



# CITY *of* CLOVIS

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

October 22, 2020

6:00 PM

Council Chamber

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

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

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

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

### **Written Comments**

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/planning-and-development/planning/planning-commission/planning-commission-agendas/> at least two (2) 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](http://www.cityofclovis.com).

## **ABOUT THE MEETING**

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

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

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

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

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

\* \* \* \* \*

## **CALL TO ORDER**

## **FLAG SALUTE**

## **ROLL CALL**

## **APPROVAL OF MINUTES**

1 Planning Commission Minutes for the Meeting of September 24, 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-\_\_\_ - CUP2020-005, A request to process a conditional use permit for a vehicle rental and leasing facility for a portion of an approximate 1.17 acres of property located at 1330 Clovis Avenue. David Benjamin, applicant; Charles Briggs, representative.

**Staff:** Maria Spera, Planning Technician II

**Recommendation:** Approve

- 3 Consider Approval - Res. 20-\_\_\_, A request to approve the site layout and design of the Loma Vista Village Green, an approximately 7-acre park that is centrally located within the Loma Vista Community Center South Master Plan area, north of Gettysburg Avenue between DeWolf and Leonard Avenues. City of Clovis, applicant.

**Staff:** Lily Cha, Associate Planner

**Recommendation:** Approve

- 4 Consider Approval - Res. 20-\_\_\_ - GPA2020-004, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-through uses. City of Clovis, applicant.

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

**Recommendation:** Approve

- 5 Consider Approval - Res. 20-\_\_\_ - GPA2020-003, A request to amend the text of the General Plan to incorporate language to ensure consistency between the General Plan and the Fresno County Airport Land Use Compatibility Plan. 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:

November 19, 2020

December 17, 2020

January 28, 2021

CLOVIS PLANNING COMMISSION MINUTES  
September 24, 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, Cunningham, Hinkle, Chair Hatcher

Absent: None

Staff: Dave Merchen, City Planner  
Orlando Ramirez, Deputy City Planner  
Ricky Caperton, Senior Planner  
George Gonzalez, Associate Planner  
Maria Spera, Planning Technician II  
Sean Smith, Supervising Civil Engineer  
Wesley Carlson, City Attorney

MINUTES

1. The Commission approved the July 23, 2020, minutes by a vote of 5-0.

COMMISSION SECRETARY

None.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Cunningham sought clarification regarding which item the physical correspondence related to as well as the nature of its content. Associate Planner George Gonzalez and Deputy City Planner Orlando Ramirez provided clarification and information.

COMMUNICATIONS AND REFERRALS

Items of correspondence related to Agenda Items X-2 and X-3.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider Approval - **Res. 20-34, 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.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Antuna sought clarification regarding the exact nature of the applicant's request. Deputy City Planner Ramirez provided specific details.

Commissioner Cunningham inquired as to the status of this business in relation to State health-related mandates. Deputy City Planner Ramirez provided an explanation.

Commissioner Cunningham stated for the record that, midafternoon two days prior to the commission meeting, while driving past the site both on the main street and through the adjacent alley, he saw between five and ten individuals within the business garage doors, in violation of the COVID-19 guidelines. He was informing staff as this seemed to be information that required follow-up. Deputy City Planner Ramirez responded that staff would do so, and that a number of complaints regarding similar violations throughout the City have been submitted and acted on.

Commissioner Bedsted sought clarification regarding the applicant's future options as they pertain to the rescinded request to include seasonal uses in this use permit. Deputy City Planner Ramirez responded that such would require an administrative use permit, providing details regarding the process for such an entitlement.

Commissioner Antuna inquired as to whether the applicant is seeking a one-day special event sales alcohol license or a full-time sales alcohol license. Deputy City Planner Ramirez responded that a full-time license is not being sought, providing details on the type of alcohol license that is being sought by the applicant.

Commissioner Bedsted sought confirmation that, aside from an emergency exit, access to Clovis Avenue would not be possible from the outdoor area. Deputy City Planner Ramirez responded that the applicant is proposing access from Clovis Avenue, but that any such access will be reviewed and memorialized in the future as part of the site plan review process, if the conditional use permit passes. This process will include review by the fire and police departments, as well as by the Department of Alcoholic Beverage Control.

Commissioner Bedsted explained his reasoning for the question was because of a relatively recent request for seasonal sales on Clovis Avenue. Pedestrian safety was a concern for that project as well, resulting in the need for caution with such proposals, especially for events that involve alcohol. Deputy City Planner Ramirez assured that such concern will be addressed as part of the site plan review process and that the exhibited site plan is purely conceptual.

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

David Standifer provided background on the project.

Commissioner Hinkle inquired as to the weekend operational hours of the use. Mr. Standifer provided detailed information.

Commissioner Hinkle explained that nothing in the provided paperwork indicates the business hours for Friday through Sunday and that he does not wish for the applicant to have to go through the whole process again to get this corrected. Deputy City Planner Ramirez responded that there is a condition relating to operational hours from the Clovis Police Department, but that the topic can be expanded upon.

Commissioner Hinkle stated that it needs to be clarified now to allow those operations, as he is certain that the issue will come up in the future. Deputy City Planner Ramirez responded that staff can do so on the Commission's recommendation.

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

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

Deputy City Planner Ramirez expressed gratitude for Commissioner Cunningham relaying his concern then clarified that City staff educate regarding the COVID-19 precautions and rely on the State and the County for reliable enforcement.

Commissioner Cunningham clarified that he had brought up the issue not for enforcement but for the purpose of ensuring the business owner is aware that they should not be open when the guidelines mandate against it.

At this point, the Chair offered the applicant a chance for final rebuttal.

Mr. Standifer responded that he no rebuttal, then explained that the business is attempting to adhere to the guidelines, informing that those inside were performing physical therapy, which to the best of his knowledge is permitted as a necessary service.

There being none, the Chair closed the public portion.

Commissioner Cunningham sought and received confirmation that, according to Condition #1, the project will be reviewed by Planning staff but not necessarily by the Planning Commission.

Commissioner Cunningham stated that for a multiple-use project like this one, he believes that a mandatory one-year review at the Planning Commission level is necessary, as is the case for the project previously mentioned by Commissioner Bedsted, to review the compliance of the uses with both the applicant's and the City's requirements. Deputy City Planner Ramirez assured that the conditions of approval can be amended.

Commissioner Antuna expressed concern regarding the high visibility of Clovis Avenue and the possible visibility therefore of garbage cans and portable restrooms, as well as possible sound disturbances to nearby residents due to music or audience noise during sport-related events. Therefore, due to these concerns, she feels that she cannot support this conditional use permit.

Commissioner Hinkle requested that the motion include a clarification that the hours of operation are expanded to the maximum of seven days a week and 9 am to 11:00pm at night.

Chair Hatcher expressed that though she too has some concerns, she also has faith in staff's ability to work through them, approving of the requirement for fencing to limit potential pedestrian danger from Clovis Avenue. In addition, she feels that in the current environment, it is necessary to help businesses as much as possible to improve and thrive. In conclusion, though there are some concerns that need to be monitored, she feels that this could be good for the City.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Bested to approve CUP2020-004 subject to a modification of Condition #1 and the hours of operation. The motion was approved by a vote of 4-1, with Commissioner Antuna dissenting.

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.
  - a. Consider Approval, **Res. 20-35, 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. 20-36, 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.

Associate Planner George Gonzalez presented the staff report.

Commissioner Hinkle inquired as to whether the proposed smaller lots would have garage side setbacks of less than five feet. Associate Planner Gonzalez responded that the applicant would like to answer that question. City Attorney Wesley Carlson responded that the garage side setback is five feet.

Commissioner Hinkle sought and received confirmation that the municipal code would be modified to require that trash cans are stored behind gates. Associate Planner Gonzalez also informed that one of the conditions of approval may require paving to allow toter storage and movement.

Chair Hatcher referred to page 42 of the staff report, pointing out that it contradicts the verbally-presented garage side setback. Associate Planner Gonzalez informed that the four-foot garage side setback is what the staff received and requested that the applicant confirm the change.

Commissioner Cunningham remarked that this is the first time during his service as a commissioner that the Commission is asked to make a decision as to density and inquired as to why the Commission is being placed into this position. He expressed that he is not comfortable with this, as it is up to the developer to present a density that the Commission either approved or denies. He feels that such a decision is not within the purview of the Commission and foresees possible litigation in the future from such decisions. Associate Planner Gonzalez and City

Attorney Carlson provided explanations for the situation, indicating that the site already had approval of a 50-lot development, and that the revised request still fell in consistency with the overall previously approved project proposals.

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

Darius Assemi of Granville Homes, 1396 W. Herndon Avenue, Fresno, apologized for the confusion, provided background on the project, and offered to answer any other questions.

Commissioner Hinkle sought and received confirmation that lots 1 through 31 of the proposed map will have a five-foot garage side setback and that the provided setback sizes were the result of a clerical error. His concern with smaller setbacks is the lack of space to move around trash cans stored on the side yard.

Commissioner Bedsted referred to and questioned Mr. Assemi's comments regarding customers requesting smaller lot sizes, stating that with the COVID-19 situation he has found people are desirous of more room, and those who previously moved onto smaller lots are now displeased with the lack of outdoor living area. Due to this, he prefers the lot size diversity offered by the forty-seven-lot map. Mr. Assemi acknowledged the correctness of Commissioner Bedsted's statement then provided a detailed explanation of the size differences of lots between the two map versions and the resultant differences in price, house size, water consumption, and yard maintenance.

Commissioner Bedsted expressed appreciation for Mr. Assemi's thoughtful response, stating that though in the last few years projects have come in with higher densities, a shift is occurring towards larger lots. Mr. Assemi responded with an explanation of the factors developers balance when designing tract maps.

Commissioner Antuna sought confirmation of the applicant's preference for the fifty-lot version of the map and then inquired as to the price difference of the affected section between the two map versions. Mr. Assemi estimated that the difference is approximately between fifty and seventy thousand dollars per home.

Commissioner Cunningham assured the applicant that his earlier statements were not intended to question the quality of the product and company, but rather to highlight the unusual nature of the situation. He also indicated that he dislikes last-minute changes as it deprives the Commission of the chance to thoroughly read and consider it.

Commissioner Hinkle sought and received confirmation that there will be no homeowners association, then remarked that though at this time more family members are moving back home, the duration of this situation is uncertain. He foresees the housing market as picking up after January, then informed that he sees a lot of movement of new residents coming from the Bay Area, aiming to live in the Central Valley while working remotely. He sees this type of project and its price range as being sought after. Mr. Assemi expressed agreement with Commissioner Hinkle's statements, remarking that the shift happened four months ago.

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

Carol Hunt sought and received confirmation that her correspondence had been entered into the record, then expressed that she is indirectly in favor of the project, as she would have preferred no development at all. She expressed that her main concern is surface area water flow and sought confirmation that with the development of the subdivision, there will be no surface water flow. The applicant's engineer, Gary Giannetta of 1119 S Street, Fresno, provided information regarding drainage with the development.

Ms. Hunt inquired as to what will happen during non-normal weather years like those that occurred a few years prior. Mr. Giannetta responded that with the development, there will be a decrease of surface water flow, as it will go into the development's drainage system.

Ms. Hunt sought confirmation that the water that would've been handled by an earthen channel along the southern portion of the project would go into the development's gutter system. Mr. Giannetta confirmed that this channel was part of one of the previously-approved projects and was to handle major events rather than typical rainfall, something that both the Engineering Department and Fresno Metropolitan Floor Control District are aware of. He then provided information on the change proposed with the new project.

Ms Hunt sought confirmation that rain will from the roadway into the gutters of the development's drainage system rather than onto her property. Mr. Giannetta reiterated that typical water flow from a normal storm will go into the flood control system, while water from a major event will behave as previously and go onto the roadway.

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

There being none, the Chair reopened the floor to the applicant for rebuttal.

There being none, the Chair closed the public portion.

Commissioner Antuna sought and received confirmation that the motion needs to include changes confirmed by Mr. Assemi regarding garage sizes and side setbacks.

Chair Hatcher inquired as to what course of action would take place should the Commission vote for the forty-seven-lot map version. City Attorney Carlson provided an explanation.

Commissioner Bedsted sought and received confirmation that the Planning Commission is being presented with two versions of this tract map due to timing issues; otherwise, they would only be considering the fifty-lot version. Associate Planner Gonzalez further clarified that the original two approved tract maps added up to fifty lots total between them.

Commissioner Bedsted expressed his appreciation for the applicant's earlier thoughtful analysis and plan for housing diversity and that he would like to see more developers provide more space at times. He understands that the City has to provide affordable housing, not only how the state

government sees it but also as what can be supported by the local economy. Therefore, he is willing to support the fifty-lot version of the tract map.

Commissioner Hinkle remarked that affordability is going to be a major consideration for the next two years, as that is about how long it will take to get things back on track from the current situation. This project presents some affordable housing to the Clovis area in a quality development, something that is needed, especially with the real estate economy of today and the next two-to-three years. He believes that the fifty-lot version of the project should be approved.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve TM6339 fifty-lot version with modified conditions regarding side setbacks and garage dimensions. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve PDP2020-001. The motion was approved by a vote of 5-0.

4. Consider Approval - **Res. 20-37, 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.

Senior Planner Ricky Caperton presented the staff report.

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

Mike Pickett of Don Pickett & Associates made some statements regarding the project and offered to answer any questions.

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 referred to recent statements from the governor and inquired as to whether the developer will be required to include electric vehicle charging stations. Senior Planner Caperton confirmed the requirement and that it would be addressed during the site plan review process.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Antuna to approve R2020-003. The motion was approved by a vote of 5-0.



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.
  - c. Consider Approval, **Res. 20-38, GPA2020-002**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.
  - d. Consider Approval, **Res. 20-39, 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.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Bedsted sought and received confirmation that planning staff are in the process of amending the Shaw Avenue Specific Plan as regards to drive-through uses, expressing that doing so makes sense in the current climate and with the way buildout of the plan area has occurred. Though he is troubled by setting precedent as it may create challenges in the future, in this case it may be a good thing, and he is glad that there has been enough interest to bring the policy up for consideration rather than continuing to entertain one-off projects.

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

Patrick Murphy of 1234 E. 17<sup>th</sup> Street, Santa Ana, on behalf of the ownership, provided some background on the project, commended City staff of various departments, then offered to answer any questions

Adam Karachi of 6800 Bishop Road, Plano, Texas, made a presentation on behalf of Raising Cane's and offered to answer any questions.

Commissioner Cunningham inquired as to the operational hours. Mr. Karachi provided the hours and details regarding the choices for those hours.

Commissioner Cunningham inquired as to the reason for the removal of the initially-proposed pet area. Mr. Karachi provided an explanation.

Commissioner Bested inquired as to the anticipated peak vehicle numbers. Mr. Karachi provided a detailed explanation of the anticipated rate of service.

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.

Chair Hatcher remarked that though she has never heard of this business before, but has heard favorable reports. She believes that the plan looks good and sees no problem with approving another drive-thru use here based on the market. It will be good to have something new in the area, and so she has no problem with the project.

Commissioner Bedsted echoed Chair Hatcher's comments regarding the excitement of new things coming to Clovis. Though there is a need for thoughtfulness in how new things are incorporated, he approves of this location for a drive-thru and is in favor of the project.

Commissioner Hinkle expressed support for the project, as drive-thrus are a new way of life today. He is glad to see that staff is addressing this issue for the future and believes that this use will be good for this area.

Commissioner Cunningham joined his fellow commissioners in welcoming Raising Cane's to the Clovis community should the project pass, as he believes it will. He expressed that this will be a great addition to the community and appreciated that they are working closely with staff to integrate well. He is in support of the project.

Commissioner Antuna echoed the comments of her fellow commissioners, expressing her excitement at not having an empty building along Shaw Avenue and that something beautiful will be built in its place. She welcomed Raising Cane's to the community.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Cunningham to approve GPA2020-002. The motion was approved by a vote of 5-0.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Bedsted to approve CUP2020-003. The motion was approved by a vote of 5-0.

6. Consider Approval - **Res. 20-40, 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.

City Planner Dave Merchen presented the staff report.

Commissioner Hinkle inquired as to whether a builder could acquire some property, designate a portion of it, and request to be part of the program. City Planner Merchen expressed that such may be possible, providing an explanation.

Commissioner Hinkle informed that he has not seen one of these maps in a long time and inquired as to whether the designated parcels are grouped together or spread out through the city. City Planner Merchen responded that they are spread out.

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 Bsted commented that the map is out there, he provided a copy to someone in the community and remembers that the RHNA overlay spread designated parcels throughout the city. City Planner Merchen clarified that map and list, and that this process clarifies that map and list, and is subject to updating routinely (yearly).

Commissioner Bedsted inquired as to whether the routine updates would be brought before the Planning Commission or simply made publicly available. City Planner Merchen provided details regarding the process.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Antuna to approve OA2020-003. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 7:56 P.M. UNTIL the Planning Commission meeting on October 22, 2020.

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Amy Hatcher, Chair



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission  
 FROM: Planning and Development Services  
 DATE: October 22, 2020  
 SUBJECT: Consider Approval - Res. 20-\_\_\_ - CUP2020-005, A request to process a conditional use permit for a vehicle rental and leasing facility for a portion of an approximate 1.17 acres of property located at 1330 Clovis Avenue. David Benjamin, applicant; Charles Briggs, representative.

**Staff:** Maria Spera, Planning Technician II

**Recommendation:** Approve

ATTACHMENTS: 1. Conditions of Approval  
 2. Draft Resolution  
 3. Correspondence from Outside Agencies  
 4. Site Plan  
 5. Operational Statement

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2020-005, subject to the conditions of approval included in **Attachment 1**.

### EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit to allow for a vehicle rental and leasing facility utilizing an approximate 1,500 square foot existing building for the leasing and rental component of the proposed use. In order to accommodate the Project, the applicant is requesting approval of a conditional use permit for use of the rental yard and leasing office within the C-2 Zone District to provide for the use.

**BACKGROUND**

- General Plan Designation: Mixed-Use Village
- Specific Plan Designation: N/A
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 1.17 Acres
- Current Land Use: Restaurant / Residential / Office
- Adjacent Land Uses:
  - North: Restaurant
  - South: Office
  - East: Clovis Avenue
  - West: Residential
- Previous Entitlements: CUP47  
SPR139

**PROPOSAL AND ANALYSIS**

The applicant is requesting a conditional use permit in order to establish a vehicle rental and leasing facility at an existing C-2 (Community Commercial) zoned site located on the west side of Clovis Avenue, between Barstow and Scott Avenues. The overall property acreage is approximately 1.17 acres, but the specific project area encompasses approximately .53 acres of the southern half of the parcel as shown in **Figure 1** below.



**Figure 1: Project Location**



The applicant does not propose any interior or exterior improvements to the existing building, which can accommodate the use as proposed. The applicant proposes to improve the dirt area of the property by providing an improved parking lot for the 26 rental vehicles that will be accommodated on site (see **Attachment 4**). The site improvements would have to be memorialized through the site plan review process. Any future modifications would call for amendment to the site plan review. Additionally, the applicant proposes to clear the site of all storage sheds located behind the proposed rental and leasing facility (see **Figure 2** below).

The applicant does not propose any intensification of the nonconforming 2-unit apartment building located on the Project site and the applicant has indicated that the apartment building will remain unchanged as per section 9.84.020 of the Clovis Municipal Code.



**Figure 2: Site Modifications**

#### Conditional Use Permit

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

#### Parking

Staff would note that the applicant needs to provide onsite parking for employees and customers. Stalls should meet City of Clovis parking standards and access to parking stalls shall occur from drives that conform to City of Clovis standards. The applicant has indicated that there will be

three employees on site and anticipates no more than two customers at a time. Additional consideration of the site design will occur with the site plan review process. **Attachment 4** of the staff report illustrates parking and driveway aisles. A reciprocal access drive 20 feet in width is shown at the rear of this site. This existing drive provides an additional access point to the north utilizing the 559 Taqueria drive isles for additional access to Clovis Avenue.

#### Hours of Operation

The applicant is requesting the ability to operate the vehicle rental facility between the hours of 8:00 a.m. to 5:30 p.m. daily. The applicant's proposed hours do not present a potential concern. Staff is including this as a condition to further mitigate noise impacts to the residential neighbors to the west.

### **Review and Comments**

#### Review and Comments from Agencies

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

Comments received are included in **Attachment 3** only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

#### Public Comments

A public notice was sent to area residents within 450 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

#### California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to 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). A Notice of Exemption has been completed during the preliminary review and is kept for public review with the project file during the processing of the project application. Staff will file the notice with the County Clerk if the project is approved.

#### 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-2: Community Commercial Zone District), subject to a conditional use permit.
  - The Project is located in a commercial zone district area that is intended to be developed to commercial uses.

- The conditions for approval preserve the integrity and character of the zoning district and ensure compliance with the Development Code.
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, the property is designated for commercial development and is also within 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 5**) 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 proposed parking will 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 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 exempt pursuant to a Class 32 categorical 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 (rental and leasing facility) permitted in the existing zoning district by a conditional use permit and/or administrative use permit.

### **REASON FOR RECOMMENDATION**

Conditional Use Permit CUP2020-005 is consistent with the goals and policies of the General Plan, Clovis Municipal Code and the C-2 (Community Commercial) Zone District. In light of this, staff is recommending that the Planning Commission approve CUP2020-005, subject to the conditions of approval listed as **Attachment 1**.



**ACTIONS FOLLOWING APPROVAL**

None.

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 450 feet notified: 27  
Interested individuals notified: 10

Prepared by: Maria Spera, Planning Technician II



Reviewed by:

---

Dave Merchen  
City Planner

**Conditions of Approval – CUP2020-005****PLANNING DIVISION CONDITIONS**

(Maria Spera, Division Representative – (559) 324-2355)

1. Conditional Use Permit CUP2020-005 may be reviewed in one year for compliance with the conditions of approval. Planning staff may conduct a review of the use and present these findings to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit for revocation.
2. This conditional use permit allows for a vehicle rental facility for the property located at 1330 Clovis Avenue.
3. Any future requests to expand the use beyond the characteristics reviewed and approved in conjunction with CUP2020-005 shall be subject to submittal of an amendment to this conditional use permit for review and consideration.
4. The applicant shall obtain site plan review approval prior to renovation of the exterior of the building or any site modifications.
5. This conditional use permit CUP2020-005 is approved per the site plan marked as Attachment 3 to the October 22, 2020 staff report for this project.
6. Hours of operation for the use shall not exceed the following:
  - a. 8:00 a.m. to 5:30 p.m. daily
  - b. Extension of these hours will require a conditional use permit amendment.
7. The applicant shall operate the use in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties and tenants.
8. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.
9. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.
10. The applicant shall obtain City approval of temporary and permanent signage through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
11. The operator is responsible for site maintenance in relation to its operation. Daily cleanup of litter and debris related to the business is required.
12. All parking of employees and patrons shall occur on site.

**ATTACHMENT 1**

13. The applicant shall keep free and clear the access between the subject site and adjacent business to the north.
14. Outdoor auto repair and maintenance is not permitted on this site.
15. 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.
16. All conditions of CUP47, SPR139, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**

(Anthony Zaragoza, Department Representative – (559) 456-3292)

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

**COUNTY OF FRESNO HEALTH DEPARTMENT CONDITIONS**

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

18. 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, Engineering Representative – (559) 324-2363)  
(Paul Armendariz, Public Utilities Representative – (559) 324-2649)

**Dedications and Street Improvements**

19. 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.

**Water**

20. 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.

**Irrigation and Landscaping Facilities**

21. 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

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 \$121.60, or \$24.32 per equivalent dwelling unit which is subject to change prior to recordation of the covenant 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%).

### **Miscellaneous**

22. The applicant shall construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates, at a location approved by the Solid Waste Supervisor. Grease barrel enclosures shall be required for all grease producing businesses. 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.
23. 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.
24. 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.
25. The applicant shall be aware that additional site specific conditions shall be identified during the site plan review stage.

**DRAFT  
RESOLUTION 20-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
CONDITIONAL USE PERMIT CUP2020-005 ALLOWING A VEHICLE RENTAL AND LEASING  
FACILITY ON A PORTION OF AN APPROXIMATE 1.17 ACRE PROPERTY LOCATED AT 1330  
CLOVIS AVENUE AND FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A  
CLASS 32 CATEGORICAL EXEMPTION**

**WHEREAS**, David Benjamin, 3097 Willow Clovis Avenue, #9, Clovis, CA, 93612, has applied for a Conditional Use Permit (CUP2020-005) to allow a vehicle rental and leasing facility for a portion of an approximate 1.17 acres of property located at 1330 Clovis Avenue., in the City of Clovis, County of Fresno, California; and

**WHEREAS**, the City scheduled a noticed Public Hearing on the Project for October 22, 2020; and

**WHEREAS**, the City published notice of the Public Hearing in the Fresno Business Journal, mailed notice to area residents within 450 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 October 22, 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 exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).

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

1. The Project is exempt from CEQA pursuant to a Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).

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

- (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 Class 32 categorical exemption (CEQA Guidelines Section 15332(a), (b), (c), (d) and (e)).

3. Without the conditions of approval (Attachment "1" to this Resolution), the Commission could not make the findings necessary for approval of CUP2020-005.

4. The basis for the findings is detailed in the October 22, 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. CUP2020-005 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 October 22, 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: October 22, 2020

\_\_\_\_\_  
 Amy Hatcher, Chair

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



# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

October 5, 2020

LU0021067  
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: **CUP2020-005**

**CUP2020-005:** A conditional use permit request to allow a vehicle rental facility on the property located at 1330 Clovis Avenue. Sam & Elizabeth Sandoval, owners.

**APN: 497-150-33**

**ZONING: C-2**

**ADDRESS: 1330 Clovis Avenue**

Recommended Conditions of Approval:

- 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 HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 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 project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

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REVIEWED BY:

*Kevin Tsuda*

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

(559) 600-33271

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***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

# ATTACHMENT 3

Maria Spera  
October 5, 2020  
CUP2020-005  
Page 2 of 2

AGENDA ITEM NO. 2

kt

cc: Oung & Sauls- Environmental Health Division (CT. 56.02)  
Charles Briggs- Representative ([chasbriggs@sbcglobal.net](mailto:chasbriggs@sbcglobal.net))



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

AGENDA ITEM NO. 2

Page 1 of 3

**PUBLIC AGENCY**

MARIA SPERA  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

DAVID BENJAMIN  
3097 WILLOW AVE., SUITE 37  
CLOVIS, CA 93612

PROJECT NO: **2020-005**

ADDRESS: **1330 CLOVIS AVE.**

APN: **497-150-33**

SENT: **October 08, 2020**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
4C	\$14,461.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$233.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$14,461.00</b>		<b>Total Service Charge: \$283.00</b>		

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 9/22/20 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. 2020-005**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL  
CUP  
No. 2020-005

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 2

Page 3 of 3

CL  
CUP  
No. 2020-005

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: 10/8/2020 3:12:39 PM

Anthony Zaragoza  
Engineer II

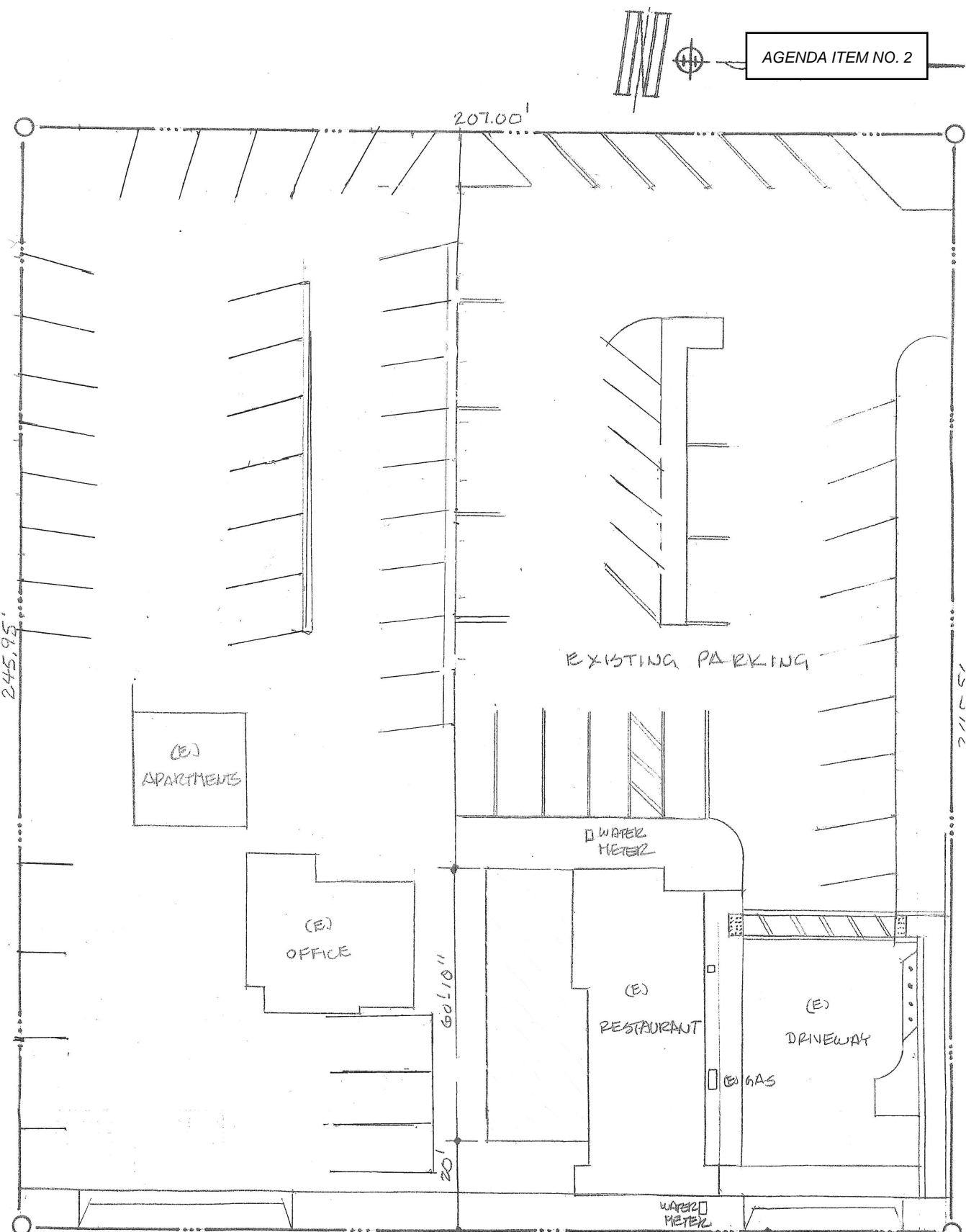
Digitally signed by Anthony Zaragoza Date: 9/25/2020 10:21:30 AM

**OTHER REQUIREMENTS****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.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: [www.fresnofloodcontrol.org](http://www.fresnofloodcontrol.org) or contact the District's Environmental Department for further information regarding these policies related to industrial site requirements.



1320 Clovis Ave.

OPERATIONAL STATEMENT  
FOR CUP  
1330 Clovis Ave, Clovis, CA

David (Butch) Benjamin the applicant herein recently sold his property located at Willow and Shaw Ave in Clovis. The property was utilized as a service station and van rental location. David had operated at that site in Clovis for 47 years.

Butch wanted to continue to operate a business in Clovis and has purchased the 1320/1330 Clovis Ave property on which the North one half is leased to 559 restaurant. The South one half of the property which has 103.5 feet of Clovis Ave frontage and a depth of 245.95 feet for a total of 25,455 square feet for the subject parcel. The footage is well beyond the zoning required for parking.

The planned business operation for the subject parcel is to utilize the existing office building for the business office. Butch will bring his van rental business to this location. The rental vans are from nine to 15 passenger vans and there will be 26 of them on site or rented. The business is a very clean operation and normally takes one or two people to do the leasing. Maintenance and van washing is done off site. Hours of operation are from 8:00AM to 5:30 PM daily. No excessive noise, dust or problems are created by the operation.

The apartments will remain as rentals on the property and the storage buildings located West (behind) the apartments will be removed with the land converted to parking.

The office will remain as is and there are six parking spaces available in front of or beside the office for staff and clients. Landscaping will be updated around the office and apartments.

The quality of improvements and maintenance the applicant will maintain on the property can be observed by viewing his former property at Willow and Shaw. This property as improved will be an asset to the City of Clovis.



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: October 22, 2020

SUBJECT: Consider Approval - Res. 20-\_\_\_\_, A request to approve the site layout and design of the Loma Vista Village Green, an approximately 7-acre park that is centrally located within the Loma Vista Community Center South Master Plan area, north of Gettysburg Avenue between DeWolf and Leonard Avenues. City of Clovis, applicant.

**Staff:** Lily Cha, Associate Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Draft Resolution
3. Conceptual Site Layout & Elevations
4. Correspondence

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve SPR2019-011, subject to the conditions listed in **Attachment 1**.

### EXECUTIVE SUMMARY

Approval of this site plan review (SPR) would provide the City with the opportunity to begin the construction design and improvement of the Loma Vista Village Green Park, consistent with the City of Clovis General Plan, Loma Vista Specific Plan and the Loma Vista Community Centers Master Plan.

### BACKGROUND

The Loma Vista Village Green (Village Green) park was planned outdoor space component within the Loma Vista Specific Plan, formerly known as the Southeast Urban Center (adopted by the City Council in March of 2003). Establishment of Urban Centers derived from the need for orderly growth of the City, while maintaining the small town atmosphere associated with Clovis. The City's 1993 General Plan established the concept of "Urban Centers" that identified focused future growth areas that build upon and integrate with the existing community of Clovis.



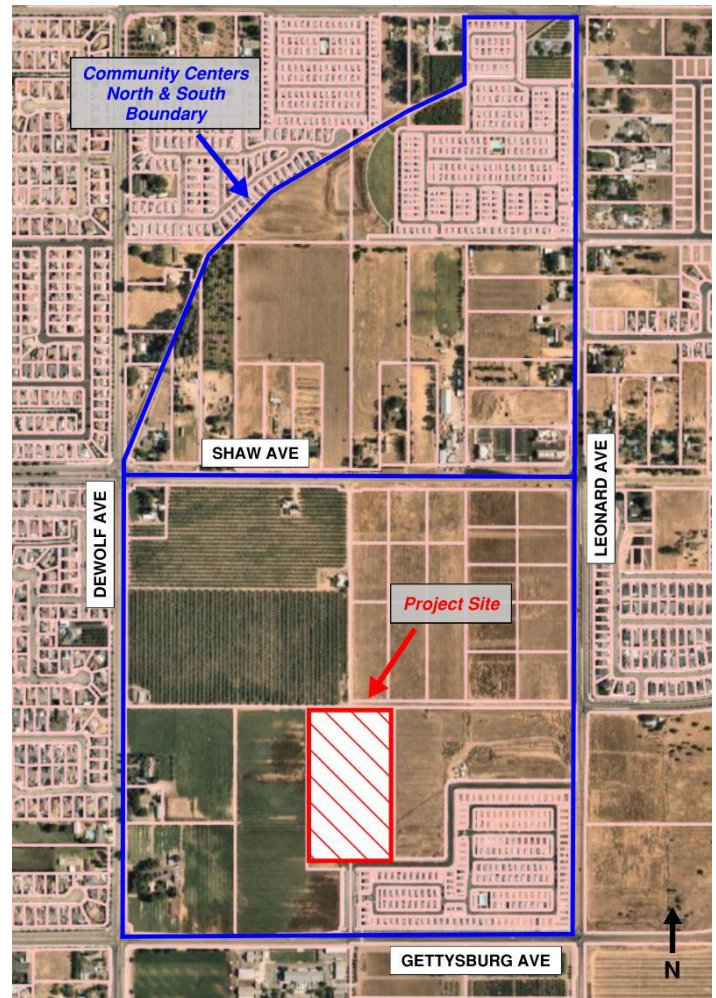
The Loma Vista Urban Center was memorialized through the specific plan process and is one of the three urban centers identified in the City's General Plan that are intended to guide the City to achieve a balanced growth.

In the heart of the Loma Vista Specific Plan area are two master planned communities; Loma Vista Community Center's North and South. These master planned communities are intended to serve as the social, entertainment, cultural, and commercial hub for the Loma Vista area. The community centers allow for a dynamic mixture of uses that encourage higher density and pedestrian oriented design, placing importance on connectivity and public spaces. Adoption of the Community Center's North and South Master Plan in May of 2009 memorialized development guidelines in the area, which includes the proposed Village Green park. **Figure 1** identifies the general location of the park in reference to the community centers.

The Village Green is a designated park site in the City of Clovis 2014 General Plan and the Loma Vista Specific Plan. The site totals approximately 7 acres and is situated north of Gettysburg Avenue, between DeWolf and Leonard Avenues. Existing zoning of the project site, "Public Facilities", is consistent with its land use designation of "Park" in the City's General Plan, therefore allowing the development of the park as a 'by-right' use established through the SPR process. It is the City's policy that public hearings are held before the Planning Commission and the City Council for site plan review approval of City projects.

### PROPOSAL AND ANALYSIS

The Village Green is designated as Public Area 3 within the Community Centers North and South Master Plan. The park was designed as a community oriented space providing for both active and passive uses. Its design highlights general areas that accommodate a diversity of uses while maintaining cohesiveness through connectivity of walkways. As the heart of the Loma Vista area, the Village Green will be a major focal point of the community.



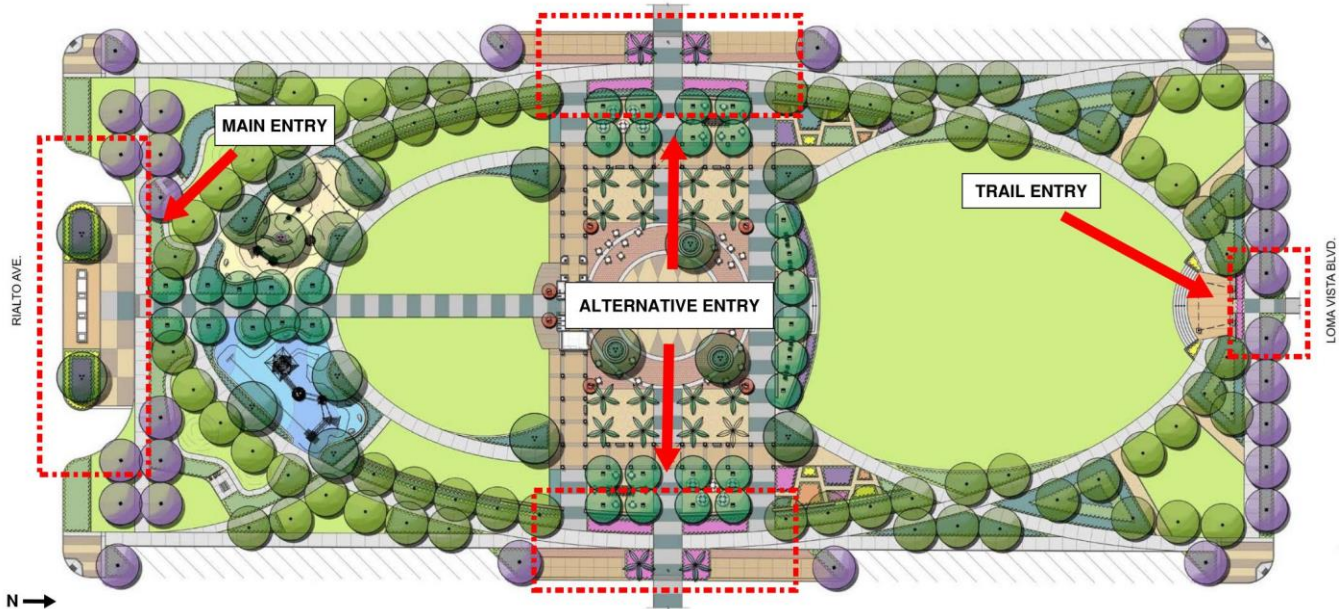
**FIGURE 1- Project Location**



### General Site Design

The Village Green Park is proposed to be developed in phases. The first phase encompasses the park's overall area and the majority of the proposed improvements. Subsequent phases of the park will include the play structures and shade trellises that cannot be accommodated with initial development due to budgetary constraints. **Attachment 3** is a schematic site plan that show the general layout and features of the Village Green.

### Village Green Entry



**FIGURE 2- Entry Areas**

The Village Green is designed with accessibility from various locations (see **Figure 2**). The main entry to the park is situated at the south end, adjacent to Rialto Avenue. This entry is comprised of a drop-off area that will also accommodate public transit in the future. The drop-off area is designed to allow for through traffic in both directions. A defining feature to the main entry of the park is the monument sign that has been designed and strategically placed to greet park visitors that travel from Gettysburg Avenue onto Sanders Avenue towards the park. When facing north, up the corridor of Sanders Avenue, those passing by or visiting the park will be greeted by the



**FIGURE 3- Monument Sign**

enhanced corridor of Sanders Avenue and the impressive Loma Vista Village Green sign that will be roughly 50 feet wide and 17 feet tall. **Figure 3** shows the monument's sign design.

Alternative entrances to the park are located along the future Encino Avenue at its east end and the future Person Ranch Avenue at its west end. These entrances are designed with multiple wide walkways leading into the site and are centrally placed to accommodate the ingress and egress of significant number of park visitors.

Additionally, crosswalks connecting the Village Green to the future mixed-use developments across Encino and Person Ranch Avenues are provided in this area.

The Village Green intercepts a paseo system and crosswalk at its north end, where park visitors may also enter the site using various walkways.

#### Play Structures & Seating Areas

Two designated areas near the main entry of the Village Green Park are planned to be improved with play structures for children. Each play area and structures will accommodate young children between the ages of 2 years old to 5 years old and children between the ages of 5 years old to 12 years old. This element of the park may be developed as a later phase depending on available funding. Staff is actively pursuing funding opportunities for the play structures and hopes to obtain funding in a timely manner for consistency with the development of the park.

Seating areas of various designs and styles are dispersed throughout the Village Green. Some seating will be provided in the form of masonry seat walls which will be located near the main entry of the park within the children's play area and at the outer edges of the secondary park entries near the future food truck parking areas. At the center of the park are raised planters with built in seating and various tables, chairs, and picnic tables. Moreover, park benches will also be placed along the walkways throughout the site.

#### Open Space & Lease Areas

The Village Green proposes several open space areas with the primary and largest area located towards the north side of the park at approximately 50,000 square feet. When completed, this open space area can accommodate various active uses and activities such as sports, etc. This area is intended to serve as the sitting and viewing area for planned concerts and performances at the future amphitheater, which will be situated at the north end of the park.

Within the southern half of the park, between the children's play area and the proposed tower and restroom structure, are two approximate 9,000 square foot designated open space areas. These areas have been designed to provide for the unique opportunity of space leasing for private events. The areas will serve as open space during times that they are not leased for private events.

#### Central Area: Tower, Restroom & Fountain

The central area of the Village Green is home to the proposed clock tower and park restrooms. The structure making up the tower and the restrooms encompasses an area of approximately 1,600 square feet with the overall height of the tower at approximately 56 feet. A defining feature of the Loma Vista Community is its thematic features that reflects California's rich history. One of the overarching themes include the mission-revival architectural style which is incorporated into the design of the Village Green. The structure will reflect the mission-revival characteristics including the bold arch opening, smooth stucco walls, and mission shaped roof parapets.

At the center of the Village Green is the plaza and a water feature (fountain). Like other features, the design of the fountain will be further analyzed during the construction design phase.

### Food Truck Operations

The Village Green was designed to accommodate the growing popularity of food truck operations. Four parking areas for food truck operations are provided, with two at each of the secondary entrances to the park. The idea is that food trucks will be able to plug into the electrical connections in these areas without having to use generators.

A program providing operational standards and regulations for food truck operations at the Village Green may be required to be developed prior to operations. Staff will continue to analyze the need for a program.

### Connectivity

There are a multitude of walkways of various widths that traverse throughout the Village Green providing pedestrian opportunity to travel between the areas of the park site. Moreover, the Village Green bisects a planned paseo system on the north and south. This trail is a part of the internal trail system of the community centers that connects to the greater Loma Vista trail and paseo network. **Figure 4** shows the general planned locations of the future and existing trail networks of the Community Centers. It's important to note that the location of the planned trails are subject to slight modification, depending on development feasibility.

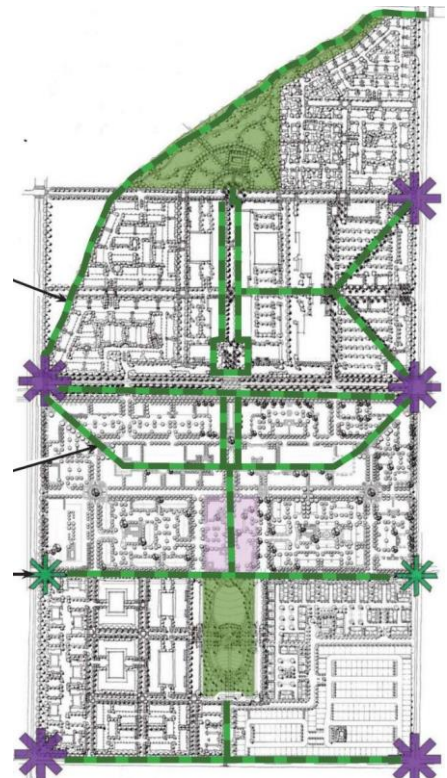
### **Parking & Traffic**

Public parking will be provided along the perimeter of the Village Green Park site as well as surrounding public streets for visitor use. The pedestrian oriented design of the community center encourages and accommodates the use of alternative, non-motorized travel throughout the area. Therefore, it could be assumed that many park visitors may travel by non-motorized transportation.

### **Public Meeting & Comments**

Staff held a public meeting for the Village Green Park project on September 29, 2020 where 21 residents were in attendance and an additional 49 residents participated virtually via Webex. Questions and comments concerning the park project were specific to parking availability, proximity of the park to existing residential developments, potential noise that uses could generate, the opportunity for designated dog areas, and safety and homeless issues related to the growth of the Loma Vista area and the Village Green.

In regard to concerns of parking availability, the surrounding public streets will provide parking for park patrons. Additionally, trail connectivity throughout the community centers and the larger Loma Vista area provides ample opportunity and encouragement for the use of alternative non-motorized travel, therefore alleviating the need for additional parking. The Village Green is anticipated to be surrounded by a mixture of uses including residential uses. It serves as an amenity for area residents and will adhere to general park activity rules and regulations. Although



**FIGURE 4- Trail Network**

the Village Green is considered a park, it was envisioned as a community oriented space to accommodate various activities similar to those of the City's Old Town area. The vision for this community space did not include designated dog areas. However, the City is currently working on establishing a few dog park sites throughout the City. In response to the concerns related to potential safety and homeless issues, the Police Department will provide patrol to this area and will also review security requirements related to special events held at the park.

### **Review and Comments from Agencies**

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

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

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

The City has determined that no additional environmental review is required for this Project pursuant to Public Resources Code Section 15183. Public Resources Code Section 15183 mandates that projects with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

In this case, the Project has been identified as being consistent with the Loma Vista Specific Plan and the Environmental Impact Report (EIR) certified for the Loma Vista Specific Plan in February 2003. The Loma Vista Specific Plan and its associated EIR identify the Village Green at the proposed location where it is currently proposed, and describe it as a public park and an expansive open space feature that accommodates features such as an amphitheater and recreational fields. An analysis of the Project in relation to the Loma Vista Specific Plan EIR determined that there are no peculiarities of the Project that differs from the feature identified in the Loma Vista Specific Plan and what was analyzed in the EIR. Additionally, the overall size and location of the Village green is consistent with what was planned.

A Notice of Determination has been completed during the preliminary review and is kept for public review with the project file during the processing of the project application. 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, October 7, 2020.

### **Consistency with General Plan Goals & Policies**

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

with an equal quality of life. The goals and polices seek to provide sufficient park space and recreation farcialities that enhances quality of life, contributes to a healthy community, and conserve Clovis' natural and cultural resources.

#### *Land Use*

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

Policy 3.7 **Urban Village Neighborhood Concept.** Residential developments in Urban Centers must contribute to and become a part of a neighborhood by incorporating a central park feature, a school complex, a hierarchy of streets, pedestrian pathways, or other neighborhood amenities. Higher density residential should be next to lands designated Mixed Use Village. The City may also require the application of urban village neighborhood concept in areas outside of an Urban Center.

#### *Open Space and Conservation*

**Goal 1:** Park and recreation facilities that are environmentally and fiscally sustainable and meet the needs of existing and future residents.

Policy 1.3 **New parks and recreation facilities.** Provide a variety of parks and recreation facilities in underserved and growing areas of the community.

### **REASON FOR RECOMMENDATION**

The Project is consistent with the goals and intent of the Loma Vista Specific Plan, the Loma Vista Community Centers North and South Master Plan, and the Clovis General Plan. Staff therefore recommends that the Planning Commission approve SPR2019-011, subject to the conditions of approval in **Attachment 1**.

#### Site Plan Review 2019-011

The findings to consider when making a decision on a site plan review application include:

1. Be allowed within the subject zoning district;
2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;
3. Be in compliance with all other applicable provisions of the Clovis Municipal Code; and
4. Be consistent with the General Plan and any applicable specific plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

Staff's findings for SPR approval:

1. The Village Green Park project is a permitted use under the subject properties existing Public-Facilities Zone District;



2. The proposed site configuration and design of the Project was evaluated per the development standards and guidelines of the City's General Plan, Loma Vista Specific Plan, and Loma Vista Community Centers North and South Master Plan and found to be in compliance;
3. The proposed site layout including setbacks, building height, and design meets the developments standards and provisions of the Clovis Municipal Code; and
4. The Project is a designated park under the City's 2014 General Plan and Loma Vista Specific Plan.

**ACTIONS FOLLOWING APPROVAL**

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

**FISCAL IMPACT**

The Project will be primarily funded by the Community Investment Program (CIP) Parks Fund. Some elements of the Project are anticipated to be funded through grant opportunities.

**NOTICE OF HEARING**

Property owners within 1500 feet notified:	173
Interested individuals notified:	10

Prepared by: Lily Cha, Associate Planner

Reviewed by:



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Dave Merchen  
City Planner

## Conditions of Approval – SPR2019-011

### Planning Division Comments (Lily Cha, Associate Planner – 559-324-2335)

1. SPR2019-011 is for approval of an approximately 7-acre park located north of Gettysburg Avenue between DeWolf and Leonard Avenues.
2. SPR2019-011 is granted per the site layout labeled as Attachment 3.
3. All conditions of SPR2019-011 shall be placed in the building permit set prior to plan check submittal and the issuance of permits.
4. A signed “Acceptance of Conditions” shall be provided to the Planning Department within 30 days of the date of approval of site plan review.
5. All plans submitted for building permits shall be consistent with the Site Plan Review per CMC 9.3.408 C.1.
6. The Project shall conform to the development standards prescribed under the P-F (Public Facilities) Zone District and the Loma Vista Specific Plan unless modified through SPR2019-011.
7. Any proposed future modifications not approved under SPR2019-011, such as building exteriors, parking and loading areas, fence/walls, and/or landscaping shall require a site plan review amendment.
8. During construction, applicant and assigned contractors for safety purposes shall keep the public right-of-way clear of obstructions, and provide for interim clean-up on a daily basis.
9. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in Section 9.24.100 of the Clovis Municipal Code.

### Signage

10. All signage which are intended to be viewed from the outside shall require separate sign permits prior to installation.

### HVAC and PG&E Utility Placement Considerations/Screening Requirements

11. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department. If ground-mounted, applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any roof-mounted equipment placements shall be

completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall-mounted equipment shall be painted to match the exterior wall.

12. Roof access ladders shall be located within the interior of the building. Exterior wall mounted ladders are prohibited.
13. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
14. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.
15. All new utility lines serving the development shall be located underground.

### **Building Colors, Materials and Lighting Considerations**

16. All exterior lighting shall be directed away from adjacent properties and not interfere with the driving safety of vehicular traffic.
17. The applicant shall contact the Planning Department when all site lighting is operational. Additional light screening may be required.

### **Landscape**

18. Landscape and irrigation plans shall be submitted to the City for review and approval
19. Landscaping shall comply with the City's adopted Water Efficiency Ordinance.
20. A six-inch (6") high curb shall be installed around all planter areas adjacent to parking indicated on the approved site plan.

### **ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS**

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

### **Maps and Plans**

21. The conditions of this Site Plan Review are written under the assumption that all dedications and improvements have been completed by the adjacent TM 6168 development, and that these dedications and improvements have been accepted by the City. Additional conditions shall be required at the discretion of the City Engineer, if the improvements and dedications by TM 6168 have not been accepted by the City.
22. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required



improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 18-61 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.

23. 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).
24. 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**

25. The applicant shall pay all applicable development fees prior to the issuing of a building permit. A preliminary estimate of fees is \$19,175.69. A breakdown of this estimate is attached to these conditions for your information. Additional fees may be assessed and must be paid prior to issuance of subsequent development permits. **NOTE:** The fees given at this time are an estimate calculated using rates currently in effect. These rates are subject to change without notice and the actual amount due shall be calculated using fee rates in effect at the time of payment. Additional fees payable to the City or other agencies (FMFCD) may become due as supplemental information regarding the project is received by the City.
26. 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 must be filed in accordance with the provisions of the California Government Code and must 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.
27. 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.

28. 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.
29. 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.
30. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
31. All existing overhead and new utility facilities located on-site, within alleys, or within the street right-of-way along the streets adjacent to this development shall be undergrounded unless otherwise approved by the City Engineer.
32. The applicant shall contact and address Caltrans requirements. The applicant will be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

### **Dedications and Street Improvements**

33. The applicant shall provide right-of-way acquisition, free and clear of all encumbrances and/or improve to City standards the following streets. 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. Loma Vista Parkway – Along frontage, dedicate to provide right-of-way acquisition for 20' (exist 0') north of centerline and 37' (exist 0') south of centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, fiber optic conduit, 48' (24'+16') permanent paving, 3' paved swale, and transitional paving as needed. For nonadjacent major street requirements, between the eastern limit of the project and Leonard Avenue, the applicant shall provide 32' of permanent paving, 3' paved swales, and all transitional paving as required, or another City approved alternate route.
  - b. Person Ranch Avenue – Along frontage, improve with curb, gutter, sidewalk, 18' of angled parking on both sides of the street, 26' of travel way, curb return ramps, street lights, landscaping and irrigation, permanent paving, and transitional paving as needed.

- c. Rialto Avenue – Along frontage between Person Ranch Avenue and Person Ranch Avenue, improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving, and transitional paving as needed.
  - d. Rialto Avenue – Along frontage between Person Ranch Avenue and Encino Avenue, improve with sidewalk, curb return ramps, landscaping and irrigation.
  - e. Encino Avenue – Along frontage, improve with curb, gutter, sidewalk, 18' of angled parking on both sides of the street, 26' of travel way, curb return ramps, street lights, landscaping and irrigation, permanent paving, and transitional paving as needed.
34. Applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
35. The applicant shall provide preliminary title report for the subject property(ies).
36. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
37. The applicant shall obtain "R Value" tests in quantity sufficient to represent all public street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.
38. 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.
39. 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**

40. The applicant shall identify and abandon all septic systems to City standards.
41. 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 **or sizing** of the mains will require approval of the City Engineer and must be supported by appropriate calculations.

- a. Rialto Avenue – install 8" main along frontage between Person Ranch Avenue and Person Ranch Avenue.
- b. Encino Avenue – install 12" main along frontage.
- c. Loma Vista Parkway – install 10" main along frontage.

42. The applicant shall install sewer lateral or laterals for the development site and connect to City mains.

### **Water**

43. The applicant shall identify and abandon all water wells to City standards.

44. 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 will require approval of the City Engineer and must be supported by appropriate calculations.

- a. Rialto Avenue – install 8" main along frontage between Person Ranch Avenue and Person Ranch Avenue.
- b. Person Ranch Avenue – install 8" main along frontage.
- c. Loma Vista Parkway – install 8" main along frontage.

45. The applicant shall install a City standard water service of the necessary size for the development site and connect to City mains. 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.

46. The applicant shall install an approved backflow prevention assembly adjacent to the 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.

### **Recycled Water**

47. 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 will require approval of the City Engineer and may require appropriate calculations.

- a. Park – install mains as necessary to serve the park.

### **Grading and Drainage**

48. 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 the FMFCD prior to the release of any development permits.
49. 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**

50. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
51. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis, if the property has not already been removed from FID and transferred to the City. The applicant shall execute a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.
52. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair

of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users **in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.**

53. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.

### **Miscellaneous**

54. The applicant shall modify and construct one (1) City of Clovis standard Type V 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 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.

55. 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.

56. The applicant shall install street lights along the major streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights along the major streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant may install thematic lighting, as approved by the City Engineer. If the applicant chooses to install thematic lighting, the applicant shall provide a conceptual lighting plan identifying adjacent properties that may be incorporated with thematic lights to create a neighborhood effect. Thematic lighting shall be maintained by an additional landscape maintenance assessment.

57. The applicant shall provide location and dimension of above ground utility boxes and risers with the location approved by the City.

58. The applicant shall require the surveyor/civil engineer for the development to notify, in writing, the City Engineer of any existing section corner, property corner or reference monuments damaged by the construction of improvements performed as part of the

development. The applicant shall have all such monuments reset. 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 installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting or replacement of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer certifying that the final monuments have been set and that he has filed with the County Recorder all appropriate records of survey or corner records. 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.

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

60. All conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy final acceptance.

**Fresno Irrigation District**

(Jeremy Landrith, FID Representative – 233-7161 ext. 7407)

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

**County of Fresno Health Department Conditions**

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

62. 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.

**Department of Transportation**

(Nicholas Isla, Caltrans Representative – 444-2583)

63. The Applicant shall refer to the attached Caltrans correspondence. If the list is not attached, please contact the Caltrans for the list of requirements.

**San Joaquin Valley Air Pollution Control District**

(Eric McLaughlin, SJVAPCD Representative – 230-5808)

64. The Applicant shall refer to the attached SJVAPCD correspondence. If the list is not attached, please contact the SJVAPCD for the list of requirements.

**Fresno Metropolitan Flood Control District**

(Michael Maxwell, FMFCD Representative – 456-3292)

65. The Applicant shall refer to the attached FMFCD correspondence. If the list is not attached, please contact the FMFCD for the list of requirements.



**DRAFT  
RESOLUTION 20-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL OF A SITE PLAN REVIEW FOR THE LOMA VISTA  
VILLAGE GREEN, AN APPROXIMATELY 7-ACRE PARK THAT IS CENTRALLY LOCATED  
WITHIN THE LOMA VISTA COMMUNITY CENTER SOUTH MASTER PLAN AREA, NORTH  
OF GETTYSBURG AVENUE BETWEEN DEWOLF AND LEONARD AVENUES AND  
FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO  
SECTION 15183 OF THE CEQA GUIDELINES**

**WHEREAS**, City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a Site Plan Review SPR2019-011; and

**WHEREAS**, Site Plan Review SPR2019-011, was filed on July 31, 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 proposed Site Plan Review SPR2019-011 was assessed under the provisions of the California Environmental Quality Act (CEQA) and was determined to be exempt pursuant to Section 15183 - Project's Consistent with a Community Plan, General Plan, or Zoning; and

**WHEREAS**, a public notice was sent out to area residents within 1,500 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on October 22, 2020; and

**WHEREAS**, on October 22, 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 Site Plan Review SPR2019-011, which are maintained at the offices of the City of Clovis Department of Planning and Development Services.

**NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION RESOLVES AND FINDS AS FOLLOWS:**

1. The Project is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines - Project's Consistent with a Community Plan, General Plan, or Zoning.
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - (1) The project is allowed within the subject zoning district;
  - (2) The project is in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject

**ATTACHMENT 2**

- zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;
- (3) The project is in compliance with all other applicable provisions of the Clovis Municipal Code;
- (4) The project is consistent with the General Plan and any applicable specific plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

- 3. Without the conditions of approval (Attachment “1” to this Resolution), the Commission could not make the findings necessary for approval of SPR2019-011.
- 4. The basis for the findings is detailed in the October 22, 2020 staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.
- 5. The Project is consistent with the Loma Vista Specific Plan, and the Specific Plan’s certified EIR, and no further environmental review is required by CEQA, pursuant to Section 15183 of the CEQA Guidelines.

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

1. The Planning Commission hereby approval of Site Plan Review SPR2019-011 to the City Council, subject to the attached conditions labeled “Attachment 1.”

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on October 22, 2020, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

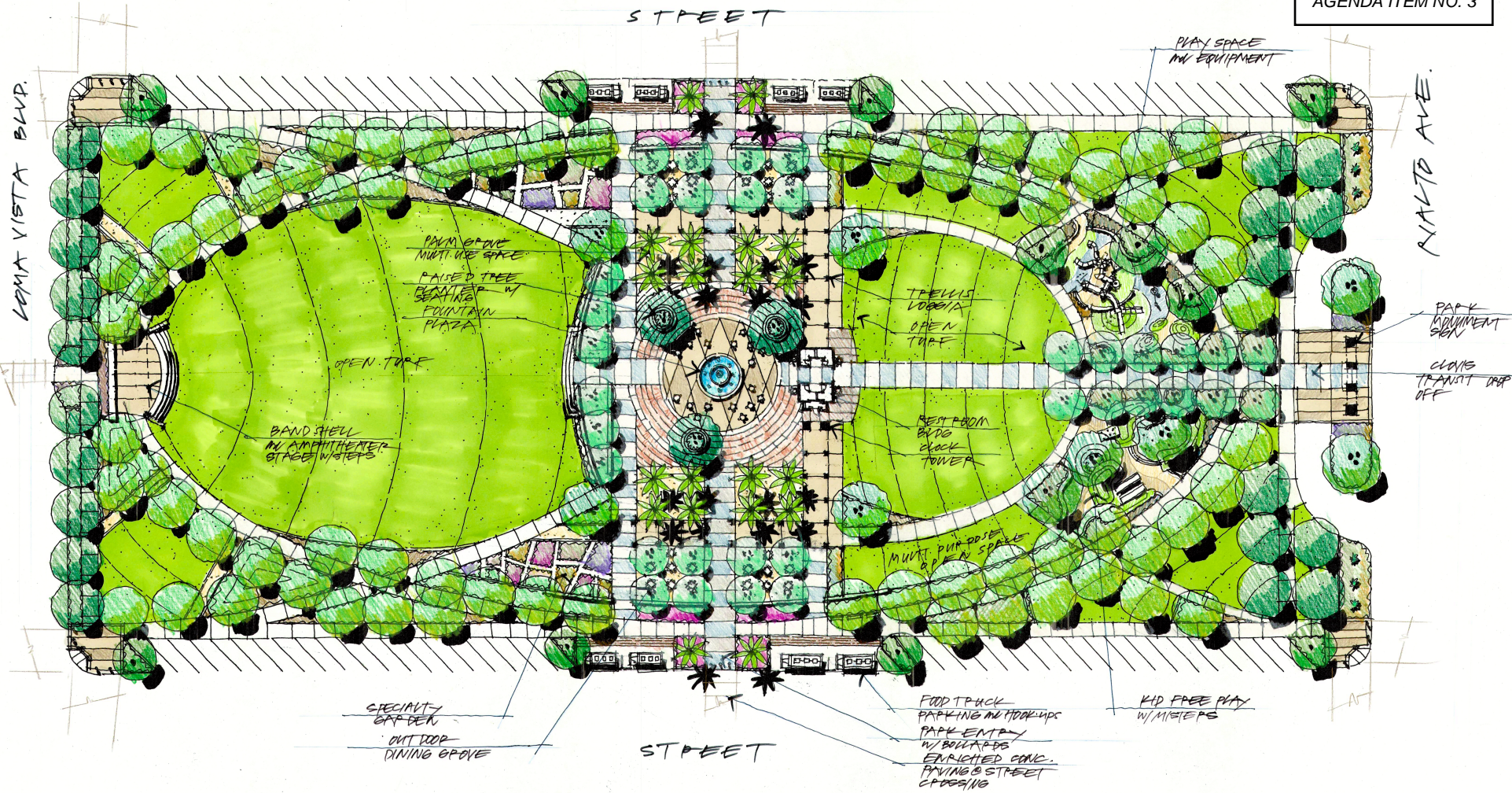
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-\_\_\_\_\_  
DATED: October 22, 2020

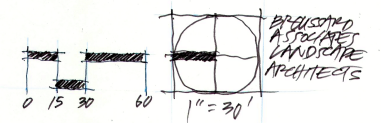
\_\_\_\_\_  
Amy Hatcher, Chair

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





**LOMA VISTA PARK** · CITY OF CLOVIS  
 UPDATED SCHEMATIC PLAN 11.8.18



BRILLIANT  
 A SPACE  
 LANDSCAPE  
 ARCHITECTS



**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 25, 2020

06-FRE-168-9.286  
Site Plan Review  
Loma Vista Village Green

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

Dear Ms. Cha:

Thank you for the opportunity to review the Loma Vista Community Center/Park. The application proposes to build a community park. The project is located in the southeast urban center, approximately 5 miles east of State Route (SR) 168, 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 supports the planned Class II bike trail and Community Collector Trail which is included in the City of Clovis Southeast Urban Center Specific Plan.
2. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:
  - a. Pedestrian walkways should link this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
  - b. The project should consider bicycles as an alternative mode of transportation and offer internal amenities to encourage bicycle use which could include parking and security.

**ATTACHMENT 4**

Ms. Lily Cha  
August 25, 2020  
Page 2

- c. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.
3. Consider bicyclist and pedestrian comfort when designing facilities.
4. Identify bicycle parking needs at transit, rail and park and ride services and define appropriate bicycle accommodation policies.
5. Promote awareness of and connections to key bicycling and walking routes.
6. Trails will be considered within the proposed district-level bicycle and pedestrian plans. These efforts can consider enhancing existing unpaved trails, building trails in existing, abandoned, or underutilized rail and highway right-of-way, and building new trails where they may be missing (*Toward an Active California State Bicycle+Pedestrian Plan 54*).
7. California's Zero Emissions Vehicle (ZEV) Plan 2018 details a strategy to build hydrogen fueling stations and more electric vehicle chargers statewide in an effort to reduce greenhouse gas (GHG) emissions and reach its 2050 climate goals. Caltrans recommends the Project support these statewide goals by including designated parking for electric vehicles along with charging stations.
8. These recommendations are intended to reduce Vehicle Miles Traveled (VMT) while increasing the likelihood people will use and benefit from a more multi-modal transportation network by improving their health and quality of life.

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

Sincerely,



DAVID PADILLA, Branch Chief  
Transportation Planning - North



## County of Fresno

### DEPARTMENT OF PUBLIC HEALTH

July 13, 2020

LU0020935  
2604

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

Dear Ms. Cha:

PROJECT NUMBERS: **DRC1741-2020**

**DRC1741-2020**; This Project is an approximately 7-acre park known as the Loma Vista Village Green or Village Green. The Village Green was planned as the central focal point of the Community Center South Master Plan within the Loma Vista Urban Center. It will provide for both active and passive uses accommodating features such as an amphitheater, open fields, seating areas, a centrally located structure providing restrooms and shade trellis, play equipment, and the opportunity for food truck operations. Designed to accommodate various events such as community festivals, concerts, and the opportunity to lease areas for private events.

**APN: 555-031-30T, -34T**

**ZONING: P-F**

**SITE ADDRESS: North of Gettysburg between Dewolf & Leonard Avenues**

Recommended Conditions of Approval:

- Prior to issuance of building permits, should the applicant propose a snack bar/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. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, should the applicant propose a snack bar/commissary they **may** 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.
- Should alcohol sales be proposed, then prior to alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- 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

***Promotion, preservation and protection of the community's health***

1221 Fulton Street / P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

[www.co.fresno.ca.us](http://www.co.fresno.ca.us) • [www.fcdph.org](http://www.fcdph.org)

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.

- As the Use Permit holder, The City of Clovis or private event use holder, shall be responsible for ensuring that the mobile food preparation units operating onsite are in compliance with Fresno County Department of Public Health, Environmental Health Division permit requirements. All mobile food preparation units shall maintain a valid Fresno County Department of Public Health Permit to Operate, and operate within the scope of their permit. Temporary food facilities/booths are not permitted unless the event meets a “Community Event” definition. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- All mobile food preparation units 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.
- The project has the potential to expose residents to noise levels in excess of standards established in the Noise Element of the City of Clovis General Plan and the municipal code. It is recommended City Staff require an acoustical analysis, prior to approval of the project, to identify potential noise levels from the proposed concert stage and offer appropriate mitigation measures to be incorporated into the project.

---

REVIEWED BY:



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

(559) 600-3271

---

KT

cc: Rogers, Moreno, Heinrich (assigns) & Sauls- Environmental Health Division (CT. 59.09)

August 25, 2020

Lily Cha  
c/o City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

**Project:** SPR 2019-011, Loma Vista Village Green  
**APN:** 555-031-11, 555-031-29  
**Subject:** Rule 9510 Indirect Source Review (ISR) applicability  
**District CEQA Reference No.:** 20200681

To Whom It May Concern:

Based on the information provided, the San Joaquin Valley Air Pollution Control District (District) concludes that the proposed project is subject to District Rule 9510 Indirect Source Review (ISR) and therefore requires an Air Impact Assessment (AIA). Since District records indicate that an AIA application has not been submitted for this project, please submit an AIA application to the District no later than applying for final discretionary approval with a public agency. The application provides the required information to quantify emissions from the project and determine the amount of mitigation required.

For your convenience, enclosed is an AIA application, which can also be downloaded from the District's website: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>. Also enclosed is a document with answers to frequently asked questions regarding ISR. This may be used as a reference to better understand ISR and how the District processes application. For additional information, please visit the District's ISR website: <http://www.valleyair.org/isr/isrhome.htm>.

Please pay close attention to the following important information:

- Generating emissions before paying required Off-site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action
- In the event there is a change in project ownership or developer, the new owner/developer is responsible for contacting the District to finalize the AIA.

District staff is available to meet with you and/or the applicant to assist in the submittal of the application, help you identify potential mitigation measures to reduce emissions from the project, and further discuss the regulatory requirements that are associated with this project.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95358-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

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



Lily Cha  
c/o City of Clovis  
Page 2

Thank you for your cooperation in this matter. If you have any questions or require further information, please contact Eric McLaughlin by e-mail at [Eric.McLaughlin@valleyair.org](mailto:Eric.McLaughlin@valleyair.org) or by phone at (559) 230-5808.

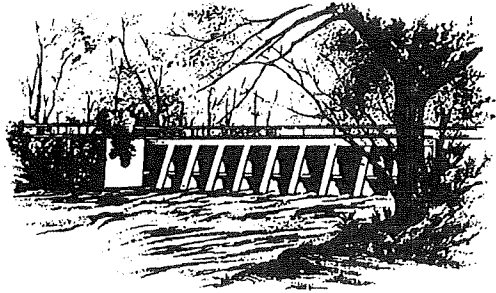
Sincerely,

A handwritten signature in blue ink, appearing to be "Eric McLaughlin", written in a cursive style.

For Arnaud Marjollet  
Director of Permit Services

AM: cf

Enclosures: ISR FAQ and AIA application



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF

# FRESNO IRRIGATION DISTRICT

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

June 5, 2019

Lily Cha  
Planning Division  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: Site Plan Review SPR2019-011  
S/E Shaw and DeWolf avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Site Plan Review SPR2019-011 for which the applicant requests a site plan review for an approximately 7 acre park with amphitheater and community festival facilities, APN: 555-031-11 (portion) and 29 (portion). FID has the following comment:

1. FID does not own operate or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, FID's Brown No. 113, runs southerly along the east side of DeWolf Avenue, crosses Shaw approximately 1,800 feet northwest of the subject property, and crosses Gettysburg Avenue approximately 1,300 feet southwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and or utility improvements along Shaw Avenue, Gettysburg Avenue or in the vicinity of this pipeline, FID requires it review and approve all plans.
3. For informational purposes, FID's Jefferson No. 112 runs southwesterly and crosses the intersection of Shaw Avenue and DeWolf Avenue approximately 1,800 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Shaw Avenue, DeWolf Avenue or in the vicinity of this pipeline, FID requires it review and approve all plans.

Lily Cha  
RE: SPR2019-011  
June 5, 2019  
Page 2 of 2

4. For informational purposes, a privately owned canal known as McFarlane E. Br. No. 468 runs southerly and crosses Shaw Avenue approximately 1,400 feet northeast of the subject property as shown on the attached FID exhibit map. FID does not own, operate or maintain this private canal. FID's records indicate that this pipeline is active and should be treated as such. FID can supply the City a list of known users upon request.
5. For informational purposes, a privately owned canal known as McFarlane W. Br. No. 468 runs southerly and crosses Shaw Avenue approximately 1,200 feet northeast of the subject property as shown on the attached FID exhibit map. FID does not own, operate or maintain this private canal. FID's records indicate that this pipeline is active and should be treated as such. FID can supply the City a list of known users upon request.
6. For informational purposes, Fresno Metropolitan Flood Control District's Dog Creek runs southerly and crosses Shaw avenue approximately 2,500 feet northeast of the subject property, as shown on the attached FID exhibit map. Should any improvements be necessary in the vicinity of the crossing, the applicant will be required to contact FMFCD to discuss any necessary improvements to their facility.

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

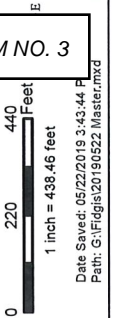
Sincerely,



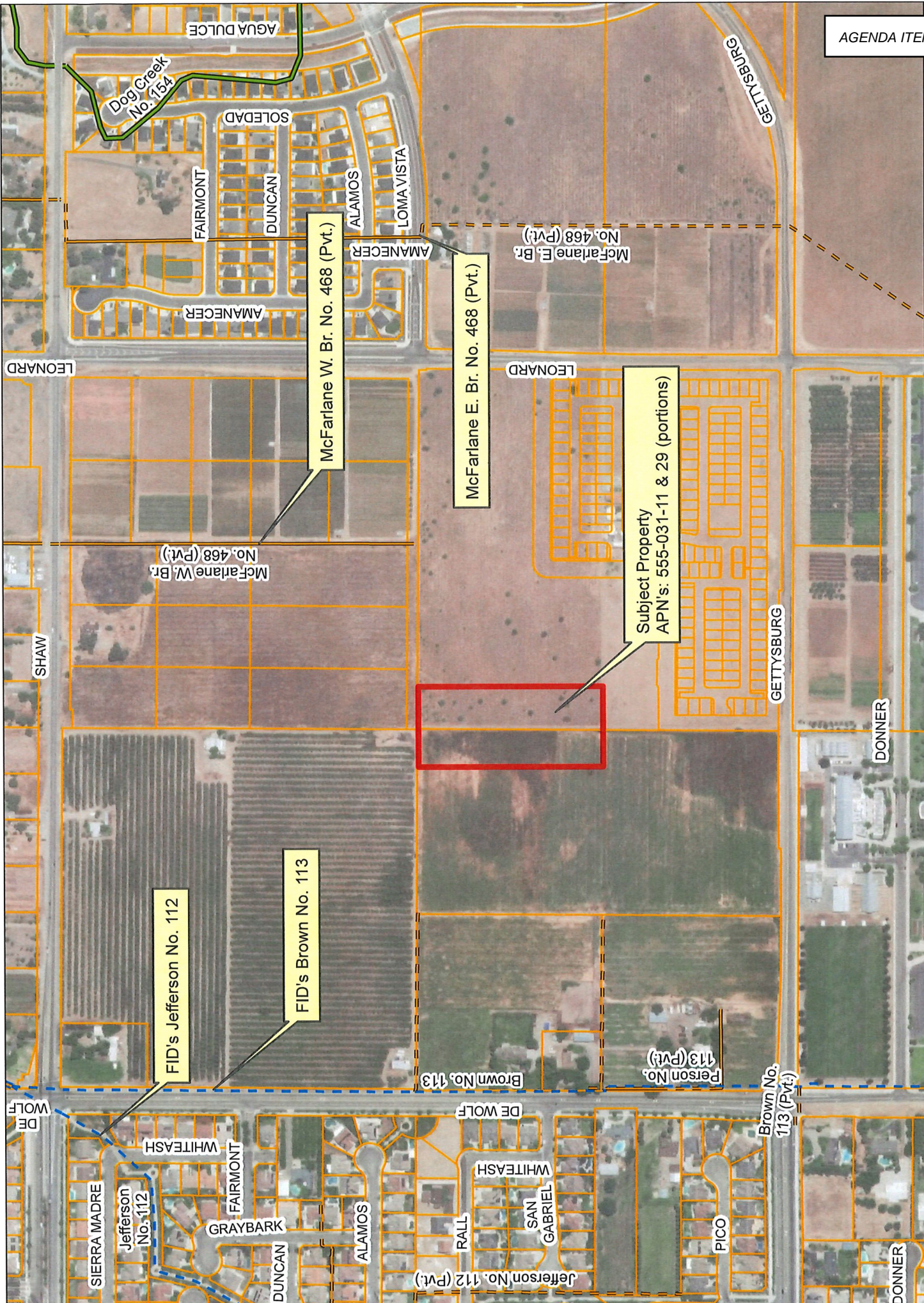
Laurence Kimura, P.E.  
Chief Engineer

Attachment





Date Saved: 05/22/2019 3:43:44 P  
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AGUA DULCE  
Dog Creek No. 134  
FAIRMONT  
DUNCAN  
ALAMOS  
LOMA VISTA  
AMANECCER  
AMANECCER  
AMANECCER  
LEONARD

McFarlane W. Br. No. 468 (Pvt.)

McFarlane E. Br. No. 468 (Pvt.)

McFarlane E. Br. No. 468 (Pvt.)

Subject Property  
APN's: 555-031-11 & 29 (portions)

McFarlane W. Br. No. 468 (Pvt.)

FID's Jefferson No. 112

FID's Brown No. 113

Brown No. 113

Person No. 113 (Pvt.)

Brown No. 113 (Pvt.)

DE WOLF  
SIERRA MADRE  
Jefferson No. 112  
DUNCAN  
ALAMOS  
GRAYBARK  
FAIRMONT  
WHITESH

FAIRMONT  
DUNCAN  
ALAMOS  
RALL  
SAN GABRIEL  
WHITESH

Jefferson No. 112 (Pvt.)

PICO

GETTYSBURG

GETTYSBURG

DONNER

DONNER

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.

Legend

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



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

AGENDA ITEM NO. 3

Page 1 of 4

**PUBLIC AGENCY**

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

**DEVELOPER**

DWIGHT KROLL, CITY OF CLOVIS  
1033 FIFTH ST.  
CLOVIS, CA 93612

PROJECT NO: **2019-011**  
ADDRESS: **N/S GETTYSBURG, BTWN DEWOLF AND LEONARD**  
APN: **555-031-11, 555-031-29**

SENT: **6/20/19**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
DO	\$43,192.00	NOR Review	\$359.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$1,826.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review		For amount of fee, refer to <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> for form to fill out and submit with first storm drain plan submittal (blank copy attached).
<b>Total Drainage Fee: \$43,192.00</b>		<b>Total Service Charge: \$2,185.00</b>		

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 2/29/20 based on the site plan submitted to the District on 5/21/19 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 SPR No. 2019-011**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 3

Page 2 of 4

CL SPR No. 2019-011

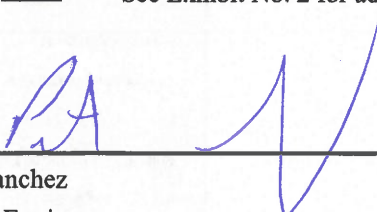
Approval of this development shall be conditioned upon compliance with these District Requirements.

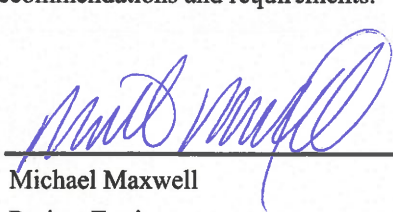
1.  a. Drainage from the site shall  
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
 Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.  
 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 SPR No. 2019-011

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.

  
\_\_\_\_\_  
Peter Sanchez  
District Engineer

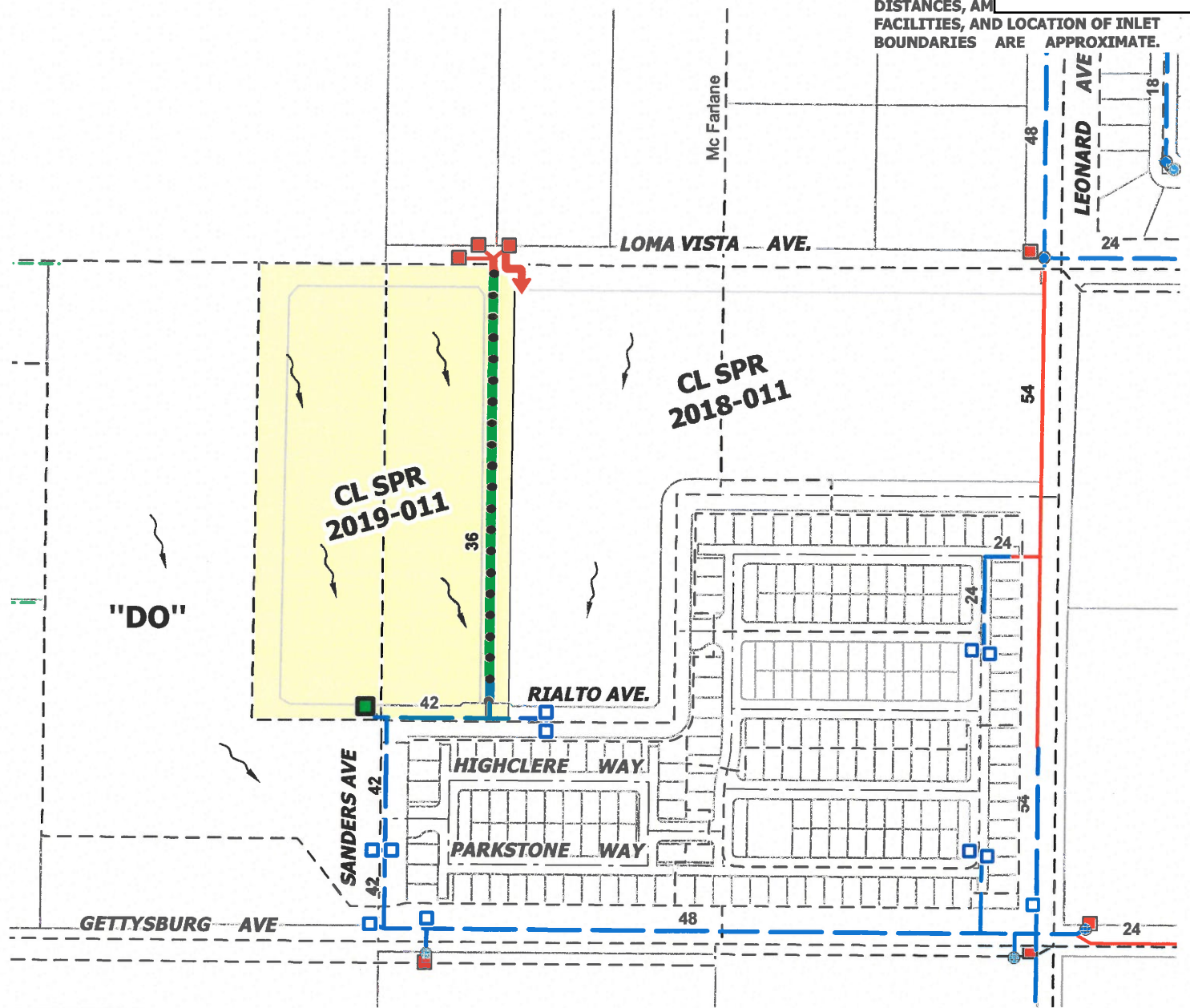
  
\_\_\_\_\_  
Michael Maxwell  
Project Engineer







NOTE: THIS AGENDA ITEM NO. 3  
 DISTANCES, AM  
 FACILITIES, AND LOCATION OF INLET  
 BOUNDARIES ARE APPROXIMATE.



**LEGEND**

- Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet
- Existing Master Plan Facilities
- Existing Temporary Inlet
- Future Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage
- Major Storm Breakover



**CL SPR 2019-011  
 DRAINAGE AREA "DO"**

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

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City/County or District.

If street improvements on Loma Vista Avenue are required to be constructed by the City of Clovis then Clovis SPR 2019-011 shall construct the future Master Plan facilities as shown on Exhibit No. 1 on Loma Vista Avenue.

The Creditable Facilities, as shown on Exhibit No. 1, have also been required of Clovis SPR 2018-011. If the facilities required of Clovis SPR 2018-011 are completed prior to the development of this site the construction requirement will be dropped.

The proposed development of Clovis SPR 2019-011 is located in an area that has historically provided a passage for major storm water flows from the area north of the development across the proposed site to Gettysburg Avenue. The grading of the proposed site shall be designed such that there are not adverse impacts to the passage of said major storm water from the north to Gettysburg Avenue.

Development No. Clovis SPR 2019-011



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission  
 FROM: Planning and Development Services  
 DATE: October 22, 2020  
 SUBJECT: Consider Approval - Res. 20-\_\_\_\_ - GPA2020-004, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-through uses. City of Clovis, applicant.

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

**Recommendation:** Approve

ATTACHMENTS: 1. July 20, 2020 City Council Staff Report  
 2. Proposed Revisions to the Shaw Avenue Specific Plan  
 3. Draft Resolution, GPA2020-004

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve General Plan Amendment GPA2020-004 amending the Shaw Avenue Specific Plan to permit drive-through uses within its boundary.

### EXECUTIVE SUMMARY

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. In recent years, staff has received multiple inquiries and requests for the addition of drive-through uses in areas covered under the Specific Plan – many of which have been approved by City Council.

As market demands change, along with business models, and turnover of existing retail and other commercial establishments, an increased demand in revitalizing and enhancing existing shopping centers along Shaw Avenue (between Clovis and Temperance Avenues) with the use of drive-through facilities has followed. This has further been exacerbated with the arrival of COVID-19 and the restrictions placed on indoor dining and other distancing requirements. In response to this shift, coupled with the approvals for the drive-through uses in recent years, staff recommends approval of an update to the Specific Plan to allow for drive-through uses within its boundary.

**BACKGROUND**

The Specific Plan originally dates to 1978, with the last substantive updates adopted in 1994 and 1999. 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-through establishments and freestanding restaurants were also prohibited. The boundary of the Shaw Avenue Specific Plan is shown below in **Figure 1**.

**FIGURE 1  
Shaw Avenue Specific Plan Area**



The policies prohibiting drive-through 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-through features more consistently. The policies were 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. This is reflected in Policies 11 and 12 in the Specific Plan. Policy number 11 prohibits drive-through uses other than those that are associated with financial institutions. Policy number 12 prohibits any drive-through facilities directly along the Shaw Avenue frontage. In 1999, the Specific Plan underwent another revision in which Policy 12 was modified to allow for drive-up uses for financial institutions with a conditional use permit (i.e. banks, credit unions, savings and loans, etc.).

Over the last 20 years, the Planning Commission and City Council have deemed it appropriate to allow several exceptions to the prohibition on drive-through uses on a case-by-case basis. As described in more detail below under the “Proposal and Analysis” section of this staff report, since 2005, there have been four (4) drive-through uses approved. A request for a fifth drive-through (Raising Cane’s) was reviewed and approved by the Planning Commission last month, and is set for final consideration by the City Council at its October 19, 2020 meeting.



As a result of these recent approvals, staff requested City Council consideration of a resolution allowing for staff to initiate a broader text amendment to the Shaw Avenue Specific Plan to modify the prohibition on drive-through uses within its boundary. On July 20, 2020, City Council adopted Resolution 20-88 directing staff to initiate an amendment to the Specific Plan. The July 20, 2020 Council staff report is provided as **Attachment 1**.

### **PROPOSAL AND ANALYSIS**

Subsequent to the last substantial 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-through 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-through uses for financial institutions.
- On November 7, 2005, the City Council considered and approved a request to allow a drive-through 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-through 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-through coffee kiosk and a future drive-through use at the southwest corner of Fowler and Shaw Avenues, immediately adjacent to the west of the existing Walgreens Pharmacy.
- On September 24, 2020, the Planning Commission considered and recommend approval to allow a 3,300 square-foot drive through restaurant (Raising Cane's) at the northwest corner of Shaw and Cole Avenues in the Sierra Pavilions Shopping Center.

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. Today's market conditions generally require that such uses have drive-through components, as customers have become accustomed to the convenience offered by their presence.

There are a few vacant and/or underutilized parcels along the corridor that staff has marketed to various users for five years. The prohibition on drive-through uses has dissuaded the potential developers despite the use being allowed otherwise. The ability to approve a drive-through use along the corridor with a conditional use permit as proposed will increase the marketability and viability of the area. The corridor has even seen some national brands leave to locate in other portions of the City in order to achieve a drive-through use. As stated the COVID-19 pandemic has accelerated the desire for drive-through services as they have become a critical way to provide service in a socially distanced manner.

While the objectives of the Shaw Avenue Specific Plan have largely been accomplished, along with changes in market conditions and the accomplishment of Specific Plan's primary goals, staff has determined that a policy adjustment to allow for drive-through facilities with a conditional use permit can be supported. The requirement for a conditional use permit would allow the opportunity for the Planning Commission and/or City Council to review drive-through uses on a case-by-case basis. This affords the opportunity to determine if the proposed use is appropriate for a particular site and to condition such uses as appropriate, to ensure compatibility with the surrounding area including safe circulation, and adequate separation from neighboring residential.

If approved and the Specific Plan is amended, drive-through uses along Shaw Avenue would be subject to the drive-through development standards per Clovis Municipal Code (CMC) Section 9.40.090, Drive-in and drive-through facilities. This section of the CMC identifies general development standards for the safe operation of drive-through uses, including minimum drive aisle width, minimum standards for vehicle queuing within a drive through lane, and drive through lane screening.

The proposed text revisions to the Shaw Avenue Specific Plan are shown in **Attachment 2**.

### **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 Section 15061(b)(3) of the CEQA Guidelines which is the "common sense exemption" in that the Project is only a policy amendment and that there would be no potential for causing a significant effect on the environment. As stated previously, the area within the Shaw Avenue Specific Plan is mostly developed, thus, it is anticipated that future drive-through uses would consist of in-infill or redevelopment of existing commercial uses. Future drive-through uses would also be subject to a project-level CEQA analysis in which site specific potential environmental effects would be analyzed.

### **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 other goals and policies of the Shaw Avenue Specific Plan. 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 for more opportunities for redevelopment on commercial properties along Shaw Avenue. An amendment to the Shaw Avenue Specific Plan to allow drive-through 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. For these reasons, Staff recommends that the Planning Commission approve GPA2020-004.

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.*

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. Further, the requested action is for a policy change only and no specific projects are proposed under GPA2020-004.*

3. There is a compelling reason for the amendment.

*The policy change is in response to the several recently approved drive-through uses, along with a market shift that now supports and prefers drive-through uses as options for shopping centers. Therefore, there is a compelling reason for the amendment.*

### **ACTIONS FOLLOWING APPROVAL**

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

### **FISCAL IMPACT**

None.



**NOTICE OF HEARING**

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 7, 2020.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:



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Dave Merchen  
City Planner



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: July 20, 2020

SUBJECT: Planning and Development Services - Approval, Res. 20-\_\_\_\_, A request to adopt a resolution initiating an update to the policies included in the Shaw Avenue Specific Plan related to the prohibition of drive-thru uses.

ATTACHMENT: 1. Draft Resolution, Res. 20-\_\_\_\_

### **CONFLICT OF INTEREST**

None.

### **RECOMMENDATION**

Approve a resolution initiating an update to the policies included in the Shaw Avenue Specific Plan related to the prohibition of drive-thru uses.

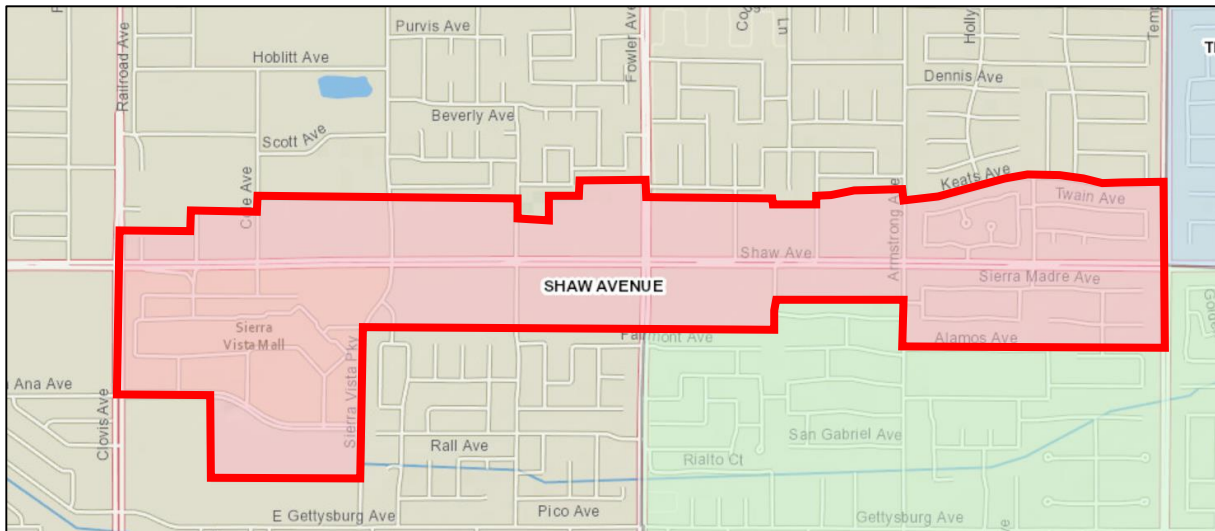
### **EXECUTIVE SUMMARY**

In response to recent approvals and current interest related to drive-thru uses within the Shaw Avenue Specific Plan area (**Figure 1**), City staff is requesting Council consideration and direction of an initiation to update policies included in the Shaw Avenue Specific Plan related to the prohibition on drive-thru uses within its planning boundaries.

If Council provides direction for City staff to proceed with initiating an update to the Shaw Avenue Specific Plan, staff will analyze and bring back a formal recommendation for updated policies related to drive-thru uses within the Specific Plan boundaries. This recommendation may include the removal, addition, and/or modification of policies within the Shaw Avenue Specific Plan and will seek to balance the intent of the Specific Plan with current interest and market forces in accommodating drive-thru uses.

## **ATTACHMENT 1**

**FIGURE 1**  
**Shaw Avenue Specific Plan Boundaries**



## BACKGROUND

The Shaw Avenue Specific Plan is a guiding document for the comprehensive development that occurs within its boundaries, which includes Shaw Avenue 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 has 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 within a specific commercial center setting; drive-thru establishments and freestanding restaurants were prohibited.

In the 25-plus years since the last update of the Specific Plan, 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 that prohibited businesses with drive-thru features, such as the following:

- **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.
- **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.
- **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.

- **March 16, 2020:** the City Council considered and approved a request to allow a drive-thru coffee kiosk and a separate future drive-thru uses at the southwest area of Fowler and Shaw Avenues.

### **PROPOSAL AND ANALYSIS**

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 very 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. Generally speaking, the land use pattern within the boundary of the Shaw Avenue Specific Plan is now set, with the exception of only a few remaining properties that remain undeveloped.

Today's market conditions generally require that local and neighborhood-serving retail uses have drive-thru components as customers have become accustomed to the convenience offered by their presence. While market conditions 25-plus years ago when the Shaw Avenue Specific Plan had its last major update may not have warranted nearly as much interest in the need or desire for drive-thru uses, the current policies prohibiting drive-thru windows have significantly diminished opportunity for potential businesses that can feasibly develop what remaining vacant land is left and limit the redevelopment potential.

Considering the changes in land use patterns that have occurred, market conditions, and the accomplishment of the Specific Plan's primary goals, staff recommends that a policy adjustment to the prohibition for drive-thru facilities within the Specific Plan area be explored in more detail to determine the appropriate recommendations and/or modifications needed to reflect the current demand for drive-thru facilities. Absent this broad-base policy discussion, it is likely that individual property owners and developers will submit applications requesting relief from the drive-thru prohibition on a site-specific basis. One such application is expected to be filed by the end of July, with others being discussed at different locations along the corridor.

### **FISCAL IMPACT**

None.

### **REASON FOR RECOMMENDATION**

Direction by City Council for staff to initiate an amendment to the Shaw Avenue Specific Plan would allow for staff to reconsider and provide a recommendation related to the existing prohibition of drive-thru facilities within the Specific Plan area in response to the reasons identified within this staff report.

**ACTIONS FOLLOWING APPROVAL**

Upon approval of a resolution, staff will initiate an amendment to the Shaw Avenue Specific Plan and bring back a recommendation on any updates to current policies for Council consideration.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by: City Manager \_\_\_\_\_

**Shaw Avenue Specific Plan  
Proposed Text Amendments  
GPA2020-004**

**(Removal of text is shown as ~~striketrough~~, and additional text is shown as double-underline)**

**Objective/Policy 11.** This policy is effective as of December 5, 1994. Additional development of free-standing eating establishments, eating establishments with drive-up windows and drive-up uses other than drive-up facilities associated with financial institutions (per Objective 12), ~~in the specific plan area is prohibited,~~ shall require approval of a Conditional Use Permit. Eating establishments without drive-up windows located within the major in-line tenant space of a commercial center may be allowed subject to an approval of a conditional use permit. These in-line uses shall reflect the design character, signing, and materials of construction of the center. An eating establishment shall be defined as a business selling prepared and cooked foods for consumption anywhere on the premises, including the parking lot and elsewhere off-site. Such eating establishments and eating establishments with drive-up windows are genetically identified as high volume “fast-food restaurants.” The characteristics of an eating establishment include but are not limited to:

- Payment prior to receiving food
- No table service during the consumption of food (no tipping)
- Ordering food via billboard menu
- Obtaining food at the area where the order is placed
- Utilization of previously prepared, packaged food
- High volume food sales
- Presence of a drive-up window for ordering food
- Food prepared specifically for consumption both on the premises and take-out

Requested uses that do not clearly fall within the definition of an “eating establishment” described herein may be taken to the Planning Commission for an interpretation. This policy does not affect the legal operating status of existing free-standing eating establishments, eating establishments with drive-up windows, eating establishments with or without drive-up windows, eating establishments with or without drive-up windows located within a major in-line tenant space. These existing uses that are discontinued, modified, or otherwise partially or totally destroyed are required to obtain approval of a conditional use permit prior to rebuilding, reopening, or continuing the operation of the business.

Nothing stated in this policy objective Number 11 affects any parcel on which there is an existing Planned Commercial Center (P-C-C) zoning as of the effective date of this policy

**Objective/Policy 12.** This policy is effective as of April 12, 1999. Drive-up uses for financial institutions such as banks, credit unions, savings and loans, and other similar business, as determined by the Planning Commission, may be allowed with the processing and approval of a Conditional Use Permit. ~~Drive-up use facilities shall not be allowed to be constructed directly along the Shaw Avenue frontage.~~

**DRAFT  
RESOLUTION 20-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA2020-004  
AMENDING THE SHAW AVENUE SPECIFIC PLAN TO ALLOW DRIVE-THRU  
COMMERCIAL ESTABLISHMENTS WITHIN THE SHAW AVENUE SPECIFIC PLAN  
BOUNDARY AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO  
SECTION 15061(B)(3) OF THE CEQA GUIDELINES**

**WHEREAS**, City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a General Plan Amendment GPA2020-004; and

**WHEREAS**, on July 20, 2020, the Clovis City Council authorized staff to initiate an update the Shaw Avenue Specific Plan related to the prohibition on drive-through uses; and

**WHEREAS**, on October 7, 2020 a notice of the public hearing was publishing in The Business Journal; and

**WHEREAS**, a duly noticed hearing was held on October 22, 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 Section 15061(b)(3) Common Sense Exemption pursuant to CEQA Guidelines; and

**WHEREAS**, on October 22, 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 GPA2020-004 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 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. There is a compelling reason for the amendment.
- 4. The Planning Commission does find the project exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3) (Common Sense Exemption).
- 5. The basis for the findings is detailed in the October 22, 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 October 22, 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: October 22, 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: October 22, 2020  
 SUBJECT: Consider Approval - Res. 20-\_\_\_\_ - GPA2020-003, A request to amend the text of the General Plan to incorporate language to ensure consistency between the General Plan and the Fresno County Airport Land Use Compatibility Plan. City of Clovis, applicant.

**Staff:** Dave Merchen, City Planner

**Recommendation:** Approve

ATTACHMENTS: 1. Resolution  
 2. Proposed Amendment to General Plan Policy 3.11  
 3. Airport Land Use Compatibility Plan Consistency Analysis

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends the adoption of a resolution recommending approval of the general plan amendment as presented.

### EXECUTIVE SUMMARY

The Fresno Yosemite International (FYI) Airport is located in the City of Fresno, immediately southwest of the city limits for the City of Clovis. A portion of the planning area for the Clovis General Plan overlaps the Airport Influence Area (AIA) for the FYI Airport, as designated by the Fresno County Airport Land Use Compatibility Plan (ALUCP). The area with the City's General Plan is further defined as being within the FYI Airport's Traffic Pattern Zone (TPZ), also referred to as "Safety Zone 6". State Law and the ALUCP require that that City's General Plan be reviewed for consistency with ALUCP, and that revisions or amendments to the General Plan be adopted, if necessary, to eliminate any conflicts.

### BACKGROUND

The Fresno County ALUCP was prepared by the Fresno County Airport Land Use Commission (ALUC), under the authority of the California State Aeronautics Act, California Public Utilities Code Section 21001 et seq. The ALUCP is a land use compatibility plan that is intended to

ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, to protect the public from adverse effects of aircraft noise, and to ensure that no structures or activities adversely affect navigable space. The ALUCP identifies standards for development in the airport's planning area based on noise contours, safety zones, and building heights. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity (2014 Clovis General Plan EIR, Page 5.10-3).

Local agencies are required to conduct a review of their land use plans and regulations for consistency with the ALUCP within 180 calendar days of the adoption or amendment of an ALUCP which overlaps the agency's boundaries. These plans and regulations must be amended to eliminate any conflicts that are identified, unless the local agency goes through an "over rule" process. If the ALUC finds that a local agency has not revised its general plan or specific plan or overruled the commission in accordance with State law, the ALUC may require that the local agency submit all subsequent actions, regulations, and permits to the ALUC for review until the local agency's general plan or specific plan is revised or the specific findings are made (Public Utilities Code Section 21676.5).

The Fresno County ALUC adopted a comprehensive update to the ALUCP in December of 2018. The update included adjustment to the interface between the ALUCP and the City's General Plan. The City of Clovis did not perform a consistency analysis and revise its General Plan to be consistent with the ALUCP within 180 days, nor did it take steps to overrule the ALUCP. Though no formal action on the part of the Fresno County ALUC has occurred to require follow up action on the part of the City, the City has been submitting individual projects to the ALUC for review until a General Plan consistency determination can be made.

### **PROPOSAL AND ANALYSIS**

The 2014 General Plan represents the long term development plan for the City of Clovis. While the City has also adopted several specific plans, each with a defined and smaller geographic scope than the General Plan, none are geographically relevant to the AIA. Prior to its adoption in 2014, the City's General Plan was determined to be consistent with the ALUCP that was in effect at that time. However, because the ALUCP was revised in 2018, including changes to the safety zones and noise contours that affect the City of Clovis, a new consistency analysis is required.

A consistency analysis was undertaken to determine whether there are any conflicts between the 2014 General Plan and the 2018 ALUCP (see **Attachment 3**). Key elements of the analysis are summarized below:

- Existing General Plan Policy 3.11 requires that land uses be approved in a manner that is consistent with the Fresno Yosemite International Airport Land Use Compatibility Plan.
- The entirety of the Clovis Planning Area that overlaps the FYI's Airport Influence Area is within Safety Zone 6, the Traffic Pattern Zone (TPZ).
- The aircraft accident risk level is considered to be low within the Zone 6 and the relevant compatibility criteria are the least restrictive of all safety zones within the AIA.

- Within Safety Zone 6, there is no limit on residential density. The criteria for non-residential uses (i.e. commercial, industrial, institutional) allow up to 300 persons per acre.
- Prohibited uses with Safety Zone 6 include outdoor stadiums and similar uses. Any other uses which are deemed hazards to flight are also prohibited, a standard which applies in all safety zones.
- Within Safety Zone 6, generally, there is no concern with regard to any object up to 100 feet above ground level unless it is located on high ground or is a solitary object (such as antenna) more than 35 feet above ground level. Communication towers presented the most likely source of potential concerns.
- Buyer awareness measures, in the form of real estate disclosure notices, are recommended within Safety Zone 6 to notify residential buyers and lessees of airport proximity and the presence of overflights.

The consistency analysis concludes that although no direct conflicts have been identified between the 2014 General Plan and the ALUCP, there are several compatibility criteria which are not clearly referenced in the 2014 General Plan. It is possible that the lack of clear policy requirements in the General Plan could lead to incompatible uses being developed, or to a lack of compliance with ALUCP policies as new projects within the AIA are proposed and approved. For this reason, Staff recommends that existing General Plan Policy 3.11 be amended to clearly reference the applicable compatibility criteria in the ALUCP. The recommended language is included as **Attachment 2**.

#### California Environmental Quality Act (CEQA)

The City has determined that the general plan 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. GPA 2020-003 is proposed to modify the existing General Plan to ensure consistency between the General Plan and the ALUCP. This will also ensure that future projects are developed in accordance with the compatibility criteria in the ALUCP. As such, the proposed GPA does not have the potential to result in environmental effects.

#### **REASON FOR RECOMMENDATION**

Local agencies are required to conduct a review of their land use plans and regulations for consistency with the ALUCP. These plans and regulations must be amended to eliminate any conflicts that are identified, unless the local agency goes through an “over rule” process. A consistency analysis for the City’s 2014 General Plan suggests that amendments to Policy 3.11 are necessary to achieve full consistency with the ALUCP. After the ALUC has confirmed General Plan consistency, individual projects within the AIA will no longer be required to be submitted to the ALUC for review.

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.

*The 2014 General Plan currently includes policies addressing land use compatibility and consistency with the ALUCP. The proposed general plan amendment would add language to existing Policy 3.11 to make specific references to the applicable land use compatibility criteria in the most recently adopted ALUCP. The proposed changes do amplify the intent of the original policy and no conflicts with General Plan goals, policies, or actions will result.*

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

*The project amendment to Policy 3.11 was determined not to be detrimental to the public interest, health, safety, convenience, or general welfare of the City. Further, the requested action will enhance the health, safety and general welfare of the public by furthering ensuring compliance with the adopted ALUCP as projects within the City are developed.*

3. There is a compelling reason for the amendment.

*The policy change is in response to the update of the ALUCP in 2018 and the requirement in Public Utilities Code that the General Plan be reviewed for consistency with an adopted or amended ALUCP. The proposed amendment to Policy 3.11 is the result of the consistency analysis.*

#### **ACTIONS FOLLOWING APPROVAL**

The general plan amendment and associated consistency analysis will be presented to the Fresno County Airport Land Use Commission for review and determination as to general plan consistency, followed by the final consideration of the recommended general plan amendment by the City Council.

#### **FISCAL IMPACT**

None

#### **NOTICE OF HEARING**

The City published notice of this public hearing in The Business Journal on Friday, October 9, 2020.

Prepared by:

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

**DRAFT  
RESOLUTION 20-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA2020-003  
AMENDING GENERAL PLAN POLICY 3.11 TO ENSURE CONSISTENCY BETWEEN THE  
GENERAL PLAN AND THE FRESNO COUNTY AIRPORT LAND USE COMPATIBILITY  
PLAN AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT CEQA  
GUIDELINES SECTION 15061(B)(3) - THE “COMMON SENSE EXEMPTION”**

**WHEREAS**, the 2018 Fresno County Airport Land Use Compatibility Plan (ALUCP) was adopted by the Fresno County Airport Land Use Commission (ALUC), under the authority of the California State Aeronautics Act, California Public Utilities Code Section 21001 et seq; and

**WHEREAS**, local agencies are required to conduct a review of their land use plans and regulations for consistency with the ALUCP and the plans and regulations must be amended to eliminate any conflicts that are identified, unless the local agency goes through an “over rule” process; and

**WHEREAS**, a consistency analysis was undertaken to determine whether there are any conflicts between the 2014 General Plan and the ALUCP; and

**WHEREAS**, the consistency analysis concluded that although no direct conflicts were identified between the 2014 General Plan and the ALUCP, there are several ALUCP compatibility criteria which are not clearly referenced in the 2014 General Plan; and

**WHEREAS**, a general plan amendment is proposed to amend existing General Plan Policy 3.11 to clearly reference the applicable compatibility criteria in the ALUCP; and

**WHEREAS**, a duly noticed public hearing was held on October 22, 2020; and

**WHEREAS**, the City has determined that the general plan 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.

**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. There is a compelling reason for the amendment.

**ATTACHMENT 1**

- 4. The Planning Commission does find the project exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption”.
- 5. The basis for the findings is detailed in the October 22, 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 October 22, 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: October 22, 2020

\_\_\_\_\_  
Amy Hatcher, Chair

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

**GPA2020-003: GENERAL PLAN CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLAN**

**Recommended Amendments to General Plan Policy 3.11**

Policy 3.11 - Airport land use compatibility. Review and Approve land uses in a manner that is consistent with the Fresno County Yosemite International Airport Land Use Compatibility Plan (ALUCP) as it relates to the Airport Influence Area for the Fresno Yosemite International Airport, as follows:

- a. Non-residential projects within the Airport Influence Area shall be reviewed for consistency with the intensity limitations applicable to the Traffic Pattern Zone (Safety Zone 6) pursuant to the ALUCP's Guidance for Calculating Land Use Intensity. Projects determined to be in excess of the intensity limits (300 persons per acre) shall be prohibited.
- b. Outdoor stadiums and similar uses with very high intensity uses are prohibited within the Airport Influence Area.
- c. Projects proposed within the Airport Influence Area shall be reviewed to determine the potential for "hazards to flight" to exist. Each project found to include such hazards shall be modified to remove the hazards or be denied. Specific hazards to be considered include the following:
  - Glare or distracting lights which could be mistaken for airport lights;
  - Sources of dust, steam, or smoke which may impair pilot visibility;
  - Sources of electrical interference with aircraft communications or navigation; and
  - Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
- d. Modification of existing nonconforming land uses, as determined by their consistency with the compatibility criteria in Table 3A of the ALUCP, shall be permissible, provided the modification does not increase the magnitude of the non-conformity when compared with the compatible criteria specified in ALUCP Table 3A. The magnitude of nonconformity shall be measured as follows:
  - For residential land uses, the number of dwelling units and size of the structure on the lot;
  - For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area.
- e. Projects exceeding 100' in height shall be submitted for review to the ALUC and an FAA Form 7460 be filed to obtain a Determination of No Hazard prior to City approval.
- f. City shall comply with Section of 21676 of the Public Utility Code with regard to the mandatory submittal of land use plans or regulations to the Fresno County Airport Land Use Commission.
- g. Notwithstanding the ALUCP implementation criteria stated above, City shall implement the most recently adopted version of the Fresno County Airport Land Use Compatibility Plan.



**CITY OF CLOVIS GENERAL PLAN  
AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY ANALYSIS**

**SECTION 1: INTRODUCTION**

The Fresno Yosemite International (FYI) Airport is located in the City of Fresno, immediately southwest of city limits for the City of Clovis. A portion of the planning area for the Clovis General Plan overlaps the Airport Influence Area (AIA) for the FYI Airport, as designated by the Fresno County Airport Land Use Compatibility Plan (ALUCP). The area with the City's General Plan is further defined as being within the FYI Airport's Traffic Pattern Zone (TPZ). State Law and the ALUCP require that that City's General Plan be reviewed for consistency with ALUCP, and that revisions or amendments to the General Plan be adopted, if necessary, to eliminate any conflicts.

**1.1 ALUCP – Authority**

The Fresno County ALUCP was prepared by the Fresno County Airport Land Use Commission (ALUC), under the authority of the California State Aeronautics Act, California Public Utilities Code Section 21001 et seq. The ALUCP has also been prepared with reference to, and is consistent with, the guidance provided by the California Department of Transportation, Division of Aeronautics in the 2011 version of the California Airport Land Use Planning Handbook pursuant to California Public Utility Code Sections 21674.5 and 21674.7.

**1.2 ALUCP - Purpose**

The ALUCP is a land use compatibility plan that is intended to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, to protect the public from adverse effects of aircraft noise, and to ensure that no structures or activities adversely affect navigable space. The ALUCP identifies standards for development in each airport's planning area based on noise contours, safety zones, and building heights. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity (2014 Clovis General Plan EIR, Page 5.10-3).

The geographic scope for the ALUCP is defined by an AIA boundary for each public use airport within the plan boundary. The AIA is "the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on uses by an airport land use commission" (ALUCP, Page 1-7).

**1.3 Fresno County Airport Land Use Commission**

The establishment of an airport land use commission (ALUC) is required for any county with an airport that is operated for the benefit of the public. The role of the ALUC is to "formulate a comprehensive plan that will provide for the orderly growth at each public use airport and the area surrounding the airport within the jurisdiction of the commission" (State of California, Public Utilities Code Section 21675).

The Airport Land Use Commission has two primary functions:

- To prepare and adopt an ALUCP with a 20-year planning horizon for each airport within its jurisdiction.
- To review local agency land use actions and airport plans for consistency with the land use compatibility policies and criteria in the ALUCP.

In Fresno County, membership of the ALUC is comprised of seven commissioners. Two members are appointed by a City Selection Committee to represent Fresno County cities. The Fresno County Board of Supervisors appoints two members to represent the County. Two aviation experts are appointed by a selection committee comprised of the airport managers of public use airports within Fresno County. The final member of the Commission is appointed by the other six members to represent the general public. A 2008 memorandum of understanding between the County of Fresno and Fresno Council of Governments<sup>1</sup> (COG) was established to transfer staffing and administrative support from the Fresno County Department of Public Works and Planning to the Fresno COG (ALUCP, Page 1-7).

- | <b>Fresno County ALUC<br/>Membership (Oct 2020)</b> |
|---|
| ▫ Ron Duarte, Chairman (Expert)                     |
| ▫ Daniel Yrigollen, Vice Chair (Expert)             |
| ▫ Ray Remy, Commissioner (City)                     |
| ▫ Robert Beck, Commissioner (City)                  |
| ▫ Mary Fast, Proxy (City)                           |
| ▫ Mark Davis, Vice Chair (Expert-Proxy)             |
| ▫ Bill Darnell, Commissioner (Public)               |
| ▫ John Krikorian, Proxy (Public)                    |
| ▫ Sal Quintero, Commissioner (County)               |
| ▫ Vacant, Proxy (County)                            |
| ▫ Nathan Magsig, Commissioner (County)              |
| ▫ Dwight Kroll, Proxy (County)                      |

#### 1.4. General Plan Consistency Determination

Local agencies must submit an application for a consistency determination to the ALUC for proposed land use plans, regulations, and projects as required by the ALUCP. With the adoption or amendment to the ALUCP, local agencies are specifically required to conduct a review of their land use plans and regulations for consistency with the ALUCP within 180 calendar days of the ALUC’s adoption or amendment. Each local agency affected by the ALUCP must:

1. Amend its land use plans and regulations to be consistent with this ALUCP, if needed; or
2. Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law.

If the ALUC finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of the Aeronautics Act, as stated in Public Utilities Code Section 21670, the ALUC may require that the local agency submit all subsequent actions, regulations, and permits to the ALUC for review until the local agency’s general plan or specific plan is revised or the specific findings are made, pursuant to Public Utilities Code Section 21676.5.

The Fresno County ALUC adopted a comprehensive update to the ALUCP in December of 2018. The update included adjustment to the interface between the ALUCP and the City of Clovis General Plan. The City did not perform a consistency analysis and revise its general plan to be consistent with the ALUCP within 180 days, nor did it take steps to overrule the ALUCP. Though no formal action on the part of the Fresno County ALUC has occurred to require follow up action on the part of the City, the City has been voluntarily submitting individual projects to the ALUC for review until a general plan consistency determination can be made.

**SECTION 2 - EXISTING CLOVIS GENERAL PLAN**

The General Plan represents the long term development plan for the City of Clovis. While the City has also adopted several specific plans, each with a defined and smaller geographic scope than the General Plan, none are geographically relevant to the AIA. Clovis adopted a comprehensive update to its General Plan in 2014 in conjunction with the certification of a Program Environmental Impact Report (SCH # 2012061069). The General Plan includes the following elements:

▪ Air Quality	▪ Economic Development	▪ Environmental Safety
▪ Circulation	▪ Land Use	▪ Open Space And Conservation Element
▪ Public Facilities and Services	▪ Housing	

The relationship between the Clovis General Plan and the FYI Airport is acknowledged in the City's General Plan. The FYI Airport is just outside the General Plan Area's southwestern boundary. Based on the ALUCP then in effect, a small portion of the southwestern boundary was identified as being within the AIA of the Airport. Portions of the southwestern boundary also fell within the traffic pattern zone of the Airport and its' associated safety-compatibility and noise contours.

Noise and land use compatibility issues associated with the FYI Airport are discussed in the Environmental Safety Element of the General Plan. Airport Noise Contours are mapped as Exhibit ES-5 under the General Plan and Airport Safety Compatibility Zones are mapped as Exhibit ES-6. The following General Plan policies address the FYI Airport and the topics of noise and land use compatibility:

- Policy 3.2 - Land use and traffic patterns. Discourage land use and traffic patterns that would expose sensitive land uses or noise-sensitive areas to unacceptable noise levels.
- Policy 3.4 - Acoustical study. Require an acoustical study for proposed projects that have the potential to exceed acceptable noise thresholds or are exposed to existing or future noise levels in excess of the thresholds in the city's noise ordinance.
- Policy 3.10 - Airport changes. Coordinate with the Fresno Yosemite International Airport to minimize noise impacts on properties in Clovis due to changes in flight patterns or airport expansion.
- Policy 3.11 - Airport land use compatibility. Approve land uses in a manner that is consistent with the Fresno Yosemite International Airport Land Use Compatibility Plan.

- Policy 3.13 - Small aircraft and helicopters. Minimize the noise impact of small aircraft and helicopters on residential neighborhoods.
- Policy 3.14 - Control sound at the source. Prioritize using noise mitigation measures to control sound at the source before buffers, sound walls, and other perimeter measures.

The 2014 General Plan's consistency with the ALUCP for the FYI Airport was analyzed in Section 5.10 (Land Use) of the General Plan EIR. Additional analysis was included in Sections 5.8 (Hazards and Hazardous Materials) and 5.12 (Noise). The EIR concluded that no conflicts existed between the General Plan and the ALUCP and, with the implementation of the policies in the General Plan, no potentially significant environmental effects would be generated.

### **SECTION 3 – GENERAL PLAN CONSISTENCY EVALUATION**

#### 3.1 Consistency Criteria

The City of Clovis is responsible for evaluating the consistency of its General Plan with the ALUCP. To establish consistency of land use plans and regulations with the ALUCP, local agencies must demonstrate the following:

- Land Use Conflicts. There are no direct conflicts between proposed new land uses indicated on a general plan land use map and the land use criteria in the ALUCP.
  - Residential densities (units/acre) should not exceed the set limits.
  - Non-residential density must adhere to applicable intensity limits.
  - Uses listed as prohibited in the compatibility criteria should not be allowed.
- Noise Criteria. The standards in the General Plan indicating the maximum noise exposure for which residential development is normally acceptable must be made consistent with the equivalent ALUCP criteria.
- Zoning or Other Policy Documents. Policies and criteria addressing intensity limitations on non-residential uses, identification of prohibited uses, open land requirements, and infill development need to be reflected either in the general plan or in a separate policy document.

#### 3.2 Consistency Analysis - Land Use Conflicts

##### 3.2.1 Safety Zones

The ALUCP incorporates guidance from the 2011 California Airport Land Use Planning Handbook (Handbook) relative to the delineation of safety zones and the application of land use policies in those zones. The safety zones within the AIA for the FYI Airport are based on the Handbook guidance, with adjustments to reflect the specific operating characteristics of the Airport (type of aircraft activity, runway length, traffic pattern, etc.).

The safety compatibility policy framework is also based on Handbook guidance. Safety zones are numbered 1 through 7. Accident risks are highest with Zones 1 and 2, and lowest with Zones 6 and 7. Compatibility criteria and land use restrictions follow a similar pattern, with the most restrictive criteria applied to Zones 1 and 2, and the least restrictive criteria applied to Zone 6. No compatibility criteria are set for Zone 7.

<b>SAFETY ZONES</b>
Zone 1 – Runway Protection
Zone 2 – Inner Approach/Departure
Zone 3 – Inner Turning
Zone 4 – Outer Approach/Departure
Zone 5 – Sideline Zone
Zone 6 – Traffic Pattern
Zone 7 - Precision Approach

3.2.2 Traffic Pattern Zone – Safety Zone 6

The entirety of the Clovis Planning Area that overlaps the FYI’s Airport Influence Area is within Safety Zone 6, the Traffic Pattern Zone (TPZ). The aircraft accident risk level is considered to be low within the Zone 6 and the compatibility criteria, shown below in Table 3.1, are the least restrictive of all safety zones within the AIA (ALUCP, Page 3-3).

<b>Table 3.1: Traffic Pattern Zone 6 - Safety Criteria*</b>	
<b>Criteria</b>	<b>Standard</b>
Max Dwelling Units Per Acre	No Limit
Maximum Non-residential Intensity	300 persons per acre
Required Open Land	10%
Prohibited Uses	Hazards to flight; Outdoor stadiums and similar uses with very high intensity uses.
Other Development Conditions	Airport disclosure notice required; Airspace review required for objects >100feet tall; New structures are prohibited on existing terrain that penetrates 14 CFR Part 77 surfaces; New structures require additional airspace analysis required within the 50-foot terrain penetration buffer.

Source: ALUCP – Table 3A, Page 3-5

The compatibility criteria established for safety zones are intended to restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident. Residential density and the intensity of non-residential development, measured in persons per acre, are key criteria for determining potentially incompatible uses within each safety zone. For Safety Zone 6, there is no limit on residential density. The criteria for non-residential uses (i.e. commercial, industrial, institutional) allow up to 300 persons per acre.

Prohibited uses with Safety Zone 6 include outdoor stadiums and similar uses. Any other uses which are deemed hazards to flight are also prohibited, a standard which applies in all safety zones. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development, such as golf courses and certain types of crops, as outlined in FAA’s Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports, that may cause the attraction of birds to increase is also prohibited.

3.2.3 Clovis General Plan Land Use Designations Within Safety Zone 6

The 2014 Clovis General Plan designates property within its respective portion of the FYI Airport Influence Area for a combination of residential, commercial, and institutional uses. A summary of the land use designations found within the Clovis portion of the Airport Influence Area are included in Tables 3.2, 3.3 and 3.4.

<b>Table 3.2: Clovis GP - Residential Designations Within the AIA</b>			
<b>Designation</b>	<b>Description</b>	<b>Density</b>	<b>Max Height</b>
Low Density (L)	Conventional single family detached houses.	2.1-4.0	35'
Medium Density (M)	Detached and attached single family homes, patio homes, or zero lot line homes.	4.1-7.0	35'
Medium High Density (MH)	Small lot single family detached homes, town houses, duplexes, and apartments.	7.1-15.0	35'

<b>Table 3.3: Clovis GP - Commercial and Industrial Designations</b>			
<b>Designation</b>	<b>Description</b>	<b>Max FAR</b>	<b>Max Height</b>
Office (O)	Professional offices, corporate headquarters, research and development, medical facilities, hotels, and limited related retail uses.	3.0	40'
General Commercial (GC)	Community- or regional-scale centers that may be anchored by large format stores as well as a variety of retail outlets and restaurant and entertainment uses. Hotels and motels are also appropriate.	1.5	50'
Neighborhood Commercial (NC)	Neighborhood-scale shopping facilities conveniently located near residential areas. These developments are typically anchored by supermarkets and drugstores. A wide range of other uses including banks, restaurants, service businesses and other related activities are generally found in these planned centers.	0.5	20
Mixed Use Village - MU-V	Vertical or horizontal mix of commercial, office, and/or residential uses on the same parcel. Retail is preferred on the ground floor. Office uses and attached single family and multiple family housing should be above the ground floor when in a mixed-use building.	4.0 FAR 15.1-25.0 du/ac	35'-75'
Industrial (I)	Light/heavy industrial, business park, and research and development uses.	2.0	75'

<b>Table 3.4: Clovis GP - Public and Institutional Designations</b>			
Designation	Description	Max FAR	Max Height
School (S)	Existing or proposed school sites. Public and private schools are a permitted use in all single family residential areas. More specific sites may be identified through the master planning of each Urban Center.	N/A	N/A
Park (PK)	Existing and proposed park sites.	N/A	N/A
Water (W)	Existing and planned water retention and other flood control facilities.	N/A	N/A
Public/Quasi-Public Facility (P)	Public and quasi-public uses such as city hall facilities, maintenance yards, cemeteries, churches, meeting halls and the rodeo grounds.	1.0	40'

3.2.4 Determination Regarding General Plan Land Use Consistency

A. Residential Designations

The majority of the City of Clovis that is located within the AIA for the FYI Airport is designated for residential development at varying densities. There are no limitations on residential density with Safety Zone 6. Therefore, no conflicts have been identified.

Recommended Action: None

B. Non-Residential Designations

Non-residential development with Safety Zone 6 must be limited to an intensity of 300 persons per acre. Appendix L to the ALUCP provides guidance on calculating intensity for proposed land uses. The non-residential land use designations in the City’s General Plan could potentially allow for the development of commercial and industrial uses which could exceed 300 persons per acre in occupancy. However, based on allowable floor area ratios for buildings, and parking requirements for commercial and industrial uses which further limit the portions of a site that can be developed with buildings, it is not likely that the 300 persons per acre standard will be exceeded.

Recommended Action: While the potential for projects to exceed an intensity level of 300 persons per acre is low, it cannot be ruled out. Therefore, an addition to General Plan Policy 3.11 to prohibit such occupancies, based on the ALUCP guidance on calculating intensity, is recommended. The specific language amending Policy 3.11 is included in Section 4.

### C. Prohibited Uses

Uses that are specifically prohibited within Safety Zone 6 include outdoor stadiums and similar facilities with very high intensity uses. The inventory of available undeveloped land with the City of Clovis portion of the AIA is very low, and not conducive to the development of stadiums or arenas. Therefore, the potential that such a use would be proposed is very low, but not impossible.

A second category of uses, “hazards to flight,” is also prohibited in all safety zones. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development, such as golf courses and certain types of crops, as outlined in FAA’s Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports, that may cause the attraction of birds to increase is also prohibited. While the potential for uses constituting hazards to flight is very low, these hazards are not specifically addressed in the City’s General Plan or Development Code.

Recommended Action: While the likelihood that prohibited uses will be proposed within the City is very low, the possibility cannot be ruled out. Therefore, an addition to General Plan Policy 3.11 to identify prohibited uses as specified in the ALUCP is recommended. The specific language amending Policy 3.11 is included in Section 4.

### 3.3 Consistency Analysis – Noise Criteria

The City’s General Plan includes criteria indicating the maximum noise exposure for which residential development is normally acceptable. The ALUCP also includes a noise compatibility criteria matrix specifying maximum acceptable airport noise levels for various land uses, including residential uses. As part of its consistency evaluation, the City must ensure that the maximum residential noise exposure in its General Plan is equivalent with the criteria for residential noise exposure in the ALUCP.

Noise standards and compatibility criteria in the Clovis General Plan are included in the Environmental Safety Element. Table ES-1 provides interior and exterior noise standards for several land use types. Exterior standards for all residential uses specify 65 CNEL (Community Noise Equivalent Level – In “A-Weighted” Decibels) as the maximum compatible exterior noise exposure. The ALUCP similarly indicates that residential uses are not considered compatible above 65 CNEL (ALUCP, 3-13). Both documents also specify 45 CNEL as the maximum indoor noise exposure (with windows closed). Therefore, both the Clovis General Plan and the ALUCP are consistent in identifying exterior and interior maximum compatible exposure level for residential uses and no modification is required.

Recommended Action: None



### 3.4 Miscellaneous Compatibility Criteria and Policy Documents

In addition to specifying General Plan consistency criteria based on land use and noise, the ALUCP requires that several additional compatibility-related criteria be reflected in either the General Plan or in a separate policy document such as a combining zone ordinance. The following topics must be included: intensity limitations on non-residential uses; identification of prohibited uses; open land requirements; infill development; buyer awareness measures; non-conforming uses and reconstruction; and, review procedures.

#### 3.4.1 Intensity Limitations on Non-residential Uses

The criteria addressing intensity limitations for non-residential uses is addressed in Section 3.2.4.B. With the recommended action discussed in that section, no further changes are required.

Recommended Action: None.

#### 3.4.2 Identification of Prohibited Uses

The criteria addressing prohibited uses is addressed in Section 3.2.4.C. With the recommended action discussed in that section, no further changes are required.

Recommended Action: None

#### 3.4.3 Open Land Requirements

Open land within the AIA is intended to support the concept that, in the event a small aircraft is forced to land somewhere other than at an airport, the risks can best be minimized by providing as much open land as possible in the vicinity of the airport (Airport Land Use Handbook). Open land criteria should be reflected in local policies.

The ALUCP specifies that 10% of land area within Safety Zone 6 should be preserved as open land. However, in its discussion of open land criteria, the ALUCP notes that open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large development projects of 10 acres or more. Consultation with Fresno County ALUC staff confirmed that the preferred approach to providing open space within airport environs was at the community plan level, and that providing effective open land in conjunction with individual projects was impractical in most cases. Considering the degree to which the Clovis portion of the AIA for the FYI Airport has already been developed, ALUC staff provided guidance indicating that further evaluation was unnecessary.

Recommended Action: None.

### 3.4.4 Infill Development

The ALUCP includes a policy allowing non-conforming infill development to move forward when similar non-conforming uses have already been developed on the surrounding properties. Several limitations are included with this policy that establish infill eligibility, define density and intensity limits, set the maximum size of the infill development, etc. If local agencies wish to take advantage of the infill policy, the lands that meet the qualifications must be shown on a map.

Based on the parameters adopted for infill development as part of the ALUCP, no apparent opportunities to take advantage of the infill development policy have been identified. Within Safety Zone 6, proposed uses exceeding the intensity limit of 300 persons per acre would need to be located next to existing uses that already exceed this level. These circumstances have not been identified.

Recommended Action: None

### 3.4.5 Height Limitations and Other Hazards to Flight

#### A. Height Restrictions.

To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. Within Safety Zone 6, generally, there is no concern with regard to any object up to 100 feet above ground level unless it is located on high ground or is a solitary object (such as antenna) more than 35 feet above ground level (ALUCP, Page 3-17). Other height-based criteria that focus on variations in terrain are not applicable due to the virtually flat topography which characterizes the Clovis Planning Area. Based on the height allowances in the City's Development Code, heights of buildings within the Airport Influence Area will not extend above 100'. However, it is possible that communication towers exceeding 100' in height may be proposed.

Recommended Action: Because communication towers exceeding the assumed maximum height criteria (100') may be proposed within Safety Zone 6, General Plan Policy 3.11 should be amended to require that projects exceeding 100' in height be submitted for review to the ALUC and an FAA Form 7460 be filed to obtain a Determination of No Hazard. The specific language amending Policy 3.11 is included in Section 4.

#### B. Other Hazards to Flight

In addition to height limits, local agencies must also establish restrictions on other land use characteristics which can cause hazards to flight. The ALUCP identifies the following specific characteristics to be considered:

- Glare or distracting lights which could be mistaken for airport lights;
- Sources of dust, steam, or smoke which may impair pilot visibility;
- Sources of electrical interference with aircraft communications or navigation; and
- Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.

Recommended Action: Neither the General Plan nor the Development code prohibit the potential hazards identified by the ALUCP. For this reason, General Plan Policy 3.11 should be amended to require that projects within the AIA be reviewed for the potential to exhibit these characteristics and be modified or denied accordingly. The specific language amending Policy 3.11 is included in Section 4.

#### 3.4.6 Buyer Awareness Measures

The ALUCP includes provisions which require public notice in the form of avigation easements and real estate disclosure notices regarding the potential for airport impacts within the AIA. Avigation easements are recorded instruments which effectively provide rights and allowances for airport and associated aircraft operations, and limit or prohibit actions on the part of property owners which would conflict with airport operations. Avigation easements are not required within Safety Zone 6 and no action on the part of City is required.

Real estate disclosure notices are intended to notify potential buyers and lessees regarding the proximity of properties to the airport and the presence of overflights above those properties. Disclosure notices are required within Safety Zone 6, with the following language recommended:

*NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.*

The ALUCP provides guidance indicating that each land use jurisdiction affected by the compatibility plan should adopt a policy designating the AIA as the area wherein disclosure of airport influence is required in conjunction with the transfer of residential real estate. Furthermore, such policy should require signs providing the above notice be prominently posted in the real estate sales office and/or other key locations at any new project within the AIA.

Recommended Action: General Plan Policy 3.11 should be amended to incorporate airport disclosure notice requirements following the guidance in the ALUCP. The specific language amending Policy 3.11 is included in Section 4.

#### 3.4.7 Nonconforming Uses and Reconstruction

Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the ALUCP. The ALUCP indicates that repair and maintenance of existing buildings are deemed compatible with the ALUCP and are not subject to consistency review. Modification of existing nonconforming land uses is permissible, provided that the modification does not increase the magnitude of the nonconformity when compared to the compatibility criteria specified for each safety zone (See Table 3.1 of this report). The magnitude of nonconformity shall be measured by:

- For residential land uses, the number of dwelling units and size of the structure on the lot;
- For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area.

The City's Development Code addresses non-conforming uses and structures in Chapter 9.84. These existing provisions do not address conformity relative to the compatibility criteria in the ALUCP.

Recommended Action: General Plan Policy 3.11 should be amended to incorporate the ALUCP Policies regarding non-conforming uses. The specific language amending Policy 3.11 is included in Section 4.

#### 3.4.8 Review Procedures

In addition to incorporation of ALUCP compatibility criteria, local agency implementing documents must specify the manner in which development proposals will be revised for consistency with the compatibility criteria as outlined below.

- **Actions Always Required To Be Submitted For Airport Land Use Commission Review.** Public Utility Code Section 21676 identifies the types of actions that must be submitted for ALUC. Local policies should either list these actions or at a minimum, note the local agency's intent to comply with the state statute.
- **Other and Use Actions Potentially Subject to Airport Land Use Commission Review.** In addition to the above actions, ALUCPs may identify certain major land use actions for which referral to the Airport Land use Commission is dependent upon agreement between the local agency and Airport Land Use Commission. If the local agency fully complies with all of required criteria in the general plan consistency evaluation, or has taken the necessary steps to overrule the Airport Land Use Commission, then referral of the additional actions is voluntary. On the other hand, a local agency may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the Airport Land Use Commission is mandatory. Local policies should indicate the local agency's intentions in this regard.

With regard to the first bullet point, Public Utility Code 21676 specifies that actions including the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the AIA must be submitted to the ALUC for review. The City intends to comply with this requirement and should confirm this intention in its General Plan. With regard to the second bullet point, the City intends to address all of required consistency criteria. Except as otherwise stated in the recommended amendments to General Plan Policy 3.11, all submittals to the ALUC will become voluntary.

Recommended Action: General Plan Policy 3.11 should be amended to confirm the City's intent to refer projects to the ALUC pursuant to Section 21676 of the Public Utility Code. The specific language amending Policy 3.11 is included in Section 4.

#### SECTION 4: RECOMMENDED AMENDMENTS TO GENERAL PLAN POLICY 3.11

General Plan Policy 3.11 is recommended to be amended to incorporate the criteria and consistency language described in this report, as follows:

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Policy 3.11 - Airport land use compatibility. Review and Approve land uses in a manner that is consistent with the Fresno County Yosemite International Airport Land Use Compatibility Plan (ALUCP) as it relates to the Airport Influence Area for the Fresno Yosemite International Airport, as follows:

- a. Non-residential projects within the Airport Influence Area shall be reviewed for consistency with the intensity limitations applicable to the Traffic Pattern Zone (Safety Zone 6) pursuant to the ALUCP's Guidance for Calculating Land Use Intensity. Projects determined to be in excess of the intensity limits (300 persons per acre) shall be prohibited.
- b. Outdoor stadiums and similar uses with very high intensity uses are prohibited within the Airport Influence Area.
- c. Projects proposed within the Airport Influence Area shall be reviewed to determine the potential for "hazards to flight" to exist. Each project found to include such hazards shall be modified to remove the hazards or be denied. Specific hazards to be considered include the following:
  - Glare or distracting lights which could be mistaken for airport lights;
  - Sources of dust, steam, or smoke which may impair pilot visibility;
  - Sources of electrical interference with aircraft communications or navigation; and
  - Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
- d. Modification of existing nonconforming land uses, as determined by their consistency with the compatibility criteria in Table 3A of the ALUCP, shall be permissible, provided the modification does not increase the magnitude of the non-conformity when compared with the compatible criteria specified in ALUCP Table 3A. The magnitude of nonconformity shall be measured as follows:
  - For residential land uses, the number of dwelling units and size of the structure on the lot;
  - For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area.
- e. Projects exceeding 100' in height shall be submitted for review to the ALUC and an FAA Form 7460 be filed to obtain a Determination of No Hazard prior to City approval.
- f. City shall comply with Section of 21676 of the Public Utility Code with regard to the mandatory submittal of land use plans or regulations to the Fresno County Airport Land Use Commission.

- g. Notwithstanding the ALUCP implementation criteria stated above, City shall implement the most recently adopted version of the Fresno County Airport Land Use Compatibility Plan.

## PUBLIC UTILITY CODE 21676

(a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall



include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

*(Amended by Stats. 2003, Ch. 351, Sec. 3. Effective January 1, 2004.)*