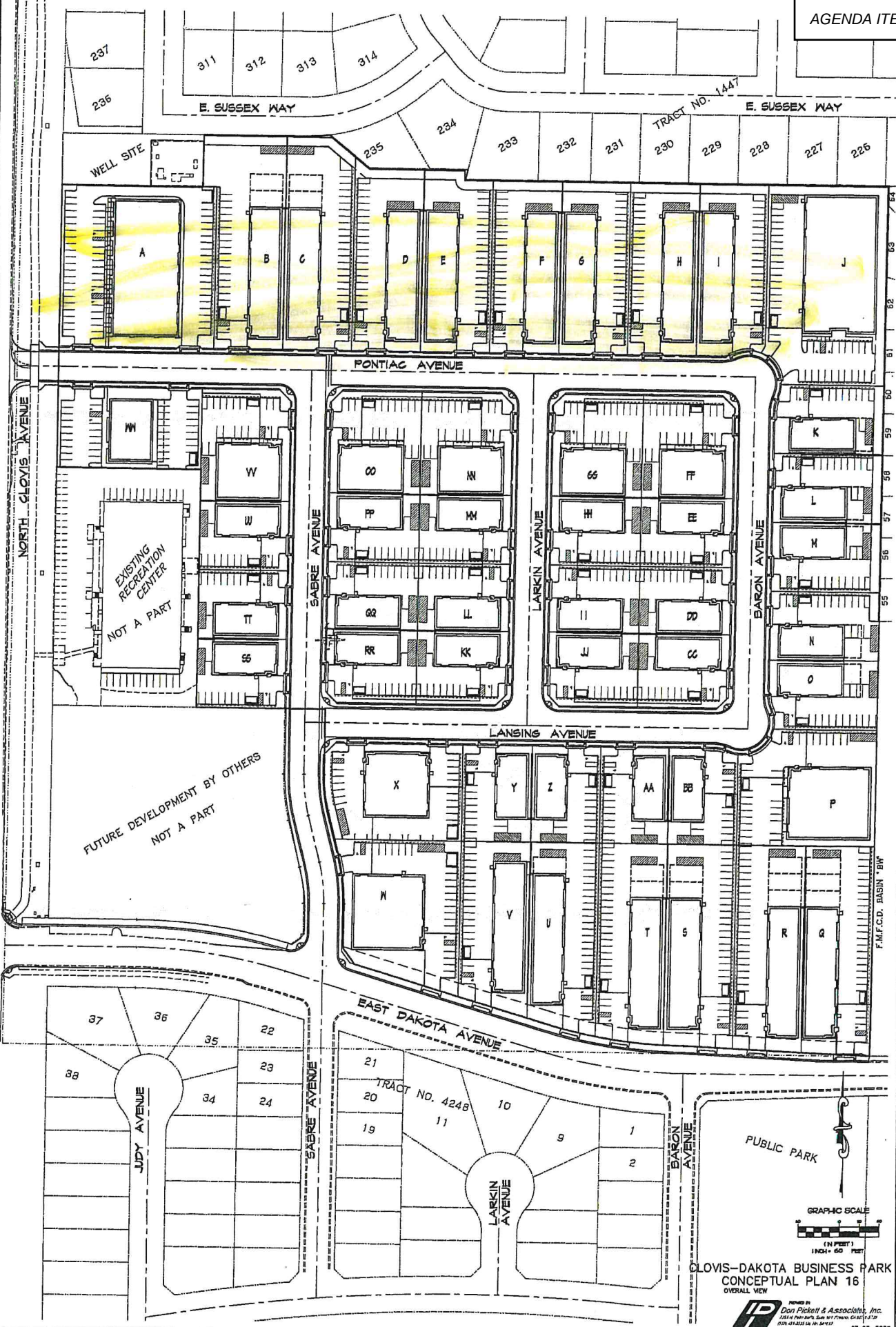
Mike Pickett

Don Pickett & Associates, Inc.

*1151 Pontiac Ave
Clovis, CA*

495-194-21

7395 N. Palm Bluffs #101 Fresno, CA 93711
(559) 431-3535 ▪ www.donpickett.com
Contractor License No. 541612



CLOVIS-DAKOTA BUSINESS PARK
CONCEPTUAL PLAN 16
OVERALL VIEW

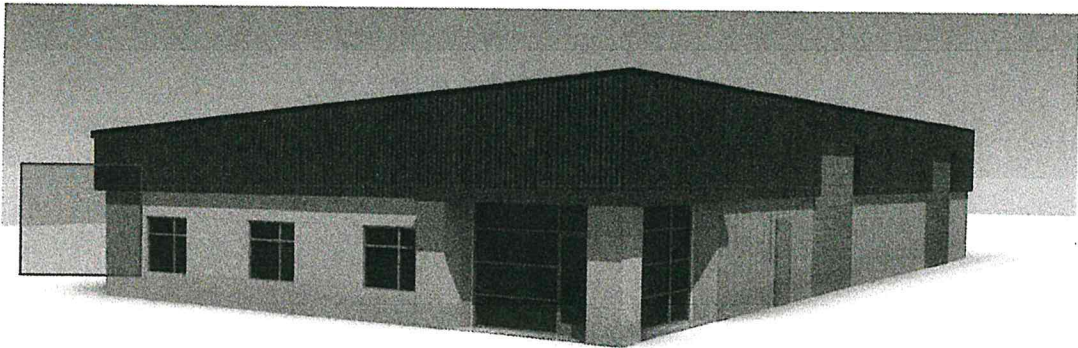
DESIGNED BY
Don Pickett & Associates, Inc.
 2516 N. PARKWAY, SUITE 201, CLOVIS, NM 87617
 (505) 251-2515 FAX (505) 251-1117



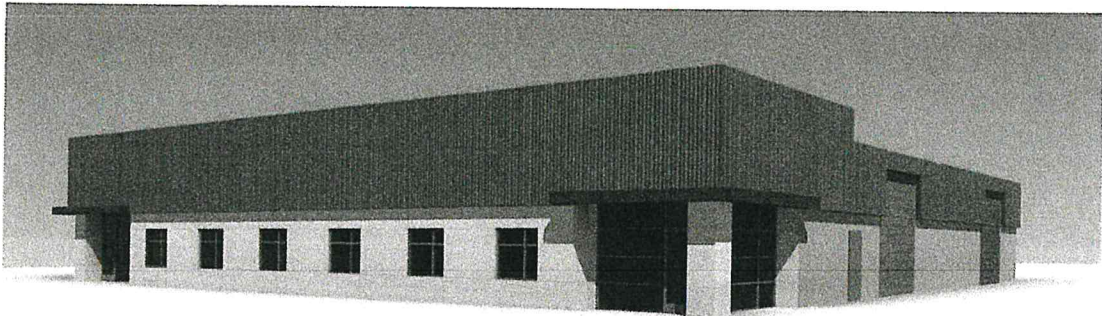
07-23-2020



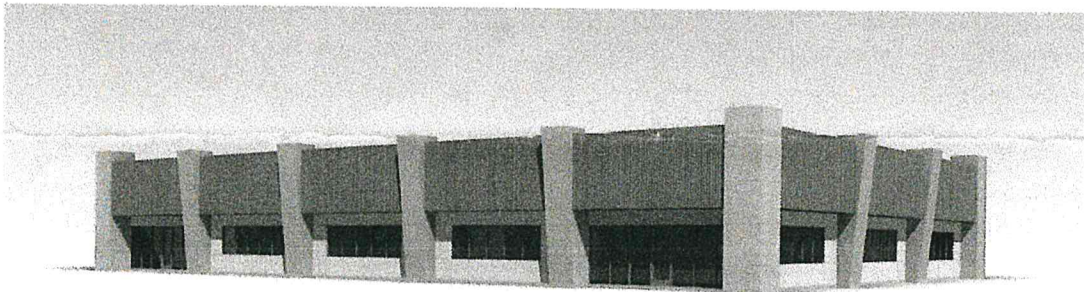
7395 N. Palm Bluffs #101 Fresno, CA 93711
(559) 431-3535 • www.donpickett.com
Contractor License No. 541612



5,000 SF Concept



10,000 sf Concept



Frontage Building Concept

7395 N. Palm Bluffs #101 Fresno, CA 93711
(559) 431-3535 ▪ www.donpickett.com
Contractor License No. 541612

Correspondence from Other Departments and Outside Agencies

ATTACHMENT 4

DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

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



Making Conservation
a California Way of Life

August 21, 2020

06-FRE-180-R62.98
Tentative Parcel Map
PM2020-002 R2020-001

Mr. Ricky Caperton
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Caperton:

Thank you for the opportunity to review the Tentative Parcel Map. The application proposes to rezone a 25.84-acre site from mixed-use zoning to commercial and light industrial. The project is located on the northeast corner of Dakota and Clovis Avenue, approximately two miles north of Route 180/Clovis Avenue and east of State Route (SR) 168/Ashlan Avenue in the City of Clovis in Fresno County.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans has identified the need for an additional turn lane on the eastbound SR 168 off-ramp to Ashlan Avenue. However, the fair share per trip is not available. The City of Clovis should include this in their traffic mitigation impact fee program.
2. Project should include a trip generation data when a site plan (s) is submitted. Should there be a significant number of trucks accessing the project site, the project may impact SR 180/Clovis Avenue and SR 168/Ashlan Avenue interchanges. These impacts may require a Vehicle Miles Traveled (VMT) study.
3. Future improvements for the bike and pedestrian trail along Clovis Avenue from north of SR 180 to the subdivision may be planned and could be included in the VMT mitigation plan.

Mr. Ricky Caperton
August 21, 2020
Page 2

4. Caltrans is supportive of infill and smart growth projects such as this project. Consider applying alternative transportation policies to the development to enhance its contribution to reducing vehicle miles traveled (VMT). An assessment of the multi-modal transportation system may be used to develop strategies which help alleviate traffic congestion caused by the project and related development in this area of the City. An assessment could include the following:
 - a. Pedestrian walkways linking this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
 - b. The consideration of bicycles as an alternative mode of transportation. The project should offer internal amenities to encourage bicycle use. These include bike parking, security, preservation and maintenance (such as a community air pump). Connections to local and regional bicycle pathways should be coordinated to further encourage the use of bicycles for commuter and recreational purposes.
 - c. Adequate on street lighting and sight distance enhancements that enhance safety to residents and patrons would be recommended.

Additional information on pedestrian and bicycle friendly design can be found in Caltrans' publications *Toward an Active California* and the *Smart Mobility Framework*.

If you have any further questions, contact Nicholas Isla at (559) 444-2583 or Nicholas.isla@dot.ca.gov.

Sincerely,



DAVID PADILLA, Branch Chief
Transportation Planning - North



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

March 3, 2020

LU0020571
2604

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

Dear Mr. Caperton:

PROJECT NUMBER: R2020-003, PM2020-002

R2020-003, PM2020-002: A request to approve a prezone of approximately 25.84 acres located at the northeast corner of Clovis and Dakota Avenues from the C-2, R-2, M-1, and M-2 Zone Districts to the C-M Zone District. A request to approve a parcel map for several parcels located at the NEC of Clovis and Dakota Avenues.

APN: 495-220-15T, -18, -20 ZONING: C-M ADDRESS: NEC Clovis & Dakota Avenues

Comments/Concerns:

- Since specific Retail/Commercial/Professional tenants for this application have not been identified, the full range of 'C-M' zoning uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, solid waste, medical waste, water quality degradation, excessive noise, and odors.

Recommended Conditions of Approval:

- If the applicant(s) propose 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 applicant(s) may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
- For retail food establishments, prior to issuance of building permits. The applicant(s) shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the applicant(s) shall apply for and obtain a permit to operate a food facility from the Fresno County Department of

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

Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.

- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The applicant, or any tenant leasing space, should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.
- Should a body art facility (i.e. tattoo, piercing, branding or permanent cosmetics facility) be proposed, prior to issuance of building permits, the tenant shall submit complete body art facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Body Art Program at (559) 600-3357 for more information.
- The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, will require the Owner/Operator to obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the local Tire Enforcement Agency at (559) 600-3271 for additional information.
- The proposed construction and future projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code and the County Ordinance Code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

Ricky Caperton
March 3, 2020
R2020-003, PM2020-002
Page 2 of 2

AGENDA ITEM NO. 4

kt

cc: Rogers, Moreno, Salazar, Sauls, Armstrong & Oung- Environmental Health Division (CT. 58.04)
Mike Pickett- Applicant (mike@donpickett.com)



County of Fresno

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

March 16, 2020

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

SUBJECT: Pre-Zone No. R2020-003 and Parcel Map No. PM2020-002

Dear Mr. Caperton:

The County of Fresno appreciates the opportunity to review and comment on the subject pre-zone and parcel map. We have no comments at this time. Comments were provided by the Fresno County Department of Public Health on March 3, 2020, and a copy of their letter is enclosed for your convenience.

If you have any questions, you may e-mail me at cmonfette@fresnocountyca.gov or contact me at (559) 600-4245.

Sincerely,

Chrissy Monfette, Planner
Development Services and Capital Projects Division

CMM:ksn

G:\4360Devs&Plan\PROJSEC\PROJDOCS\Environmental\OAR\City of Clovis\R2020-003 PM 2020-002\PM2020-002, Clovis-Dakota BP - No Comment Ltr.docx

Enclosures

cc. Steven E. White, Director
Bernard Jimenez, Assistant Director
William M. Kettler, Development Services and Capital Projects Division
Chris Motta, Development Services and Capital Projects Division
Marianne Mollring, Development Services and Capital Projects Division



Fresno Metropolitan Flood Control District
Capturing Stormwater Since 1956

File 210.434 "BW"
210.431 "2020-002"
310. "BW"

March 27, 2020

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

Dear Mr. Caperton,

Rezone Application No. R2020-003
Northeast Corner of Clovis and Dakota Avenues
Drainage Area "BW"

The proposed rezone lies within the District's Drainage Areas "BW". Based on information submitted at this time, the District's system can accommodate the proposed rezone.

Please contact us if you need further information at (559) 456-3292.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Robert Villalobos".

Robert Villalobos
Engineering Technician III

RV/lrl

k:\letters\rezone letters\clovis\2020\2020-003(bw)(rv).docx



MAR 18 2020

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

Project: Parcel Map PM2020-002, Rezone R2020-003

District CEQA Reference No: 20200181

Dear Mr. Caperton:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of rezoning approximately 25.84 acres to the C-M Zone District and approval of a parcel map for several parcels. The rezoning and division of land into individual parcels will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees.

Future individual development project(s) within the Project would be subject to District Rule 9510 (Indirect Source Review) if (1) upon full build-out the project would receive a project-level discretionary approval from a public agency and would equal or exceed any one of the applicability thresholds below for example, or (2) would equal or exceed any of the applicability thresholds in section 2.0 of the rule:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;

Samir Sheikh

Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-8000 FAX: (559) 230-6061

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

- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two (2.0) tons of NO_x or two (2.0) tons of PM₁₀.

In the case the individual development project(s) are subject to District Rule 9510, an Air Impact Assessment (AIA) application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance with determining if future individual development projects will be subject to Rule 9510, and can be reached at (559) 230-6000 or by email at ISR@valleyair.org.

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

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

Furthermore, the latest photochemical modeling indicates that reducing commercial charbroiling emissions is critical to achieving attainment of multiple federal PM_{2.5} standards and associated health benefits in the Valley.

Therefore, the District strongly recommends new restaurants that will operate under-fired charbroilers install emission control systems during the construction phase since installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting. To ease the financial burden for Valley businesses that wish to install

control equipment before it is required by District Rule 4692 (Commercial Charbroiling), the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information.

4. The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. Information about how District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm. For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org
5. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
6. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
7. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Carol Flores at (559) 230-5935.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Robert Gilles
Program Manager

AM: cf

**DRAFT RESOLUTION
CEQA**

ATTACHMENT 5

**DRAFT
RESOLUTION 20-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE
DECLARATION FOR REZONE R2020-003 PURSUANT TO CEQA GUIDELINES**

WHEREAS, the project proponent, Don Pickett & Associates, Inc., 7395 N Palm Bluffs Ave, Suite 101, Fresno, CA 93711, has submitted an application for Rezone R2020-003 for property located near the northeast area of Clovis and Dakota Avenues, in the City of Clovis, California; and

WHEREAS, the City of Clovis (“City”) caused to be prepared an initial study (hereinafter incorporated by reference) in June 2020, for the Project to evaluate potential environmental impacts, and on the basis of that study, it was determined that no significant environmental impacts would result from this Project with mitigation measures included; and

WHEREAS, on the basis of this initial study, a mitigated negative declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

WHEREAS, the Planning Commission has independently reviewed, evaluated, and considered the CEQA analysis outlined in the staff report, initial study, mitigated negative declaration and all comments, written and oral, received from persons who reviewed the mitigated negative declaration, or otherwise commented on the Project (“Administrative Record”).

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

1. The foregoing recitals as true and correct.
2. The initial study and mitigated negative declaration for the Project are adequate, reflect the City’s independent judgement and analysis, and have been completed in compliance with CEQA and the CEQA Guidelines.
3. The initial study and mitigated negative declaration were presented to the Planning Commission and that the Planning Commission has independently reviewed, evaluated, and considered the initial study, mitigated negative declaration and all comments, written and oral, received from persons who reviewed the initial study and mitigated negative declaration, or otherwise commented on the Project (“in the Administrative Record”) prior to approving the Project.

4. On the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment.
5. The mitigated negative declaration is approved and the mitigation monitoring program set forth in **Attachment A**, including the mitigation measures identified therein and as described in the mitigated negative declaration is adopted.
6. Directs that the record of these proceedings shall be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and the custodian of the record shall be the City Planner or other person designated by the Planning and Development Services Director.
7. The Planning and Development Services Director, or his/her designee, is authorized to file a notice of determination for the Project in accordance with CEQA and to pay any fees required for such filing.
8. The basis for the findings is detailed in the September 24, 2020 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as evidence and comments presented in connection with the mitigated negative declaration.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

CLOVIS PLANNING COMMISSION RESOLUTION NO. 20-____
Date: September 24, 2020

Amy Hatcher, Chair

Renee Mathis, Secretary

**ATTACHMENT A:
Mitigation Monitoring Program
R2020-003**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<i>Aesthetics</i>				
AES-1	The Project shall comply with Section 9.22.050, Exterior Light and Glare, of the Clovis Municipal Code (CMC or Development Code), which requires light sources to be shielded and that lighting does not spillover to adjacent properties.	City of Clovis Planning	<i>Plan Review</i>	
<i>Biological Resources</i>				
BIO-1	Pre-Activity Surveys for Birds During Nesting Season. For construction activities during February 15 through August 31, the applicant shall hire a qualified ornithologist to conduct pre-construction surveys for the presence of nesting birds at the Project site. The survey shall be conducted no more than seven (7) days prior to construction activities. The survey shall inspect all potential nesting areas for the presence of nests in or immediately adjacent to the impact areas. If an active nest is found, the applicant shall implement measures recommended by the ornithologist, which could include establishing a construction-free buffer zone around the nest (typically 250 feet for raptors and 50 – 100 feet for other species).	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
<i>Cultural Resources</i>				

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
CULT-1	<p>If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants.</p> <p>If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.</p> <p>If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
CULT-2	<p>If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Lead Agency.</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Geological Resources				
GEO-1	<p>If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist and/or paleontologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>resources such as glass, metal, wood, brick, or structural remnants.</p> <p>If the qualified professional determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.</p> <p>If a potentially-eligible resource is encountered, then the qualified professional archaeologist and/or paleontologist, the Lead Agency, and the project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.</p>			
Transportation				
TRAF-1	Saginaw and Clovis Avenues. The Project proponent and/or applicant shall pay a fair share of costs for the installation of the traffic control device prior to issuance of building permits with the option to prorate and/or defer fair share costs to occupancy of each unit and/or building, if approved by the City Engineer. This mitigation measure assumes that installation of a raised median island “worm” be extended across the intersection along the center of Clovis Avenue. With the installation of the traffic “worm,” eastbound left-turns would be redirected to	City of Clovis Engineering	<i>Prior to Permits</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	Griffith Way and westbound left-turns would be redirected to Dakota Avenue.			
<i>Tribal Cultural Resources</i>				
TCR-1	<p>If cultural or archaeological materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation. If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	managing unanticipated discoveries have been met.			
TCR-2	If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Lead Agency.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

**DRAFT RESOLUTION
R2020-003**

ATTACHMENT 6

**DRAFT
RESOLUTION 20-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL TO REZONE APPROXIMATELY 32.00 ACRES FROM THE
C-2 (COMMUNITY COMMERCIAL), M-1 (LIGHT INDUSTRIAL), M-2 (HEAVY INDUSTRIAL),
AND R-2 (MULTIFAMILY MEDIUM-HIGH DENSITY RESIDENTIAL) ZONE DISTRICTS TO
THE C-M (COMMERCIAL AND LIGHT MANUFACTURING) ZONE DISTRICT FOR
PROPERTY LOCATED NEAR THE NORTHEAST CORNER OF CLOVIS AND DAKOTA
AVENUES**

LEGAL DESCRIPTION:

See Attachment A

WHEREAS, the project proponent, Don Pickett & Associates, Inc., 7395 N Palm Bluffs Ave, Suite 101, Fresno, CA 93711, has submitted an application for Rezone R2020-003 for property located near the northeast corner of Clovis and Dakota Avenues, in the City of Clovis, California; and

WHEREAS, this is a request to prezone approximately 32 total acres from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District located in the northeast area of Clovis and Dakota Avenues, in the City of Clovis, California; and

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

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

WHEREAS, the Planning Commission held a noticed public hearing on September 24, 2020, to consider the project approval, at which time interested persons were given opportunity to comment on the project; and

WHEREAS, on September 24, 2020, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings ("Administrative Record") relating to rezone R2020-003, which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the approval of a mitigated negative declaration pursuant to CEQA guidelines; and

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

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

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects.
4. The Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record and approved a mitigated negative declaration for the project pursuant to CEQA guidelines.
5. The Planning Commission does recommend approval of rezone R2020-003.
6. The basis for the findings is detailed in the September 24, 2020 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 September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary

**ATTACHMENT A
LEGAL DESCRIPTION**

(Legal description to be finalized)



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission
 FROM: Planning and Development Services
 DATE: September 24, 2020
 SUBJECT: Consider items associated with approximately 1.07 acres (portion of) of property located on the northwest corner of Shaw and Cole Avenues. Debra and Robert Carlson, owners; Patrick Murphy of Clovis I, LLC, applicant/representative.

- a) Consider Approval - Res. 20-____, **GPA2020-002**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.
- b) Consider Approval - Res. 20-____, **CUP2020-003**, A request to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3,300 square foot drive-thru restaurant use.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. GPA2020-002 Justification
3. Proposed P-C-C Use Schedule
4. Conceptual Site Plan and Elevations
5. Correspondence from Commenting Agencies
6. Draft Resolution, GPA2020-002
7. Draft Resolution, CUP2020-003

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve General Plan Amendment GPA2020-002, subject to the conditions of approval included in **Attachment 1**; and

- Approve Conditional Use Permit CUP2020-003, subject to the conditions of approval included in **Attachment 1**.

EXECUTIVE SUMMARY

The applicant is requesting a text amendment to the Shaw Avenue Specific Plan and a conditional use permit to allow for an approximately 3,316 square-foot drive-thru use (Raising Cane’s Chicken Fingers) on the subject property. The site is comprised of an approximately 1.07-acre lease area within a greater approximately 6.5-acre parcel, located on the northwest corner of Shaw and Cole Avenues (**Figure 1**), as part of the Sierra Pavilions Shopping Center.

Approval of this request will allow the applicant to move forward to City Council for consideration and, if approved by Council, with site plan review for the development of the Project.

**FIGURE 1
Project Location**



- = Project Parcel (approx. 6.5 acres)
- = Project Lease Area (approx. 1.07 acres)



BACKGROUND

- General Plan Designation: General Commercial
- Specific Plan: Shaw Avenue Specific Plan
- Existing Zoning: P-C-C (Planned Commercial Center)
- Lot Size: approx. 6.5 acres (parcel) / approx. 1.07 (lease area)
- Current Land Use: Retail Commercial
- Adjacent Land Uses:
 - North: General Commercial (Retail)
 - South: General Commercial (Sierra Vista Mall)
 - East: General Commercial (Retail and Restaurants)
 - West: General Commercial (Lowe's and Auto Shop)

Shaw Avenue Specific Plan

This section provides a brief background and the intent of the Shaw Avenue Specific Plan. The Shaw Avenue Specific Plan (Specific Plan) is a guiding document for the comprehensive development that occurs within its boundaries, which includes the Shaw Avenue corridor from Clovis to Temperance Avenues. The Specific Plan originally dates to 1978, with the last substantive update adopted in 1994. Its specific purpose is to provide for a well-designed boulevard and to prevent Shaw Avenue from being developed as a continuation of the lineal commercial pattern which had become prevalent west of Clovis Avenue. To ensure that a pattern of lineal commercial development was prevented, commercial uses in this area were generally limited to development at a specific commercial center; drive-thru establishments and freestanding restaurants were also prohibited.

The Shaw Avenue Specific Plan is divided into several land use areas. The Project is within Land Use Area 2 (Area 2) which is occupied primarily by the Sierra Pavilions Shopping Center. Area 2 is intended to support and promote the regional shopping center which is considered a central feature of the Specific Plan.

Uses allowed within Area 2 include lending institutions, restaurants, general commercial operations, supermarkets, and professional office land uses, while free-standing eating establishments' drive-up uses are prohibited. This is reflected in Policies 11 and 12 in the Specific Plan. Policy number 11 prohibits drive-thru uses other than those that are associated with financial institutions. Policy number 12 prohibits any drive-thru facilities directly along the Shaw Avenue frontage.

The policies prohibiting drive-thru establishments were added to the Specific Plan when it underwent a major review and update in 1994. The policies were incorporated with the intent of discouraging lineal or strip style commercial development which tends to utilize drive-thru features more consistently. The policies envisioned as tools that would be used alongside other land use requirements to help limit the extension of lineal commercial development along the Shaw Avenue Corridor.

PROPOSAL AND ANALYSIS

The applicant requests approval of GPA2020-002, and CUP2020-003, for the construction of a drive-thru restaurant on approximately 1.07 acres of an approximately 6.5 acre property part of the Sierra Pavilions Shopping Center at Cole and Shaw Avenues. Each of the required entitlements are described and analyzed in more detail within this report.

General Plan Amendment (GPA2020-002)

The applicant requests a text amendment to the Shaw Avenue Specific Plan to allow for a drive-thru restaurant at the northwest corner of Shaw and Cole Avenues. Specifically, the request would remove the requirements of Policies 11 and 12 of the Specific Plan, which as described above, currently prohibit drive-thru establishments within the Specific Plan boundary. A justification for the request was provided by the applicant and is included as **Attachment 2**.

Subsequent to the last update of the Specific Plan 25 plus years ago, the surrounding area has developed with residential projects and neighborhood serving commercial uses. In response to changes in land use conditions and market demands over the years, the City deemed it appropriate to approve a series of exceptions to the policies prohibiting businesses with drive-thru features.

- On April 12, 1999, the City Council considered and approved a request for a general plan amendment to modify the Specific Plan to permit drive-thru uses for financial institutions.
- On November 7, 2005, the City Council considered and approved a request to allow a drive-thru window for the Walgreens Pharmacy located at the southwest corner of Fowler and Shaw Avenues.
- On December 17, 2018, the City Council considered and approved a request to allow a drive-thru car wash at the northeast corner of Fowler and Shaw Avenues, which is currently under construction.
- On March 16, 2020, the City Council considered and approved a request to allow a drive-thru coffee kiosk and a future drive-thru use at the southwest corner of Fowler and Shaw Avenues, immediately adjacent to the west of the existing Walgreens Pharmacy.

As stated earlier, the key objective for the Shaw Avenue Specific Plan was to limit linear extension of commercial development on Shaw east of Clovis Avenue. This objective dovetailed with the City's intent to soften the transition between urban uses on the east edge of the City and the existing and future rural residential uses that developed in the County. Notwithstanding the amendments described above, the Specific Plan has been successful in guiding development as it was intended. Retail development is generally focused on a handful of major intersections, with residential and office-related development occupying the majority of the corridor.

The project site is designated for community commercial use, and restaurant and food-service uses are natural fits for property which sits in close proximity to residential neighborhoods, transit services, public conveniences, and senior housing complexes. Today's market conditions generally require that such uses have drive-thru components, as customers have become accustomed to the convenience offered by their presence.

While the objectives of the Shaw Avenue Specific Plan have largely been accomplished, the City's land use plans and policies have changed significantly since the Specific Plan was substantively amended in 1994. With the adoption of the Loma Vista Specific Plan in 2003 and the current General Plan in 2014, the City has extended the planned urban land use pattern along the Shaw Avenue corridor all the way to McCall Avenue.

A neighborhood shopping center encompassing more than 150,000 square feet of mixed commercial uses, including multiple drive-thru sites, is currently being processed for the property at Shaw and Leonard Avenues. Considering the changes in land use patterns that have occurred, market conditions, and the accomplishment of Specific Plan's primary goals, staff has determined that a policy adjustment to allow for a drive-thru facility on the subject property can be supported.

Although the applicant's proposal would be limited to the subject property, it is important to note that staff is currently processing a broader discussion regarding allowing drive-thru facilities elsewhere in the corridor which would be brought before the Planning Commission and Council for consideration. This broader policy discussion is largely in response to the number of applications, and approvals, of drive-thru uses along the corridor within recent years.

Conditional Use Permit (CUP2020-003)

The applicant requests an amendment to the adopted use schedule for the subject property's P-C-C (Planned Commercial Center) Zone District and to allow for a drive-thru use. If approved, the use would only be permitted at the subject location identified as part of CUP2020-003 and not throughout the remaining areas of the Sierra Pavilions Shopping Center.

The intent of the P-C-C Zone District is to encourage the effective and timely development of land for commercial purposes in accordance with the objectives of the General Plan. The initial P-C-C use schedule adopted for the Sierra Pavilions Shopping Center (adopted in 1988) provided for a general array of retail and service-related uses. However, Section 9.76.010(E) of the Clovis Municipal Code provides a mechanism whereby uses may be changed with an approved conditional use permit. The conditional use permit request would modify the use schedule to add "Drive-In, Drive-Through Uses" as permitted subject to conditional use permit and serve as the conditional use permit for the proposed drive-thru use. The amended use schedule is included as **Attachment 3**.

Site Circulation and Layout

As shown in **Attachment 4**, the applicant proposes an approximate 3,330 square-foot drive-thru restaurant along with associated parking and a small outdoor area for dogs. As part of the project, the existing building (Pier 1) would be demolished. The main points of entrance would be via the two existing driveways off of Cole Avenue or from the existing Shaw Avenue access. Although the existing parking layout would be slightly reconfigured to accommodate the project, a reciprocal parking and access agreement was previously recorded in conjunction with the development of the Sierra Pavilions Shopping Center that provided a comprehensive parking field. Thus, parking would be sufficient for the proposed use and existing uses.

Drive-Thru

The drive-thru has been designed as a dual-lane access to provide sufficient queueing of vehicles. During non-peak operational hours, the drive-thru would funnel both lanes to a single lane prior to approaching the pick-up window; however, during peak times both drive-thru aisles would remain open, with one lane functioning as a standard drive-up window and the other allowing vehicles to receive their orders via an employee walking to the car to deliver the food. The drive-thru is anticipated to be able to accommodate between 16 and 21 vehicles at any given time, which exceeds the minimum City standard of being able to accommodate five (5) waiting vehicles before the menu board and eight (8) waiting vehicles between the menu board and drive-up window.

Development Standards

The Shaw Avenue Specific Plans include several unique development standards for projects within its boundaries. Those standards include a 40 foot building setback along Shaw Avenue, as well as requirements for pedestrian access, landscaping, and architectural design. Further, the project would be required to provide a minimum three (3) foot high screening barrier along the length of the drive through aisle to prevent headlight glare. This would be achieved either by construction of a solid (i.e. masonry or block wall) or landscape (i.e. shrubs) or a combination thereof. Further, the maximum building height allowed would be twenty-five (25) feet. Conceptual elevations are included in **Attachment 4**. The details of the site plan and elevations will be reviewed further during the site plan review process to ensure compliance with the applicable development standards.

Operation

The project proposes operational hours of 9 am to 1:30 am Sunday to Thursday, and 9 am to 3:30 am, Fridays and Saturdays, and anticipates a staff of approximately 16 employees. As mentioned above, the project also includes a small outside eating area.

Review and Comment 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 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 Outreach

Per City policy, the applicant provided an opportunity for input to surrounding property owners. As a result of COVID-19 and to provide the opportunity for input while adhering to distancing rules and regulations, the applicant mailed the surrounding property owners a letter inviting input and comments in early August 2020. At the time of preparation of this staff report, the City has not received any correspondence regarding the project.

California Environmental Quality Act

The City of Clovis has completed an environmental review (an assessment of the Project's impact on natural and manmade environments) of the proposed Project, as required by the State of California. The Project has been determined to be exempt from CEQA pursuant to a Class 32 categorical exemption. Class 32 exemptions consist of in-fill development less than 5 acres in size meeting the conditions described in California Government Code Section 15332(a), (b), (c), (d) and (e).

The City published notice of this public hearing in *The Business Journal* on Wednesday, September 9, 2020.

Consistency with 2014 Clovis 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 and redevelopment in a responsible manner. The goals and polices seek to encourage and foster economic opportunities that support jobs for the area.

The project would meet these goals and policies by introducing a new use to an existing shopping center and would serve as redevelopment of the site.

Land Use Element

Policy 1.2 **Open to changes.** Be open to potential changes in land use, circulation, and development standards to reposition areas identified in Figure LU-5 if necessary for revitalization and redevelopment.

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

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

Economic Development Element

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

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

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

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

Consistency with Shaw Avenue Specific Plan Goals and Policies

In addition to conformance with many of the stated goals and policies of the 2014 Clovis General Plan, the Project is also consistent with many of the goals and policies of the Shaw Avenue Specific Plan, even with the proposed amendment to allow for drive-thru uses. These goals and policies are identified below. The project achieves consistency by redeveloping within an existing shopping center which is in response to demands for the type of use being proposed. The project further provides a redevelopment opportunity of a new building that will be of high quality and fit within the overall character of the area.

Policy 2: Commercial uses in this area will generally be limited to specific commercial centers. The development of these commercial centers shall be in response to demonstrated demands.

Policy 5: Shaw Avenue from Clovis to Temperance Avenues will be reserved for uses which fit into a landscaped boulevard concept; therefore, a high level of design quality, signing, and landscaping will be required.

REASON FOR RECOMMENDATION

The proposal will allow the redevelopment on a portion of commercial property in a highly visible location near the corner of Shaw and Cole Avenues. An amendment to the Shaw Avenue Specific Plan to allow drive-thru facilities is reasonable and appropriate, in that the primary objectives of the Specific Plan and its policies have been achieved. Changes in land use patterns and market conditions provide further support for the proposal. The proposed conditional use permit allows a specific drive-thru restaurant use that conforms to the requirements of the Clovis Municipal Code and the development standards of the Shaw Avenue Specific Plan. For these reasons, Staff recommends that the Planning Commission approve GPA2020-002 and CUP2020-003, subject to the conditions of approval in **Attachment 1**.

For each of the requested entitlements, findings are required when considering making a decision. These findings are presented below, followed by a brief discussion on how the Project meets the finding.

General Plan Amendment GPA2020-002

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

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

As described above under the General Plan and Shaw Avenue Specific Plan goals and policies, the Project meets many of the stated goals and policies of the applicable planning documents. For example, the Project would serve to provide new jobs and contribute to the economic vitality of the existing shopping center. The project is also of high quality design and will fit within the character of the area.

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

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

3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.

The Project is physically suitable for the type and intensity of Project proposed by the applicant. It is surrounded by other similar commercial retail and eating establishments. Further, the Project would utilize the existing points of ingress/egress so overall circulation pattern would be maintained.

4. There is a compelling reason for the amendment.

The Project is consistent with the goals and policies for guiding future growth for the area, including policies and objectives of the 2014 Clovis General Plan and Shaw Avenue Specific Plan. For example, the Project provides an opportunity to redevelop a site and provide for economic growth as a result of changing market conditions and demand for drive-thru uses.

Conditional Use Permit CUP2020-003

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

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

If approved, the Project would be allowed within the zone district for which the property is located and would be in compliance with applicable provisions. The Project would undergo site plan review to further ensure that the site layout and development standards are met.

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

If approved, the Project would be in compliance with the Shaw Avenue Specific Plan. The underlying General Plan land use designation would remain unchanged and the proposed use is acceptable within that designation.

3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.

The Project is compatible with the existing uses and would complement the other retail and eating establishments. The site is located within an existing shopping center with a variety of uses and the Project would not be unlike other. Further, the Project intends to use the existing points of ingress/egress, thus, the overall circulation pattern previously established would remain unchanged.

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

Although the Project includes demolition of the existing structure, the proposed Project would construct a new building of similar size. Therefore, the site is physically suitable to accommodate the Project and its proposed use.

5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

The Project would comply with all applicable public health standards. Further, as a redevelopment of a site that has an existing retail business, the adequate provision (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use.

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

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

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 900 feet notified: 25

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:

Dave Merchen
City Planner

Conditions of Approval

ATTACHMENT 1-A to 1-B

**ATTACHMENT 1-A
Conditions of Approval**

General Plan Amendment GPA2020-002

**PLANNING DIVISION CONDITIONS
(Ricky Caperton, AICP, Senior Planner – (559) 324-2347)**

1. GPA 2020-002, eliminating the prohibition of drive-thru establishments within the Shaw Avenue Specific Plan, shall apply only to the project limits on the parcel which is the subject of the application.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

FRESNO IRRIGATION DISTRICT

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

3. 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)

4. 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.

**ATTACHMENT 1-B
Conditions of Approval**

Conditional Use Permit CUP2020-003

**PLANNING DIVISION CONDITIONS
(Ricky Caperton, AICP, Senior Planner – (559) 324-2347)**

1. The applicant shall be subject to site plan review in compliance with Chapter 9.56 of the Clovis Municipal Code.
2. The conditional use permit is granted to allow for a drive-thru restaurant for the subject property applicable only to the limits of the project, and modifies the P-C-C Use Schedule at this location to permit a drive-through use subject to conditional use permit approval.
3. This use shall be exercised within twelve (12) months from the date of approval.
4. This conditional use permit grants outdoor dining activities at the site in conjunction with operation of the use.
5. Any major modifications following approval of CUP2020-003 will require an amendment to this conditional use permit.
6. Hours of operation shall be limited to 9:00 a.m. to 1:30 a.m. from Sunday to Thursday, and 9:00 a.m. to 3:30 a.m. on Friday and Saturday. Modification to the hours of operation will require an amendment to the conditional use permit.
7. Cessation of this use for a continuous period of three hundred sixty-five (365) days shall be cause for scheduling of a revocation hearing for this conditional use permit.
8. Operation of the site shall conform with the Clovis General Plan noise standards and not generate any noise in excess of 65 CNEL to the outside of any structure nor 45 decibels to the interior of any structure.
9. The project shall comply with the standards identified in Section 9.40.090, Drive-in and drive-through facilities, of the Clovis Municipal Code.
10. A 3-foot tall screening shall be provided and maintained along the Shaw Avenue street frontage and wrapping along the east edge of the drive-through circulation system along Cole Avenue, ending at the common drive. This treatment shall be approved by the Director's discretion, the screen shall be one or a combination of the following: landscaping, decorative masonry, or earth berm.

11. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.

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

Roads / Access

12. Fire Apparatus Access Roads (26'): Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
13. Turning Radius: All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
14. 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.
15. Fire Lane: The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.

Systems Fire Protection

16. Fire Sprinkler – 2,500 Square Feet: The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13.
17. Underground Fire Service Line Installation: Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.
18. FDC Location: The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1.
19. This will be reviewed and approved by the Clovis Fire Department before installation.

20. Monitored Sprinklers: All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
21. Fire Extinguishers: The applicant shall install approved fire extinguishers, 2A 10BC minimum rating, one (1) per each 3000 square feet (light hazard), with a maximum travel of seventy five feet (75') from any point in building. These should be located and approved by the Clovis Fire Department prior to building occupancy.
22. UL 300 – Hood System: The applicant shall install protection of cooking equipment by means of an automatic fire extinguishing system complying with UL 300 that is listed and labeled for its intended use. A fire extinguisher listed and labeled for Class K fires shall be installed within thirty feet (30') of commercial food heat processing. Plans shall be submitted to the Fire Department for approval and permit shall be obtained from Fire Department.

Building Information

23. Address Numbers: Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8.
24. Room Capacity Signage: Any room having an occupant load of 50 or more and which is used for assembly purposes shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room.
25. Exit Doors Locking: No locks are permitted to prevent the operation of doors except the main exterior door meeting the requirements of 1010.1.9.3 CBC. The unlatching of any door shall not require more than one operation.
26. "Assembly" Occupancy Doors: Exit doors shall swing in the direction of egress travel and shall not be provided with a latch or a lock unless it is panic hardware with the exception of the main exit in compliance with section 1010.1.10 CFC.
27. Exit Signage: The path of exit travel to and within exits in a building shall be identified by illuminated exit signs conforming to the requirements of the California Fire Code.
28. Emergency Lighting: The applicant shall install emergency lighting with battery backup or an approved alternate in accordance with the California Fire Code.
29. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.

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

ENGINEERING/PUBLIC UTILITIES DIVISION CONDITIONS
(Sean Smith, Engineering Representative – (559) 324-2363)
(Paul Armendariz, Public Utilities Representative – (559) 324-2649)

General Provisions

31. The applicant shall supply the City with all legal descriptions, title reports, deeds, and legal drawings in a form that is acceptable to the City of Clovis.
32. All new overhead utility facilities located on-site shall be undergrounded unless otherwise approved by the City Engineer.

Dedications and Street Improvements

33. If the applicant is required to make onsite ADA path of travel improvements, then the applicant may be required to remove and replace concrete improvements along the property frontage that do not meet current City of Clovis and ADA standards.
34. The applicant shall remove and repair all damaged or broken concrete improvements if they are damaged prior to occupancy.
35. The applicant shall provide for free movement of traffic onto the site with no cross traffic or parking stalls within 50' of the Cole Avenue face of curb. At grade drive approaches, deceleration lanes, and separate right turn lanes, rather than standard drive approaches can be used to help reduce the non-cross access depth.

Water

36. The applicant shall install an approved backflow prevention assembly adjacent to the existing water meter and shall be tested by an approved AWWA certified tester within 5 days of installation with the results sent to the City Utilities Division.
37. The applicant may install separate water services for landscape irrigation.

Irrigation and Landscaping Facilities

38. 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.

Miscellaneous

39. The applicant shall modify and construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates. Grease barrel enclosures shall be required. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
40. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
41. The locations of the trash enclosures for the site are not approved with this conditional use permit and shall be determined at site plan review stage by the Solid Waste Supervisor and the City Engineer.
42. All above ground mounted utility boxes or risers locations shall be approved by the City.
43. The applicant shall be aware that additional site specific conditions shall be identified during the site plan review stage.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

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

45. 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)**

46. 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.

Justification

ATTACHMENT 2

CLOVIS 1, LLC
1234 East 17th Street
Santa Ana, CA. 92701

July 15, 2020

Mr. Ricky Caperton
Senior Planner
City of Clovis
Planning Division
1033 Fifth Street
Clovis, CA. 93612

Re: General Plan Amendment
Northwest Corner of East Shaw Avenue and Cole Avenue
Sierra Pavilions Shopping Center

Dear Mr. Caperton,

Please accept this correspondence as the Letter of Justification regarding the above captioned General Plan Amendment Application. The portion of the shopping center that is the subject of this redevelopment is a soon to be former Pier One building. Pier One has filed for bankruptcy and is in the process of final liquidation sales in their stores. They will not be reopening.

The current building is approximately 9,150 sq.ft. As you are aware, the Sierra Pavilions Shopping Center has been owned and operated by Red Mountain Group and its related entities for the better part of two decades. We have worked hard in collaboration with the City of Clovis and all city staff to ensure that the Sierra Pavilions Shopping Center remains successful for the foreseeable future. We very much appreciate the partnership that has been fostered with the City and look forward to the continuation of that relationship for many years to come.

During our ownership we have experienced more than our share of tenant turnover as a result of several factors, not the least of which is the ever changing hyper competitive retail environment over our ownership period coupled with the retail development of the Herndon corridor and the exorbitant amount of small shop space within the project.

The existing building of 9,150 sq.ft. is functionally and economically obsolete. We were well aware of the eventual need to replace Pier One as discussions regarding their tenancy were ongoing prior to the pandemic. During these discussions over the last year, we have been working to find possible replacement tenants within this size range. Needless to say, there were no replacement tenant opportunities whatsoever. Every casual dining restaurant user and other retailers in this size category in the marketplace were approached with no success. There was consideration given to demolishing the building for smaller retail users however the inadequate utility service to the building coupled with the costs of demise made it economically infeasible. Sierra Pavilions currently has approximately 50,000 sq.ft. of small shop space and as such demolishing this building for small shop space will create significantly higher risk in keeping it occupied causing it to experience repetitive vacancy.

Mr. Ricky Caperton
July 15, 2020
Page 2

We then approached the property from a different perspective and discovered that a restaurant with drive through service was an attractive alternative and we received very good response from potential tenants in this category. Given the competitiveness of the fast-casual dining category, the prospective tenants made it abundantly clear that without the drive through service there was no chance they would consider locating on this property. In addition, and especially with the current Covid-19 circumstances the literal survival of tenants in this category requires drive through service.

It is for all these reasons that we have pursued this General Plan Amendment so that the Sierra Pavilions Shopping Center can remain competitive and enjoy similar rights of other nearby properties.

Thank you for your consideration and we look forward to a successful project.

Sincerely,



Patrick Murphy
Agent
Clovis 1, LLC
Red Mountain Group
818 848 7859 office
818 259 1444 cell

Proposed P-C-C Use Schedule

ATTACHMENT 3

**SIERRA PAVILION
PLANNED COMMERCIAL CENTER
USE PLAN LEGEND
(CUP2020-003)**

(Modifications in red and underlined)

<u>Building</u>	<u>Permitted Uses</u>
A	Major Retail, General Retail
C,L	General Retail or Services
F	Retail or Services
J,G	General Retail and Food Uses
H	Major Retailer or General Retail
I	Major Retailer or General Retail
K	Grocery Store, Major Retailer or General Retail
M	General Retail or Services, Restaurants with Planning Director approval
N,P,Q,O	General Retail, Multi-Tenant, Restaurants or Services
B,R,S	General Retail, Multi-Tenant, Restaurants, or Services
	Schools - Requires Administrative Use Permit

The following uses may be permitted subject to a conditional use permit

Building R,Q,P,O,N	Any of these buildings or building areas may be used for a freestanding gas station or gas station use run in conjunction with another on the site.
Building A	Entertainment Use (Movie Theater)
<u>Building R</u>	<u>Drive-In, Drive-Through Uses</u>
Any Building	Health Club
	Indoor Amusement/Arcade/Entertainment Centers

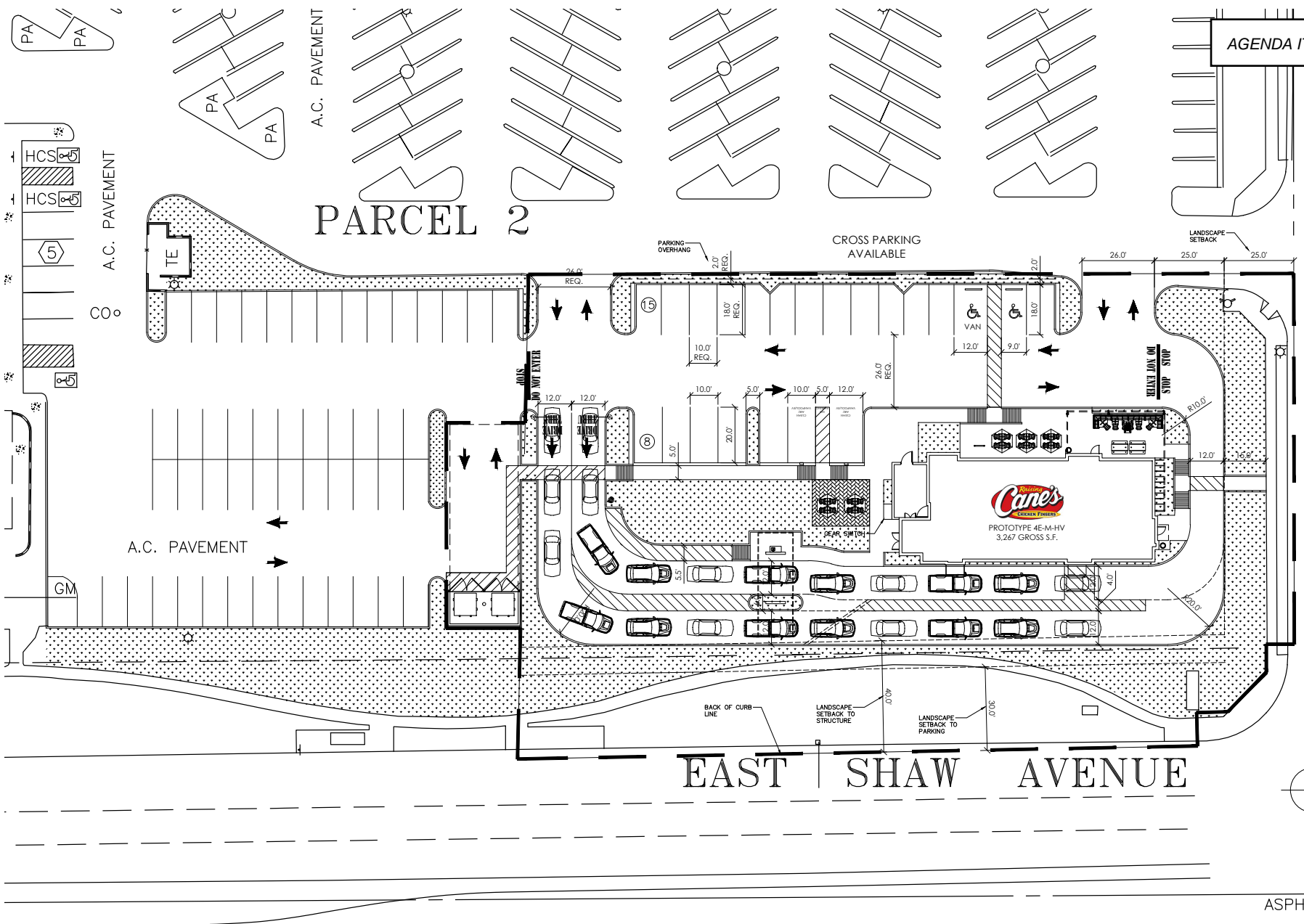
Miscellaneous

Special Outdoor Retail Events

Special outdoor retail events, such as tent sales, shall be allowed so long as the event is no longer than 4 consecutive days and occurs not more than three times in any calendar year.

Conceptual Site Plan, Elevations, and Floor Plan

ATTACHMENT 4



PARCEL 2

COLE AVENUE

EAST SHAW AVENUE



1 EST ELEVATION — FRONT
1/4" = 1'-0"



2 SOUTH ELEVATION — DRIVE-THRU
1/4" = 1'-0"

MATERIAL FINISHES

EM-1 Galvanized steel sheet w/ Kynar finish (24 GA.) Color: Black	EM-2 METAL GALVANIZED STEEL SHEET W/ KYNAR FINISH (24 GA.) BLACK	EM-3 CARBON GRADE FINISH 1 HOT ROLLED STEEL W/CARBON GRADE FINISH	EM-4 RECLAIMED METAL PANEL FINISH (CAR WOOD OCCURS AT FACE OF 11" ELEMENT)	P-10 PATIYO STEEL BENJAMIN MOORE BLACK LOW LUSTRE	EW-1 BELDEN NORMAN BRICK MASONRY MEDIUM RANGE, SMOOTH IRON SPOT, MORTAR TO MATCH SOLAMON PRODUCTS 10 L, WEATHERED HORIZONTAL STRIKE, VERTICAL JOINTS ARE FLUSH	EW-2 7669 SUMMIT GRAY PORTLAND CEMENT STUCCO	EW-3 MARCTONE 6443 - ARCI-TECT'S GREY	EW-4 BORAL 'ALAMO' MODULAR BRICK, MORTAR TO MATCH SOLAMON PRODUCTS 10 H, LIGHT BUFF SACK RUB FINISH	EW-5 132 MOUNTAIN FOG PORTLAND CEMENT STUCCO	EW-6 456 OYSTER SHELL PORTLAND CEMENT STUCCO	EW-7 ROOF TILE TO MATCH COOL HAND LUKES STEAK-HOUSE	EWS-1 MODEL 275 (M.O.B.E.) DARK BRONZE ANODIZED ALUMINUM STOREFRONT	EWS-2 ALUMINUM STOREFRONT SYSTEM FINISH: ANODIZED BLACK
---	--	---	--	---	--	--	---	---	--	--	---	---	---



Regional Support Office
8800 Briarwood Drive, Plano, TX 75024
Tel: 972-789-8300 Fax: 972-789-3101

Prototype Issue Date: _____
Store: **Raising Cane's Shaw Ave & Cole Ave Clovis, CA Store #CO608**
Prototype 4E-HV ERD 4.2
Professional of Record:



38 EXECUTIVE PARK
SUITE 310
IRVINE, CA 92614
Contact: Jeff Burdett
(949) 480-0241
jeff@pmdesign.com
Jeff Burdett, Architect

Prototype Update Phase: ERD 4.2
Initial Setup Date: 08/13/19
Project Manager: C.R.

PRELIMINARY

Sheet Revisions:

#	Date	Description

Sheet Title: **EXTERIOR ELEVATIONS**

Project Number: **RAC20011.0**
Drawn By: **RVN**
Sheet Number:

A4.10



Prototype Issue Date: _____

Store: **Raising Cane's
Shaw Ave & Cole Ave
Clovis, CA Store
#C0608
Prototype 4E-HV
ERD 4.2**

Professional of Record: _____



Prototype Update Phase: **ERD 4.2**
Initial Setup Date: **08/19**
Project Manager: **C.R.**

PRELIMINARY

Sheet Revisions:

#	Date	Description

Sheet Title: _____

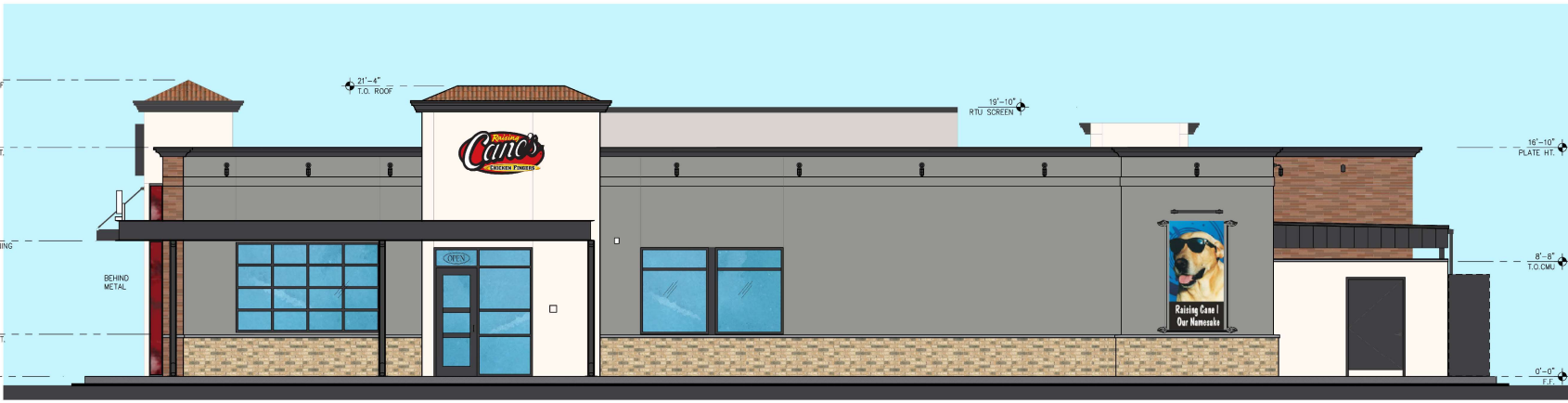
EXTERIOR ELEVATIONS

Project Number: **RAC20011.0**
Drawn By: **RYNE**
Sheet Number: _____

A4.20




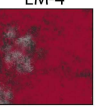


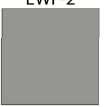







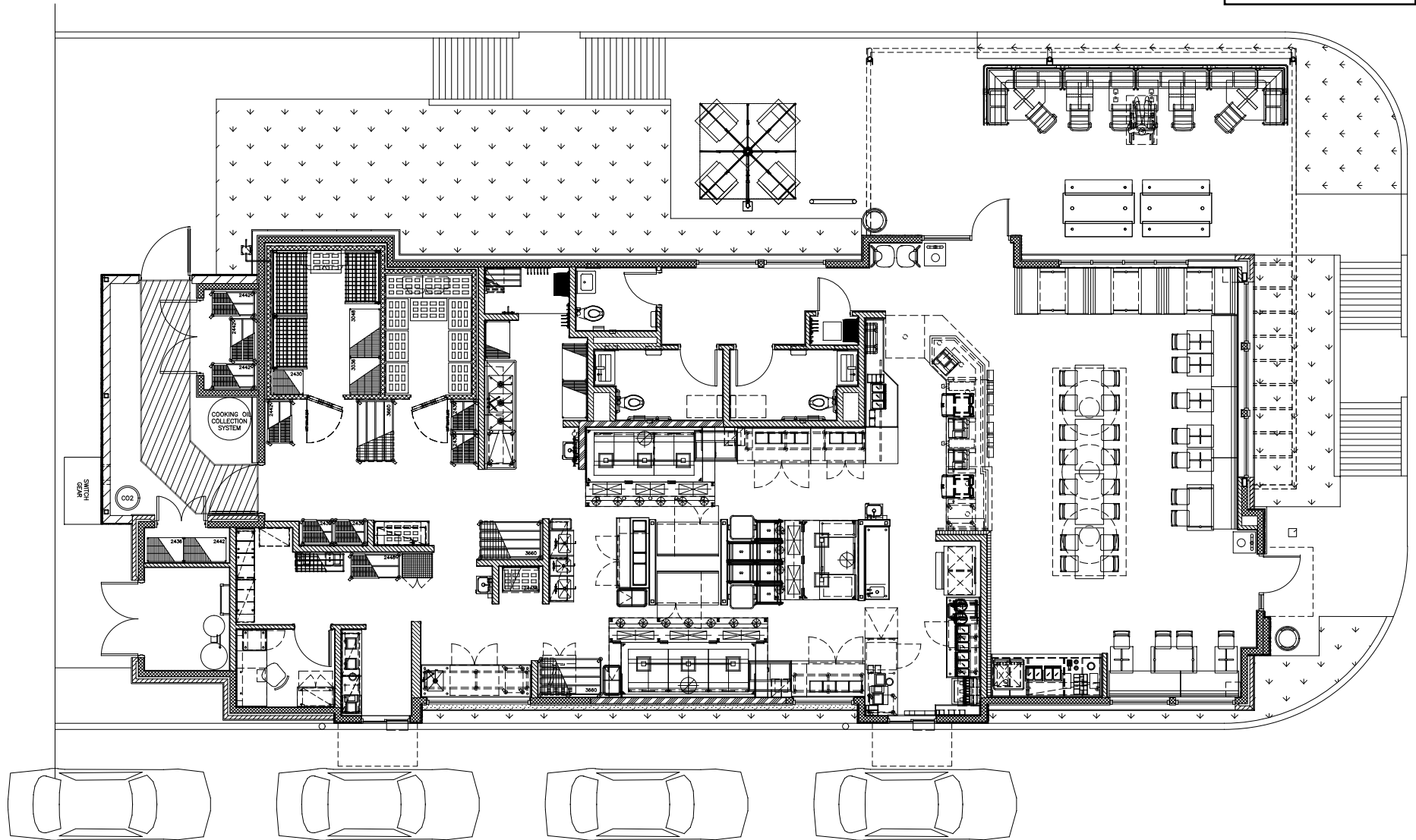
1 | WEST ELEVATION – REAR
1/4" = 1'-0"



2 | NORTH ELEVATION – SIDE ENTRY
1/4" = 1'-0"

MATERIAL FINISHES

<p>EM-1</p>  <p>Galvanized steel sheet w/ kynar finish (24 GA.) Color: Black</p>	<p>EM-2</p>  <p>METAL GALVANIZED STEEL SHEET W/ KYNAR FINISH (24 GA.) BLACK</p>	<p>EM-3</p>  <p>CARBON GRADE FINISH: HOT ROLLED STEEL W/ CARBON GRADE FINISH</p>	<p>EM-4</p>  <p>RECLAIMED METAL PANEL W/ VINTAGE CAR HOOD SCULPTURE AT FACE OF 11" ELEMENT</p>	<p>P-10</p>  <p>PAINTO STEEL BENJAMIN MOORE BLACK LOW LUSTRE</p>	<p>EW-1</p>  <p>BELDEN NORMAN BRICK MASONRY MEDIUM RANGE SMOOTH IRON SPOT MORTAR TO MATCH SOLOMON PRODUCTS 10 H. WEATHERED HORIZONTAL STRIKE VERTICAL JOINTS ARE FLUSH</p>	<p>EW-2</p>  <p>#7668 SUMMIT GRAY PORTLAND CEMENT STUCCO</p>	<p>EW-3</p>  <p>MARCKSTONE 6443 - ARCHITECT'S GREY</p>	<p>EW-4</p>  <p>BORAL "ALAMO" MODULAR BRICK MORTAR TO MATCH SOLOMON PRODUCTS 10 H. LIGHT BUFF SACK RUB FINISH</p>	<p>EW-5</p>  <p>#132 MOUNTAIN FOG PORTLAND CEMENT STUCCO</p>	<p>EW-6</p>  <p>#56 OYSTER SHELL PORTLAND CEMENT STUCCO</p>	<p>EW-7</p>  <p>ROOF TILE TO MATCH COOL HAND LUKE'S STEAK HOUSE</p>	<p>EWS-1</p>  <p>MODEL 275 (M.O.R.E.) DARK BRONZE ANODIZED ALUMINUM STOREFRONT</p>	<p>EWS-2</p>  <p>ALUMINUM STOREFRONT SYSTEM FINISH: ANODIZED BLACK</p>
---	---	--	--	--	--	--	---	---	--	---	---	--	--



Correspondence from Commenting Agencies

ATTACHMENT 5



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

May 13, 2020

LU0020735
2604

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

Dear Ms. Spera:

PROJECT NUMBER: **DRC1096-2020**

DRC196-2020; Proposing a Raising Cane's Drive Through Restaurant.

APN: 498-130-25S

ZONING: P-C-C

ADDRESS: NWC of Shaw & Cole Avenues

Recommended Conditions of Approval:

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

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

The following comments pertain to the demolition of the existing structure:

- Should the structure 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 structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition 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:

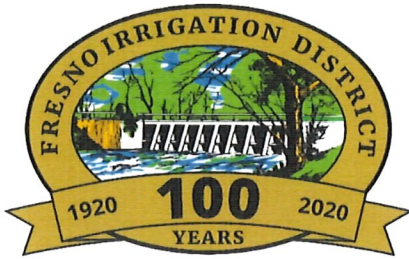
Kevin Tsuda

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

(559) 600-33271

KT

cc: Rogers, Moreno, Bal & Jackson- Director Environmental Health Division (CT. 57.04)
Patrick Murphy- Applicant (pmurphy43@aol.com)



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

A Century of Commitment, Conveyance & Customer Service

August 6, 2020

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

RE: General Plan Amendment 2020-002, CUP2020-003, and SPR2020-004
 N/E Shaw and Clovis avenues
 FID's Jefferson No. 112

Dear Mr. Caperton:

The Fresno Irrigation District (FID) has reviewed the General Plan Amendment 2020-002 for which the applicant request to amend the Shaw Avenue Specific Plan to allow for a drive-thru restaurant. This request is being processed concurrently with Conditional Use Permit 2020-003 and Site Plan Review 2020-004. APN: 498-130-25S. FID has the following comment:

1. This site was previously reviewed and commented on by FID on May 20, 2020 as Development Review Committee Application No. 1096-2020. Those comments and conditions still apply, and a copy is attached for your reference.

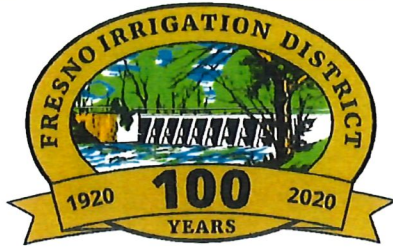
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
 Chief Engineer

Attachments

G:\Agencies\Clovis\General Plan Amendment\GPA2020-002.doc



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

A Century of Commitment, Conveyance & Customer Service

May 20, 2020

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

RE: Development Review Committee Application No. 1096-2020
 N/E Shaw and Clovis avenues
 FID's Jefferson No. 112

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 1096-2020 for which the applicant proposes a Raising Canes Drive-Thru Restaurant, APN: 498-130-25s. FID has the following comments:

Summary of Requirements:

- Review and Approval of all Plans.
- Grant of Additional Easement
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

Area of Concern

1. FID's Jefferson No. 112 runs westerly, crosses Shaw Avenue approximately 1,200 feet southeast of the subject property, continues westerly along the north side of Shaw Avenue, crosses Cole Avenue approximately 60 feet east of the subject property, traverses the southerly portion of the subject property, and crosses Clovis Avenue approximately 1,000 feet west of the subject property, as shown on the attached FID exhibit map, and will be impacted by the proposed project. FID owns a 15 feet wide exclusive easement recorded August 5, 1976 as Document No. 67938, Book 6638, Page 215, Official Records Fresno County. Should this project include any street and/or utility improvements along Shaw Avenue, Cole Avenue, Clovis Avenue, or in the vicinity of this pipeline, FID requires it review and approve all plans.
2. FID records for the Jefferson indicate this section was installed in 1975 (45 years old) as 24-inch C76 Rubber Gasket Reinforced Concrete Pipe (RGRCP). FID's current standard for developed parcels located in the urban areas (residential, industrial, and commercial)

G:\Agencies\Clovis\DRC Meetings\1096-2020.doc

Maria Spera
RE: DRC 1096-2020
May 20, 2020
Page 2 of 2

is ASTM C-361 RGRCP. The ASTM C-76 pipe has a weaker joint connection and is not designed to handle the constant internal head pressure that is typically experienced on low-head irrigation pipelines such as this one.

3. FID requests the applicant replace the existing pipeline across the subject parcel as a part of this project with new 24-inch diameter ASTM C-361 Rubber Gasketed Reinforced Concrete Pipe (RGRCP) in accordance with FID standards for developed parcels and that the applicant enter into an agreement with FID for that purpose. If the pipeline is not replaced, FID requires the pipeline be inspected for adequate structural integrity.
4. FID requests the applicant grant an additional 5 feet wide exclusive easement, whereby FID only has an existing 15 feet wide exclusive easement, such that FID has a total of 20 feet wide exclusive easement to meet current FID standards.
5. This pipeline was installed without a product known as MacWrap, which is a root barrier. 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-water tight 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. All trees will need to be located a minimum of 15 feet from the outside edge of the pipeline to limit possible disruptions.
6. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
7. 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.
8. 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.
9. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed redevelopment will not endanger the structural integrity of the existing pipeline, or result in drainage patterns that could adversely affect FID.
10. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.

General Comments

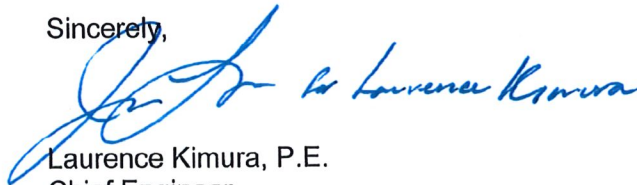
1. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.

Maria Spera
RE: DRC 1096-2020
May 20, 2020
Page 2 of 2

2. Footings of retaining walls shall not encroach onto FID property/easement areas.
3. Trees will not be permitted within FID's property/easement areas.
4. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.
5. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from the existing District facilities. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities
6. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
7. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

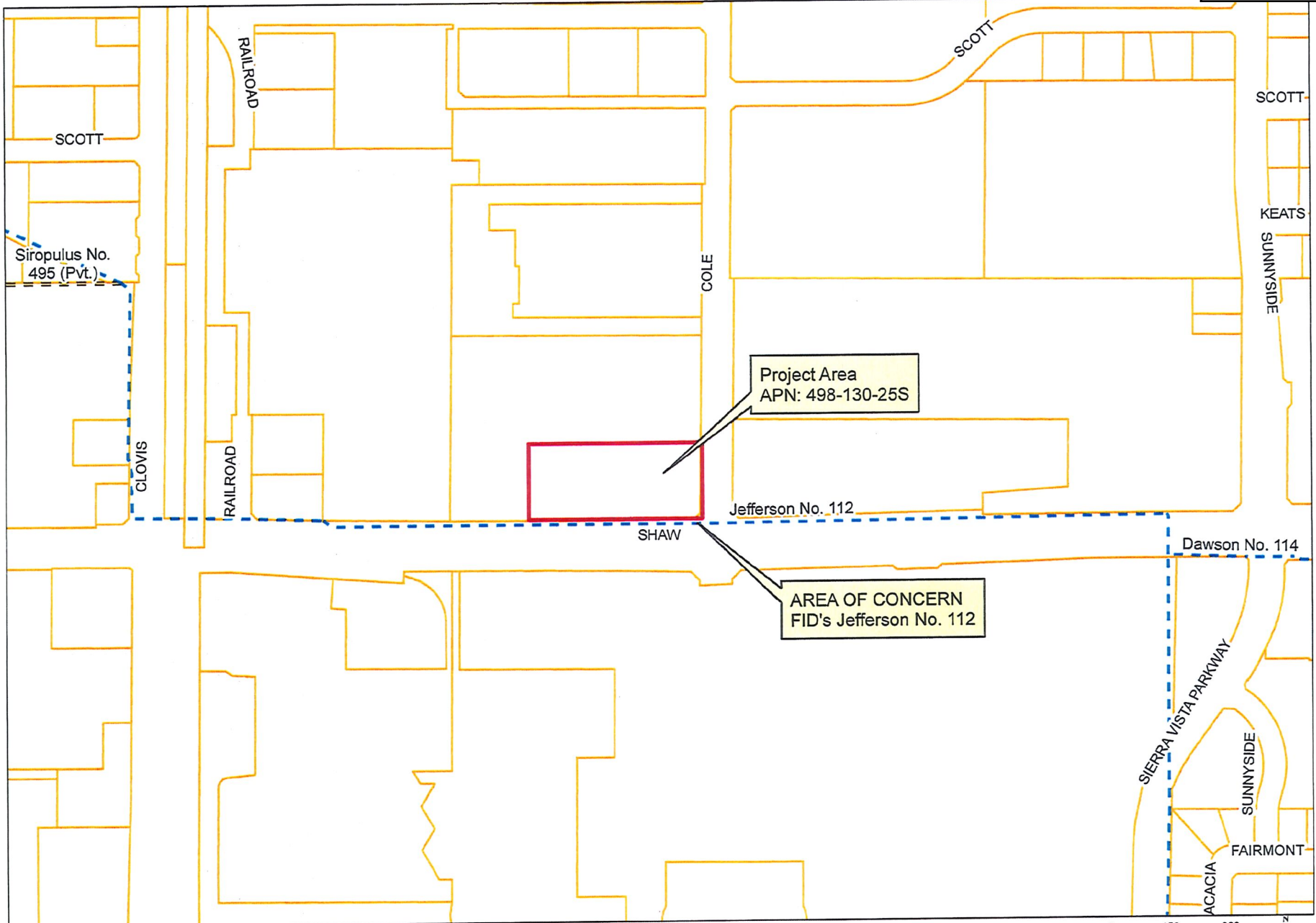
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

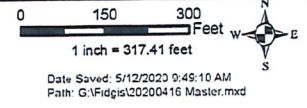
Attachment



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



Recorded August 5 1976
Book 6638 Page 215
Document No 67938

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

A G R E E M E N T

F O R

RELOCATION AND SUBSTITUTION OF PIPELINE FOR
OPEN DITCH AND PIPELINE OWNED BY
FRESNO IRRIGATION DISTRICT

JEFFERSON NO. 112 AND CLOVIS SO. BRANCH NO. 115

THIS AGREEMENT, made and entered into this 6th day of July
1976, by and between the County of Fresno, a political subdivision of the State
of California, hereinafter referred to as "COUNTY", the City of Clovis, a
municipal corporation, hereinafter referred to as "CLOVIS", and Fresno Irrigation
District, a public corporation, hereinafter referred to as "DISTRICT";

W I T N E S S E T H:

WHEREAS, DISTRICT has an established right of way for the maintenance and
operation of an irrigation canal and pipeline known as the Jefferson No.112
which is described as follows:

The North 15 feet of the South 55 feet of the Southeast
Quarter of the Southeast Quarter of the Southwest Quarter
of Section 9, Township 13 South, Range 21 East, Mount
Diablo Base and Meridian, excepting the East 200 feet
thereof, and

The North 30 feet of the South 40 feet of the Southwest
Quarter of the Southeast Quarter of Section 9, Township 13
South, Range 21 East, Mount Diablo Base and Meridian, and

The South 20 feet of Lots 22, 23 and 24 of Columbia Park,
Section 9, Township 13 South, Range 21 East, Mount Diablo
Base and Meridian, according to the map recorded in Book 6,
Page 38 of Fresno County Records of Surveys, and

WHEREAS, DISTRICT has an established right of way and easement for the
maintenance and operation of an irrigation pipeline known as the Clovis South
Branch No. 115 which is described as follows:

The North 30 feet of the South 50 feet of the East 200 feet
of the Southeast Quarter of the Southeast Quarter of the
Southwest Quarter of Section 9, Township 13 South, Range 21
East, Mount Diablo Base and Meridian, less the East 20 feet
thereof, and

WHEREAS, said Jefferson Ditch and pipeline, and said Clovis South Branch
pipeline are located along the north side of Shaw Avenue, between Sunnyside and
Clovis Avenue and DISTRICT is now and for many years has been using said irriga-
tion facilities for the purpose of transporting irrigation water to property

1 owners served by DISTRICT, and

2 WHEREAS, COUNTY and CLOVIS are desirous of widening and improving Shaw
3 Avenue between Clovis Avenue and DeWolf Avenue and maintaining a public road
4 upon, over and across said rights of way for said irrigation ditches and pipe-
5 lines between Sunnyside Avenue and Clovis Avenue, and

6 WHEREAS, Clovis desires at its expense to relocate and substitute for
7 said ditch and pipeline a rubber gasketed reinforced concrete pipeline within
8 CLOVIS' right of way for Shaw Avenue between Sunnyside Avenue and Clovis Avenue,
9 and

10 WHEREAS, CLOVIS is desirous of requesting Federal Participation for the
11 cost of the above work in accordance with the requirements of Federal Highway
12 Administration Policy and Procedure Memorandum No. 30-4 dated June 29, 1973, and

13 WHEREAS, DISTRICT is willing to consent to the relocation and substitut-
14 ion of said ditch and pipeline with rubber gasketed reinforced concrete pipeline
15 within a right of way and easement for common use with CLOVIS to be provided by
16 CLOVIS.

17 NOW, THEREFORE, it is mutually agreed as follows:

18 I

19 CLOVIS does hereby grant to DISTRICT the perpetual right and easement to
20 construct, install, maintain, alter, repair, improve, reconstruct, enlarge and
21 supplement pipes, pipelines and conduits, and to flow and conduct water through
22 said pipe, pipelines and conduits within a strip of land fifteen feet (15')
23 wide to be known as an area of common use described as follows:

24 A strip of land, 15 feet in width, lying south of the
25 following described line:

26 Beginning at a point which is 80 feet north of the south
27 boundary and 20 feet west of the east boundary of the
28 Southwest Quarter of Section 9, Township 13 South,
29 Range 21 East, Mount Diablo Base and Meridian; thence,

- 30 (1) S 29°44'03" W., parallel with the south boundary of
- 31 said Section 9, 180 feet, more or less; thence
- 32 (2) Southwesterly along the arc of a curve concave to the
- southeast (having a 17,215.04 foot radius, a radius
- point which bears S 00°13'57" East and a central angle
- of 01°42'08") a distance of 511.45 feet; thence
- (3) S 88°01'55" West, 500 feet; thence

1 (4) Westerly along the arc of a curve concave to the Northwest
2 (having a 17,115.04 foot radius, a radius point which bears
3 N 01°58'05" W. and a central angle of 01°42'08") a distance of
4 508.46 feet; to a point which is 30 feet North of the So. boundary
5 of said Section 9; thence

6 (5) S 89°44'02" W, parallel with said S. boundary, to the W. boundary
7 of Lot 24 of Columbia Park according to the map thereof recorded
8 in Book 6, Page 38 of Record of Surveys, Fresno County Records.

9 DISTRICT hereby consents to the construction, reconstruction, maintenance
10 or use by CLOVIS of a road over, along and upon DISTRICT'S easement in the above
11 described area of common use upon and subject to the terms and conditions herein
12 contained.

13 II

14 CLOVIS acknowledges DISTRICT'S title to DISTRICT'S easement in said area
15 of common use and the priority of DISTRICT'S title over the title of CLOVIS
16 therein. DISTRICT has and reserves the right and easement to use, in common
17 with the public's use of said road, said area of common use for all of the
18 purposes for which DISTRICT'S easement was acquired, without need for any further
19 permit or permission from CLOVIS. Except in emergencies, DISTRICT shall give
20 reasonable notice to CLOVIS before performing any work on DISTRICT'S facilities
21 in said area of common use where such work will be performed in, on, or over the
22 traveled way or improved shoulders of said road or will obstruct traffic. In
23 all cases, DISTRICT shall make adequate provision for the protection of the
24 traveling public.

25 III

26 In the event DISTRICT in the course of operating and maintaining its
27 facilities in said area of common use must remove any surface material or objects
28 appurtenant to CLOVIS' road, CLOVIS shall be responsible for the expense of
29 removing and replacing said appurtenances.

30 IV

31 In the event that the future use of said road shall at any time or times
32 necessitate a rearrangement, relocation, reconstruction or removal of any of
DISTRICT facilities then existing in said area of common use, CLOVIS shall
notify DISTRICT in writing of such necessity and agree to reimburse DISTRICT on
demand for its costs incurred in complying with such notice, DISTRICT will

1 provide CLOVIS with plans of its proposed rearrangement and an estimate of the
2 cost thereof, and upon approval of such plans by CLOVIS, DISTRICT will promptly
3 proceed to effect such rearrangement, relocation, reconstruction or removal.
4 DISTRICT shall make adequate provision for the protection of the traveling public
5 No further permit or permission from CLOVIS for such rearrangement shall be
6 required.

7 V

8 If in addition to the provisions in Paragraph IV such rearrangements
9 shall require the relocation of any of DISTRICT'S facilities outside of said
10 area of common use, CLOVIS will enter into a new joint use agreement covering
11 the new location of DISTRICT'S easement within the road right of way or provide
12 executed documents granting to DISTRICT a good and sufficient easement satis-
13 factory to DISTRICT outside of the road right of way if necessary to replace
14 DISTRICT easement or any part thereof.

15 VI

16 Except as expressly set forth herein, this Agreement shall not in any way
17 alter, modify or terminate any provision of DISTRICT'S easement. Both CLOVIS
18 and DISTRICT shall use said area of common use in such a manner as not to inter-
19 fere unreasonably with the rights of the other. Nothing herein contained shall
20 be construed as a release or waiver of any claim for compensation or damages
21 which DISTRICT or CLOVIS may now have or may hereafter acquire resulting from
22 the construction of additional facilities or the alteration of existing fa-
23 cilities by either CLOVIS or DISTRICT in such a manner as to cause an unreason-
24 able interference with the use of said area of common use by the other party.

25 VII

26 Upon full performance of this Agreement by COUNTY, CLOVIS and DISTRICT
27 and the acceptance of said pipeline and structures by DISTRICT, DISTRICT agrees
28 to abandon its interest in that portion of its present Jefferson and Clovis
29 South Branch ditch pipeline and rights of way which will be replaced by said
30 rubber gasketed reinforced pipe.

31 VIII

32 DISTRICT agrees at CLOVIS' expense to prepare plans and specifications,

1 award contract, supervise and inspect the project for relocating and piping said
2 Jefferson and Clovis South Branch within CLOVIS' Shaw Avenue right of way between
3 Sunnyside Avenue and Clovis Avenue, all according to plans and specifications
4 approved by COUNTY, CLOVIS and DISTRICT. It is mutually agreed that DISTRICT
5 shall call for sealed bids for all work required of the project and that the
6 approval of the COUNTY and CLOVIS award the bid to the lowest qualified bidder.
7 DISTRICT reserves the right to reject any and all bids received.

8 IX

9 CLOVIS agrees to pay DISTRICT, within thirty (30) days after the com-
10 pletion and acceptance of said installation by DISTRICT, all direct and indirect
11 costs of the pipeline project as agreed to in Paragraph II of this Agreement.
12 It is estimated the project will cost \$71,249.00 which will include the contract
13 construction costs, DISTRICT'S work in preparing the right of way and engineer-
14 ing and inspection fees. Labor, materials and equipment costs for work performed
15 by the DISTRICT shall include actual direct and indirect costs attributed to the
16 project and shall be accounted for by a project number to be established speci-
17 fically for the project. CLOVIS agrees to pay the cost for engineering and
18 inspection on the basis of five percent (5%) of actual construction costs.

19 X

20 It is agreed that as the Agency administering the project, the COUNTY
21 will make the actual payment to the DISTRICT for CLOVIS' obligation and that
22 the COUNTY will be reimbursed from Federal Aid Urban funds (83+%) plus City of
23 Clovis Matching Funds (17+%).

24 XI

25 COUNTY and CLOVIS agree that upon construction and installation of said
26 pipeline and structures shall become and remain the property of DISTRICT, and
27 COUNTY and CLOVIS shall have no right, title or interest therein. COUNTY and
28 CLOVIS further agree that said pipeline and any other pipelines and conduits
29 to be constructed herein by or for DISTRICT, and the manner, method and time
30 of conducting and discharging water through said pipeline, pipelines or conduits,
31 shall be in the absolute control of DISTRICT.

32 XXX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

XII

THIS AGREEMENT shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto.

XIII

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above mentioned.

COUNTY OF FRESNO
BY *John Ventura*
CHAIRMAN, Board of Supervisors

CITY OF FRESNO
BY *Stanley E. King*

FRESNO IRRIGATION DISTRICT
BY *F.A. Brown*
President

ATTEST *Ardis J. Gordon*
Secretary

APPROVED AS TO FORM:
COUNTY OF FRESNO
ROBERT M. WASH, COUNTY COUNSEL

BY *Robert M. Wash*

YMC program

NOTICE OF CANCELLATION

LOSS PAYEE

EFFECTIVE DATE OF CANCELLATION	ISSUING OFFICE	DATE MAILED
2-5-78	SRPS	1-6-78

We must tell you that this policy will be canceled on the effective date listed in this notice at the standard time specified in the policy. Any claim originating prior to this date will not be affected by this cancellation. We are sorry that protection cannot be continued.

RECEIVED
JAN 9-1978
FIN

INSURED'S POLICY NUMBER AND
NAME AND ADDRESS OF LOSS PAYEE

[] WC 213 86 91 A
 [] Fresno Irrigation District
 1568 N. Millbrook
 Fresno, CA

AGENT OR BROKER

[] Lewis Insurance
 Fresno, CA

[] 04 108 240

M.D. Tatum
1-9-78

NAME OF INSURED

WC 213 86 91 A
 Michael D. Tatum
 DBA: M-D Construction
 2698 North Valentine
 Fresno, CA

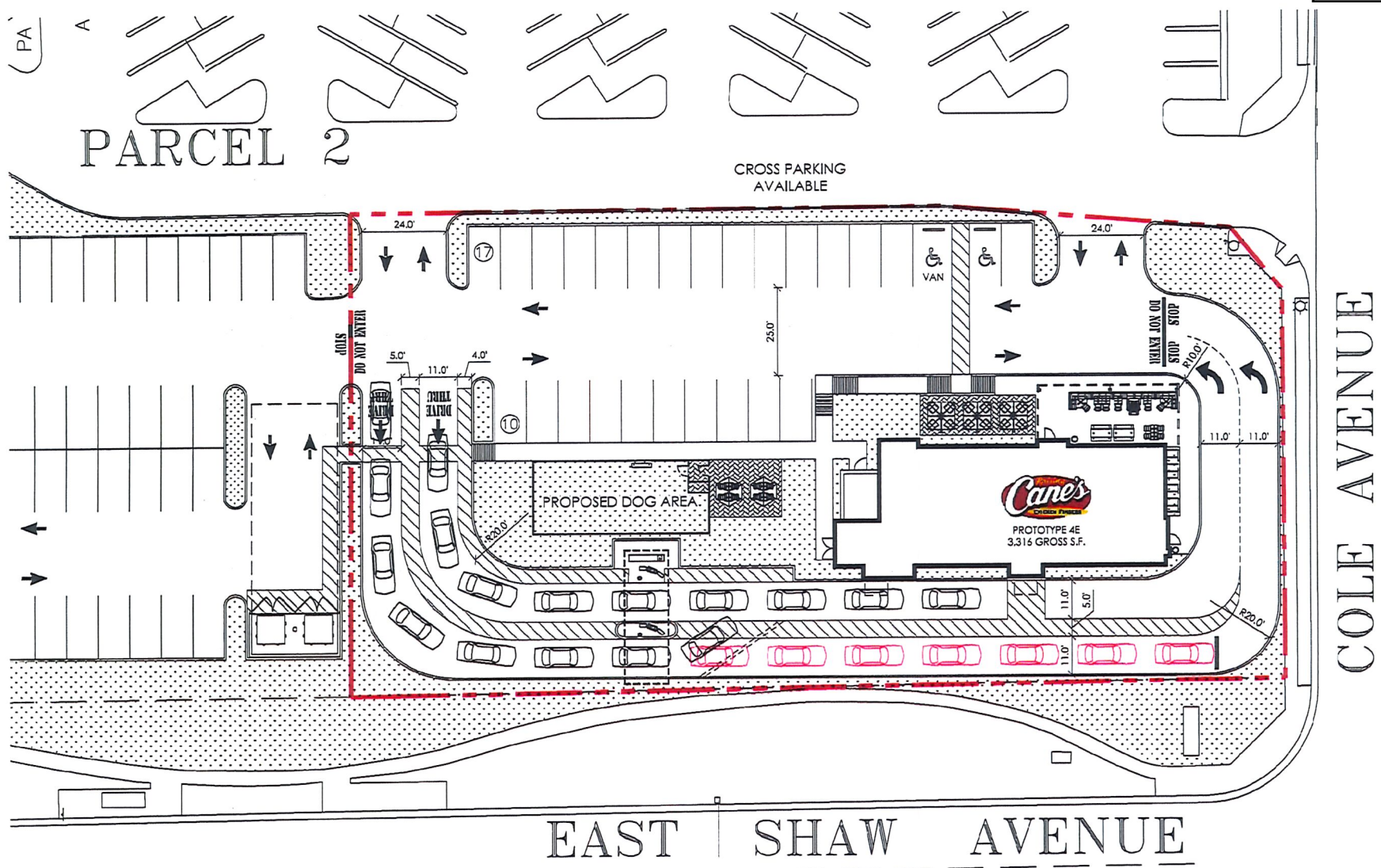
- FIREMAN'S FUND INSURANCE COMPANY
- FIREMAN'S FUND INSURANCE COMPANY OF TEXAS
- NATIONAL SURETY CORPORATION
- THE AMERICAN INSURANCE COMPANY
- AMERICAN AUTOMOBILE INSURANCE COMPANY
- ASSOCIATED INDEMNITY CORPORATION

Dean M. ...
AUTHORIZED SIGNATURE

jb

485049-2-76

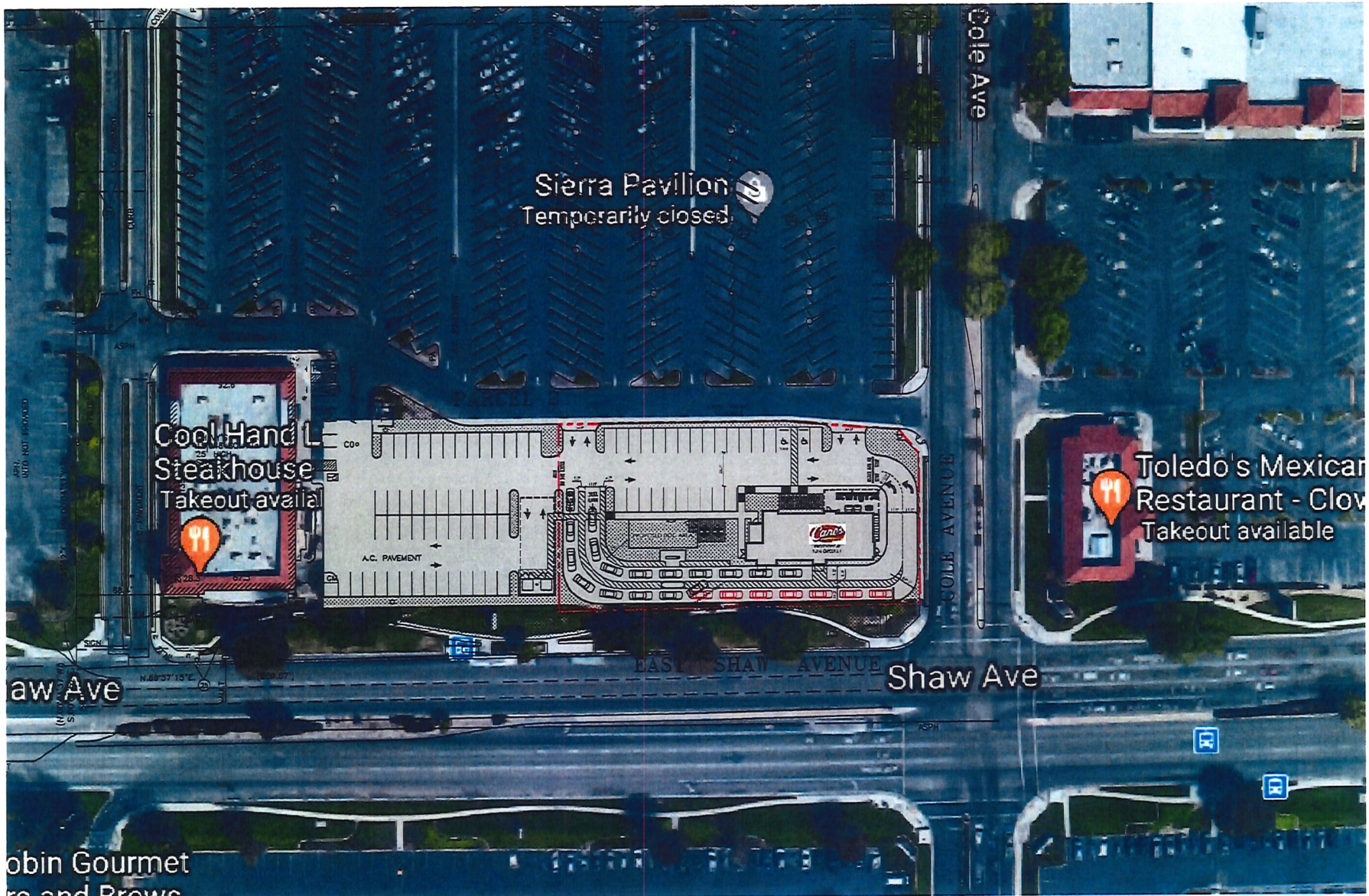
CRC ©M



TOTAL SITE AREA	35,727sf	0.82cc
PARKING STALLS	27	33 REQ.
SHARED PARKING	AVAILABLE	
D/T CAR COUNT	18	

PQS0281, E. SHAW & COLE - COLVIS, CA		
DRAWN BY: PF	04/24/2020	VERSION: SD-1.0
REM: RC	DM: PF	PDM:



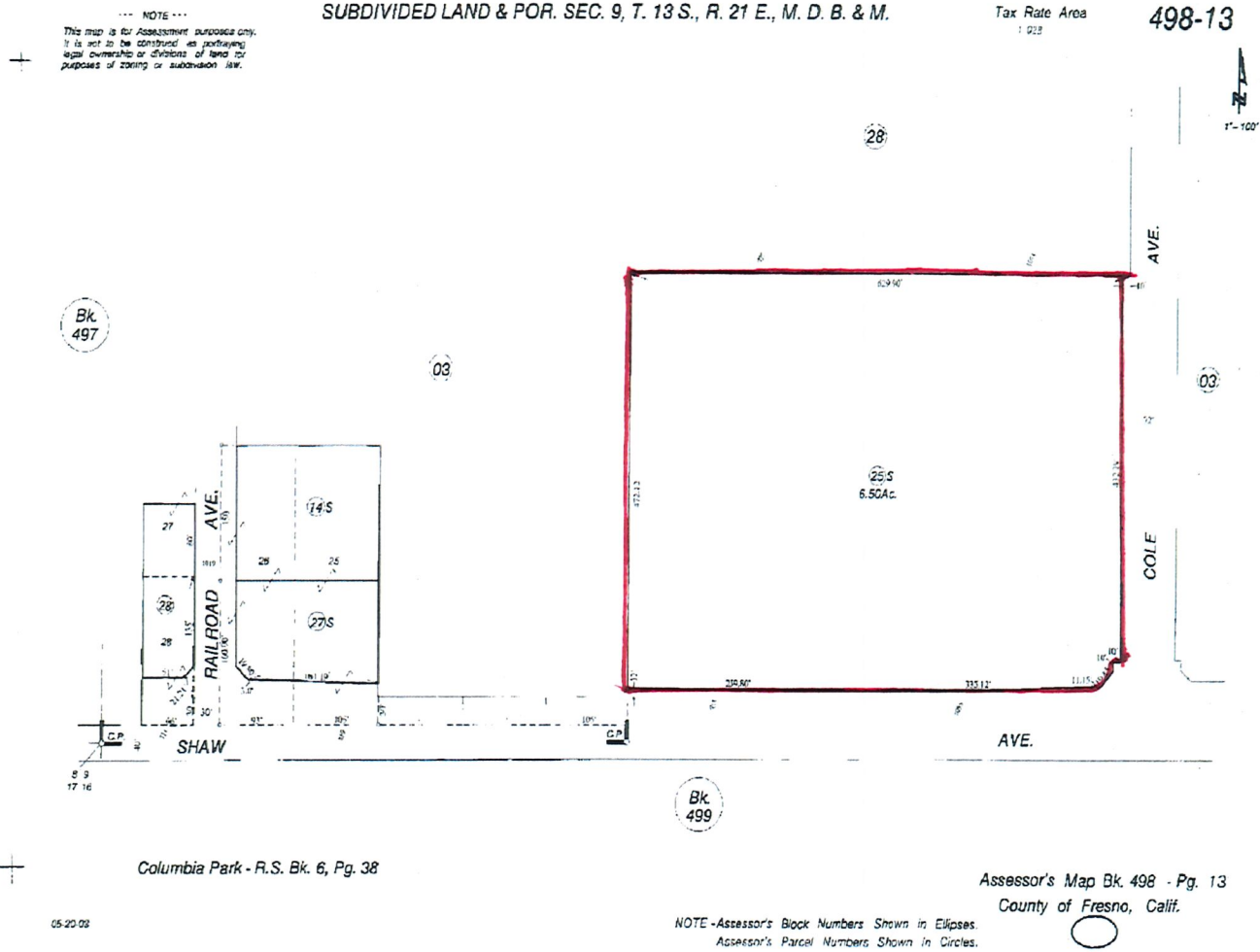


TOTAL SITE AREA	35,727sf	0.82ac
PARKING STALLS	27	33 REQ.
SHARED PARKING	AVAILABLE	
D/T CAR COUNT	18	

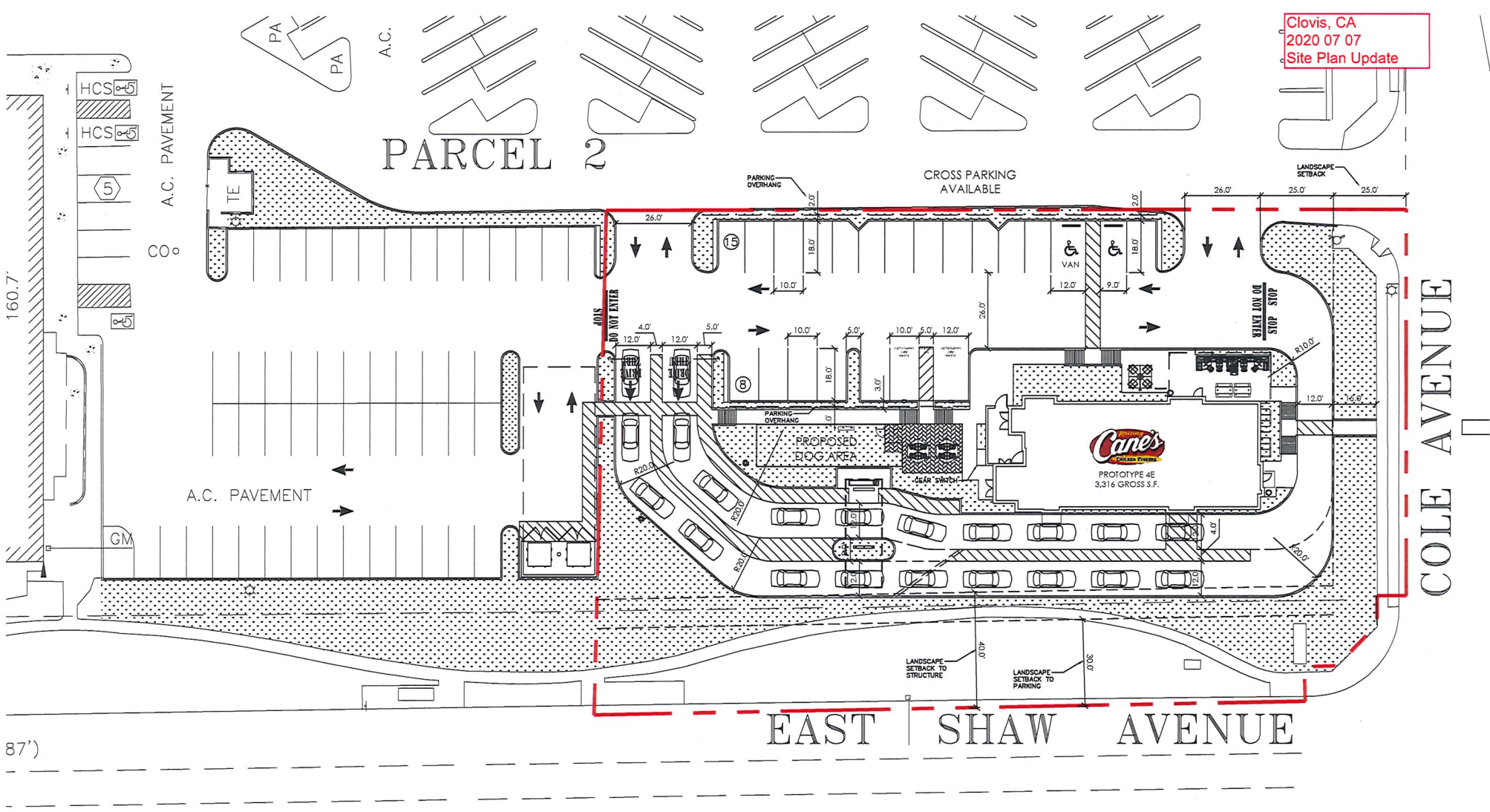
PQS0281, E. SHAW & COLE - COLVIS, CA		
DRAWN BY: PF	04/24/2020	VERSION: SD-1.0
REM: RC	DM: PF	PDM:

Assessor Map

[Click here to get the map in PDF](#)
[Click here to get the map in TIF](#)



Clovis, CA
2020 07 07
Site Plan Update





Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.432 "2020-004"
210.433 "2020-003"
400.11

August 27, 2020

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

Dear Mr. Caperton,

General Plan Amendment 2020-002
Drainage Area "3D"

The proposed general plan amendment lies within the District's Drainage Area "3D". The District's system can accommodate the proposed amendment.

Please contact us if you need further information at (559) 456-3292.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Robert Villalobos".

Robert Villalobos
Engineering Technician III

RV/lrl

**Draft Resolution
GPA2020-002**

ATTACHMENT 6

**DRAFT
RESOLUTION 20-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA2020-002
AMENDING THE SHAW AVENUE SPECIFIC PLAN TO ALLOW DRIVE-THRU
COMMERCIAL ESTABLISHMENT ON A PORTION OF PROPERTY LOCATED ON THE
NORTHWEST CORNER OF SHAW AND COLE AVENUES IN THE SIERRA PAVILIONS
SHOPPING CENTER AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT
TO A CLASS 32 CATEGORICAL EXEMPTION**

WHEREAS, Clovis I, LLC, 1234 E. 17th Street, Santa Ana, CA 92701, has applied for a General Plan Amendment GPA2020-002; and

WHEREAS, the Applicant submitted an application for a general plan amendment to amend the Shaw Avenue Specific Plan to allow a drive-thru commercial establishment on a portion of property located on the northwest corner of Shaw and Cole Avenues in the Sierra Pavilions Shopping Center, in the City of Clovis, County of Fresno, California; and

WHEREAS, a public notice was sent out to area residents within 900 feet of said property boundaries a minimum of ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on September 24, 2020; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the approval of a Class 32 Categorical Exemption pursuant to CEQA Guidelines; and

WHEREAS, on September 24, 2020, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2020-002 which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

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

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

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

- 3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
- 4. There is a compelling reason for the amendment.
- 5. The Planning Commission does find the project exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Existing Facilities).
- 6. The basis for the findings is detailed in the September 24, 2020 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 September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary

**Draft Resolution
CUP2020-003**

ATTACHMENT 7

**DRAFT
RESOLUTION 20-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A CONDITIONAL USE PERMIT AMENDING THE P-C-C ZONE DISTRICT USE SCHEDULE
AND TO ALLOW A DRIVE-THRU COMMERCIAL ESTABLISHMENT ON A PORTION OF
PROPERTY LOCATED ON THE NORTHWEST CORNER OF SHAW AND COLE AVENUES
IN THE SIERRA PAVILIONS SHOPPING CENTER AND FINDING THE PROJECT IS
EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION**

WHEREAS, Clovis I, LLC, 1234 E. 17th Street, Santa Ana, CA 92701, has applied for a Conditional Use Permit CUP2020-003; and

WHEREAS, the Applicant submitted an application for a conditional use permit to amend the P-C-C Use Schedule and to allow drive-thru commercial establishment on a portion of property located on the northwest corner of Shaw and Cole Avenues in the Sierra Pavilions Shopping Center, in the City of Clovis, County of Fresno, California; and

WHEREAS, a public notice was sent out to property owners within 900 feet of said property boundaries a minimum of ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on September 24, 2020; and

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

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

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
2. The proposed use is consistent with the General Plan and any applicable specific plan.
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
6. The Planning Commission does find the project exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Infill Development).

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: September 24, 2020

SUBJECT: Consider Approval - Res. 20-____, **OA2020-003**, A request to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 - RHN Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. City of Clovis, applicant.

Staff: Dave Merchen, City Planner

Recommendation: Approve

ATTACHMENTS: 1. Draft Resolution
2. Draft Ordinance

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending approval of the ordinance amendment as presented.

EXECUTIVE SUMMARY

In November of 2018, the City Council adopted Ordinance Amendment 2018-03 establishing the RHN (Regional Housing Needs) Overlay District to the Clovis Municipal Code to address the State Department of Housing and Community Development (“HCD”) Regional Housing Needs Allocation (“RHNA”) obligation. The current proposal makes refinements to the RHN Overlay District to clarify the City’s intent in establishing the District. A ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District is also proposed as a means to further address and comply with the City’s RHNA obligation.

BACKGROUND

In 2018, the City implemented two new programs to address a shortfall of land to accommodate 4,425 affordable housing units identified in the Fourth Cycle (2007-2012) of the City’s Regional Housing Needs Allocation (RHNA). These programs were designed to facilitate the development of high density housing as required by HCD. One of these programs is the RHN Overlay Zone District, which allows multi-family housing to be developed as a permitted use at a density between

35 and 43 dwelling units per acre on eligible properties. The current proposal will refine the ordinance adopted in 2018 to clarify its intent, and add provisions to streamline the parcel map process for parcels that otherwise qualify for development under the RHN Overlay.

PROPOSAL AND ANALYSIS

The RHN Overlay District provides the opportunity to develop multi-family housing at densities between 35 and 43 units per acre as a permitted use. Property owners have the option to develop pursuant to either the Overlay Zone or the underlying residential zone (R-1, R-2, R-A, etc.). Owners and developers taking advantage of the “by-right” provisions of the RHN Overlay must adhere to the development standards that are specifically defined for the Overlay, and projects must fall within the allowable density range. The Overlay District applies to all residentially zoned parcels between 1 and 10 acres in size; eligible parcels must also be shown on a diagram adopted by the Council in conjunction with the ordinance amendment.

In implementing the provisions of the RHN Overlay District since its adoption, Staff has identified the need to make minor refinements to the original language to clarify the Council’s intent in establishing the District, specifically:

- (1) The RHN Overlay District is a City-wide zoning district that applies to all residentially zoned parcels located within the City; and
- (2) All parcels that meet the qualifications for the RHN Overlay District are eligible to be developed according to the RHN Overlay District development standards established by Section 9.18.050; and
- (3) The map of parcels and associated list are intended to identify qualifying parcels and should be updated annually to reflect the parcels that may be developed as RHN Overlay projects; and
- (4) The inventory of qualifying RHN Overlay parcels is intended to be part of the City’s RHNA inventory in order to comply with the City’s RHNA obligation; and

The language included in the proposed ordinance amendment make the refinements necessary to clarify these points and no substantive changes are included. No alterations to allowable densities, development standards, or parcel eligibility are proposed.

Staff is also recommending the addition of language to the municipal code to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. This addition is a means to further address and comply with the City’s RHNA obligation. The revised parcel map process will continue to ensure that requirements contained in the California Subdivision Map Act are met, but no public hearings or opportunities for appeal by opponents will be included.

California Environmental Quality Act (CEQA)

The City has determined that the Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption,” which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The Ordinance proposes Municipal Code amendments that are textual and procedural in nature and its adoption will not result in

the approval of any activities that are not already permitted under the Municipal Code, or otherwise exempt under CEQA Guidelines. In addition to the “common sense exemption,” the amendment of Section 9.18.050 and the addition of Section 9.104.120 made by this Ordinance are exempt from CEQA pursuant to Government Code section 65584(g) and CEQA Guidelines Section 15283 as RHN determinations.

REASON FOR RECOMMENDATION

In November of 2018, the City Council adopted Ordinance Amendment 2018-26 (“OA 2018-26”) to add Section 9.18.050, the RHN (Regional Housing Needs) Overlay District, to the Clovis Municipal Code to address the State Department of Housing and Community Development (“HCD”) Regional Housing Needs Allocation (“RHNA”) obligation. It necessary to clarify the Council’s intent in adopting OA 2018-26 with respect to enacting Section 9.18.050 and establishing the RHN Overlay District. Substantive changes are not proposed, and the Ordinance Amendment is consistent with the goals, policies, and actions of General Plan. The addition of ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District will help to further address and comply with the City’s RHNA obligation

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None.

NOTICE OF HEARING

Published September 14, 2020 in the Business Journal

Prepared by:



Dave Merchen
City Planner

**DRAFT
RESOLUTION 20-___**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL OF AN AMENDMENT TO THE CLOVIS DEVELOPMENT
CODE AMENDING SECTION 9.18.050 AND ADDING SECTION 9.104.120 RELATING TO
THE REGIONAL HOUSING NEEDS ALLOCATION AND FINDING THAT THE PROJECT IS
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, on November 5, 2018, the City Council adopted Ordinance Amendment 2018-26 (“OA 2018-26”) to add Section 9.18.050, the RHN (Regional Housing Needs) Overlay District, to the Clovis Municipal Code to address the State Department of Housing and Community Development (“HCD”) Regional Housing Needs Allocation (“RHNA”) obligation;

WHEREAS, the City of Clovis, 1033 Fifth Street, Clovis, CA, has applied for an ordinance amendment OA2020-03 to clarify the Council’s intent in adopting OA 2018-26 with respect to enacting Section 9.18.050 and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District; and

WHEREAS, a public notice was published in the Business Journal on Monday, September 14, 2020, and

WHEREAS, a duly noticed hearing was held on September 24, 2020, and

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

WHEREAS, the Planning Commission finds that the Ordinance Amendment is consistent with the General Plan and any remaining applicable specific plans.

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

1. The Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), Government Code section 65584(g), and CEQA Guidelines Section 15283, as further reflected in Section 4 of the Ordinance Amendment.
2. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and any applicable specific plans; and
3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
4. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Clovis adopts the foregoing recitals as true and correct and resolves as follows:

1. The Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption,” which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Ordinance proposes Municipal Code amendments that are textual and procedural in nature and its adoption will not result in the approval of any activities that are not already permitted under the Municipal Code, or otherwise exempt under CEQA Guidelines. In addition to the “common sense exemption,” the amendment of Section 9.18.050 and the addition of Section 9.104.120 made by this Ordinance are exempt from CEQA pursuant to Government Code section 65584(g) and CEQA Guidelines Section 15283 as RHN determinations.
2. Recommends that the City Council approve the amendment to the Development Code as set forth in Attachment 2 of the accompanying Staff Report.
3. Directs that the record of proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the City Planner, Dave Merchen, or other person designated by the Director of Planning and Development Services.
4. Directs that these recommendations be immediately transmitted to the City Council for consideration.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on September 24, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 20-_____
DATED: September 24, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary

**DRAFT
ORDINANCE 2020-__**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AMENDING SECTION 9.18.050 AND ADDING SECTION 9.104.120 OF THE
CLOVIS MUNICIPAL CODE RELATING TO THE REGIONAL HOUSING
NEEDS ALLOCATION**

WHEREAS, on November 5, 2018, the City Council adopted Ordinance Amendment 2018-26 (“OA 2018-26”) to add Section 9.18.050, the RHN (Regional Housing Needs) Overlay District, to the Clovis Municipal Code to address the State Department of Housing and Community Development (“HCD”) Regional Housing Needs Allocation (“RHNA”) obligation; and

WHEREAS, the City Council finds it necessary to clarify the Council’s intent in adopting OA 2018-26 with respect to enacting Section 9.18.050 and establishing the RHN Overlay District, specifically:

(1) The RHN Overlay District is a City-wide zoning district that applies to all residentially zoned parcels located within the City; and

(2) All parcels that meet the qualifications for the RHN Overlay District are eligible to be developed according to the RHN Overlay District development standards established by Section 9.18.050; and

(3) The map of parcels and associated list are intended to identify qualifying parcels and should be updated annually to reflect the parcels that may be developed as RHN Overlay projects; and

(4) The inventory of qualifying RHN Overlay parcels is intended to be part of the City’s RHNA inventory in order to comply with the City’s RHNA obligation; and

WHEREAS, the proposed amendments memorialize the City’s current practice in administering the RHN Overlay District; and

WHEREAS, the City Council finds it beneficial to the City as a means to further address and comply with the City’s RHNA obligation to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District; and

WHEREAS, on September 24, 2020, the Planning Commission held a noticed public hearing to consider OA 2020-003, and recommended approval of OA 2020-003; and

WHEREAS, the City published notice of the City Council hearing in the Business Journal on _____, 2020; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2020 at which time the Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to the Ordinance Amendment (“Administrative Record”), which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the City Council finds that the Ordinance Amendment is beneficial and furthers compliance with the City’s RHNA obligation, as reflected in the Administrative Record; and

WHEREAS, the City Council finds that the Ordinance Amendment is consistent with the General Plan, including the goals, policies, and actions of the General Plan, and any applicable specific plans; and

WHEREAS, the City Council has considered the Administrative Record and finds that the Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), Government Code section 65584(g), and CEQA Guidelines Section 15283, as further reflected in Section 4 of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. CLARIFICATION OF EXISTING LAW.

The amendment of Section 9.18.050, of Chapter 9.18, of Title 9 of the Clovis Municipal Code made by this Ordinance does not constitute a substantive change in, but is declaratory of, existing law, and is intended to clarify the requirements of Section 9.18.050.

SECTION 2. AMENDMENT TO SECTION 9.18.050.

Section 9.18.050, of Chapter 9.18, of Title 9 of the Clovis Municipal Code is hereby amended in its entirety to read as follows:

Chapter 9.18 OVERLAY/COMBINING ZONING DISTRICTS

9.18.050 RHN (Regional Housing Needs) Overlay District.

A. Purpose and Application of Overlay District.

1. The Regional Housing Needs (RHN) Overlay District is intended to provide affordable housing at a density of thirty-five (35) to forty-three (43) units per acre on properties throughout the City that meet the parcel qualifications established by this section.
2. The RHN Overlay District is a City-wide zone that shall apply to all residentially zoned parcels located within the City limits.

B. Parcel Qualifications. The Director shall determine whether a parcel meets the parcel qualifications required for development as a RHN Overlay project.

1. Parcel Size.

a. To qualify for development as a RHN Overlay project, a parcel must be not less than one (1.0) acre but not more than ten (10.0) acres in size.

b. In the case of a parcel that is not fully developed (i.e., undeveloped or underdeveloped), if the parcel can be divided, including dividing the parcel pursuant to Section 9.104.120 of this Code, the undeveloped or underdeveloped portion may be evaluated separate from the rest of the parcel to determine whether the undeveloped or underdeveloped portion meets the parcel qualifications required for development as a RHN Overlay project.

c. A parcel larger than ten (10) acres will be deemed to qualify for development as a RHN Overlay project if the parcel may be divided pursuant to Section 9.104.120 of this Code, after which those parcels of not less than one (1.0) acre but not more than ten (10) acres in size may be developed as RHN Overlay projects.

2. **Developability.** The parcel must be capable of being developed consistent with the development standards required by Subsection E at a density of thirty-five (35) to forty-three (43) units per acre. The Director shall consider the following criteria:

a. Physical characteristics of the parcel, such as size, shape, dimensions, topography, and environmentally sensitive features.

b. Rules, regulations, policies, or other relevant guidance from the California Department of Housing and Community Development.

- c. History of the parcel, which may include:
 - i. Current use or development, entitlement or permit approvals, and applications for entitlements or permits.
 - ii. Past use or development, entitlement or permit approvals, and applications for entitlements or permits.
 - iii. Encumbrances or other commitments appurtenant to or enforceable against the parcel or recorded against the property.
 - d. Any legal mandates, restrictions, prohibitions, or commitments applicable to the parcel that requires a finding, determination, action, process, proceeding, or otherwise by the City, notwithstanding the purpose of the RHN Overlay District.

C. RHN Overlay Map of Parcels; List. The Director shall develop for City Council approval a map of parcels and associated list reflecting those parcels that qualify for development as a RHN Overlay project. The map and associated list shall be maintained by the Director and reviewed, updated, and approved annually in conjunction with the City's Annual Housing Element Progress Report. The Director is authorized to remove parcels from the map and list as may be required. The initial map and list, and any additions to the map and list, shall be approved by the City Council at regular or special meeting with city wide notice to the public. The Director shall also hold not less than one City-wide noticed public meeting before Council consideration.

D. RHN Inventory; Housing Element. The RHN Overlay District and the development of parcels as RHN Overlay projects is intended to meet the housing needs within the City and to help the City comply with its RHNA obligation. It is the intent of the City Council that parcels that qualify for development as RHN Overlay projects as outlined in this section be included in the City's Housing Element Sites Inventory of land suitable for residential development. The Director is instructed to monitor the City's compliance with its RHNA obligations and to advise the City Council if it becomes necessary to revise the Housing Element Sites Inventory to include those parcels that qualify to be developed as RHN Overlay projects. Revisions to the Housing Element Sites Inventory shall not be considered an amendment to the Housing Element.

E. Property Development Standards.

1. Density. Development pursuant to the RHN Overlay District shall be at a density of not less than thirty-five (35) units per gross acre, but not to exceed forty-three (43) units per gross acre.
2. Lot Coverage. Lot coverage shall not exceed sixty percent (60%).

3. Height. Maximum height shall not exceed four (4) stories and fifty feet (50'). Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).

4. Setbacks shall be as follows:

a. Street frontage – Fifteen feet (15').

b. Street side – Fifteen feet (15'). For a structure exceeding thirty-five feet (35') or two and one-half (2-1/2) stories, the required setback shall be increased at the rate of three inches (3") for each foot of height increase.

c. Interior side – Five feet (5') for each story.

d. Rear – Fifteen feet (15'). For a structure exceeding thirty-five feet (35') or two and one-half (2-1/2) stories, the required setback shall be increased at the rate of three inches (3") for each foot of height increase for single story plus five feet (5') for each additional story.

5. Gates and fencing.

a. All vehicle and pedestrian gates and fencing shall conform with Fire Department standards.

b. Fencing along adjacent properties shall be a minimum six foot (6') high masonry material. Height to be measured from the highest finished grade and/or a minimum of six feet (6') above a parking area within eight feet (8') of the wall (whichever is highest).

c. Interior fencing adjacent to a high-density or higher land use may be substituted with a decorative tubular steel fence.

d. Main vehicle entry gate shall be constructed per City of Clovis standards, requiring a turnaround for vehicles that cannot gain entry.

6. Parking.

a. Parking shall be provided at a ratio of:

i. Two (2) stalls per unit for one to two (2) bedroom units.

ii. Three (3) stalls per unit for three (3) or more bedroom units.

b. A minimum of one stall per unit shall be covered.

c. Parking shall be marked and striped per multiple-family parking standards.

d. Two (2) way drives shall be a minimum of twenty-six feet (26') in width or as otherwise required by the Fire Department.

7. Architectural design.

a. Units shall utilize durable exterior materials such as stucco, cement board, concrete, or similar. Wood siding should be avoided with exception of trim.

b. Buildings containing three (3) or more attached units in a row shall incorporate at least one architectural projection per unit. Such projection must project no less than two feet (2') from the major wall plane, and be at least five feet (5') wide, and extend the height of the unit.

c. Buildings containing three (3) or more attached units in a row shall incorporate articulated roof design to avoid continuous single planes. Articulation may be achieved by changes in plane of no less than two feet (2') and the use of traditional roof forms such as gables, hips and dormers.

d. On larger projects with four (4) or more attached units in a row on a single building, subtle changes in exterior color is encouraged to increase visual interest and reduce monotony. Building groups can also be painted with different colors or shades. Subtle changes in colors and shade are encouraged.

8. Security.

a. All parking structures, walkways and trash receptacles shall be lighted during the hours of darkness.

b. All roadways within the complex shall be private streets and monitored by the apartment manager or an HOA.

c. Emergency pedestrian gates shall be installed along street side perimeter fencing for Fire and Police Department access. Gates shall be accessible per Fire Department lock standards.

9. Open space.

a. Private and/or common open space shall be provided at a ratio of two hundred sixty (260) square feet per unit.

b. Open space shall include recreation equipment for all ages. Open areas shall be usable and landscaped only to enhance the area or provide shade.

10. Transit. Projects of fifty (50) units or more, located on a designated transit route, should provide a bus pullout and furniture in coordination with Clovis and Fresno Transit.

11. Utilities.

a. All on-site utilities shall be underground.

b. Developer shall contact the City of Clovis Engineering Division to verify adequate sewer and water infrastructure and capacity.

12. Multiple-family design guidelines. Development shall be consistent with the multiple-family design guidelines.

13. Site plan review and building permit. Site plan review is not required for RHN Overlay projects meeting the requirements of this section. A building permit is required prior to any construction activities. No building permit will be issued until the Building Official has verified consistency with all applicable codes and standards.

SECTION 3. ADDITION OF SECTION 9.104.120.

Section 9.104.120, of Chapter 9.104, of Title 5 of the Clovis Municipal Code is hereby added to read as follows:

Chapter 9.104 PARCEL MAPS AND FINAL MAPS

9.104.120 Parcel Map Approval for RHN (Regional Housing Needs) Overlay Projects.

A. Purpose. It is the purpose of this section to provide a ministerial review and approval process for dividing parcels, including parcels in excess of ten (10) acres in size, into qualifying RHN (Regional Housing Needs) Overlay project sites pursuant to Section 9.18.050 of this Code.

B. Review and Approval of RHN Parcel Maps. Notwithstanding anything to the contrary in this chapter, when a project proposes to divide land into two (2) or more parcels, but fewer than five (5) parcels, for the purpose of developing one (1) or more of the newly created parcels as a RHN (Regional Housing Needs) Overlay project pursuant to section 9.18.050, the following shall apply:

1. No tentative parcel map shall be required.
2. The City Engineer shall make a finding in support of approval of a parcel map that the proposed map is consistent with the Municipal Code, the Map Act, and other applicable law with respect to parcel size, zoning, and density.
3. The parcel map shall be approved in accordance with Section 9.104.060, except that final action shall rest with the City Engineer.

SECTION 4. EXEMPTION FROM CEQA.

The adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense exemption," which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Ordinance proposes Municipal Code amendments that are textual and procedural in nature and its adoption will not result in the approval of any activities that are not already permitted under the Municipal Code, or otherwise exempt under CEQA Guidelines. In addition to the "common sense exemption," the amendment of Section 9.18.050 and the addition of Section 9.104.120 made by this Ordinance are exempt from CEQA pursuant to Government Code section 65584(g) and CEQA Guidelines Section 15283 as RHN determinations.

SECTION 5. SEVERABILITY.

If any article, section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED: _____, 2020

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on _____, 2020, and was adopted at a regular meeting of said Council held on _____, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: _____, 2020

City Clerk