



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION

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

www.cityofclovis.com

November 18, 2021

6:00 PM

Council Chamber

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

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

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/planning-commission-agendas at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:
 - Planning Commission Meeting Date
 - Item Number
 - Name
 - Email
 - Comment (please limit to 300 words or 3 minutes)
- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the Planning Commission noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning



Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Webex Participation

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

Verbal Comments Made by Telephone or Webex

- If you wish to speak to the Commission on the item by telephone, you must contact the City Planner, Dave Merchen, at (559) 324-2346 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Planning Commission for up to five (5) minutes.

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Planning Commission Minutes for the Meeting of October 28, 2021.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

PUBLIC COMMENTS

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

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

PUBLIC HEARINGS

1. Consider items associated with ±2.19-acres of property located south of Shaw Avenue, between Sylmar and Helm Avenues for the construction of a coffee kiosk with drive-through window and one (1) additional drive-through use. Jason Moyes, Jason J.B. Moyes and Melinda A. Moyes, owner; Jeff Jones, iT Architecture, Inc., applicant and representative.

a) Consider Approval – Res. 21-____, CUP2021-007, A request for a conditional use permit to allow a drive-through use in association with a proposed ±935 square foot coffee kiosk.

b) Consider Approval – Res. 21-____, CUP2021-010, A request for a conditional use permit to allow a future drive-through use.

Staff: Kelsey George, Assistant Planner

Recommendation: Approve

ADJOURNMENT

MEETINGS & KEY ISSUES

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

December 16, 2021

January 27, 2022

February 24, 2022

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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.

CLOVIS PLANNING COMMISSION MINUTES

October 28, 2021

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

Flag salute led by Commissioner Cunningham.

Present: Commissioners Antuna, Bedsted, Cunningham, Hatcher, Chair Hinkle

Absent: None

Staff: Dave Merchen, City Planner
 Ricky Caperton, Senior Planner
 George Gonzalez, Senior Planner
 Lily Cha, Associate Planner
 Joyce Roach, Planning Technician I
 Sean Smith, Supervising Civil Engineer (Participation through Webex)
 Wesley Carson, City Attorney

MINUTES – 6:01

ITEM 1 – APPROVED.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, to approve the September 23, 2021, minutes. Motion carried by unanimous vote.

COMMISSION SECRETARY – 6:01

City Planner Dave Merchen informed regarding the tentative scheduling of joint City Council-Planning Commission meeting and key item of the agenda, requesting suggestions for items for consideration.

PLANNING COMMISSION MEMBERS COMMENTS – 6:02

Commissioner Cunningham commented on the grand opening of the new Raising Cane restaurant.

PUBLIC COMMENTS – 6:03

None.

PUBLIC HEARINGS

ITEM 1 - 6:03 – CONTINUED - **RES. 21-XX, PDP2021-003**, A RESOLUTION APPROVING A REQUEST TO APPROVE A PLANNED DEVELOPMENT PERMIT TO ALLOW DEVIATIONS FROM THE R-1-MD (SINGLE-FAMILY RESIDENTIAL – MEDIUM DENSITY) ZONE DISTRICT RESIDENTIAL DEVELOPMENT STANDARDS ASSOCIATED WITH PM2018-04 ON APPROXIMATELY 0.78 ACRES OF LAND LOCATED IN THE NORTHEAST AREA OF W. GETTYSBURG AND PEACH AVENUES. GARY MCDONALD HOMES/GLENEAGLES HOMES, APPLICANT/OWNER; HARBOUR & ASSOCIATES, REPRESENTATIVE.

Motion by Commissioner Cunningham, seconded by Commissioner Hatcher, for the Planning Commission to continue the item to a date uncertain. Motion carried by unanimous vote.

ITEM 2A - 6:05 – APPROVED - **RES. 21-29, GPA2021-004**, A RESOLUTION APPROVING A REQUEST TO AMEND THE GENERAL PLAN TO RE-DESIGNATE APPROXIMATELY 0.85 ACRE OF PROPERTY FROM THE GENERAL COMMERCIAL CLASSIFICATION TO THE PUBLIC/QUASI-PUBLIC FACILITIES CLASSIFICATION; ITEM 2B – APPROVED - **RES. 21-30, R2021-008**, A REQUEST TO APPROVE A REQUEST TO REZONE APPROXIMATELY 0.34 ACRE OF PROPERTY FROM THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT TO THE P-F (PUBLIC FACILITIES) ZONE DISTRICT; ITEM 2C – APPROVED - **RES. 21-31, SPR2021-008**, A REQUEST TO APPROVE THE SITE LAYOUT AND DESIGN FOR FIRE STATION 2.

Motion by Commissioner Hatcher, seconded by Commissioner Antuna, for the Planning Commission to approve **Resolution 21-29**, a resolution approving an amendment to the General Plan to re-designate approximate 0.85 acre of property from the General Commercial classification to the Public/Quasi-Public Facilities classification. Motion carried by unanimous vote.

Motion by Commissioner Hatcher, seconded by Commissioner Antuna, for the Planning Commission to approve **Resolution 21-30**, a resolution approving rezoning approximately 0.34 acre of property from the C-2 (Community Commercial) Zone District to the P-F (Public Facilities) Zone District. Motion carried by unanimous vote.

Motion by Commissioner Hatcher, seconded by Commissioner Antuna, for the Planning Commission to approve **Resolution 21-31**, a resolution approving the site layout and design for Fire Station 2. Motion carried by unanimous vote.

ITEM 3 - 6:27 – APPROVED - **RES. 21-32**, A RESOLUTION APPROVING A FINDING THAT CUP2020-004 IS NOT IN COMPLIANCE WITH CONDITIONS OF APPROVAL AND SHALL BE REVIEWED AGAIN ON JANUARY 27, 2022 (90 DAYS).

Motion by Commissioner Bedsted, seconded by Commissioner Cunningham, for the Planning Commission to approve **Resolution 21-32**, a resolution approving a finding that CUP2020-004 is not in compliance with all conditions of approval and shall be reviewed again on January 27, 2022 (90 days). Motion carried by unanimous vote.

ADJOURNMENT AT 7:12 P.M. UNTIL the Planning Commission meeting on November 18, 2021.

Paul Hinkle, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: November 18, 2021

SUBJECT: Consider items associated with ±2.19-acres of property located south of Shaw Avenue, between Sylmar and Helm Avenues for the construction of a coffee kiosk with drive-through window and one (1) additional drive-through use. Jason Moyes, Jason J.B. Moyes and Melinda A. Moyes, owner; Jeff Jones, iT Architecture, Inc., applicant and representative.

a) Consider Approval – Res. 21-____, CUP2021-007, A request for a conditional use permit to allow a drive-through use in association with a proposed ±935 square foot coffee kiosk.

b) Consider Approval – Res. 21-____, CUP2021-010, A request for a conditional use permit to allow a future drive-through use.

Staff: Kelsey George, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Draft Res. 21-____ CUP2021-007
2. Draft Res. 21-____ CUP2021-010
3. Conditions of Approval, CUP2021-007
4. Conditions of Approval, CUP2021-010
5. Conceptual Site Plan
6. Operational Statement
7. Conceptual Elevations
8. Correspondence from Outside Agencies

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve Conditional Use Permit CUP2021-007, subject to the conditions of approval included as **Attachment 3**;
- Approve Conditional Use Permit CUP2021-010, subject to the conditions of approval included as **Attachment 4**; and

EXECUTIVE SUMMARY

As shown on **Figure 1**, the applicant is requesting approval of two (2) conditional use permits on ± 2.19 -acres of property located south of Shaw Avenue, between Sylmar and Helm Avenues. Conditional Use Permit CUP2021-007 is a request for a ± 935 square foot Dutch Bros coffee kiosk with drive-through window use. Conditional Use Permit CUP2021-010 is a request for a separate future QSR (quick serve restaurant) drive-through food and/or beverage use. The user of the future drive-through location is not yet known, and therefore, subsequent entitlements and/or amendments to the conditional use permit, if approved, may be required as users are identified.

Approval of these requests would allow the applicant to proceed with site plan review. Although the site plan review process is reviewed administratively at the Staff level, a conceptual site plan has been provided as **Attachment 5** for informational purposes.

FIGURE 1
Project Location



CUP2021-007 – 935 square foot Dutch Bros Coffee Kiosk

CUP2021-010 – Future QSR Restaurant with Drive-Through



BACKGROUND

- General Plan Designation: GC (General Commercial) / Focus Area 3
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: ±2.19 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Commercial
 - South: Commercial (Townplace Suites)
 - East: Commercial (Hilton Garden Inn)
 - West: Commercial (Surf Thru Express Car Wash)

PROPOSAL AND ANALYSIS

The applicant is requesting approval of two (2) conditional use permits for construction and operation of a Dutch Bros coffee kiosk (CUP2021-007) and one (1) future drive-through use (CUP2021-010) as shown in **Attachment 5**. Per Table 2-4 in Section 9.12.020 of the Clovis Municipal Code (CMC), the uses associated with each request require an approved conditional use permit.

This section provides a description of each conditional use permit and the different components of operations for each respective use.

Existing Site and Surrounding Area

The existing site is a vacant infill lot that is fully developed on all surrounding sides. The surrounding area is developed with commercial land uses, including two hotels, a car wash, and a commercial strip mall.

Conditional Use Permit CUP2021-007 (Dutch Bros coffee kiosk)

Conditional Use Permit CUP2021-007 proposes a ±935 square foot drive-through Dutch Bros coffee kiosk that would include a 22-car stack and queuing capacity and 17 parking stalls, as shown in the conceptual site plan provided as **Attachment 5**. The overall use would operate similar to other Dutch Bros kiosks in the area and staff has worked with the applicant extensively on parking and circulation, which is further discussed below.

Project Operations

The applicant has stated that the planned hours of operation would be seven (7) days per week between the hours of 5:00 a.m. and 11:00 p.m. and have 5 employees and staff members at any given time, typical of most Dutch Bros kiosk operations. The project is expected to receive deliveries via small trucks and vehicles and will not have materials, equipment, or supplies beyond that which is normally used with typical coffee operations.

Circulation and Parking

As shown on the conceptual site plan (**Attachment 5**), the site would be accessed via two points of ingress/egress, including one along Sylmar Avenue from Shaw Avenue, and one along Helm Avenue. There is currently a reciprocal access agreement in place that allows for both vehicular and pedestrian access across the parcels immediately south and west.

The Dutch Bros coffee kiosk drive-through has been designed to accommodate 22 vehicles in the queuing lane, which reduces potential interference with other on-site circulation movements. The CMC requires a minimum 13-car queue for drive-through uses, though “high volume drive-through” uses such as Dutch Bros require additional capacity to avoid impacts to internal site circulation and spillage onto adjacent public streets. The design as proposed would exceed the minimum standard and has been determined to be adequate to address circulation requirements on the project site. Additionally, the design of the site and drive-through minimize traffic backing up onto Shaw Avenue. As a condition of approval on the site plan review, the project will be required to submit a plan for heavy queuing that includes signage and temporary traffic control, such as orange traffic cones, to control both on and off-site traffic generated by the project and create additional queue and overflow of vehicles if deemed necessary.

The project was required to complete and submit a Traffic Impact Analysis. This report analyzed 3 key intersections (Willow/Shaw, Sylmar/Shaw, and Peach/Shaw) to determine traffic impacts the project would have on existing traffic conditions. Results of the analysis show that all of the study intersections are expected to operate at or better than the LOS (Level of Service) D, which meets the City’s minimum level of service criteria. Therefore, no traffic mitigation or improvements have been identified.

With regard to parking, Chapter 9.32 of the CMC requires a parking ratio of 1 vehicle stall per 75 square feet and 1 vehicle stall per employee. The project has a 312 square foot patio and no indoor seating, requiring 4 parking stalls plus 5 additional stalls for all employees for a total of 9 required parking stalls. There is a total of 17 stalls provided, which exceeds the minimum requirement.

Site Design

The applicant has provided conceptual elevations which are included as **Attachment 7**. As shown, the coffee kiosk (CUP2021-007) would have a maximum height of ±24 feet at its peak. The elevations show a variety of heights to prevent a stark and continuous roofline, as well as the use of multiple façade materials such as stucco and stone veneer.

Per the C-2 zone district standards, the maximum height allowed would be 35 feet, the minimum front setback would be 30 feet to parking (from face of curb) and 40 feet to structures (from face of curb). Based on the conceptual site plan and elevations, the project would meet or exceed these requirements.

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

Conditional Use Permit CUP2021-010 (Future Drive-Through Use)

Conditional Use Permit CUP2021-010 proposes a future drive-through use shown above in **Figure 1** in red. The user of this drive-through facility is unknown at this time; however, the future user would be required to comply with the conditions of approval included as **Attachment 4**. Should the user(s) at that time seek to deviate from those conditions, an amendment to CUP2021-010 would be required, in which case it would come before the Planning Commission for further consideration.

Project Operations

Given the user is unknown, project operations are not yet identified for the drive-through location. CMC Section 9.40.090 provides specific standards for drive-through facilities; therefore, the recommended conditions of approval reflect adherence to CMC Section 9.40.090 to ensure operations are consistent with City standards. Of note, the conditions of approval also specify that any future tenant identified by the City as a high volume drive-through user may trigger additional review and requirements for vehicle stacking above the typical standard. Based on the overall site plan for the property, it is unlikely that a second high volume drive-through could be accommodated.

Review and Comments from Agencies

The project was distributed to all City Divisions as well as outside agencies, including Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, and the San Joaquin Valley Air Pollution Control District.

Comments received are attached (**Attachment 8**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

California Environmental Quality Act (CEQA)

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

The Class 32 categorical exemption exempts projects that satisfy the following criteria: (a) the project is consistent with the applicable land use designation, General Plan policies, and zoning; (b) is located within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) is located on a site with no value as habitat for endangered, rare, or threatened species; (d) would not result in significant effects relating to traffic, noise, air quality, and water quality; and (e) is located on a site that can be adequately served by all utilities.

The exceptions identified in Section 15300.2 identify further review of an exemption by the project's potential to result in a cumulative impact, significant effect, proximity to a scenic highway, location on or within the vicinity of a hazardous waste site, and/or the potential to negatively impact a historical resource. Based on staff's review, these exceptions would not be triggered by the proposed project. Therefore, a Notice of Exemption has been completed. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in *The Business Journal* on Wednesday, November 3, 2021.

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 policies seek to encourage and foster economic opportunities that support jobs for the area.

Land Use Element

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

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

Economic Development Element

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

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

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

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

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

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

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

REASON FOR RECOMMENDATION

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

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

Conditional Use Permits CUP2021-007, and CUP2021-010

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

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

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

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

The project is consistent with the 2014 Clovis General Plan, as described above in the staff report. The proposed use is acceptable within the underlying General Plan land use designation of General Commercial, according to the 2014 Clovis General Plan. Per the General Plan, the General Commercial land use designation is intended for community- or regional-scale uses. The project proposes a drive-through coffee kiosk, along with one additional future drive-through facility which is intended to serve the overall area and serve as a convenient location to patrons traveling along Shaw Avenue.

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

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

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

The subject parcel is surrounded by existing development and has the infrastructure in place to support a coffee kiosk and drive-through QSR. The project will be required to comply with all conditions from Public Utilities and Engineering, which will further ensure the site is suitable for the proposal.

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

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

Details and final approval will occur during engineering review if approved and the project moves forward. This review will ensure utility services are sufficient for to accommodate the project and impose conditions for upgrades as needed.

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA.

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

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 350 feet notified: 32

Prepared by: Kelsey George, Assistant Planner

Reviewed by:



Dave Merchen
City Planner

**DRAFT
RESOLUTION 21-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
CONDITIONAL USE PERMIT CUP2021-007 FOR A DUTCH BROS COFFEE KIOSK WITH
DRIVE-THROUGH WINDOW USE ON ±2.19-ACRES OF PROPERTY LOCATED AT 560
WEST SHAW AVENUE AND FINDING THE PROJECT IS EXEMPT FROM CEQA
PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION**

WHEREAS, Jeff Jones (Applicant & Representative), 1465 N Van Ness Avenue, Fresno, CA 93728, applied for a Conditional Use Permit CUP2021-007 for a Dutch Bros coffee kiosk with drive-through window use on ±2.19-acres of property located at 560 West Shaw Avenue in the City of Clovis ("Property"); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, November 3, 2021, mailed public notices to property owners within 350 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on November 18, 2021; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332; and

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

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

1. CUP2021-007 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
 - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
 - b. The proposed use is consistent with the General Plan and any applicable specific plan.

- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
 - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
 - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
 - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2021-007 without the conditions of approval set forth in **Attachment A** to this Resolution.
 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development).
 5. The basis for the findings is detailed in the November 18, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on November 18, 2021, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-_____
DATED: November 18, 2021

Paul Hinkle, Chair

ATTEST: _____
Renee Mathis, Secretary

**DRAFT
RESOLUTION 21-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
CONDITIONAL USE PERMIT CUP2021-010 FOR A FUTURE QSR DRIVE-THROUGH USE
ON ±2.19-ACRES OF PROPERTY LOCATED AT 560 WEST SHAW AVENUE AND FINDING
THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL
EXEMPTION**

WHEREAS, Jeff Jones (Applicant & Representative), 1465 N Van Ness Avenue, Fresno, CA 93728, applied for a Conditional Use Permit CUP2021-007 for a future QSR drive-through use on ±2.19-acres of property located at 560 West Shaw Avenue in the City of Clovis ("Property"); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, November 3, 2021, mailed public notices to property owners within 350 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on November 18, 2021; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332; and

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

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

1. CUP2021-010 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
 - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
 - b. The proposed use is consistent with the General Plan and any applicable specific plan.

- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
 - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
 - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
 - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2021-010 without the conditions of approval set forth in **Attachment A** to this Resolution.
 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development).
 5. The basis for the findings is detailed in the November 18, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on November 18, 2021, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-____
DATED: November 18, 2021

Paul Hinkle, Chair

ATTEST: _____
Renee Mathis, Secretary

CONDITIONS OF APPROVAL CUP2021-007

PLANNING DIVISION CONDITIONS (Kelsey George, Division Representative – (559) 324-2338)

1. This Conditional Use Permit approval is for the operation of a ±935 square foot Dutch Bros coffee kiosk with drive-through window use located on a portion of an approximately 2.19-acre property located at 560 W Shaw Avenue.
2. This Conditional Use Permit is not transferable to another location.
3. This Conditional Use Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report from the November 18, 2021 Planning Commission.
4. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
5. The hours of operation for this use shall not exceed the following. Any deviation from those hours will require an amendment to CUP2021-007.

Monday through Sunday: 5:00am to 11:00pm

6. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
7. The use shall prohibit overnight parking and/or camping on the site.
8. The use shall comply with the standards for drive-through uses under Section 9.40.090 of the Clovis Municipal Code, including but not limited to the following standards:
 - Each drive-through aisle shall maintain a minimum 12 foot width and a minimum 10 foot interior radius at curves;
 - Each drive-through aisle shall be appropriately screened with a minimum 3 foot high decorative masonry wall (a combination of landscape and walls may be used, subject to approval by the Planning Division); and
 - Each drive-through aisle shall provide enough space to accommodate at least five (5) vehicles and at least eight (8) waiting vehicles between the menu board and the drive-up window.

There shall be no outside storage of materials, supplies or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual

ATTACHMENT 3

barrier intended to screen such area from view of adjoining properties and from the street.

9. The applicant shall provide a plan for heavy queuing, such as a traffic coordinator on site, when the drive-through lane is full. The purpose of such plan is to guide traffic south along Sylmar Avenue to avoid traffic backing onto Shaw Avenue. The heavy queuing plan shall be submitted to the City for its consideration and approval prior to occupancy. Implementation of the plan is required as a condition of approval.
10. The applicant shall keep free and clear the access between the subject site and adjacent parcels.
11. The applicant shall keep access between the subject sites and adjacent businesses free and clear of obstructions. Any delivery vehicles shall not stop, park, load, or unload merchandise in a manner that could obstruct ingress or egress to adjacent business(es).
12. The patio area shall be used for seated guests and shall not be utilized as a gathering or overflow area.
13. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
14. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
15. Any exterior music and/or outdoor speaker systems shall conform with the City's noise standards.
16. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
17. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
18. Any future request to expand and/or modify the use shall be subject to an amendment to the CUP.
19. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
20. All parking of employees shall occur on-site.

21. The use shall provide for a minimum of 9 total parking stalls to accommodate the use:

- 1 space per 75 square feet (312 square foot patio): 4 parking stalls
- 1 space per employee (5 employees): 5 parking stalls

22. Applicant must have on file a current City of Clovis Business License prior to conducting business.

23. CUP2021-007 may be reviewed one year after the facility use begins for compliance with the conditions of approval. Clovis Planning staff may conduct a review of the use in regard to conditions of approval and present findings of this review to the City Planner.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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

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

CONDITIONS OF APPROVAL CUP2021-010

PLANNING DIVISION CONDITIONS (Kelsey George, Division Representative – (559) 324-2338)

1. This Conditional Use Permit approval is for the operation of a drive-through QSR (quick serve restaurant) located on a portion of an approximately 2.19-acre property located at 560 W Shaw Avenue.
2. This Conditional Use Permit is not transferable to another location.
3. This Conditional Use Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report.
4. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process. Since the end user is unknown at this time, additional conditions may be imposed on the SPR at the time of review and approval. This conditional use permit allows for the use of the drive-through and approves no specific physical development.
5. The use shall prohibit overnight parking and/or camping on the site.
6. CUP2021-010 restricts hours of operation to 5 am to 12 midnight. Should the user request to operate between midnight and 5 am, an amendment to CUP2021-010 will be required.
7. The use shall comply with the standards for drive-through uses under Section 9.40.090 of the Clovis Municipal Code, including but not limited to the following standards:
 - Each drive-through aisle shall maintain a minimum 12 foot width and a minimum 10 foot interior radius at curves;
 - Each drive-through aisle shall be appropriately screened with a minimum 3 foot high decorative masonry wall (a combination of landscape and walls may be used, subject to approval by the Planning Division); and
 - Each drive-through aisle shall provide enough space to accommodate at least five (5) vehicles and at least eight (8) waiting vehicles between the menu board and the drive-up window.
8. As a minimum standard, all drive-through aisles shall provide sufficient space before the menu board to accommodate at least 5 waiting vehicles and at least 8 waiting vehicles between the menu board and the drive-up window. For any drive-through use identified by the City as being a high-volume drive-through, additional queueing

ATTACHMENT 4

capacity will be required based on the specific characteristics of the proposed use and the location and configuration of the drive-through lane(s).

9. The applicant shall provide a plan for heavy queuing, such as a traffic coordinator on site, when the drive-through lane is full. The purpose of such plan is to guide traffic south along Sylmar Avenue to avoid traffic backing onto Shaw Avenue. The heavy queuing plan shall be submitted to the City for its consideration and approval prior to occupancy. Implementation of the plan is required as a condition of approval.
10. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
11. There shall be no outside storage of materials, supplies or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual barrier intended to screen such area from view of adjoining properties and from the street.
12. The applicant shall keep free and clear the access between the subject site and adjacent parcels.
13. The applicant shall keep access between the subject sites and adjacent businesses free and clear of obstructions. Any delivery vehicles shall not stop, park, load, or unload merchandise in a manner that could obstruct ingress or egress to adjacent business(es).
14. The patio area shall be used for seated guests and shall not be utilized as a gathering or overflow area.
15. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
16. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
17. Any exterior music and/or outdoor speaker systems shall conform with the City's noise standards.
18. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
19. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
20. Any future request to expand the use shall be subject to an amendment to the CUP.

21. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
22. All parking of employees shall occur on-site.
23. The use shall provide enough parking stalls to accommodate the parking ratio for a fast food eating establishment. The current parking ration is 1 parking stall per 75 square feet of building and patio footprint.
24. Applicant must have on file a current City of Clovis Business License prior to conducting business.
25. CUP2021-010 may be reviewed one year after the facility use begins for compliance with the conditions of approval. Clovis Planning staff may conduct a review of the use in regard to conditions of approval and present findings of this review to the City Planner.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

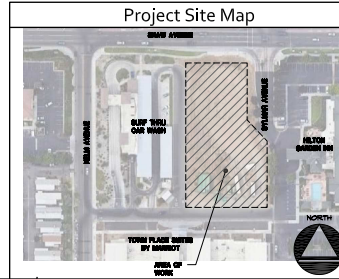
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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

27. 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.

310

Site Plan



Tuesday, August 3, 2021

PROJECT DESCRIPTION and OPERATIONS STATEMENT
PROPOSED New Drive-Thru | Walk-up Building and Site Improvements
Clovis, California

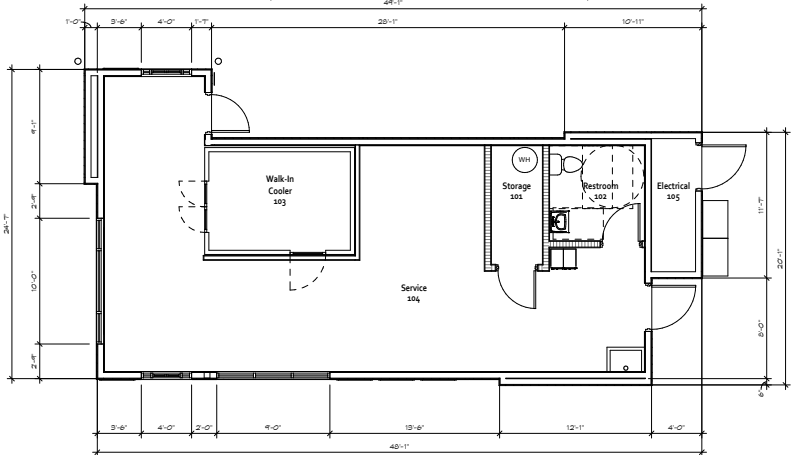
1. Proposed Facility:
Proposed is a New Building to suit, approximately 935 square foot coffee shop with a drive thru and 22 car stacking capacity. Proposed building to be located on 1.156 acre parcel with 17 new parking stalls per city standards.
2. The Property:
This project is located at 560 W. Shaw Ave. in Clovis, California. The current land use data is as follows:
 - APN #430-50-055
 - Address: 560 W. Shaw Ave. in Clovis, California
 - Zoning: C-2
 - Construction Type: VB Non-Sprinklered
 - Occupancy Type: B
3. Operational Time Limits:
The Proposed Facilities hours of operation will be Sunday through Saturday 5:00am to 11:00pm.
4. Special activities and/or events:
There are no special activities or events planned for this facility.
5. Employees and Staff:
The number of employees and staff is 5.
6. Materials, equipment and supplies:
No materials, equipment or supplies above that which is normally used in typical coffee shops are anticipated.
7. Service and Delivery Vehicles:
Deliveries shall be brought to the facility in small trucks and vehicles. New solid waste facilities will be added.
8. Environmental impact – Sound:
The proposed Facility does not anticipate generating any noise above what would be normal for it proposed use and deemed to be no more obnoxious then that generated by surrounding properties.
9. Environmental impact – HAZMAT:
The proposed Facility during operation will not generate any Hazardous materials. All generated waste products will be able to be disposed in standard City approved waste and recycle containers.

It is our hope that all parties involved will view the proposed project favorably. Should you have any questions or need further information, please do not hesitate to contact our office.

Sincerely,

JEFF JONES
Representative

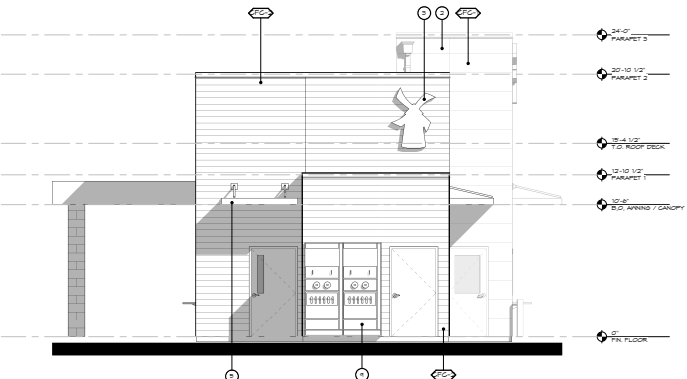
ALL IDEAS, DESIGN, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THE DRAWINGS ARE OWNED BY AND THE PROPERTY OF T. ARCHITECTURE, INCORPORATED, OR OTHERWISE, AND ARE NOT TO BE REPRODUCED, COPIED, OR OTHERWISE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF T. ARCHITECTURE, INCORPORATED. THESE DRAWINGS OR SPECIFICATIONS ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THEY WERE PREPARED. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THEY WERE PREPARED. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THEY WERE PREPARED.



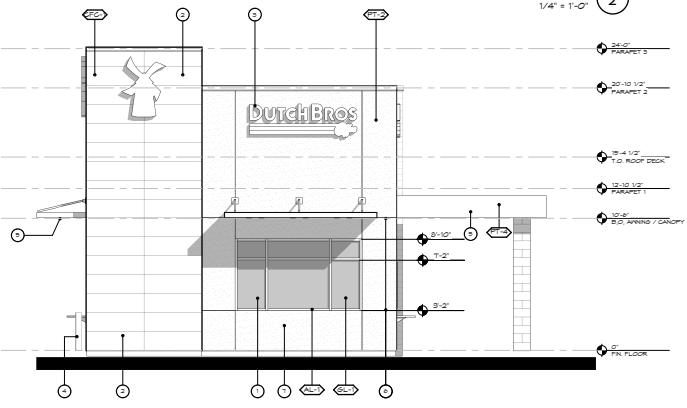
Prelim Floor Plan
1/4" = 1'-0"



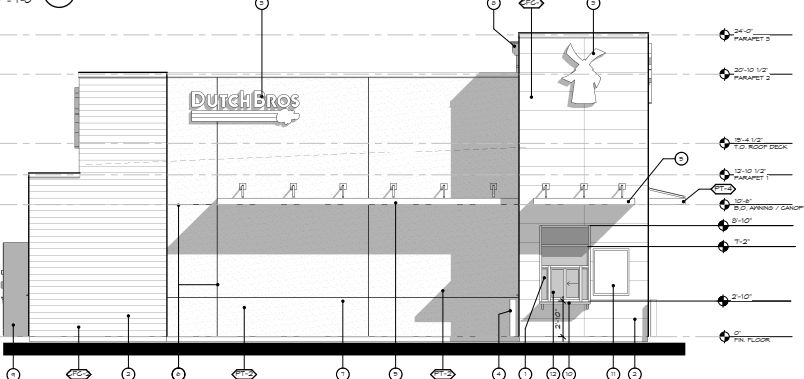
Schedule - Material			
Mark	Material Type	Manufacturer	Type
SPC-1	CEMENT FIBER GLAZING	NOVINA	ILLUMINATION DITCH BRUS BLUE
SPC-2	CEMENT FIBER GLAZING	NOVINA	OUTSIDE ROOF AND
PRF-1	PREP REINFORCED PANEL	INCO	PREP LITE TRIP COLOR PEARL, PRODUCT NUMBER 1L-08X SURFACE SMOOTH, THICKNESS 2.00"
SL-1	SLAT PANEL GLAZING		GLASS GLAZING
SP-1	GROUT		PRO CHARCOAL (INCLUDE DED-10 TO BE AN EPOXY GROUT)
SP-1	PAINT	SHERWIN WILLIAMS	WHITE INTERIOR
SP-2	PAINT	SHERWIN WILLIAMS	DUTCH BROS BLUE OF-0845 DE-BLUE STIGOS / BODY
SP-3	PAINT	SHERWIN WILLIAMS	DUTCH BROS BLUE OF-0845 DE-BLUE METAL
SP-4	GLASS TILE		COLLECTION SUPERSTOCK AND FINISHING GUN GLASSY GUARD, COLOR, BLACK OPT201, SIZE 8 1/2" X 16"
SP-5	GLASSY TILE BASE		COLLECTION SUPERSTOCK AND FINISHING GUN GLASSY GUARD, COLOR, BLACK OPT201, THICKNESS 1/2" X 8 1/2" X 16"
SP-6	GLASSY TILE BASE		COLLECTION SUPERSTOCK AND FINISHING GUN GLASSY GUARD, COLOR, BLACK OPT201, THICKNESS 1/2" X 8 1/2" X 16"



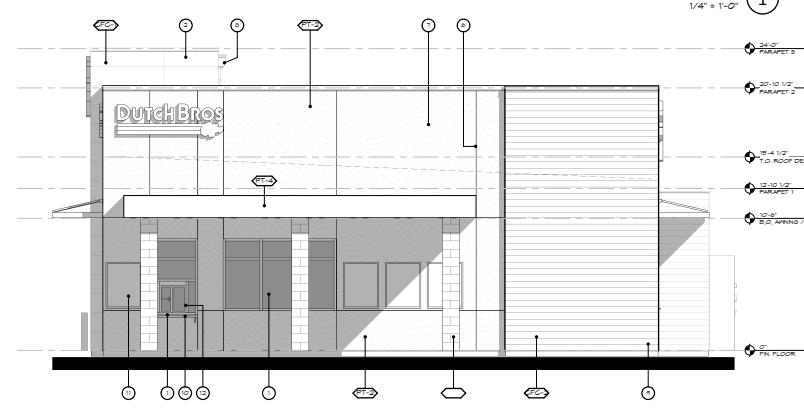
East
1/4" = 1'-0"



West
1/4" = 1'-0"



North - Drive Up Side
1/4" = 1'-0"



South - Walk Up Side
1/4" = 1'-0"

ATTACHMENT 7

Keyed Elevation Notes

1. ANODIZED ALUMINUM CENTER LOADED STOREFRONT (HAWKER TR-FAN-401 SERIES 2' X 4' 1/2") (FAN) PANEL GLAZING REFER TO COLOR / MATERIAL SCHEDULE FOR ADDITIONAL INFORMATION.
2. FIBER GLASS EXTERIOR GLAZING REFER TO COLOR / MATERIAL SCHEDULE FOR ADDITIONAL INFORMATION.
3. LOCATION OF OWNER PROVIDED SIGNAGE INSTALLATION TO BE UNDER SIGN ORNAMENT. PROVIDE JOINT AS PER ADDITIONAL INFORMATION.
4. STEEL TUBE ROLLER.
5. METAL SHADE CANOPY REFER TO DETAILS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
6. EXTERIOR LIGHT REFER TO DETAILS FOR ADDITIONAL INFORMATION.
7. 3/4" STIGOS (HAWKER TR-FAN-401 SERIES 2' X 4' 1/2") (FAN) PANEL GLAZING (2) LAYERS OF TYPE "F" PAPER (4) SHEATHING PROVIDE SIGN SHEET SCALED AT BASE (1/4" = 1'-0") REFER TO COLOR / MATERIAL SCHEDULE FOR SPECIFIC COLOR, LAY TO COMPLY W/ LATEST CBC CHAPTER 25.
8. 4 X 8 1/2" (HAWKER TR-FAN-401 SERIES 2' X 4' 1/2") (FAN) PANEL GLAZING (2) LAYERS OF TYPE "F" PAPER (4) SHEATHING PROVIDE SIGN SHEET SCALED AT BASE (1/4" = 1'-0") REFER TO COLOR / MATERIAL SCHEDULE FOR SPECIFIC COLOR, LAY TO COMPLY W/ LATEST CBC CHAPTER 25.
9. SWITCHGEAR REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
10. 48" X 12" STAINLESS STEEL SERVICE COUNTER MOUNTED 34" MAX. A.F.F.
11. LOD MENU BOARD REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
12. GLASSY TILE BASE SELF GLASSING SERVICE WINDOW WINDOW SHALL NOT EXCEED 402 SQ INCHES PER CAL CODE 14284.

AGENDA ITEM NO. 1.

1485 North Van Ness Avenue
Fresno, California 93728
559-443-6542
559-485-9081
www.tbarch.com

Project
Dutch Bros. Coffee
560 W. Shaw Ave.
Clovis, California 93612

Owner
Smees Homes, Inc.
444 N. Prospect St.
Suite A
Porterville, California 93257

Legend

DOOR TAG - REFER TO DOOR SCHEDULE SHEET A-10
FALL TAG - REFER TO FALL SCHEDULE SHEET A-10
EQUIPMENT TAG - REFER TO EQUIPMENT SCHEDULE SHEET A-10
ACCESSORY TAG - REFER TO ACCESSORY SCHEDULE SHEET A-10
MATERIAL TAG - REFER TO COLOR / MATERIAL SCHEDULE SHEET F-10

Revisions

Scale	As Indicated
Project Manager	TODD CLARK
Project Number	20-012
Sh++	

APN: 230-000000000

F:\01\Projects\2020-20-012 Shaw and Helm Drawings\Digital Model\20-012-R21.rvt

Exterior Elevations

A-1.0



County of Fresno DEPARTMENT OF PUBLIC HEALTH

October 20, 2021

LU0021439
2604

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

Dear Ms. George:

PROJECT NUMBER: **CUP2021-010, CUP2021-007, SPR2021-006**

CUP2021-010, A request for a conditional use permit to allow a drive-thru window use in association with a proposed fast food restaurant on property located at 560 W. Shaw Avenue. **CUP2021-007**, A request for a conditional use permit to allow a drive-thru window use in association with a proposed Dutch Bros kiosk. **SPR2021-006**, A site plan review a proposed drive-thru kiosk.

APN: 430-500-55

ZONING: C-2

ADDRESS: 560 W. Shaw Avenue

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicants shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should alcohol sales be proposed, 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.
- 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

ATTACHMENT 8

- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

cc: Rogers, Moreno & Salazar- Environmental Health Division (CT. 31.02)
Jeff Jones- Applicant (jeff@itarchinc.com)

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

AGENDA ITEM NO. 1.

Page 1 of 3

PUBLIC AGENCY

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

DEVELOPER

JEFF JONES, IT ARCHITECTURE, INC.
1465 N. VAN NESS AVE.
FRESNO, CA 93728

PROJECT NO: **2021-007**

ADDRESS: **560 W. SHAW AVE.**

APN: **430-500-55**

SENT: **October 27, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
Q	\$14,543.00	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: \$14,543.00		Total Service Charge: \$50.00		

* The Development Review Service Charge shown above is associated with CL SPR 2021-006, CL CUP 2021-010 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/22 based on the site plan submitted to the District on 10/08/21 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL CUP No. 2021-007

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

AGENDA ITEM NO. 1.

Page 2 of 3

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

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

**CL
CUP No. 2021-007**

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

AGENDA ITEM NO. 1.

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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: 10/27/2021 9:19:00 AM



Anthony Zaragoza
Engineer II

Digitally signed by Anthony Zaragoza Date: 10/26/2021 4:28:09 PM

**CL
CUP
No. 2021-007**

OTHER REQUIREMENTS

AGENDA ITEM NO. 1.

EXHIBIT NO. 2

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

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

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PUBLIC AGENCY

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

DEVELOPER

JEFF JONES, IT ARCHITECTURE, INC.
1465 N. VAN NESS AVE.
FRESNO, CA 93728

PROJECT NO: **2021-010**

ADDRESS: **560 W. SHAW AVE.**

APN: **430-500-55**

SENT: **October 27, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
Q	\$14,543.00	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: \$14,543.00		Total Service Charge: \$50.00		

* The Development Review Service Charge shown above is associated with CL CUP 2021-007, CL SPR 2021-006 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/22 based on the site plan submitted to the District on 10/08/21 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

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

AGENDA ITEM NO. 1.

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

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

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Debbie Campbell
Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 10/27/2021 9:09:03 AM



Anthony Zaragoza
Engineer II

Digitally signed by Anthony Zaragoza Date: 10/26/2021 4:26:53 PM

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