



# CITY *of* CLOVIS

## AGENDA • PLANNING COMMISSION

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

[www.cityofclovis.com](http://www.cityofclovis.com)

June 24, 2021

6:00 PM

Council Chamber

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

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

### **Written Comments**

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



cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

### **Verbal Comments**

- If you wish to speak to the Commission on the item by telephone, you must contact the City Planner, Dave Merchen, at (559) 324-2346 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Planning Commission for up to three (3) minutes.

### **Webex Participation**

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

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

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The Planning Commission welcomes you to this meeting.

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

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

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## **CALL TO ORDER**

## **FLAG SALUTE**

## **ROLL CALL**

## **APPROVAL OF MINUTES**

1. Planning Commission Minutes for the Meeting of May 27, 2021.

## **COMMISSION SECRETARY COMMENTS**

## **PLANNING COMMISSION MEMBER COMMENTS**

## **COMMUNICATIONS AND REFERRALS**

## **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 items associated with approximately 3.54 acres of land located near the northeast corner of Shaw and Locan Avenues. Clovis Christian Church, property owners; De Young Properties, applicant; Quad Knopf-Scott Zaayer, representative.

- a) Consider Approval – Res. 21-\_\_\_\_, GPA2021-002, A request to amend the General Plan to re-designate approximately 3.54 acres from the Public/ Quasi-Public Facilities classification to the Medium Density Residential (4.1 to 7.0 DU/Ac) classification.
- b) Consider Approval – Res. 21-\_\_\_\_, R2021-005, A request to rezone approximately 3.54 acres from the P-F (Public Facilities) Zone District to the R-1 (Single-Family Residential 6,000 SF) Zone District.
- c) Consider Approval – Res. 21-\_\_\_\_, TM6349, A request to approve a vesting tentative tract map for a 17-lot single-family subdivision on approximately 3.54 acres of land.

**Staff:** Lily Cha, Associate Planner

**Recommendation:** Approve

3. Consider items associated with approximately 2.71 acres of land located near the southeast corner of Sierra Vista Parkway and Shaw Avenue. Triple 7 Hospitality Inc. dba Courtyard by Marriott, owners; Taren Thandi, Triple 7 Hospitality, applicant.

- a) Consider Approval - Res. 21-\_\_\_\_, GPA2021-001, A request to amend the General Plan to re-designate approximately 2.71 acres from the Office (O) planned land use classification to the General Commercial (GC) planned land use classification.
- b) Consider Approval - Res. 21-\_\_\_\_, R2021-004, A request to rezone approximately 2.71 acres from the C-P (Administrative/Professional Office) Zone District to the C-2 (Commercial Community) Zone District.
- c) Consider Approval - Res. 21-\_\_\_\_, CUP2017-015A, A request to modify the conditional use permit for the existing hotel to allow for the sales of beer, wine, and hard liquor within the restaurant inside the hotel.

**Staff:** Kelsey George, Assistant Planner

**Recommendation:** Approve

4. Consider Approval - Res. 21-\_\_\_\_, CUP2021-005, A request to allow a ±6,770 square foot electronic fulfillment facility in an existing commercial center located at 300 West Shaw Ave., Units 113-117. Brown and Associates, Clovis, LLC, owners; Sophie Farrara, DoorDash Essentials, LLC, applicant/representative.

**Staff:** Emily Lane, Assistant Planner

**Recommendation:** Approve

5. Consider items associated with ±2.75-acres of property located south of Shaw Avenue and east of Highway 168 for the construction of a gas station and convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control license, and two (2) drive-through uses. Steven G. Sanders, Trustee of Steve G. Sanders Trust, owner; Randel Mathias, applicant and representative.

a) Consider Approval – Res. 21-\_\_\_\_, CUP2020-008, A request for a conditional use permit allowing for the construction of a gas station and ±4,500 square-foot convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control (ABC) license.

b) Consider Approval – Res. 21-\_\_\_\_, CUP2021-003, A request for a conditional use permit allowing for the construction of a future drive-through use.

c) Consider Approval – Res. 21-\_\_\_\_, CUP2021-004, A request for a conditional use permit allowing for the construction of a future drive-through use.

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

July 22, 2021

August 26, 2021

September 23, 2021

# CLOVIS PLANNING COMMISSION MINUTES May 27, 2021

A modified meeting of the Clovis Planning Commission was called to order at 6:04 p.m. by Chair Hinkle in the Clovis Council Chamber.

Moment of Silence for victims of San Jose shooting and Flag salute led by Commissioner Cunningham.

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

Absent: None

Staff: Dave Merchen, City Planner  
Ricky Caperton, Senior Planner  
George Gonzalez, Senior Planner  
Kelsey George, Assistant Planner  
Karey Cha, Staff Analyst  
Tatiana Partain, Principal Office Assistant  
Thad Avery, Supervising Civil Engineer

## MINUTES – 6:05

ITEM 1 – APPROVED.

Motion by Commissioner Hatcher, seconded by Commissioner Antuna, to approve the April 15, 2021 minutes. Motion carried by unanimous vote.

## COMMISSION SECRETARY - 6:05

None.

## PLANNING COMMISSION MEMBERS COMMENTS –6:06

Chair Hinkle provided information related to traffic effects of trees overgrown onto Villa Avenue, south of Sierra Avenue.

## COMMUNICATIONS AND REFERRALS – 6:07

None.

## BUSINESS FROM THE FLOOR – 6:07

None.

## CONSENT CALENDAR – 6:07

None.

## PUBLIC HEARINGS

ITEM 2 - 6:07 – APPROVED - **RES. 21-11**, A RESOLUTION APPROVING A GENERAL PLAN CONSISTENCY FINDING FOR THE PROPOSED 2021-2022 COMMUNITY INVESTMENT PROGRAM.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 21-11**, a resolution approving a General Plan Consistency finding for the proposed 2021-2022 Community Investment Program. Motion carried by unanimous vote.

OLD BUSINESS – 6:12

None.

NEW BUSINESS – 6:13

None.

ADJOURNMENT AT 6:13 P.M. UNTIL the Planning Commission meeting on June 24, 2021.

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Paul Hinkle, Chair



# CITY *of* CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: June 24, 2021

SUBJECT: Consider items associated with approximately 3.54 acres of land located near the northeast corner of Shaw and Locan Avenues. Clovis Christian Church, property owners; De Young Properties, applicant; Quad Knopf-Scott Zaayer, representative.

- a) Consider Approval – Res. 21-\_\_\_\_, GPA2021-002, A request to amend the General Plan to re-designate approximately 3.54 acres from the Public/ Quasi-Public Facilities classification to the Medium Density Residential (4.1 to 7.0 DU/Ac) classification.
- b) Consider Approval – Res. 21-\_\_\_\_, R20201-005, A request to rezone approximately 3.54 acres from the P-F (Public Facilities) Zone District to the R-1 (Single-Family Residential 6,000 SF) Zone District.
- c) Consider Approval – Res. 21- \_\_\_\_, TM6349, A request to approve a vesting tentative tract map for a 17-lot single-family subdivision on approximately 3.54 acres of land.

**Staff:** Lily Cha, Associate Planner

**Recommendation:** Approve

- ATTACHMENTS:
- 1. Conditions of Approval
  - 2. GPA2021-002 Justification
  - 3. Proposed Vesting Tentative Tract Map TM6349
  - 4. CEQA Exemption
  - 5. Draft Resolution GPA2021-002
  - 6. Draft Resolution R2021-005
  - 7. Draft Resolution TM6349
  - 8. Public Correspondence
  - 9. Correspondence from Commenting Agencies

### CONFLICT OF INTEREST

None.

## RECOMMENDATION

Staff recommends that the Planning Commission approve the following, subject to conditions of approval included in **Attachment 1**:

- Approve General Plan Amendment GPA2021-002;
- Approve Rezone R2021-005;
- Approve Vesting Tentative Tract Map TM6349; and
- Make a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested.

## EXECUTIVE SUMMARY

The applicant is proposing the development of a 17-lot single-family residential subdivision on approximately 3.54 acres of land that is currently a portion of the 9.36 acre property that makes up the Clovis Christian Church campus. The applicant is in the process of purchasing the 3.54 acre project site from the church. A parcel map requesting the subdivision of the project site from the existing parcel has been recently approved. Parcel Map PM2021-001 approved the subdivision of the overall parcel into two separate parcels, thus separating the 3.54 project site from the remaining church campus site. The subdivision will be finalized once a final parcel map has been approved by the City's Engineering Division and recorded with the Fresno County Recorder's office.

This development request includes a general plan amendment, rezone, and vesting tentative tract map. The general plan amendment (GPA2021-002) is a request to change the land use designation from the Public / Quasi Public Facilities classification to the Medium Density Residential (4.1 to 7.0 DU/Ac) classification. Associated with the land use re-designation is R2021-005, requesting the rezone of the subject property from the P-F (Public Facilities) to R-1 (Single-Family Residential - 6,000 Sq. Ft.). The proposed vesting tentative tract map TM6349 will subdivide the project site into 17 single-family residential lots.

## BACKGROUND

- General Plan Designation: Public/ Quasi Public Facilities
- Specific Plan Designation: Loma Vista
- Existing Zoning: P-F (Public Facilities)
- Lot Size: 3.54 acres
- Current Land Use: Vacant portion of Clovis Christian Church Campus
- Adjacent Land Uses:
  - North: Church Campus
  - South: Single-family residential (Low Density)
  - East: Single-family residential (Low Density)
  - West: Single-family residential (Low Density)
- Previous Entitlements: CUP2015-11 (Church Campus), RHNA Cycle 4 CO-PF (Max density 35-43, Low Income, 3.48 acres)

The project site makes up the southernmost, undeveloped portion of the overall church site. Clovis Christian Church was established under the authorization of the County of Fresno in November of 1988. The property was incorporated into the Clovis city limits in March of 2006. In February 2015, an application for a conditional use permit was approved on this site, allowing

for modular classroom buildings in a location that is not within this project area. It is the intent of the church to sell the project area to the applicant for development.

## PROPOSAL AND ANALYSIS

The project entails the development of a 17-lot single-family residential subdivision tract map proposed on approximately 3.54 acres of property that is situated near the northeast corner of Shaw and Locan Avenues. The project site is currently encompassed within the existing 9.36 acre church site, however, parcel map PM2021-001 has been approved to separate the project site from the church site. **Figure 1** below depicts the project location.



FIGURE 1 – Project Location

## General Plan Amendment

With this project, the applicant is requesting to amend the General Plan land use designation of the land within the 3.54 acre project boundary. The change in land use designation will be from the existing Public/ Quasi Public Facilities to Medium Density Residential. The Public/ Quasi Public Facilities designation permits the development and use of public facilities as well as development of higher density residential uses, while the proposed Medium Density Residential designation permits residential development with a density of 4.1 to 7.0 dwelling units to the acre. The proposed 17-lot residential development has a density within the lower end of the medium density range at 4.8 dwelling units per acre. The proposed density is slightly

higher than the LD (Low Density) designation shown for the surrounding neighborhood, which allows up to 4 units per acre. However, the actual tract map proposed by the applicant proposes lots between 6,000 square feet and 11,109 square feet, with an average of 7,245 square feet, which is compatible with the adjacent subdivisions. The change in land use designation would not conflict with any goals, objectives, or policies of the General plan:

### *Land Use Element:*

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

As an infill development within the Loma Vista Urban Center, the project will provide additional single-family residential homes with residences that allow for multigenerational units as an option



to home buyers. Multigenerational units have been growing in popularity and provide additional housing options for families with aging parents or children.

*Goal 3.9 – Connected Development. New development in urban centers must fully improve roadway, pedestrian, and bicycle systems with and adjacent to the proposed project and connect to existing urbanized development.*

The project will provide vehicle and pedestrian improvements connecting to adjacent developments with the addition of an internal public local street and sidewalks. Additionally, the project will improve the public right-of-way along Locan Avenue along its frontage. Improvements include the installation of landscaping, sidewalk, and any necessary utilities.

*Goal 5.3 – Innovative Housing. Encourage innovative product types, including multigenerational, cooperative, and variations on live-work housing.*

The project will provide single-family residential housing with options of adding multigenerational living quarters.

*Policy 5.6 – Workforce Housing. Encourage the development of workforce housing that serves the needs of those working in Clovis.*

The project provides housing opportunity for those working in the nearby schools, hospitals, and commercial centers. Clovis Community Hospital is located approximately 2 miles to the north of the project site. Additionally, the project site is located less than 1 mile from commercial centers to the west and less than half a mile from the Loma Vista Community Centers North and South master plan area that has been designated to provide about 1,375,407 square feet of commercial and mixed use developments in the future. Moreover, within 2 miles of the project site are five schools.

*Goal 6 – A City that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.*

The project is an infill development and is consistent with the existing development within its immediate vicinity. The project will bring value by providing housing on an otherwise unused site and would not alter the integrity of the General Plan. Although the project is proposing an amendment to the City's General Plan land use designation and rezone, the existing P-F (Public Facilities) Zone District under the Public/ Quasi Public Facilities land use designation allows certain housing/residential uses, including high density residential development, making the type of proposed use (residential) consistent with the current land use designation and zoning district.

#### *Findings for Approval of a General Plan Amendment*

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

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

*As described above, the project is consistent with several goals and policies of the City's General Plan. The project would contribute housing development for residents of Clovis and would be considered orderly development for what is envisioned in the area.*

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

*The project was determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the City. Agencies and City departments reviewed the project to ensure consistency with City codes and regulations.*

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

*The project site is physically suitable for the type and intensity of the proposed project. It is surrounded by other residential uses at similar densities, some of which are newly constructed.*

4. There is compelling reason for the amendment.

*The project is consistent with the goals and policies for guiding future growth for the area, including policies and objectives of the 2014 Clovis General Plan and Loma Vista Specific Plan. The project will develop an otherwise unused portion of property and contribute to the City's housing stock.*

## Rezone

The proposed zone change from P-F to R-1 is consistent and compatible with the surrounding neighborhoods. The Clovis Christian Church campus is a permitted use in the existing P-F Zone District. However, this project will require that the project boundary be rezoned to the R-1 Zone District. The R-1 Zone District refers to single-family residential uses with an allowable density range that is 4.1 to 7.0 units per acre. The R-1 Zone District is also consistent with the Medium Density Residential land use designation of the General plan. If approved, the project must be developed to the standards of the R-1 Zone District. The following **Table 1** reflect general R-1 development standards:

TABLE 1 – R-1 Development Standards

Development Standards	Standards
<b>Parcel Features</b>	
Minimum Parcel Size	6,000 Square feet
Minimum Parcel Width	60 Feet
Minimum Cul-de-sac Parcel Width	50 Feet
Minimum Corner Parcel Width	65 Feet

Minimum Parcel Depth	100 Feet
<b><i>Setbacks Required</i></b>	
Front	20 Feet
Side	5 Feet
Street side	10 Feet
Rear	20 Feet
<b><i>Additional Development Standards</i></b>	
Maximum Parcel Coverage	40%
Maximum Height	35 feet/ 2-1/2 stories

Zone Districts to the immediate vicinity of the project site are P-F (Public Facilities) to the north, R-1 (Single-Family Residential) to the east and south, and R-1-7,500 (Single-Family Residential, 7,500 sq. ft. minimum) to the west across Locan Avenue. The proposed R-1 Zone District will provide additional housing in the area that is consistent with the general surroundings. **Figure 2** below depicts the extent of the surrounding zone districts.

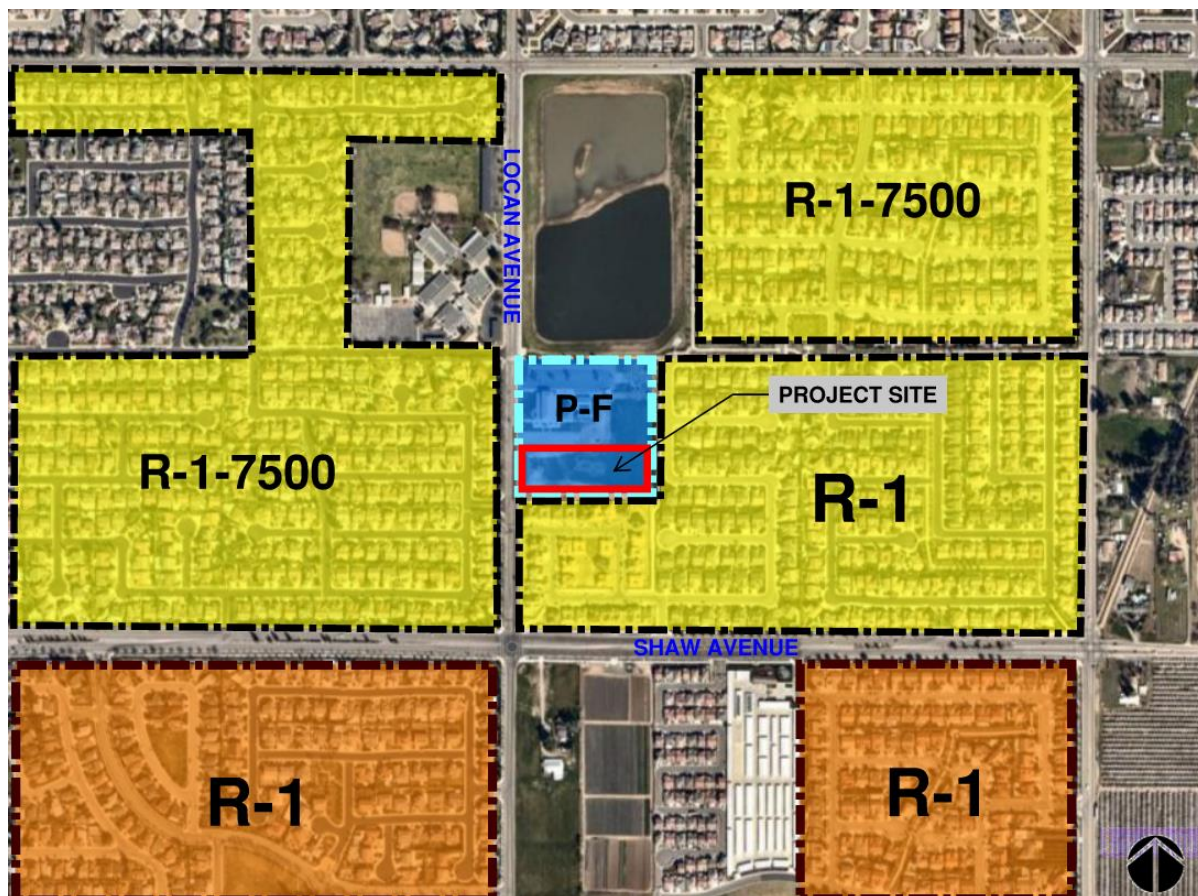


FIGURE 2- Zone Districts

### *Findings for Approval of a Rezone*

Amendments to the zone map may be approved only if the review authority can make the following findings:

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

*The project is consistent with the proposed General Plan designation of Medium Density Residential and the Loma Vista Specific Plan. The associated General Plan Amendment, if approved, will re-designate the land use from Public Facilities to Medium Density Residential. The proposed R-1 Zone District is consistent with the Medium Density Residential land use designation. Although the project is proposing an amendment to the City's General Plan land use designation and rezone, the existing P-F (Public Facilities) Zone District under the Public/ Quasi Public Facilities land use designation allows certain housing/residential uses, including high density residential development, making the type of proposed use (residential) consistent with the current land use designation and zoning district.*

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, and convenience, or general welfare of the City. Agencies and City departments reviewed the project to ensure consistency with City codes and regulations.*

3. The parcel is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provisions of utilities) for the requested zoning designations and anticipated land uses/ projects.

*The project site is physically suitable for the type and intensity of the proposed project. It is surrounded by other residential uses at similar densities, some of which are newly constructed.*

### **Vesting Tentative Tract Map**

#### *Lot Configuration and Circulation*

The requested vesting tentative map (**Figure 3**) will create 17 single-family residential lots on the 3.54 acre property. Lot sizes range from 6,000 square feet to 11,109 square feet with an average of 7,245 square feet. Lots must meet the minimum required configuration of the proposed R-1 Zone District which include a minimum parcel width of 60 feet and parcel depth of 100 feet for standard lots. An adjustment to the minimum lot width has been requested for the proposed cul-de-sac lots (lots 8-10) through the minor adjustment process which, if approved, will grant a ten percent reduction of the minimum lot width. The minor adjustment is reviewed and processed at the administrative level by the Planning and Development Services Department.

Access to and from the subdivision will be from Locan Avenue through the proposed local cul-de-sac street. As a local and public street, a total 50-foot right-of-way will be provided with standard 5-foot wide sidewalks and 2-foot wide landscaping strips. The 36-foot wide paved road will provide ample space for parking on both side of the street. The proposed street is consistent with the local street standards of the City's Development Code.

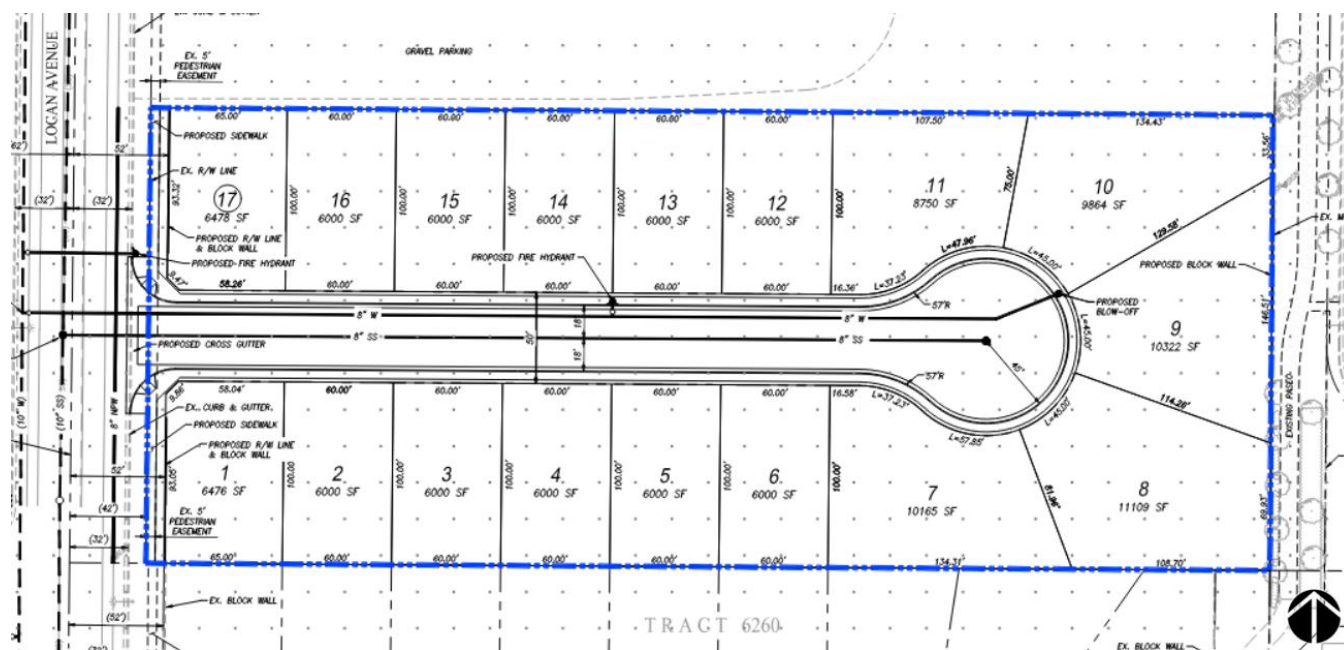


FIGURE 3- Tract Map 6349

### *Dedication of Right-of-Way and Fencing*

The project abuts Locan Avenue to the west and has a requirement to dedicate its proportionate share towards the public right-of-way. An overall 20-foot right-of-way is required for sidewalk and landscaping along Locan Avenue. This includes an 11-foot wide parkway, 5-foot wide sidewalk, and another 4-foot wide landscape setback. In addition to this requirement, the project shall also provide a minimum 6-foot tall split face masonry wall along Locan Avenue, as well as the project's northern and eastern property lines.

### *Thematic Elements*

Branding of the Loma Vista Specific Plan with specific elements has been essential to creating a community and sense of place. A "Craftsman" theme has been established throughout this plan area, utilizing natural materials such as cobblestones, rocks, brick, and wood-like elements in subdivision entries, monuments, surface treatments for pedestrian crossings, median surface treatments, walls, fences, and architectural elements. Thematic lighting, benches, trash receptacles, walkway treatment, and drinking fountains have also been established for the Loma Vista Specific Plan Area. Thematic elements and architecture are reviewed through the residential site plan review process, a requirement if this project is approved.



### *Findings for Approval of a Vesting Tentative Tract Map*

The following findings must be made for the review authority to approve the vesting tentative tract map:

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

*The project is consistent with the proposed General Plan designation of Medium Density Residential and the Loma Vista Specific Plan. The associated General Plan Amendment, if approved, will re-designate the land use from Public Facilities to Medium Density Residential. Although the project is proposing an amendment to the City's General Plan land use designation and rezone, the existing P-F (Public Facilities) Zone District under the Public/ Quasi Public Facilities land use designation allows certain housing/residential uses, including high density residential development, making the type of proposed use (residential) consistent with the current land use designation and zoning district.*

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

*The 3.54 acre project site allow for the congruent development of the proposed 17-lot subdivision with lot configuration that meet the proposed R-1 development standards and a standard cul-de-sac street.*

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

*The proposed infill project is surrounded by existing development. Additionally, the project site has been routinely disturbed and makes up a portion of a developed church campus. There are no trees or water features that would typically be associated with providing habitat. It is unlikely that the site supports or provide value as habitat for endangered, rare, or threatened species. This finding is supported with findings included in the biological survey prepared for the project by Quad Knopf, dated March 10, 2021.*

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

*The project was has been reviewed by the City's Police and Fire departments and the Fresno County Department of Public Health, and no major concerns regarding public health and safety were presented.*

5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision;

*There are no existing public easements within the subject property. The project will dedicate appropriate portions of property towards the public right-of-way adjacent to its frontage along Locan Avenue.*

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

*The project has been reviewed in consistency with the California Regional Water Quality Control Board requirements, by the City's Engineering Division and Public Utilities department and no concerns of violation were presented.*

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

*The development will be constructed per the California Building Code requirements and will therefore meet this requirement.*

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

*The project would comply with the regulations of the City's Development Code and requirements of regulating agencies. Regulations and project requirements are included as conditions of approval. Additionally, the project will be further refined during the various stages of plan review.*

## Public Outreach and Comments

### *Neighborhood Meeting*

Per City policy, the applicant held a neighborhood meeting on Wednesday, April 14, 2021, at 6pm at the City's Council Chambers. In attendance were the project team and City staff. No residents were in attendance. However, correspondence related to telecommunication towers concerns was received after the neighborhood meeting which has been included as **Attachment 8**. Staff responded to this correspondence with a letter clarifying that this project does not include the proposal for telecommunication towers.

### *Public Comments*

A public notice was sent to area residents within 800 feet of the property boundaries. As of the completion of this report, staff has not received comments since the initial correspondence mentioned above.

### *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, County of Fresno, and the Fresno Local Agency Formation Commission (LAFCo).

Comments received are attached (**Attachment 9**) 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.

### **Community Facilities District**

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

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

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

The project is exempt from CEQA pursuant to a Class 32 categorical exemption and pursuant to CEQA Guidelines section 15061(b)(3). Class 32 exemptions consist of infill development less than five acres in size and meeting the conditions described in California Government Code Section 15332. The Notice of Exemption provided as **Attachment 4** addresses the conditions of section 15332 and is kept for public review with the project file during the processing of the application. Staff will file the notice with the County Clerk if the project is approved.

Further, the project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Project is on a 3.54 acre infill site surrounded by urban development. The analysis set forth in the Notice of Exemption supports the finding that the project will not have a significant effect on the environment.

The City published a notice of this public hearing in *The Business Journal* on Wednesday, June 9, 2021.

### **REASON FOR RECOMMENDATION**

The proposed infill development will provide additional housing opportunities for existing and potential residents of Clovis and will develop an otherwise unused portion of property. The project complies with the goals, objectives, and policies of the City's General Plan and Loma Vista Specific Plan, and meet the requirements of the proposed R-1 Zone District. Staff therefore recommends that the Planning Commission approve GPA2021-002, R2021-005 and TM6349 subject to the conditions of approval provided as **Attachment 1**.

### **ACTIONS FOLLOWING APPROVAL**

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



**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 800 feet notified: 216

Interested individuals notified: 10

Prepared by: Lily Cha, Associate Planner



Reviewed by:

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Dave Merchen  
City Planner

**Conditions of Approval- GPA2019-004**

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

1. Development of the single-family residential development shall be consistent with the General Plan Medium Density Designation (4.1 – 7.1 DU/Ac).

**Conditions of Approval- Vesting Tentative Tract Map TM6349****Planning Division Comments**  
**(Lily Cha, Associate Planner – 559-324-2335)**

1. All conditions of approval under GPA2021-002 and R2021-005 shall be made part of this entitlement approval.
2. This Project is subject to the development standards of the Loma Vista Specific Plan.
3. The applicant shall contribute a proportionate share towards the development of a “paseo” system in this quarter section as required by the General Plan land use diagram.
4. The applicant shall contribute a proportional share towards the development and improvement of a neighborhood park. The formula for park contribution is based on one acre of park for each 1,000 residents to be used for the acquisition and improvement of a neighborhood park facility. Contribution greater than this formula may be reimbursable.
5. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
6. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the City Planner on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements of any other siting or setback/yard requirements established under this application. If such a waiver is requested, the developer and City Planner shall work together to ensure that any sitings of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts that may result.
7. Tentative Map TM6349 is subject to the development standards of the R-1 Zone District.
8. The garages shall have a 20'x22' interior dimension.
9. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
10. Maximum lot coverage is 40% unless specifically approved through a residential site plan review or variance.

11. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Municipal Code.
12. All transformers for this subdivision shall be located underground. Pad mounted transformers may be considered through approval of an administrative use permit.
13. The developer shall construct a minimum six-foot high solid split face masonry wall, consistent with the existing adjacent development, along Locan Avenue as well as the northern and eastern boundaries of the development.
14. The developer shall provide decorative fixtures such as the thematic Loma Vista Light. Specific locations and details will be reviewed during the residential site plan review process.
15. The developer shall provide the required proportionate right-of-way for Locan Avenue.
16. Locan Avenue shall have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot sidewalk, and 4-foot landscape setback.
17. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
18. Prior to the submittal of civil plan review, the applicant shall submit a tree plan showing all existing trees with their variety. A tree removal/protection plan shall be reviewed and approved by the Director. Trees shall not be removed without approval from the Director.
19. Upon final recordation of this vesting tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
20. The applicant shall relay all conditions of approval for Vesting Tentative Tract Map 6349 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
21. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
22. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
23. This vesting tentative tract map is approved per **Attachment 3** of this report.
24. This Project requires the submittal and approval of a residential site plan review entitlement. Specific color and materials of the models, walls, amenities, landscaping, and fencing will be evaluated.

25. The applicant shall provide an all-weather surface for the placement and storage of trash receptacles.

**Administration Department Conditions**  
**(John Holt, Department Representative – (559) 324-2111)**

26. The applicant and the property owner acknowledge and agree that if the project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the project within a CFD, the City might not be able to make the finding that the project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the project.
27. The owner/developer shall notify all potential lot buyers prior to sale that this project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation or filing of the project, the City Council has determined that it is not necessary that the project be included in the CFD.
28. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.

**ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS**  
**(Sean Smith, Engineering Division Representative – 324-2363)**  
**(Paul Armendariz, Department Representative – 324-2649)**

**Maps and Plans**

29. The conditions of this tract map are written under the assumption that all dedications and improvements have been completed by the adjacent TM 6260 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 6260 have not been accepted by the City.
30. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.

31. 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, 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.
32. 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).
33. 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**

34. The applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
35. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
36. 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.

37. 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.
38. 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.
39. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
40. The applicant shall provide and pay for all geotechnical services per City policy.
41. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. 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.
42. All new utility facilities located on-site, within alleys, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
43. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
44. The applicant shall contact and address Caltrans requirements. The applicant shall be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

### **Dedications and Street Improvements**

45. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
  - a. Locan Avenue – Along frontage, dedicate to provide right-of-way acquisition for 52' (exist 42') east centerline, and improve with sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement.

- b. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed.
  - c. Cul-De-Sac - dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
  - d. The applicant shall relinquish all access to Locan Avenue, for all lots that side onto Locan Avenue.
46. The applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
47. For new onsite ADA paths of travel that connect to existing City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
48. The applicant shall remove and repair all damaged or broken concrete improvements. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.
49. The applicant shall not install any fences, temporary or permanent in public right-of-way.
50. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.

### **Sewer**

51. The applicant shall identify and abandon all septic systems to City standards.
52. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
- a. Interior Streets – install 8" mains.



53. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.

### **Water**

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

55. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.

a. Interior Streets – install 8" mains.

56. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.

57. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

### **Recycled Water**

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

a. Locan Avenue – install 8" main along the property frontage.

### **Grading and Drainage**

59. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm

water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.

60. 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**

61. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: landscape strip along Locan Avenue.
62. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The assessment for each lot shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$449.49, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
63. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
64. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable

covenant shall be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

### **Miscellaneous**

65. The applicant shall install four (4) street lights per the attached street light exhibit. Street lights along the major streets shall be installed on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. The applicant shall install thematic lighting for the interior street lights, as approved by the City Engineer. Street lights along all streets shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided.
66. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/the applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
67. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.
68. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

### **Fresno Irrigation District**

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

69. 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)

70. 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.

**Clovis Unified School District**

(Michael Johnston, CUSD Representative – 327-9000)

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

**San Joaquin Valley Air Pollution Control District**

(Carol Flores, SJVAPCD Representative – 230-55935)

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

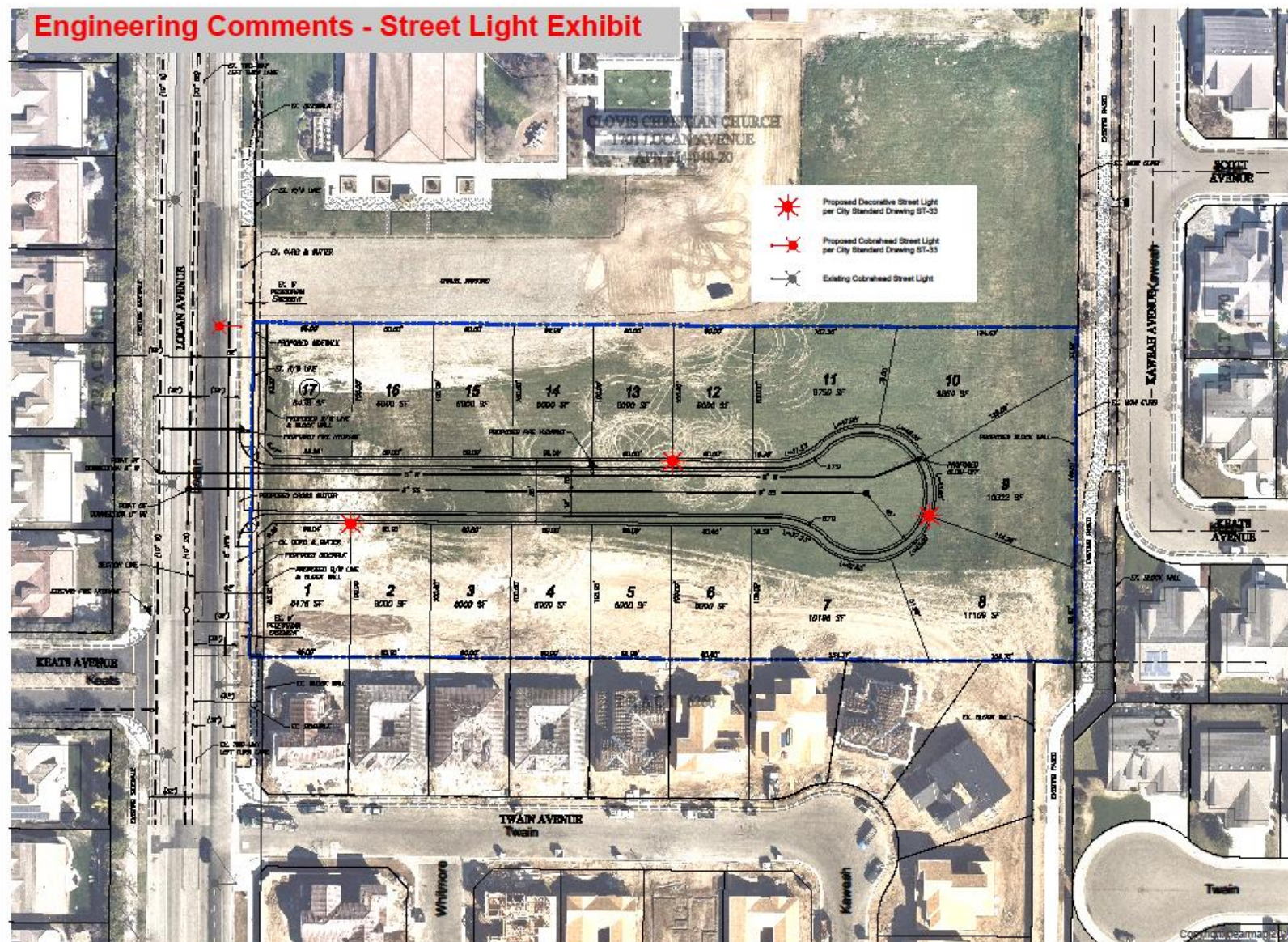
**Fresno Metropolitan Flood Control District**

(Mikel Meneses, FMFCD Representative – 456-3292)

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



## Engineering Comments - Street Light Exhibit





De Young Properties

General Plan Amendment (GPA 2021-02) Justification Letter  
Tract 6349

April 8, 2021

Applicant: De Young Properties  
Brandon De Young  
677 West Palmdon Avenue, Suite 208  
Fresno, CA 93704

Representative: QK  
601 Pollasky Avenue, Suite 301  
Clovis, CA 93612

APN: 554-040-20

Current Zoning: P-F

Area: 3.54± gross acres

REQUEST

De Young Properties is requesting this re-designation of approximately 3.54 acres on the east side of Locan Avenue, north of Shaw Avenue, to change from P-F (Public Facilities) to Medium Density Single Family Residential.

The proposed 17-lot project will develop at a density of 4.8 units/acre with an average lot size of 7,245 square feet, with 6,000 square feet minimum and 11,109 square feet maximum, as detailed on Tentative Tract No. 6349 prepared by QK.

De Young Properties is excited to be constructing its newest Icon Series floor plans on this subject site. These successful floor plans are *SmartHomes*, meaning they are both energy-efficient and intuitively smart. Our homes are also healthy to live in and healthy for the environment. Our Icon Series have plenty of popular included features that are loved by our homebuyers, and it will be no different here in this tract. The proposed homes range from 1,900 to 3,800 square feet and are available to view at our Welcome Centers located on Shaw Avenue and Highland Avenue.

The proposal is justified for the following reasons:

1. The proposed development aims to achieve many of the goals outlined in the Clovis General Plan. Most importantly, this project makes best use of land where more development is needed. The infill Project intends to develop the vacant land and continue the land use patterns of the surrounding properties, making a homogenous community. In essence, this proposed amendment would serve to implement policies aimed towards smart growth principles specifically outlined in the Land Use Element.

## ATTACHMENT 2

2. The proposed amendment would allow for proper resource management by minimizing the amount of land needed to accommodate more outward growth, thereby preserving land for other essential community needs. Furthermore, the proposal for a residential project allows for cost effective management of infrastructure resources.
3. The proposed project will facilitate various general plan goals and policies to promote land use compatibility, minimize conversion of agriculture lands to urban uses, improve service delivery efficiency and cost effectiveness, create more walkable community, reduce vehicle trips and reduce negative air quality impacts.
4. The proposed residential project is consistent with the recent land development pattern of adjacent subdivisions that have been recently approved by the City. The proposed amendment would be requesting an identical designation to allow the continuance of a similar density of these approved projects and thereby promotes compatibility between land uses. Similar projects within the vicinity of this proposal include Tract 6260 to the south and Tract 5970 to the east.

Regarding the Goals and Policies of the City of Clovis General Plan, this project would align with principles and ideals outlined within the policy documents. The following discussion is in support of the project's consistency with the General Plan:

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

**Response:** The proposed development of single-family homes will meet and exceed the quality of construction of other projects completed within the area, given that De Young's latest floor plans and features incorporate the most up-to-date code requirements for efficiency as well as other innovative industry standards to promote better aesthetics coupled with workmanship.

**Policy 3.6 Mix of housing types and sizes.** Development is encouraged to provide a mix of housing types, unit sizes, and densities at the block level. To accomplish this, individual projects five acres or larger may be developed at densities equivalent to one designation higher or lower than the assigned designation, provided that the density across an individual project remains consistent with the General Plan.

**Response:** The proposed development is approximately 3.5 acres. This development will be less than five acres.

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

**Response:** This development will include single and two-story floor plans ranging from 1,900 to 3,800 square feet with varied architectural and interior design styles to surely meet the needs of many demographic and income levels.

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

**Response:** The proposed development is approximately 3.5 acres. This development will be less than five acres.

**Policy 5.3** Innovative housing. Encourage innovative housing product types, including multigenerational, cooperative, and variations on live-work housing.



**Response:** The 17-lot subdivision mainly consists of 6,000 square foot lots, however, there are 7 lots that exceed 6,000 square feet. The lot sizes range from 6,000 square feet to 11,109 square feet. The variation in lot sizes will allow for the development of range of housing options. The housing options will range from 1,900 to 3,800 square feet. These varied housing options will allow for a diverse demographic and income levels to purchase homes within the proposed subdivision. Furthermore, many floor plans allow flexible customization, including our Multi-Gen personal selection, to accommodate multi-generational living options.

**Goal 6:** A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

**Response:** The proposed project meets the recommended policies associated with amendments to the Clovis General Plan outlined under Goal 6. The proposal to develop the south 3.54 acres of the church property as single family residential requires a General Plan Amendment for that purpose. Additionally, the project will develop a maintenance district to cover all costs associated with maintenance of facilities to be constructed in order to have no impact to the general fund.

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

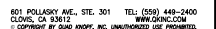
**Response:** The project falls into many of the smart growth principles identified in the General Plan as well as other principles identified within planning theory. The proposed project promotes better use of available land resources while also providing less impact and need to convert land more on the fringe of the city limits. Lastly, the range of housing choices with various lot sizes creates a mixed assortment of choices for prospective residents in the area. All of these ideals are carried forward in the General Plan and were considered during the development and submittal of this project by the applicant.



## APRIL 2021

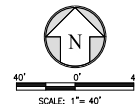


## Br:



SHEET 1 OF 1

## ATTACHMENT 3





# CITY *of* CLOVIS

## PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

### **Categorical Exemption General Plan Amendment, Rezone, and Vesting Tentative Tract Map**

Pursuant to Article 19 of the State CEQA Guidelines, the City of Clovis has determined that the project described below will not have a significant effect on the environment and shall be categorically exempt from the provisions of CEQA.

**Lead Agency:** City of Clovis  
Planning and Development Services

**Lead Agency Contact:** Lily Cha, Associate Planner  
(559) 324-2335  
[lilyc@cityofclovis.com](mailto:lilyc@cityofclovis.com)

**Applicant:** De Young Properties  
Brandon De Young  
677 W. Palmdon, Suite 208  
Fresno, CA 93704  
(559) 435-0900

**Project Location:** North of Shaw Avenue between Locan and Kaweah Avenues

**Exemption:** Section 15332 (Class 32, Infill Development Projects)

### **Project Description:**

The Project proposes to subdivide 3.54 acres of property into 17 individual lots for the development of single-family residential homes. The site is generally located on the east side of Locan Avenue between Shaw and San Jose Avenues within the City of Clovis, County of Fresno. In its current state, the Project site is composed of a vacant portion of the existing Clovis Christian Church campus. A parcel split (PM2021-001) is in process for the separation of the 3.54 acre Project site from the church campus. This development request requires an adjustment to the property's designated land use through a General Plan Amendment and Rezone entitlement approval. With this request, the property will be re-designated from the Public/ Quasi Public Facilities (P) designation and the Pubic-Facility (P-F) Zone District to the Medium Density Single-Family Residential designation and the R-1 (Single-Family Residential, 6,000 Sq. Ft. minimum) Zone District. In addition to the land use entitlements, the Project is

accompanied by a Tract Map request for the subdivision of the site into 17 single-family lots with a minimum lot size of 6,000 Sq. Ft. and an average lot size of 7,245 Sq. Ft. The project will be developed in compliance with the R-1 Zone District development standards and the Loma Vista Specific Plan design guidelines. Other associated site improvements include but are not limited to the installation of landscaping, utilities, and a local street with a cul-de-sac.

**Determination:**

Pursuant to Article 19 of the California Environmental Quality (CEQA) Guidelines, the project is categorically exempt under Section 15332 (Class 32, Infill Development Projects). None of the exceptions identified in CEQA Guidelines Section 15300.2 apply to the project, as described below.

Section 15332 (Class 32, Infill Development Projects) consists of projects characterized by infill development meeting the conditions as analyzed below.

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

The Project requires a general plan amendment, rezone, and a tract map. The purpose of the general plan amendment and rezone is to ensure the proposed Project is consistent with the land use designation and zoning. Therefore, if approved, the Project would be consistent with the site's land use designation and zoning. Conversely, if the request for a general plan amendment and rezone is not approved, the Project would not be consistent and therefore would not be able to be constructed.

Although the project is proposing an amendment to the City's General Plan land use designation and rezone, the existing P-F (Public Facilities) Zone District under the Public/Quasi Public Facilities land use designation allows certain housing/residential uses, including high density residential development, making the type of proposed use (residential) consistent with the current land use designation and zoning district.

To further support of the Project's consistency with the City of Clovis 2014 General Plan, there are several goals and policies that encourage infill development. The following table identifies several General Plan goals and policies as well as description how the Project meets that goal/policy.

Because the Project, if approved, would be consistent with the general plan and zoning designation required to accommodate the Project, and because it meets many of the goals and policies identified in the 2014 Clovis General Plan, the Project is considered consistent with this requirement.

Goal/Policy Number	Goal/Policy	How the project meets the goal/policy
<b>Land Use Element</b>		
Goal 3	Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support	The Project is an infill development located in the Loma Vista Urban Center and will provide single-family residential homes with options of adding multigenerational units within the residence.

	community lifestyle and small town character	
3.9	Connected development. New Development in Urban Centers must fully improve roadway, pedestrian, and bicycle systems within and adjacent to the proposed project and connect to existing urbanized development.	The Project will provide connectivity to adjacent developments through a local public street and sidewalks.
Goal 5	A city with housing, employment, and lifestyle opportunities for all ages and income of residents	The Project will provide additional housing opportunities for current and future Clovis residents.
Policy 5.3	Innovative housing. Encourage innovative product types, including multigenerational, cooperative, and variations on live-work housing.	The project will provide single-family residential housing that allow for the opportunity to add multigenerational living quarters.
Policy 5.6	Workforce housing. Encourage the development of workforce housing that serves the needs of those working in Clovis.	The Project provides housing opportunity for those working in the nearby schools, hospital, and commercial centers.
Goal 6	A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.	Although the Project is proposing an amendment to the City's General Plan, it will bring value to by providing housing on an otherwise unused site and would not alter the integrity of the General Plan.
Policy 6.1	Amendment Criteria. The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met: <ul style="list-style-type: none"> <li>a. The proposed change is and will be fiscally neutral or positive.</li> <li>b. The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.</li> </ul>	<p>The Project will not have a negative fiscal impact on the City's operations, instead may have a positive impact with the additional rooftops contributing towards the special district funds.</p> <p>The project was reviewed with studies concluding that the change will not have a negative impact of services on existing development and future development and can be adequately served by public facilities.</p>
<b>Economic Development Element</b>		
Goal 5	A mix of land uses and types of development sufficient to	The Project is considered infill development. As an infill site, the

	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.	City infrastructure needed to support development (i.e. water and sewer) is readily available with minimal effort, therefore, preserving the need to further extend utilities if the Project were located further away or at another location.
<b>Circulation Element</b>		
Policy 2.3	Fair share costs. New development shall pay its fair share of the cost for circulation improvements in accordance with the city's traffic fee mitigation program.	The Project itself is infill development as the site is underutilized and near jobs and services.
Policy 5.5	Pedestrian access. Require sidewalks, paths, and crosswalks to provide access to schools, parks, and other activity centers and to provide general pedestrian connectivity throughout the city.	The Project would be subject to its fair share costs associated with the type of development it is.
<b>Public Facilities and Services Element</b>		
Goal 1	Reliable and cost-effective infrastructure systems that permit the city to sustainably manage its diverse water resources and needs	
Policy 1.1	New Development. New development shall pay its fair share of public facility and infrastructure improvements.	The Project would install the required pedestrian access features consistent with this policy. As shown on the Project plans, new sidewalks and pedestrian paths of travel would be installed providing connectivity amongst the site itself and with the adjacent neighborhoods.

*(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The project site is within city limits and is approximately 3.54 acre in size. The project site is surrounded by existing development to the north, south, east, and west. Therefore, the Project is consistent and meets this requirement.

*(c) The project site has no value as habitat for endangered, rare, or threatened species.*

The project site has been routinely disturbed and makes up a portion of a developed church campus. There are no trees or water features that would typically be associated with providing habitat. Further, the areas surrounding the site have been disturbed and developed. It is unlikely that the site supports or provide value as habitat for endangered, rare, or threatened species. This finding is supported with the findings included in the biological survey prepared for the project by Quad Knopf, dated March 10, 2021.

The biological field survey conducted on March 9, 2021 mapped the potential for habitats and sensitive areas, including the potential for special-status plant and animal species. According to the report, there are no special-status species plant or wildlife presented on or within 500 feet of the project site. The survey also determined that there are no wetland features on the site, however, there is a drainage basin north of the site within the edge of the 500-foot buffer. The area is fenced with restricted access and would not be affected by the project activities.

- (d) *Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.*

### **Traffic**

The project site is accessible by multiple modes of transportation including vehicles and pedestrian access. The project provides a local cul-de-sac street that leads to Locan Avenue. Locan Avenue is a collector street with bicycle lanes. Additionally, the project is adjacent to a paseo (trail) network that is interconnected to surrounding neighborhoods and future commercial development. The project is substantially surrounded by existing development and is considered an infill sight. The proposed use is consistent with the surrounding land uses.

### **Noise**

Per the City's noise ordinance, residential neighborhoods can experience noise levels between 45 dba and 65 dba. The project is surrounded by similar single-family residential development to the east and is expected to generate comparable noise levels. A church campus is located to the north with a buffer approximately 120 feet of unoccupied church property in between the church building and the project. Churches are expected to operate with internal noise not exceeding 45 dba. The project would add an additional 17 single-family residential development lots with the overall ambient noise levels comparable to the existing noise levels in the area. The project would not substantially exceed existing noise levels in the neighborhood and would be consistent with the normally acceptable noise levels as established in the City's noise ordinance.

### **Air Quality**

An Air Quality and Greenhouse Gas Preliminary Analysis was prepared on March 23, 2021 for the project. As concluded in the analysis, the project would not exceed thresholds of significance for criteria pollutants per the San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The project is well below the screening criterion of 220 units set by SJVAPCD. As such, the project would not result in any significant effects related to air quality.

### **Water Quality**

The Project is on an infill site surrounded by urban development and has the infrastructure for sewer, water, and stormwater conveyance. Further, the Project would be subject to the same requirements for water quality similar to other residential development. Stormwater

infrastructure would be constructed to City standards and be subject to review and approval by the City engineering department to ensure adequate water and other utility conveyance in a safe and efficient manner.

- (e) *The site can be adequately served by all required utilities and public services.*

The site can adequately be served by all required utilities and public services. Sewer and water supply studies were conducted and ultimately concluded that the City has adequate services to be able to serve the site. Further, the site is substantially surrounded by the necessary infrastructure to be able to accommodate the Project. While some upgrades may be required to connect the site, the sewer and water mains currently surround the site and would be easily accessible to the site.

As described above, the site is an infill opportunity for a project that is consistent with the plans and policies of the City of Clovis, and would be able to be served by all necessary utilities. The project site is intended for residential uses, and the project would not be of the type or intensity to result in significant effects to air, water, noise, or traffic.

### **Exceptions:**

CEQA Guidelines Section 15300.2 set forth exceptions to categorical exemptions which must be assessed as part of the determination to use a Categorical Exception. If any of the exceptions apply, a Categorical Exemption cannot be used.

- (a) ***Location.*** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

This exception does not apply to Class 32 exemptions. Therefore, this exception would not apply to the project.

- (b) ***Cumulative Impact.*** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The Project would be subject to the same regulations, impact fees, and land development fees to offset any potential effects of the Project, consistent with the type of development proposed. Use and operation would be compatible with the area and would not result in cumulative impacts with the operation of the use. Thus, this exception would not apply to the project.

- (c) ***Significant Effect.*** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There are no unusual circumstances of the proposed project as a single-family residential development. If approved, the use would be allowed under the land use designation and zoning, thus, not unusual in the zone district. Therefore, this exception would not apply to

the project. Further, as described above, the Project would not result in significant impacts as concluded in the technical studies prepared for the Project.

- (d) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The project site is not located near a scenic highway as it is located within an urban area. Therefore, this exception would not apply to the project.

- (e) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project site is not located on a site on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception would not apply to the project.

- (f) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There are no historical resources on the project site or within its immediate vicinity. Therefore, this exception would not apply to the project.

**Date:** June 19, 2021

**Prepared By:** Lily Cha, Associate Planner

**Submitted By:** Lily Cha  
 Lily Cha  
 Associate Planner  
 City of Clovis  
 Planning & Development Services  
 (559) 324-2335



**DRAFT  
RESOLUTION 21-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL TO THE CLOVIS CITY COUNCIL OF GENERAL PLAN  
AMENDMENT GPA2021-002 TO AMEND THE 2014 CLOVIS GENERAL PLAN LAND USE  
ELEMENT AND LOMA VISTA SPECIFIC PLAN FOR APPROXIMATELY 3.54 ACRES  
LOCATED NEAR THE NORTHEAST CORNER OF SHAW AND LOCAN AVENUES**

**WHEREAS**, De Young Properties, 677 W. Palmdon, Suite 208, Fresno CA, 93704, submitted an application for General Plan Amendment GPA2021-002 in connection with the proposed development of a 17-lot single-family residential subdivision ("Project") on approximately 3.54 acres of property located near the northeast corner of Shaw and Locan Avenues ("Property"); and

**WHEREAS**, General Plan Amendment GPA2021-002 proposes to amend the 2014 Clovis General Plan Land Use Element and Loma Vista Specific Plan for the Property from the Public/ Quasi-Public designation to the MD (Medium Density) designation; and

**WHEREAS**, the proposed General Plan Amendment will facilitate development of the Project on Property; and

**WHEREAS**, the proposed General Plan Amendment is consistent with the intent and purpose of the General Plan; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on June 9, 2021, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determines that the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332 and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3); and

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

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

1. The Planning Commission hereby recommends approval of General Plan Amendment GPA2021-002.

**ATTACHMENT 5**

2. The proposed General Plan Amendment is internally consistent with the goals, policies, and actions of the General Plan.
3. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
4. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the development of the Project.
5. There is a compelling reason for the amendment, namely, to facilitate development of the Project on Property.
6. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development) and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3).
7. The basis for the findings is detailed in the June 24, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chair

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

**DRAFT  
RESOLUTION 21-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL TO THE CLOVIS CITY COUNCIL OF REZONE  
APPLICATION R2021-005 TO REZONE APPROXIMATELY 3.54 ACRES FROM THE  
PUBLIC FACILITIES (P-F) ZONE DISTRICT TO THE R-1 (SINGLE-FAMILY RESIDENTIAL  
6,000 SQ. FT.) ZONE DISTRICT FOR PROPERTY LOCATED NEAR THE NORTHEAST  
CORNER OF SHAW AND LOCAN AVENUES**

**LEGAL DESCRIPTION:**

See **Attachment A**

**WHEREAS**, De Young Properties, 677 W. Palmdon, Suite 208, Fresno CA, 93704, submitted an application for Rezone Application R2021-005 in connection with the proposed development of a 17-lot single-family residential subdivision ("Project") on approximately 3.54 acres of property located near the northeast corner of Shaw and Locan Avenues ("Property"); and

**WHEREAS**, Rezone Application R2021-005 proposes to rezone the Property from the Public Facilities Zone District to the R-1 (Single-family residential 6,000 sf) Zone District; and

**WHEREAS**, the proposed rezone will facilitate development of the Project on the Property; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on June 9, 2021, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determines that the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332 and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3); and

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

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

1. The Planning Commission hereby recommends approval of Rezone R2021-005.

**ATTACHMENT 6**

2. The proposed rezone is consistent with the goals, policies, and actions of the General Plan.
3. The proposed rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
4. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and development of the Project.
5. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development) and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3).
6. The basis for the findings is detailed in the June 24, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX\_\_\_\_  
DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chair

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

**ATTACHMENT A  
LEGAL DESCRIPTION**

The land referred to is situated in the County of Fresno, City of Clovis, State of California, and is described as follows:

The south 250 feet of the northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 11, T13S, R21E MDM.

**DRAFT  
RESOLUTION 21-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
APPROVING A VESTING TENTATIVE TRACT MAP FOR A 17-LOT SINGLE-FAMILY  
SUBDIVISION ON APPROXIMATELY 3.54 ACRES OF PROPERTY LOCATED NEAR THE  
NORTHEAST CORNER OF SHAW AND LOCAN AVENUES**

**WHEREAS**, De Young Properties, 677 W. Palmdon Suite 208, Fresno CA, 93704, submitted an application for Vesting Tentative Tract Map TM6349 for a 17-lot single family subdivision ("Project") on approximately 3.54 acres of property located near the northeast corner of Shaw and Locan Avenues ("Property"); and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on June 9, 2021, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

**WHEREAS**, the proposed tract map was presented to the Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9 of the Municipal Code of the City of Clovis; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determines that the Project meets the requirements of a Class 32 (Infill Development) Categorical Exemption pursuant to CEQA Guidelines section 15332 and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3); and

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

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

1. The Planning Commission hereby approves TM6349 as shown in **Attachment A** subject to the conditions of approval set forth in **Attachment B** to this Resolution.
2. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan.
3. The site is physically suitable for the type and proposed density of development.

**ATTACHMENT 7**

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
7. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
8. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
9. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.
10. The Planning Commission could not make the findings necessary for approval of TM6349 without the conditions of approval set forth in **Attachment B** to this Resolution.
11. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development) and will not have a significant effect on the environment, pursuant to CEQA Guidelines section 15061(b)(3).
12. The basis for the findings is detailed in the June 24, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX

DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chair

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



**Dear De Young Corporation and The City of Clovis:**

**In late October 2018, a collective of concerned homeowners and parents in the Red Bank School District attended public hearings to oppose the installation of telecommunication tower(s) with antennas, radios, and ground equipment on the property owned and adjacent to the Clovis Christian Church at 1701 Locan Avenue, in Clovis California.**

**Through our objection and petition efforts we obtained a firm commitment from the Clovis Christian Church in writing to the rejection and non installation of these types of tower(s) in the Red Bank School district, now and indefinitely. The City of Clovis was informed of the rejection and non installation request commitments to our district via a follow-up letter to the collaborative from the City of Clovis, affirming the above actions.**

**Unfortunately, the City of Clovis continues to allow telecommunication towers in other areas where children, schools walking paths, daycare facilities, fire stations, medical centers and hospitals are located.**

**There are significant studies showing the damage that is done to our health (both short and long term) when exposed to constant emitting radio frequency waves and/or electromagnetic fields by telecommunication towers even under current so called safe limit requirements.**

**The same collective of homeowners are now requesting the De Young Corporation also commit to not allowing the installation of such towers in the proposed extended building site off Locan and San Diego Streets.**

**Did the De Young Corporation realize that the area in the proposed expanded home construction site is in a bird migration path. The bird population will suffer substantially if tower(s) are allowed to emit frequency waves. Many tower sites have been denied solely by this fact alone in California and other states.**

**Also, it was found the Killdeers (geese) are on the Protected Bird Migratory List and at various times during the day and night, occupy the property surrounding the Clovis Christian Church and the adjacent water basin. In the feasibility report conducted by the City of Clovis for widening Shaw Avenue (cross street Locan), the City contended the following:**

Other migratory birds could nest in the project area and vicinity, most of which are protected by the Migratory Bird Treaty Act (USCA 1918). For example, a pair of killdeer were observed copulating in a plowed area of the study area during the reconnaissance survey. These ground nesting birds can nest anywhere nesting habitat is available within the project area. Both construction related disturbance and the removal of vegetation within the project area could result in nest abandonment or direct mortality of eggs, chicks, and/or fledglings.

AGENDA ITEM NO. 2.

This type of impact to migratory birds, including special status bird species, would constitute take under the Migratory Bird Treaty Act and the California Endangered Species Act, and therefore is a *potentially significant impact*.

*Special Status Plants:* The project could also result in direct take of three species of special status plants.

**Without the De Young commitment to deny more towers, the City of Clovis would be in direct violation of this Migratory Bird Treaty Act.**

**Many in the collective of concerned homeowners who have children attending Red Bank School are not proponents of local land use for the purpose of telecommunications towers and purchased their homes in this area because there were no towers or large obstructions in the landscape.**

**Another concern is that property values of all variants could suffer due to obstructive visual esthetics to the surrounding environment. Some communities saw as much as a 20-40 percent decrease in home values.**

**Did De Young know that telecommunication towers are not a part of the City of Clovis business plan? Under the Clovis Municipal Code 9.42.010, installation of wireless communication facilities will be detrimental to the City's public health, safety and welfare.**

if towers are allowed on the expanded construction site off Locan and San Diego Streets the City of Clovis and Young Corporation would be in direct violation of the above code/act.

Therefore, the De Young Corporation must (in writing) commit and declined to any and all future proposals for tower(s) on the expanded building site. Relocation and non installation of these tower(s) is the only acceptable and satisfactory resolution for the sake of the children and the community.

We respectfully thank you for your time and consideration.

Sincerely,



Peter and Virginia Luna

Homeowner

3106 Twain Ave  
Clovis, CA 93619





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

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

April 22, 2021

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

RE: Tract Map 6349  
N/E Shaw and Locan avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Tract Map 6349 for which the applicant approval for a proposed 17-lot single-family residential subdivision, APN: 554-040-20 (portion). This request is being processed concurrently with GPA2021-002 and R2021-005. FID has the following comment:

1. FID previously reviewed and commented on the subject property on January 26, 2021 as DRC-21-00001. Those comments and conditions still apply, and a copy has been attached for your reference.

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

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment

## ATTACHMENT 9



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

## CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

January 26, 2021

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

RE: Development Review Committee Application No. DRC-21-00001  
 N/E Shaw and Locan avenues

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. DRC-21-00001 for which the applicant proposes a medium density residential development, APN: 554-040-20. 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 active Jefferson No. 112 and Brown No. 113 cross the intersection of Shaw and DeWolf avenues approximately 2,100 feet southeast of the subject property, as shown on the attached FID exhibit map. FID's Jefferson No. 112 continues westerly, crossing Locan Avenue approximately 1,800 feet south 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, Locan Avenue, or in the vicinity of these facilities, FID requires it review and approve all plans.
3. For informational purposes, FID's active Dawson No. 114 runs westerly along the south side of Shaw Avenue approximately 1,530 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 or in the vicinity of this facility, FID requires it review and approve all plans.



Maria Spera  
RE: DRC-21-00001  
January 26, 2021  
Page 2 of 2

4. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically open land with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
5. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

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

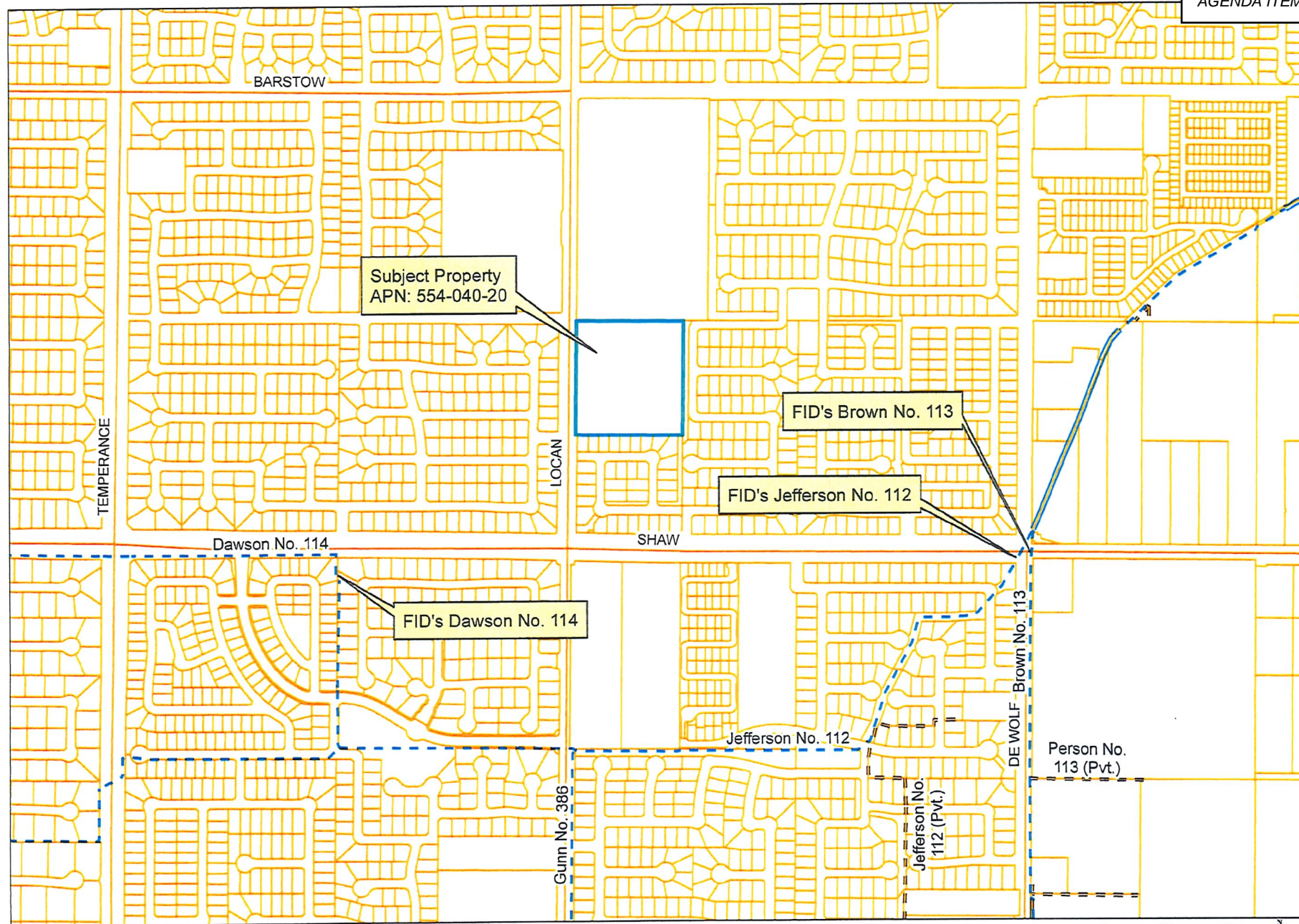
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



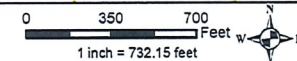


This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7181 for further information on FID facilities.

FRESNO IRRIGATION DISTRICT

Legend

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



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## County of Fresno DEPARTMENT OF PUBLIC HEALTH

January 13, 2021

LU0021177  
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: **DRC-21-00001**

**DRC-21-00001**; Single family residential 17 lot subdivision.

**APN: 554-040-20**

**ZONING: R-A**

**ADDRESS: SWC of Ashlan & Leonard Avenues**

Recommended Conditions of Approval:

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

***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

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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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cc: Deep Sidhu- Environmental Health Division (CT. 59.09)  
Clovis Christian Church- Applicant ([cbd@deyoungproperties.com](mailto:cbd@deyoungproperties.com))

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

AGENDA ITEM NO. 2.

Page 1 of 3

**PUBLIC AGENCY**

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

**DEVELOPER**

BRANDON DE YOUNG, DE YOUNG PROPERTIES  
677 W. PALMDON, SUITE#208  
FRESNO, CA 93704

PROJECT NO: **6349**

ADDRESS: **E. SIDE OF LOCAN AVE. BTWN. SHAW AVE. AND SAN JOSE  
AVE.**

APN: **554-040-20**

SENT: **April 23, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
3G	\$35,056.00	NOR Review	\$160.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$445.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$35,056.00		Total Service Charge: \$605.00		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/22 based on the site plan submitted to the District on 4/02/21 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

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

AGENDA ITEM NO. 2.

Page 2 of 3

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

**CL TRACT No. 6349**

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

AGENDA ITEM NO. 2.

Page 3 of 3

**CL TRACT No. 6349**

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.



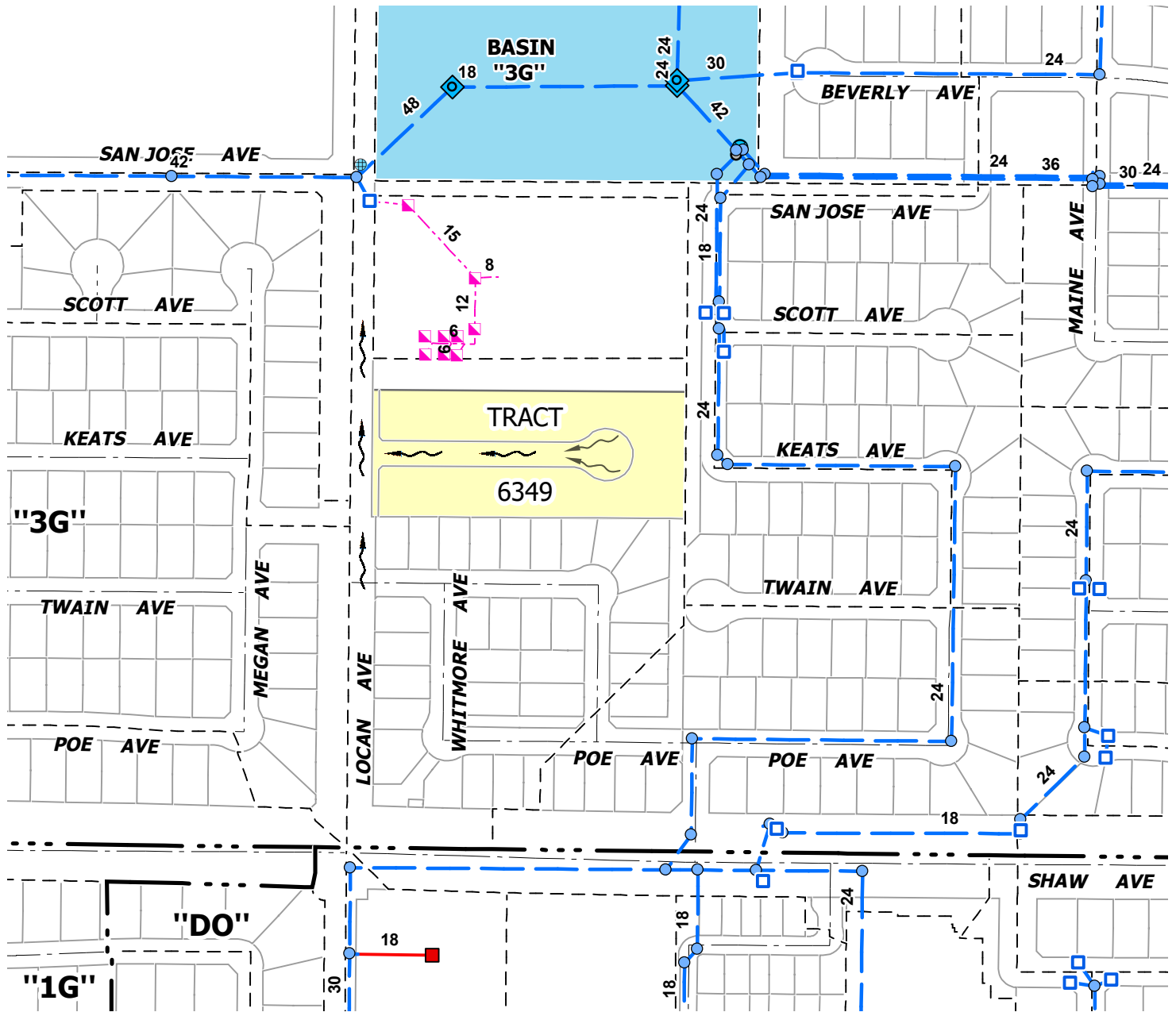
Debbie Campbell  
Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 4/23/2021 2:51:11 PM



Robert Villalobos  
Engineering Tech III

Digitally signed by Robert Villalobos Date: 4/9/2021 3:26:59 PM



## LEGEND

- ◆— Existing Master Plan Facilities
- Future Master Plan Facilities
- - - Private Facilities
- - - - Inlet Boundary
- . . . - Drainage Area Boundary
- ~ Direction Of Drainage



1" = 300'

## TRACT 6349 DRAINAGE AREA "3G"

### EXHIBIT NO. 1

## FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

## OTHER REQUIREMENTS

AGENDA ITEM NO. 2.

### EXHIBIT NO. 2

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: June 24, 2021

SUBJECT: Consider items associated with approximately 2.71 acres of land located near the southeast corner of Sierra Vista Parkway and Shaw Avenue. Triple 7 Hospitality Inc. dba Courtyard by Marriott, owners; Taren Thandi, Triple 7 Hospitality, applicant.

a) Consider Approval - Res. 21-\_\_\_\_, GPA2021-001, A request to amend the General Plan to re-designate approximately 2.71 acres from the Office (O) planned land use classification to the General Commercial (GC) planned land use classification.

b) Consider Approval - Res. 21-\_\_\_\_, R2021-004, A request to rezone approximately 2.71 acres from the C-P (Administrative/Professional Office) Zone District to the C-2 (Commercial Community) Zone District.

c) Consider Approval - Res. 21-\_\_\_\_, CUP2017-015A, A request to modify the conditional use permit for the existing hotel to allow for the sales of beer, wine, and hard liquor within the restaurant inside the hotel.

**Staff:** Kelsey George, Assistant Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Applicant's Justification for GPA2021-001
3. Resolution Nos. 00-131 and 11-135.
4. Correspondence from Commenting Agencies
5. Draft Resolution GPA2021-001
6. Draft Resolution R2021-004
7. Draft Resolution CUP2017-15A

### CONFLICT OF INTEREST

None.



## RECOMMENDATION

Subject to the conditions of approval included in **Attachment 1**, Staff recommends that the Planning Commission:

- Approve General Plan Amendment GPA2021-001;
- Approve Rezone R2021-004; and
- Approve Conditional Use Permit Amendment CUP2017-015A

## EXECUTIVE SUMMARY

The applicant is seeking approval of General Plan Amendment GPA2021-001, Rezone 2021-004, and Conditional Use Permit CUP2017-015A for alcohol sales under a Type 47 (beer, wine, and liquor for on-site consumption) Alcoholic Beverage Control (ABC) license at a previously approved hotel (currently under construction) located near the southeast corner of Sierra Vista Parkway and Shaw Avenue, as shown below in **Figure 1**.

Approval of the requested entitlements would allow the applicant to continue in the process of obtaining a Type 47 ABC license for the sale of beer, wine, and hard liquor for on-site consumption.

**FIGURE 1**  
**Project Location**



## BACKGROUND

- Existing General Plan Designation: O (Office)
- Existing Zoning: C-P (Administrative and Professional Office)
- Lot Size: Approximately 2.71 acres
- Current Land Use: Hotel (under construction)
- Adjacent Land Uses:
  - North: GC (Shopping Center)
  - South: O (Senior Apartments)
  - East: O (Administrative and Professional Offices)
  - West: O (Professional Office) and GC (Mall)

On February 22, 2018, the Planning Commission approved Conditional Use Permit CUP2017-015 allowing for a 4-story, 123-room hotel located at 1450 Shaw Avenue (the subject property). The applicant is now seeking to obtain a Type 47 ABC license to serve beer, wine, and hard liquor for on-site consumption at the hotel restaurant, which is not permitted within the existing C-P Zone District.

Because hard liquor sales are not currently permitted under the subject property's existing C-P (*Administrative and Professional Office*) Zone District, the request requires a general plan amendment, a rezone, and an amendment to the previously approved conditional use permit, which are described in more detail below.

General Plan Amendment GPA2021-001 is required to amend the existing 2014 General Plan Land Use Designation from O (*Office*) to GC (*General Commercial*). Rezone R2021-004 is required to amend the existing zoning designation from the C-P (*Administrative and Professional Office*) to the C-2 (*Community Commercial*) Zone District. Conditional Use Permit CUP2017-015A is required to modify the previously approved operations to include the sale of hard liquor for on-site consumption at the existing hotel restaurant.

These requests are for the purpose in keeping with the Marriott standards by being able to offer hotel guests an option for on-site dining with alcohol sales. The applicant has provided a justification for the request which is included as **Attachment 2**.

## PROPOSAL AND ANALYSIS

The following provides a more detailed discussion of the applicant's request for General Plan Amendment GPA2021-001, Rezone 2021-004, and Conditional Use Permit CUP2017-015A for the purpose of seeking a Type 47 ABC license for operation of an on-site restaurant with alcohol sales (beer, wine, and hard liquor).

Although the restaurant would primarily serve hotel guests, it would also be open to the general public. The restaurant is located near the south side of the building on the first floor, opposite of the main entrance off Shaw Avenue. The proposed restaurant will be open daily from 6:30 a.m. to 9:30 a.m. for breakfast (7 a.m. to 10:00 a.m. on Saturday and Sunday), 12 p.m. to 3 p.m. for lunch, and 5 p.m. to 10:00 p.m. for dinner. There will be no room service at the hotel and all food and alcoholic beverages will be required to be purchased at the restaurant. There is an outdoor patio area near the restaurant where hotel guests can take their food and drinks, but they will not be served outside.

The patio area will be enclosed with a fence and an exit-only door. None of these proposed operations will require new or revised site work as the restaurant and outdoor patio was reviewed and approved with the original entitlement.

### **General Plan Amendment**

General Plan Amendment GPA2021-001 is a request to amend the General Plan Land Use Designation from the O (*Office*) to the GC (*General Commercial*) planned land use designation. This general plan amendment is required in conjunction with the proposed rezone to maintain consistency between the land use designation and zone district.

### **Rezone**

Rezone R2021-004 is a request to rezone the subject property from the C-P (*Administrative and Professional Office*) to C-2 (*Community Commercial*) Zone District. Although the existing C-P Zone District conditionally permits restaurants serving beer and wine, it does not allow for restaurants serving hard liquor. Therefore, in order to serve beer, wine, and hard liquor, a rezone is required to amend the subject property's zone district to one that is compatible with the surrounding area, as well as permits the sale and consumption of beer, wine, and hard liquor.

### **Conditional Use Permit Amendment**

Conditional Use Permit CUP2017-015A is a request to amend a previously approved conditional use permit to include the sale of beer, wine, and hard liquor for on-site consumption. The previously approved conditional use permit allowed for the construction of a 123-room, 4-story hotel development operating as a Courtyard by Marriott, which is currently under construction. This original entitlement did not include on-site consumption or sale of alcoholic beverages in its operations and thus, the alcohol use was not previously considered, nor would it have been able to be permitted under the existing zone district.

Although the request for alcohol sales is included as part of CUP2017-015A as a matter of land use operation, the Clovis Police Department (CPD) was granted full authority for decisions related to obtaining an ABC license. This authority was established via Resolution No. 00-131, adopted by City Council on October 9, 2000, and reaffirmed through Resolution No. 11-135, adopted by City Council on December 12, 2011. These resolutions are provided as **Attachment 3**. Thus, while CUP2017-015A includes a request for a restaurant serving hard liquor, the decision for the alcohol component ultimately rests with the Police Department.

The Project was routed to CPD for comment and they are a proponent of expanding business in the community and supports responsible ABC licensees. They have provided conditions to be placed upon the issuance of the requested license with the ABC which include restricting the sale of alcohol to 6:00 a.m. to 10:00 p.m. daily, securing the patio, and prohibiting amplified systems and music on the patio. The full scope of CPD's conditions have been incorporated into the recommended the conditions of approval included as **Attachment 1**.

### **Public Outreach**

Per City policy, the applicant provided an opportunity for input to surrounding property owners. As a result of COVID-19 and to provide the opportunity for input while adhering to distancing rules and regulations, the applicant mailed the surrounding property owners a letter inviting input and comments in early June 2021. At the time of preparation of this staff report, the City has not received any correspondence regarding the project.

### California Environmental Quality Act (CEQA)

The City has determined that this project does not require additional CEQA environmental review pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162. The proposed modification to the conditional use permit only seeks to allow on-site consumption or sale of alcoholic beverages in the hotel operations; in all other respects the project will be the same hotel use approved by the Planning Commission in 2018. The General Plan Amendment and rezone are needed to provide consistency with the City's land use regulations but will not otherwise affect the intended and foreseeable use of the property.

The project was reviewed pursuant to CEQA and found to be in substantial conformance with the environmental analysis performed for 2014 General Plan and the Shaw Avenue Specific Plan. There are no substantial changes to the overall project or the circumstances under which the project is being undertaken, and no new information that will require major revisions in the environmental impact report or additional environmental review. Therefore, pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162, no further environmental review is required for this project.

### 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, County of Fresno, and the Fresno Local Agency Formation Commission (LAFCo).

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.

### Consistency with 2014 Clovis General Plan Goals and Policies

Staff has evaluated the project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development and redevelopment in a responsible manner. The goals and policies seek to encourage and foster economic opportunities that support jobs for the area.

The project would meet these goals and policies by introducing a new use to an existing shopping center.

### Land Use Element

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

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

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

### Economic Development Element

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

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

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

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

### **Consistency with Shaw Avenue Specific Plan Goals and Policies**

In addition to conformance with many of the stated goals and policies of the 2014 Clovis General Plan, the Project is also consistent with many of the goals and policies of the Shaw Avenue Specific Plan, even with the proposed amendment to allow for alcohol uses. These goals and policies are identified below.

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

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

### **REASON FOR RECOMMENDATION**

The proposal will allow the use of alcohol sales for on-site consumption at a previously approved hotel. An amendment to the General Plan is reasonable and appropriate, in that the primary objectives of its policies have been achieved. Changes in land use patterns and market conditions provide further support for the proposal. The proposed conditional use permit allows alcohol to be served at the hotel which conforms to the requirements of the Clovis Municipal Code and the development standards of the Shaw Avenue Specific Plan. For these reasons, Staff recommends that the Planning Commission approve GPA2021-001, R2021-004 and CUP2017-015A, subject to the conditions of approval in **Attachment 1**.

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

### **General Plan Amendment GPA2021-001**

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 an area that is primarily developed. The subject property is also of high quality design and will fit within the character of the area.*

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

*The Project was determined not to be detrimental to the public interest, health, safety, convenience, or general welfare of the City. During review of the Project, agencies and City departments had the opportunity to review the Project to ensure consistency with City codes and regulations. Further, as no physical development is being requested, the Project would be adequately served by water and sewer.*

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

*The Project is physically suitable for the type and intensity of Project proposed by the applicant. The hotel itself is existing and under construction and was previously reviewed for compliance with applicable codes. There is no new physical development being requested beyond what was already reviewed and approved.*

4. There is a compelling reason for the amendment.

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

#### **Rezone R2021-004**

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

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

*As described above 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 an area that is primarily developed. The subject property is also of high quality design and will fit within the character of the area.*

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

*The Project was determined not to be detrimental to the public interest, health, safety, convenience, or general welfare of the City. During review of the Project, agencies and City departments had the opportunity to review the Project to ensure consistency with City codes and regulations. Further, as no physical development is being requested, the Project would be adequately served by water and sewer.*

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

*The Project does not involve any physical development. When previously reviewed, other City departments and local agencies determined it to be consistent with Development Code standards, such as street widths, sidewalk width, and other provisions of the Development Code. Where inconsistencies occurred, the Project was previously conditioned, and is in compliance, to meet City standards.*

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

*The Project does not propose any new development. The hotel was previously reviewed and approved with an on-site restaurant which is physically suitable for the addition of alcohol sales.*

### **Conditional Use Permit CUP2017-015A**

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

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

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

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

*If approved, the Project would be in compliance with the General Plan and Shaw Avenue Specific Plan. The Project is consistent with the goals and policies of these plans.*

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



*The Project is compatible with the existing uses and would complement the area which it is situated. The site is located around a fully developed area that includes an existing shopping center with a variety of uses, professional and medical offices, as well as multi-family housing.*

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

*The Project does not propose any new development. The hotel was previously reviewed and approved with an on-site restaurant which is physically suitable for the addition of alcohol sales.*

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

*The Project would comply with all applicable public health standards. Further, as a previously reviewed and approved physical development, the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use.*

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

*As identified above under the California Environmental Quality Act heading of this staff report, the Project was previously reviewed pursuant to CEQA and determined to not require additional environmental review. Therefore, the Project has been reviewed in compliance with CEQA.*

#### **ACTIONS FOLLOWING APPROVAL**

GPA2021-001 and R2021-004 will continue on to the City Council for final consideration.

#### **FISCAL IMPACT**

None.

#### **NOTICE OF HEARING**

Property owners within 800 feet notified: 127

Prepared by: Kelsey George, Assistant Planner

Reviewed by:



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



## **CONDITIONS OF APPROVAL CUP2017-015A**

### **Planning Division Conditions**

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

1. All conditions of CUP2017-015, SPR2017-023, Shaw Avenue Specific Plan, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This Conditional Use Permit approval specifically allows for a beer, wine, and distilled spirits for on-site consumption use for the property located at 1450 Shaw Avenue, subject to all applicable Alcoholic Beverage Control (“ABC”) license requirements and Clovis Police Department approval and conditions.
3. This Conditional Use Permit is not transferable to another location.
4. The use of outdoor speakers is prohibited. Dancing and/or live music is not permitted on the outdoor patio/dining area.
5. The applicant shall operate in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties.
6. Should the applicant seek to conduct a special or promotional event expected to draw above average numbers of people, the applicant shall submit for approval to the Director and Police Chief, or their designees, not less than fourteen (14) days prior to the event, arrangements that address security, parking, and traffic. Valet parking and parking agreement(s) with additional neighboring businesses can be considered for event parking.
7. The applicant and operation of this use shall be in full compliance with any conditions contained in this document, from the ABC (Alcohol Beverage Control), and from the Clovis Police Department.
8. This Conditional Use Permit may be reviewed at any time. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and present findings of this review to the Planning Commission.

### **Police Department Conditions**

(Ken Wells, Department Representative – (559) 324-2400)

9. Sales of alcohol may occur only between 6:00 AM and 10:00PM each day of the week.
10. The permit holder shall not collect a mandatory minimum payment (aka cover charge) as a requirement for entry into the business. The permit holder shall not require a minimum purchase as a requirement for entry into the business.
11. Alcohol service and consumption on the patio will only occur between 10:00 AM and 10:00 PM each day of the week.
12. The proposed patio is in close proximity to a senior citizen community. In the event of substantiated noise complaints the patio can be closed by any Clovis Police Supervisor for the remainder of the business day.
13. The patio shall be secured with a fence and have exit only gates for emergency use.
14. Patrons shall not be allowed to enter into the patio area through any exterior gates. Patrons shall exit the patio from within the licensed premises only, except in cases of emergency.
15. The use of any amplifying system or device on the patio is prohibited.

16. Any amplification system utilized inside the business shall not be audible outside the business.
17. The business shall provide full menu meal service during the hours of alcohol service.
18. The business will establish and maintain crime prevention measures to enhance public safety. This is also intended to eventually reduce calls for police service to the site. The permit holder(s) and their agents, employees or representatives shall notify the Police Department of all violations of local, state, or federal law that occur on site, related to the site, or near the site. This notification shall take place immediately upon an employee, manager, or owner learning of such violation. The police department realizes that if a business representative is notifying the police of incidents that calls for service to their business may increase slightly. This condition is intended to enhance the safety of the public, both at the site and in the surrounding area. This condition is also intended to mitigate the cost of the city police services as a result of law enforcement problems generated by the site.

**County of Fresno Health Department Conditions**

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

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

**Fresno Irrigation District**

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

20. 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.

**Department of Transportation (Caltrans) Conditions**

(David Padilla, Caltrans Representative – 559-445-5421)

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

**Fresno Municipal Flood Control District (FMFCD) Conditions**

(Anthony Zaragoza, FMFCD Representative – 559-456-3194)

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

Triple 7 Hospitality

**Letter Of Justification for General Plan and Specific Plan Amendment:**

Property Address: 1450 Shaw Ave, Clovis, 93611

Current Zoning Code: C-P

Requested Zoning Code: P-C-C

To whom it may concern,

We have a Courtyard by Marriott opening at the above address which includes a bar and bistro. The current zoning code does not allow for us to serve liquor. We would like this property to be rezoned to P-C-C to allow us to fully operate the bar. The guests that will be staying at our property will be expecting a full bar like they do at every Courtyard they stay at. We believe the rezoning is justified due to the additional tax revenue it would bring in. Please take into consideration this request. We are looking to open the hotel within the next 2 months and your urgency would be much appreciated.

Triple 7 Hospitality Inc

Tehal Thandi (CEO)

**RESOLUTION NO. 00- 131****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
DELEGATING AUTHORITY REGARDING ALCOHOLIC BEVERAGE  
LICENSING TO THE CLOVIS POLICE DEPARTMENT**

WHEREAS, California Business and Professions Code was amended in 1999 to allow local governing bodies to request special conditions in relation to alcoholic beverage licensing; and

WHEREAS, the same Code provides that a local governing body may designate a subordinate agency to submit evidence of problems to, and request special conditions from the Department of Alcoholic Beverage Control; and

WHEREAS, the Police Department works closely with businesses in this area to detect and prevent problems involving establishments with alcohol licenses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that responsibility for submitting evidence and requesting special conditions under Business and Professions Code Section 23800(e) be delegated to the Clovis Police Department.

\* \* \* \* \*

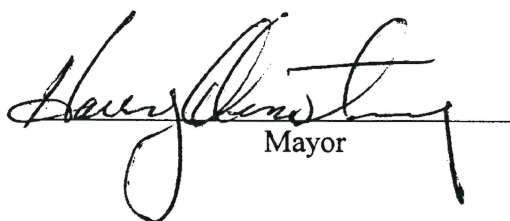
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 9, 2000, by the following vote to wit:

AYES: Councilmembers Flores, Waterston, Wynne, Mayor Armstrong

NOES: None

ABSENT: Councilmember Stearns

DATED: October 9, 2000

  
Mayor

  
City Clerk

**ATTACHMENT 3**

# **RESOLUTION NO. 11-135**

## **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DELEGATING AUTHORITY REGARDING ALCOHOLIC BEVERAGE LICENSING TO THE CLOVIS POLICE DEPARTMENT**

**WHEREAS**, two provisions of the California Business and Professions Code allow local governing bodies, or their designated subordinate officer or agency, to have a say in the issuance of Alcoholic Beverage Control (“ABC”) licenses; and

**WHEREAS**, more particularly, Section 23800(e) allows the City to request ABC, and requires that ABC impose, reasonable conditions upon the transfer of a license and Section 23958.4 requires that ABC obtain from the City a letter of public convenience or necessity prior to the issuance of a license for an area determined to be over-concentrated; and

**WHEREAS**, in 2000, with the adoption of Resolution No. 00-131, the City Council delegated the City’s authority over ABC licenses to the Police Department (**Exhibit A**);

**WHEREAS**, Resolution No. 00-131 expressly refers to Section 23800(e), which section incorporates by reference Section 23958.4; and

**WHEREAS**, in addition to the express Council delegated authority, it has been the practice of the City to allow the Police Chief to make final decisions regarding ABC matters; and

**WHEREAS**, in order to avoid any ambiguity that the Police Department has authority over both conditions on the transfer of a license (Section 23800(e)) and letters of public convenience or necessity (Section 23958.4), the City Council desires to adopt a new Resolution expressly referencing both sections.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The responsibility for submitting evidence and requesting special conditions on the transfer of a license under Business and Professions Code Section 23800(e) is delegated to the Clovis Police Department.
2. The responsibility for issuing letters of public convenience or necessity under Business and Professions Code Section 23958.4 is delegated to the Clovis Police Department.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 12, 2011, by the following vote to wit:

AYES: Councilmembers Armstrong, Ashbeck, Magsig, Whalen, Mayor Flores

NOES: None

ABSENT: None

ABSTAIN: None

Dated: December 12, 2011

  
Mayor

  
City Clerk





## County of Fresno DEPARTMENT OF PUBLIC HEALTH

May 18, 2021

FA0285996  
LU0021295  
2604

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

Dear Ms. George:

PROJECT NUMBER: **GPA2021-001, R2021-004, CUP2017-015A**

**GPA2021-001**, A request to amend the General Plan for a parcel with an existing hotel from Office to General Commercial. This proposal is to allow for alcohol sales/consumption at this location.

**R2021-004**, A request to approve a rezone of approximately 2.71 acres located at 1450 Shaw Avenue from C-P to C-2. **CUP2017-15A**; A request to approve a conditional use permit amendment for a hotel located at 1450 Shaw Avenue.

**APN: 499-031-71**

**ZONING: C-P to C-2**

**ADDRESS: 1450 Shaw Avenue**

### Recommended Conditions of Approval:

- Prior to issuance of building permits, should a remodel be required to accommodate alcohol sales, the applicant 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 alcohol sales, the applicant may be required to apply for and obtain permits to operate a bar 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.
- Prior to any alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

## ATTACHMENT 4

***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)

---

REVIEWED BY:

*Kevin Tsuda*

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

(559) 600-33271

---

KT

cc: Rogers, Moreno & Heinrichs- Environmental Health Division (CT. 58.01)  
Triple 7 Hospitality- Applicant ([taren@axishotelgroup.com](mailto:taren@axishotelgroup.com))





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

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

May 18, 2021

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

RE: General Plan Amendment 2021-001, CUP2017-015A, and R2021-004  
S/E Shaw and Sunnyside avenues  
FID's Dawson No. 114

Dear Mr. George:

The Fresno Irrigation District (FID) has reviewed the General Plan Amendment 2021-001 for which the applicant proposes alcohol sales/consumption at this location. This request is being processed concurrently with Conditional Use Permit 2017-015A and Rezone 2021-004, APN: 499-031-71. FID has the following comment:

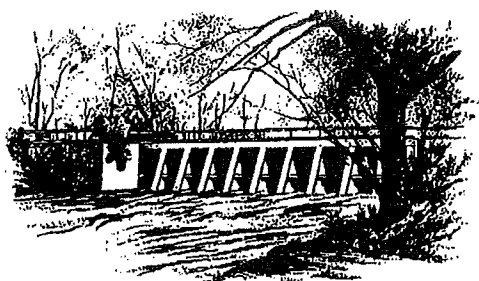
1. This site was previously reviewed and commented on by FID on August 11, 2017 as Development Review Committee Application No. 2017-38 and a copy has been attached for you reference. FID's requirements and concerns have been met by the applicant regarding its Dawson pipeline. FID will be unimpacted by the applicant's proposal.

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

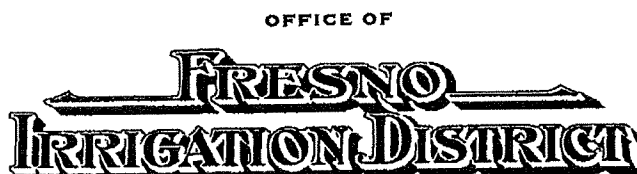
Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachments



YOUR MOST VALUABLE RESOURCE - WATER



OFFICE OF  
 TELEPHONE (559) 233-7161  
 FAX (559) 233-8227  
 2907 S. MAPLE AVENUE  
 FRESNO, CALIFORNIA 93726-2208

August 11, 2017

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

RE: Development Review Committee Application No. 2017-38  
 S/E Shaw and Sunnyside avenues  
 FID's Dawson No. 114

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed Development Review Committee Application No. 2017-38 for which the applicant proposes 5 story hotel and parking stalls, APN: 499-031-17. FID has the following comments and conditions are as follows:

**Area of Concern**

1. FID's Dawson No. 114 Pipeline runs westerly along the south side of Shaw Avenue and traverses the north side of the subject property, as shown on the attached FID exhibit map, in a 15 feet wide exclusive easement February 11, 1975 as Doc. No. 9787 O.R.F.C. and will be impacted by the proposed project.
2. The attached plans for the Dawson Pipeline indicate that a portion of the pipeline was installed in 1975 (42 years old) as 20-inch diameter Cast in Place Monolithic Concrete Pipe (CIP-MCP). CIP-MCP is a non-reinforced monolithic pipe that is easily damaged, extremely prone to leaks, and does not meet FID's current standards for developed (residential, industrial, commercial) parcels or urban areas and will need to be improved as part of the proposed project.
3. Pipe Requirement – FID requires the applicant pipe across the subject property, approximately 375 feet, with 20 or 21-inch inside diameter ASTM C-361 B-25 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the Developer enter into an agreement with FID for that purpose.
  - a. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the

Maria Spera  
 Re: DRC 2017-38  
 August 11, 2017  
 Page 2 of 3

pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID requires external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.

4. Easement Requirements – FID requires the applicant grant to FID an additional 15 feet wide exclusive pipeline easement and an agreement be entered into with FID for that purpose.

#### **General Comments**

5. FID requires the applicant and or the applicant's engineer contact FID at their earliest convenience to discuss specific requirements.
6. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map.
7. FID does not allow FID owned property or easements to be in common use with public utility easements but will in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement.
8. FID requires the applicant to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
9. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
10. Footings of retaining walls shall not encroach onto FID property/easement areas.
11. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
12. For informational purposes, FID's Jefferson No. 112 Pipeline runs northerly and crosses Shaw Avenue approximately 465 feet west 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 or in the vicinity of this pipeline, FID requires it review and approve all plans.

Maria Spera  
Re: DRC 2017-38  
August 11, 2017  
Page 3 of 3

13. The proposed development may negatively impact local groundwater supplies. The area is currently open land with little to no. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID suggests the City require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.
14. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
15. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses.

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

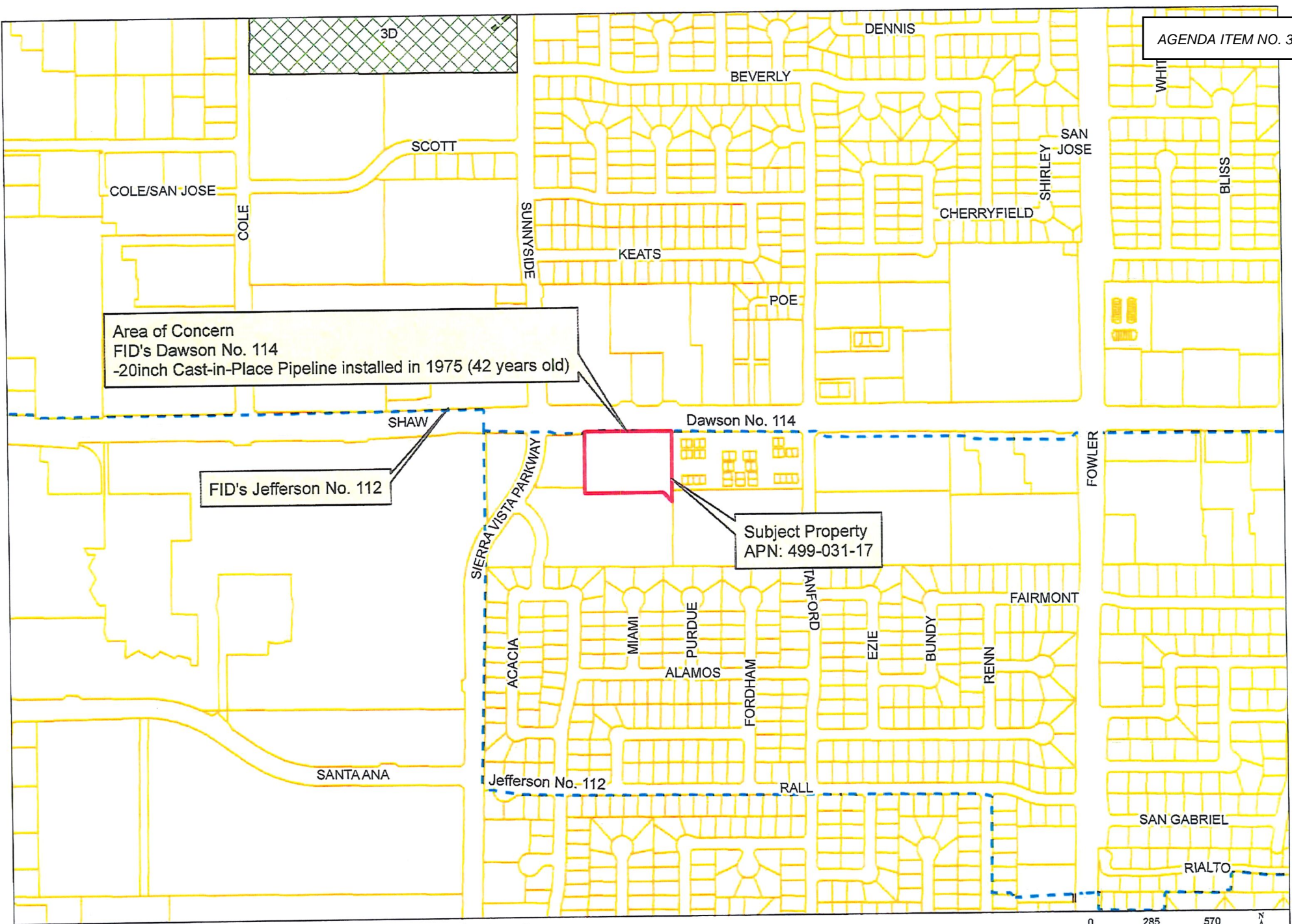
Sincerely,



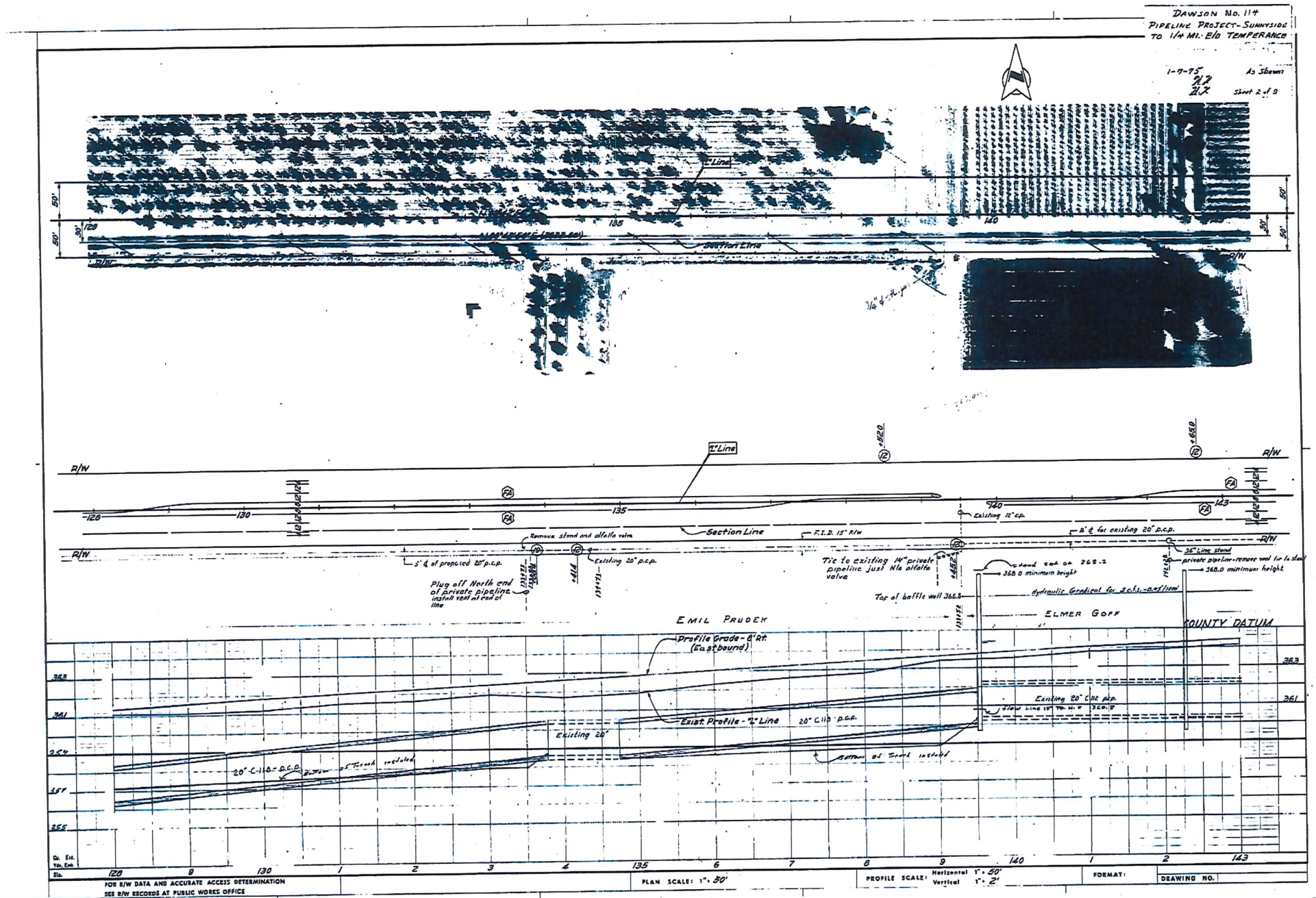
Laurence Kimura, P.E.  
Chief Engineer

Attachment





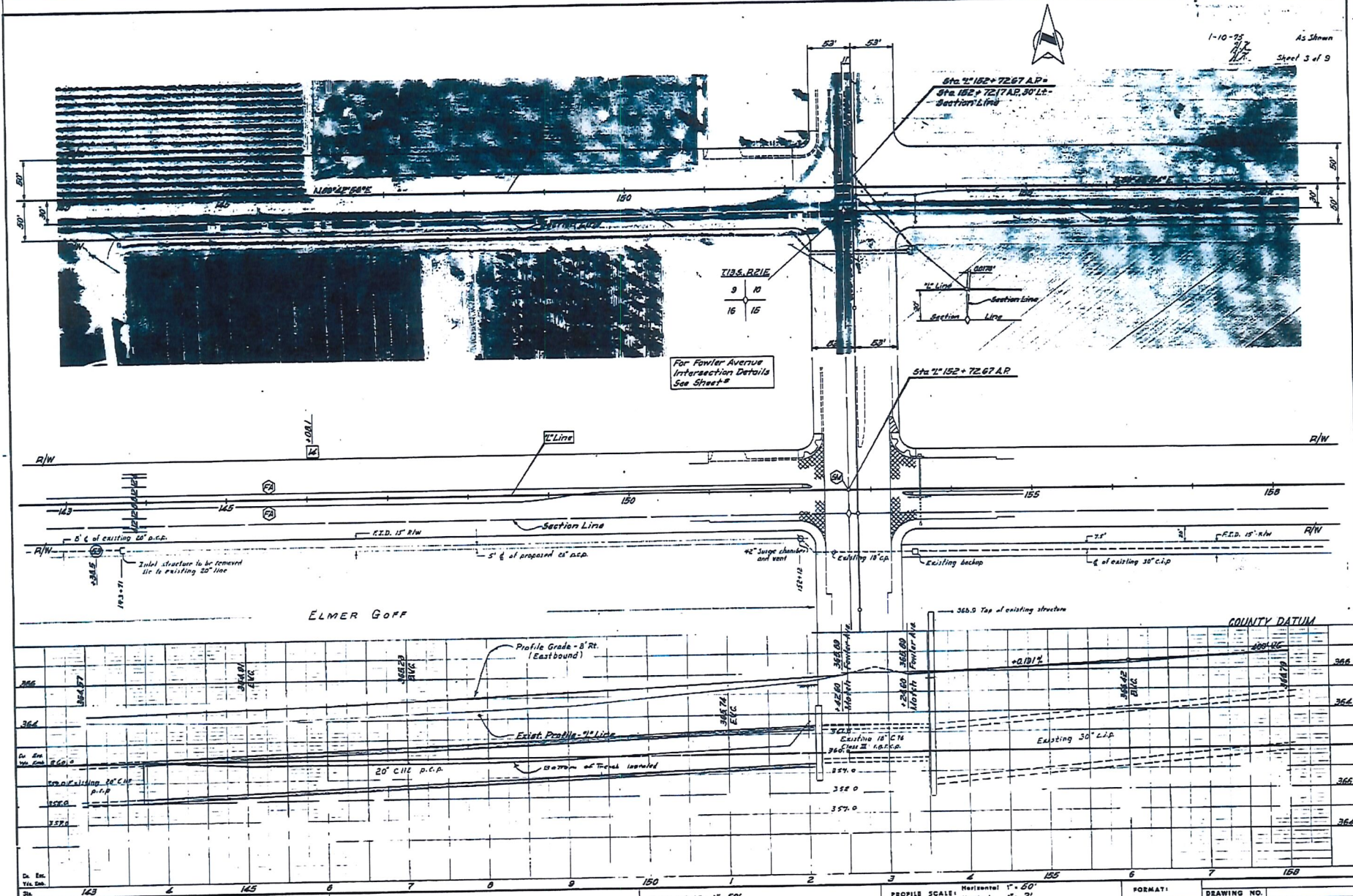






DAWSON No. 114  
PIPELINE PROJECT - SUMMIT  
TO 1/4 MI. E/D. TEMPERANCE

1-10-75  
As Shown  
Sheet 3 of 9



FOR R/W DATA AND ACCURATE ACCESS DETERMINATION  
SEE R/W RECORDS AT PUBLIC WORKS OFFICE

PLAN SCALE: 1" = 50'

PROFILE SCALE: Horizontal 1" = 50'  
Vertical 1" = 2'

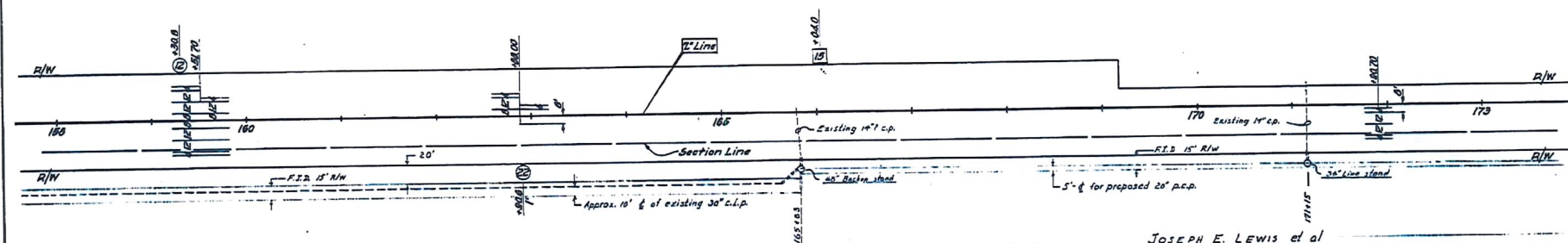
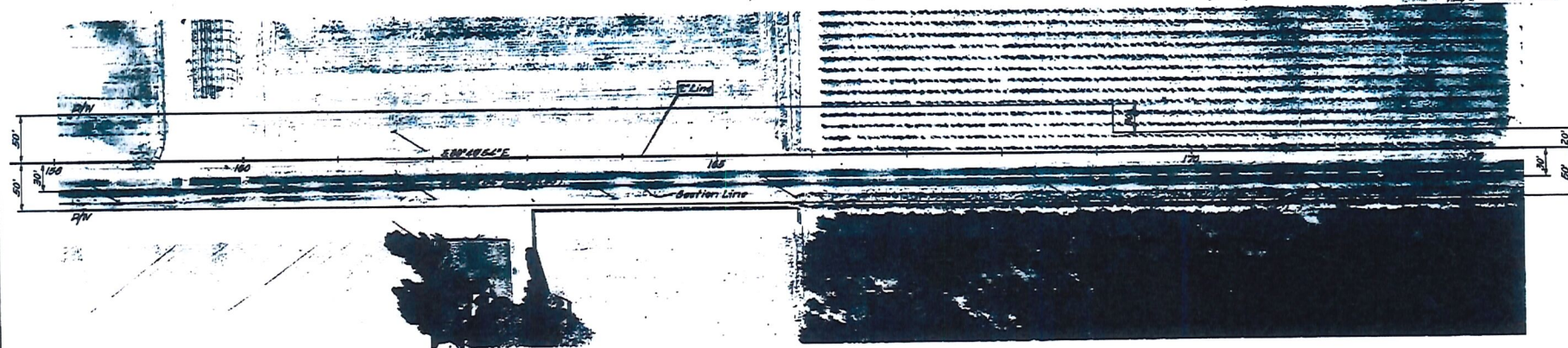
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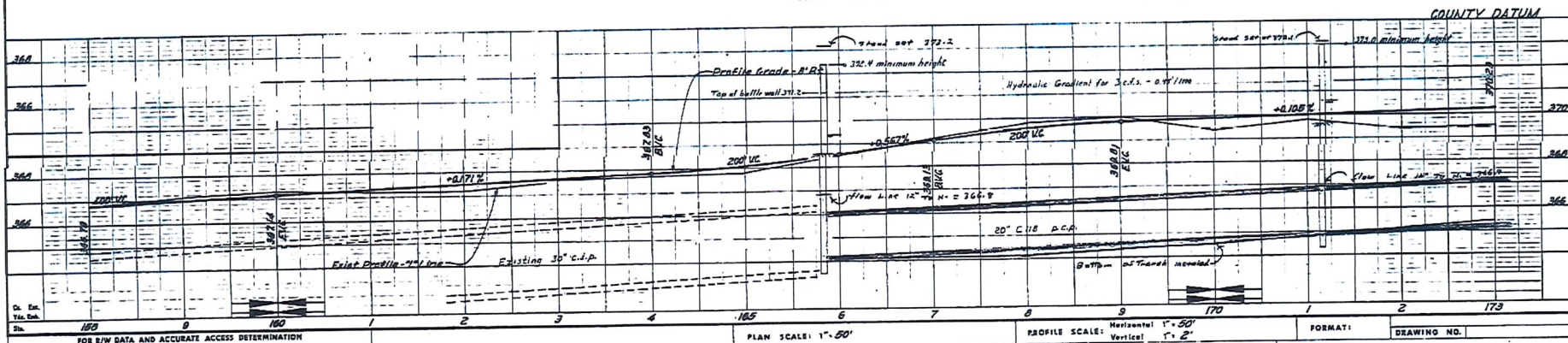


DAWSON No. 114  
PIPELINE PROJECT-SUNNYSIDE  
TO 14 MI ELO TEMPERANCE

1-10-75 As Shown  
H/L  
H/L  
Sheet 4 of 9



JOSEPH E. LEWIS et al



FOR R/W DATA AND ACCURATE ACCESS DETERMINATION  
SEE R/W RECORDS AT PUBLIC WORKS OFFICE

PLAN SCALE: 1" = 50'

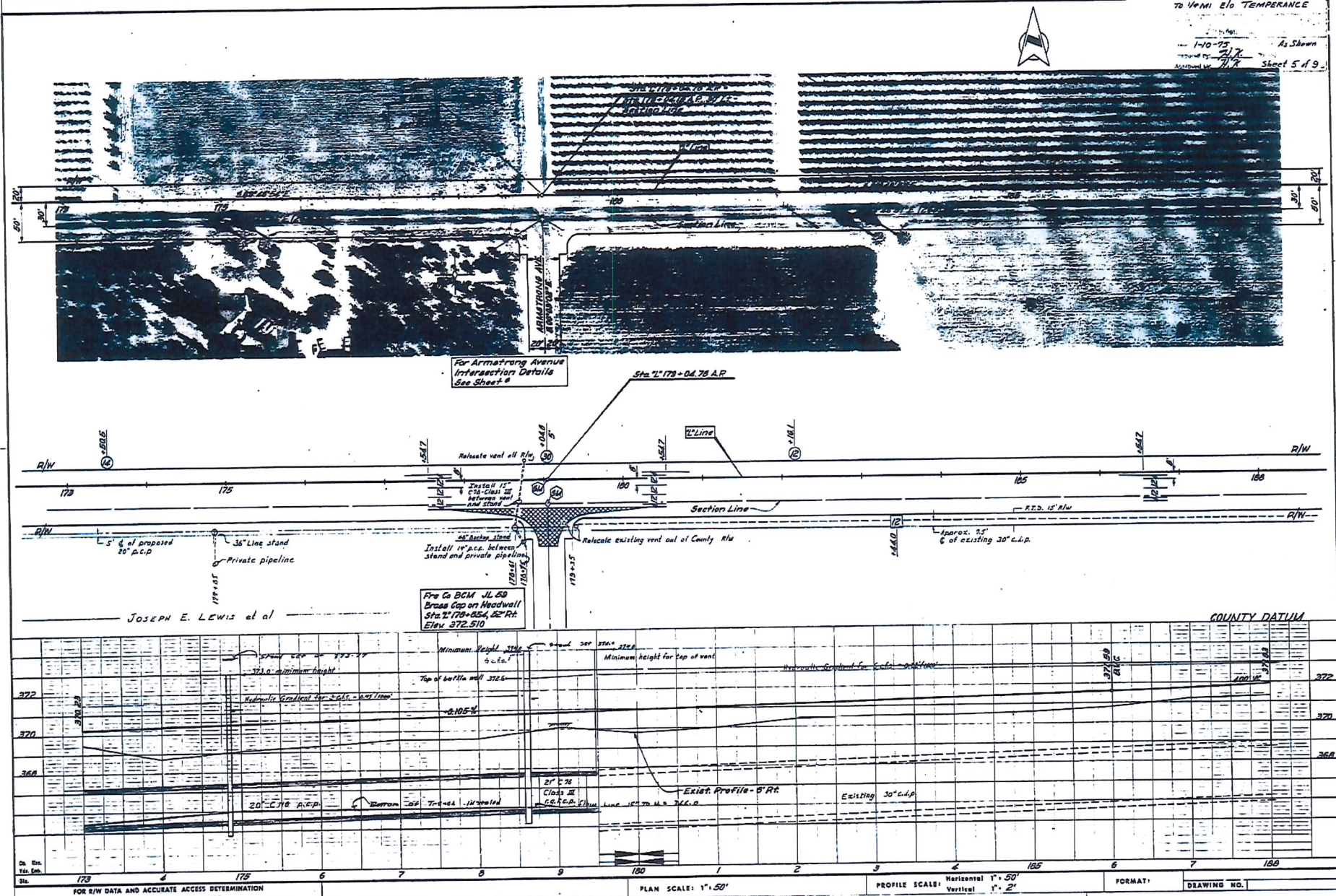
PROFILE SCALE: Horizontal 1" = 50'  
Vertical 1" = 2'

FORMAT:

DRAWING NO.



DAWSON No. 114  
 PIPELINE PROJECT - SOUTHWEST  
 TO WAMI ELO TEMPERANCE  
 1-10-75 As Shown  
 Drawn by: [Signature]  
 Approved by: [Signature]  
 Sheet 5 of 9



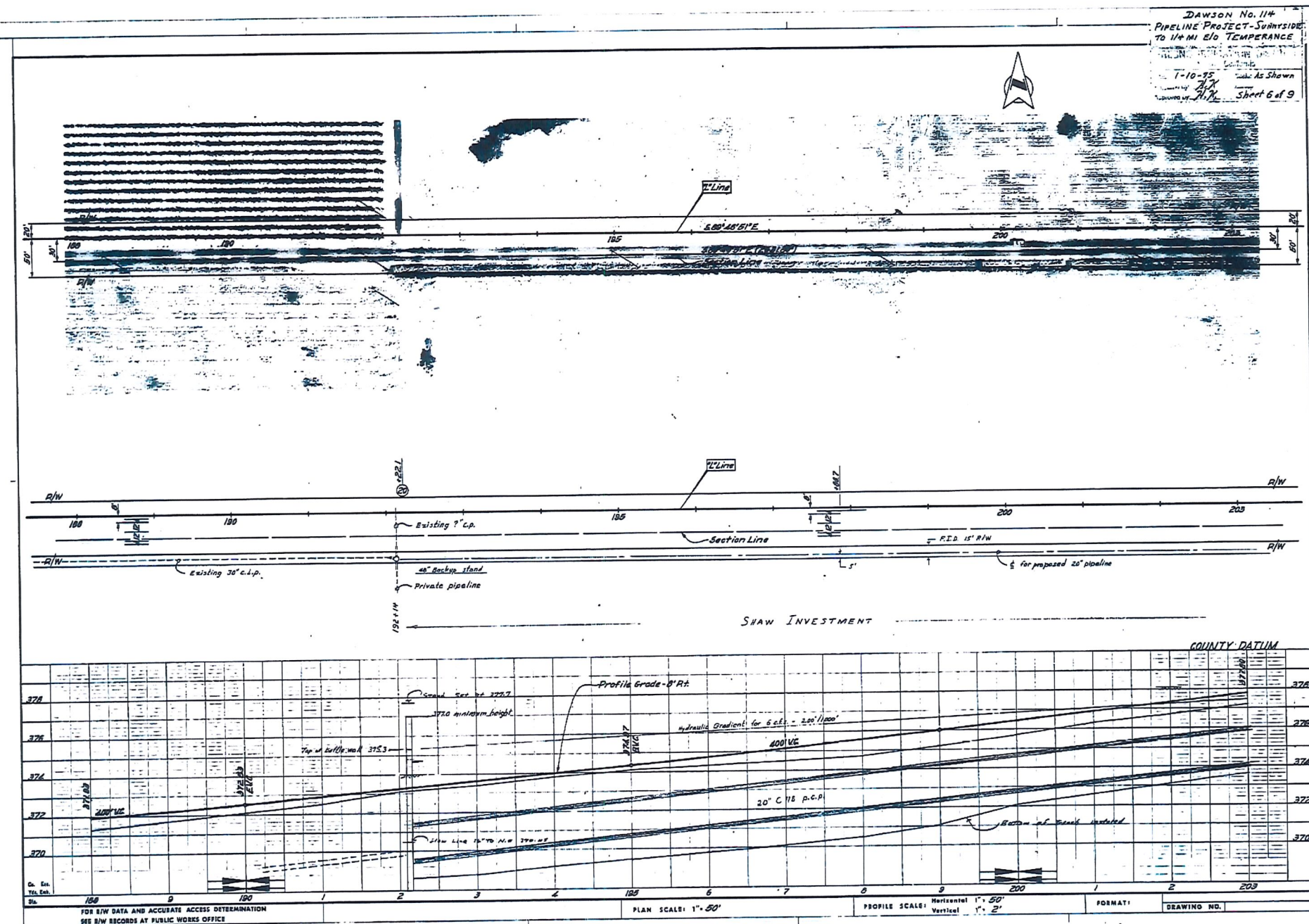
FOR R/W DATA AND ACCURATE ACCESS DETERMINATION  
 SEE R/W RECORDS AT PUBLIC WORKS OFFICE

PLAN SCALE: 1" = 50'

PROFILE SCALE: Horizontal 1" = 50'  
 Vertical 1" = 2'

FORMAT: DRAWING NO.

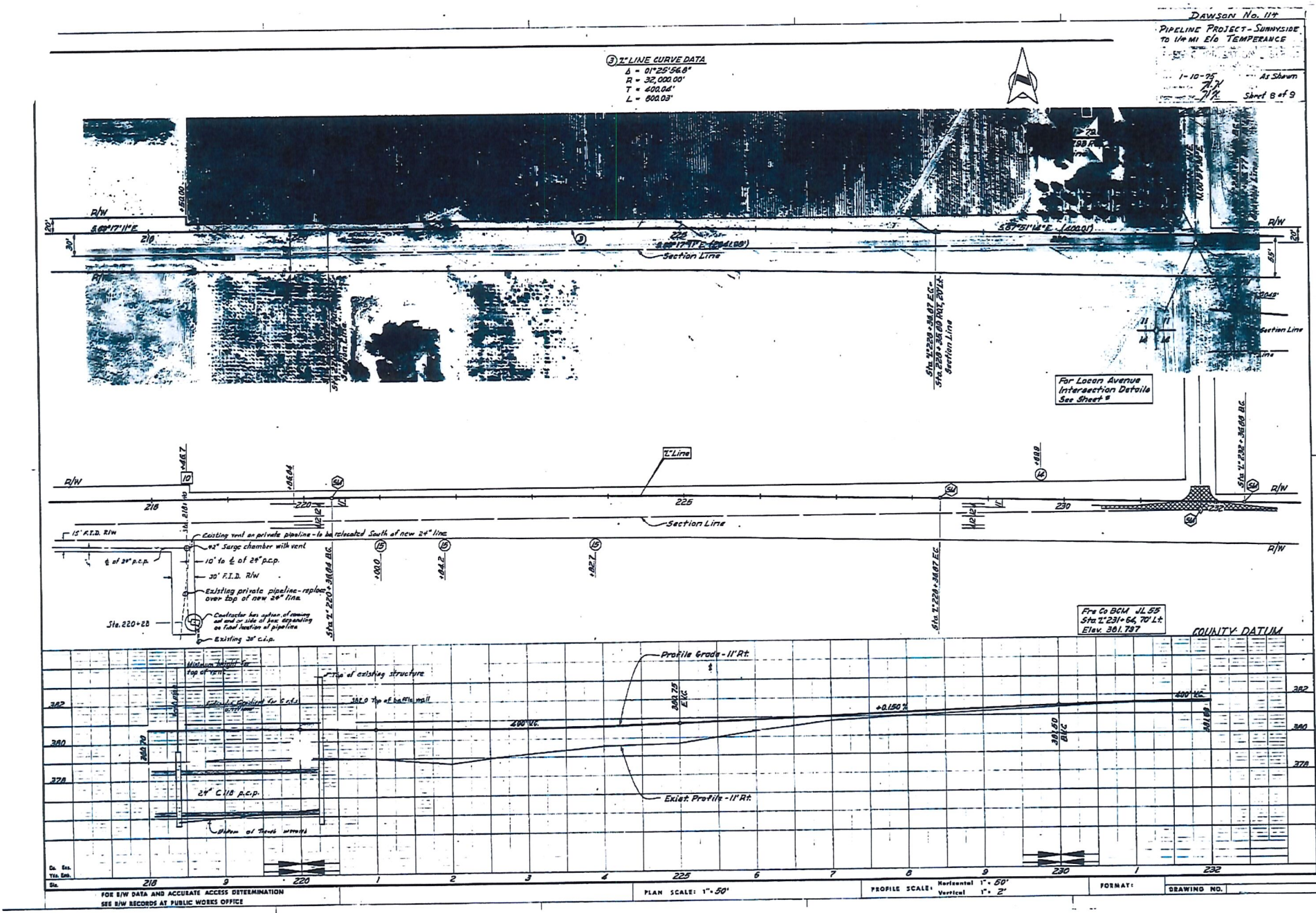














**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES  
EXHIBIT "C"  
PIPELINE EASEMENT WIDTHS**

The following shall be used by staff in the determination and acquisition of new pipeline easement widths:

Type of Pipe	Easement Width for Dia. $\leq 24"$ I.D.	Easement Width for $24" < \text{Dia.} \leq 36"$ I.D.	Easement Width for $36" \text{ I.D.} < \text{Dia.}$
PVC (SDR41, PIP)	20 feet	N/A	N/A
RGRCP (C-361)	20 feet	30 feet	40 feet
CIP (ACI 346)	N/A	30 feet	40 feet
Min. Width Adjacent to Right-of-Way	15	15	20

Where the pipeline easement will be contiguous and parallel to a joint use right-of-way such as a "local" public street right-of-way or a "rural" road with a right-of-way 60 feet or less, the required easement may be reduced if the street maintaining agency allows the District to perform maintenance using a portion of the road right-of-way. On any street or rural road where curbside parking will be permitted by the street maintaining agency, the easement width may be reduced.

The easement width may not be reduced for controlled access streets designated as freeways, expressways, super arterials, arterials, collectors, or landscaped drives. No easement reduction will be permitted adjacent to turn lanes or bus stops or other locations posted to prohibit stopping or parking without special provision for maintenance access. Written evidence may be required from the street maintaining agency showing that the predetermined easement width reduction can be satisfied.

Where public utility easements or landscape easements will overlap the District's pipeline easement, regardless of pipeline diameter, the required pipeline easement width shall be increased as necessary so that fifty percent (50%) of the required easement width is free from overlapping utilities. The District may waive this easement requirement for landscape easements if the District can be assured the landscaping will not impact the pipeline.





# City of Clovis DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

City Hall, 1033 Fifth Street, Clovis, California 93612 / (559) 324-2340

The Development Review Committee is a pre-application meeting scheduled between developers and City Staff. It is a service provided, without cost, which is intended to encourage discussion on potential development projects. City representatives on the Development Review Committee include representatives from the Fire, Police, Planning, Building, and Public Works Departments, in addition to the Clovis Community Development Agency. The Fresno Metropolitan Flood Control District, as well as other outside agencies, may also be invited to attend the Development Review Committee meeting.

As a general rule, the Development Review Committee meets on Wednesday mornings by appointment only. If you wish to have your proposal reviewed with the Development Review Committee, you should submit three (3) **folded** copies of your plans, an electronic copy of the plans, and the application form. Your item will be scheduled approximately two weeks from the application date. Please note that the more detailed the submittal the more complete the City's response will be.

A written list of comments will be presented to you at the DRC meeting and development fees may be also requested at that time. Please keep in mind the list of comments is meant to be informational and may not include all requirements for your particular project. The DRC process provides a list of suggestions, which may be in your best interest to help you with a successful project.

NAME: LEE GAGE  
MAILING ADDRESS: 7636 N. INGRAM SUITE #107  
CITY: FRESNO ST CA ZIP: 93711  
PHONE: 559 439 2222 E-MAIL: LGAGEINC@LGAGEINC.COM

PROPERTY OWNER: TONY THAKDI (IN ESCROW)  
PROPOSED USE (be specific - use separate sheet if necessary):  
143 GUESTROOM HOTEL  
5 STORY 145 PARKING STALLS  
TRYING TO GET RECIPROCAL PARKING  
SIZE OF PROPERTY: 2.73 AC GROSS 2.51 AC NET <sup>W/ WESTERLY PROP</sup>  
ASSESSOR'S PARCEL NUMBER: 499-031-17  
PROJECT LOCATION: SE CORNER SHAW & SUNNY SIDE AVE  
SIERRA VISTA PKWY

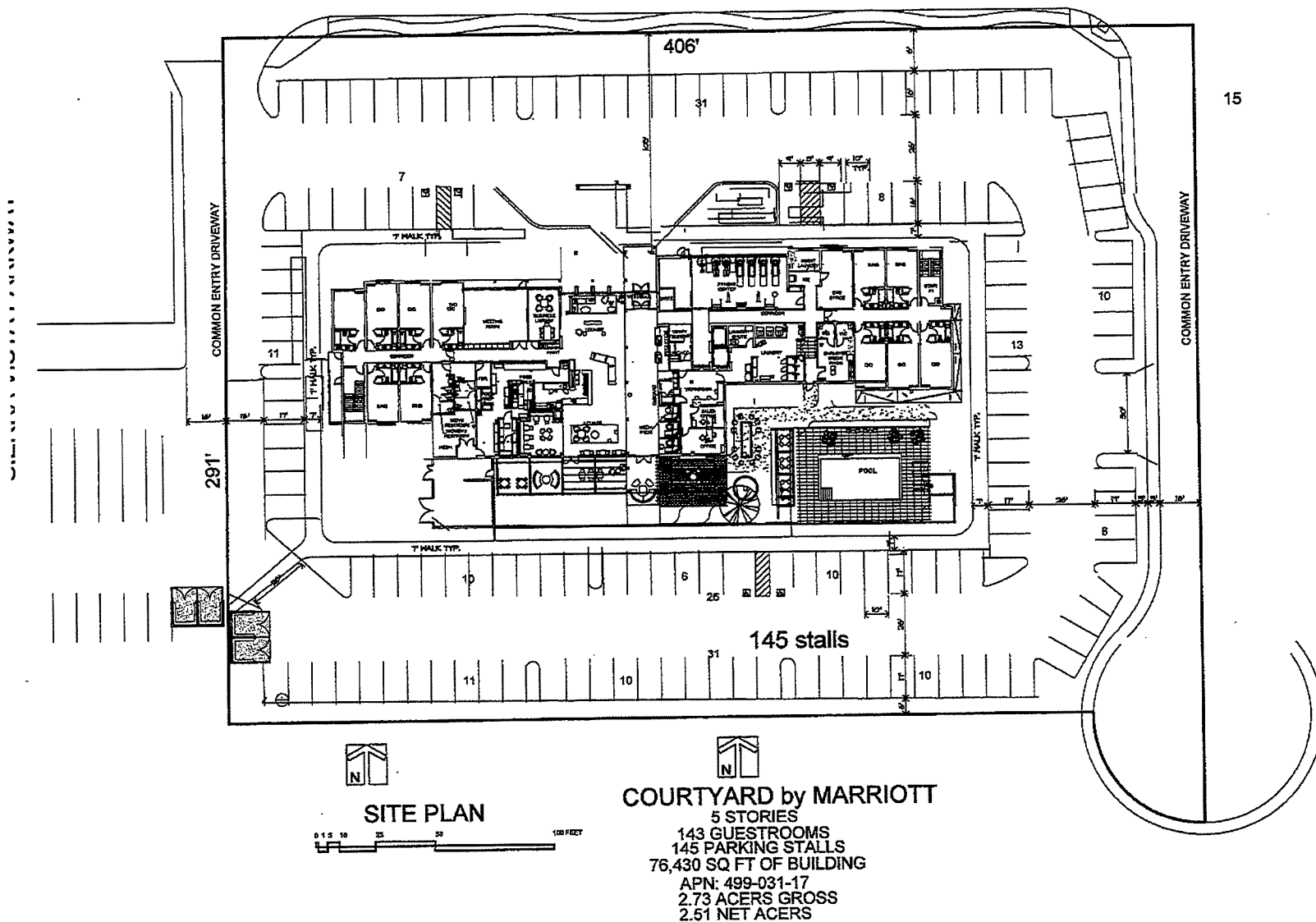
All submitted plans should try to include the following items:

1. Scale of drawing (Engineering or Architectural scale).
2. North arrow (pointing to top of paper).
3. Existing uses and structures on the property.
4. Names of adjacent streets.
5. Correct location of property line.
6. If available, one copy of floor plans and elevations.
7. Any existing off-site improvements (i.e. driveway approaches, fire hydrants, etc.).

File No: DRC 2017-38  
Date: 8/23/2017  
(OFFICE USE ONLY)

Should you have any questions, please feel free to contact the Planning Division at (559) 324-2340.

SHAW AVENUE







# City of Clovis

## Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

AGENDA ITEM NO. 3.

Distribution Date: **4/30/2021**

### PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - Kelsey George, Assistant Planner

#### PLEASE ROUTE TO:

(In House)

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

(Out-of-House)

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

Item(s): **GPA2021-001** Location: **1450 Shaw Avenue**

APN: **499-031-71** Zoning: **C-P** General Plan: **Office**

Name of Applicant: **Triple 7 Hospitality Inc. dba Courtyard by Marriott** Phone/Email: **(559)281-1806/ taren@axishotelgroup.com**

Applicant Address: **PO Box 2700** City: **Fresno** State: **CA** Zip: **93745**

Previously Reviewed Under DRC: \_\_\_\_\_ Or Other Entitlement: **CUP2017-15, SPR2017-23**

Project Description: **GPA2021-001, A request to amend the General Plan for a parcel with an existing hotel from Office to General Commercial. This proposal is to allow for alcohol sales/consumption at this location. Triple 7 Hospitality Inc., owner/applicant. This request is being process concurrently with R2021-004 and CUP2017-015A.**

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

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by **5/21/2021**

Please check one below:

☐ No Comments ☐ Comments Attached ☐ Comments e-mailed or saved on: \_\_\_\_\_

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

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

POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign): \_\_\_\_\_

#### PLEASE RETURN TO:

Kelsey George, Assistant Planner  
Planning and Development Services Dept.  
1033 Fifth St., Clovis, CA 93612  
Phone: 324-2338 Fax: 324-2844



# City of Clovis

Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

AGENDA ITEM NO. 3.

Distribution Date: 4/30/2021

## PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - Kelsey George, Assistant Planner

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Item(s): CUP2017-015A Location: 1450 Shaw Avenue

APN: 499-031-71 Zoning: C-P General Plan: Office

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Applicant Address: PO Box 2700 City: Fresno State: CA Zip: 93745

Previously Reviewed Under DRC: \_\_\_\_\_ Or Other Entitlement: CUP2017-15, SPR2017-23

Project Description: CUP2017-15A; A request to approve a conditional use permit amendment for a hotel located at 1450 Shaw Avenue. This proposal is to allow alcohol sales/consumption at the existing hotel at this location. Triple 7 Hospitality Inc., owner/applicant. This request is being processed concurrently with GPA2021-001 and R2021-004.

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

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by 5/21/2021

Please check one below:

☐ No Comments ☐ Comments Attached ☐ Comments e-mailed or saved on: \_\_\_\_\_

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POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign): \_\_\_\_\_

### PLEASE RETURN TO:

Kelsey George, Assistant Planner  
Planning and Development Services Dept.  
1033 Fifth St., Clovis, CA 93612  
Phone: 324-2338 Fax: 324-2844

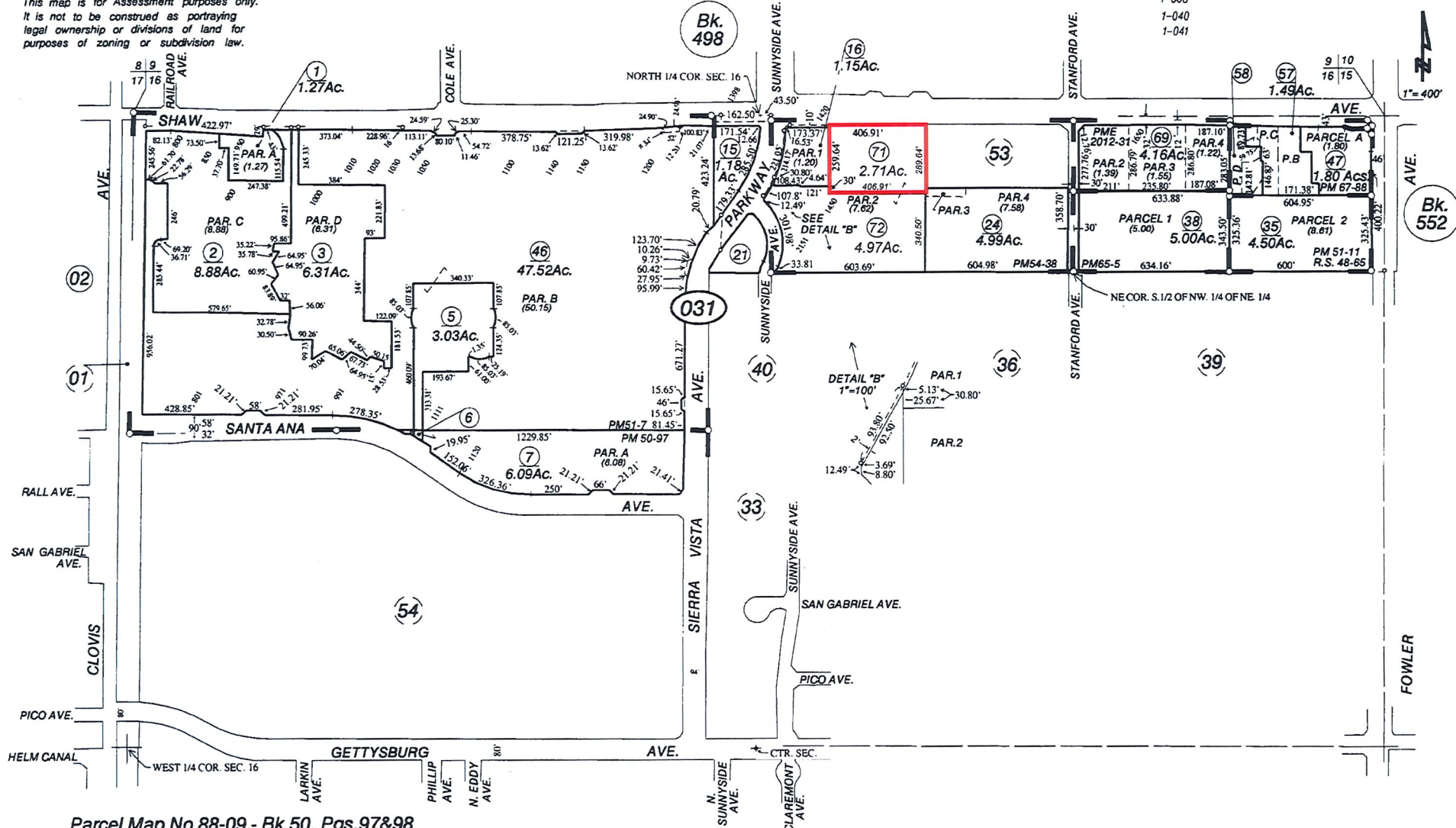
SUBDIVIDED LAND IN POR. SEC.16, T.13S., R.21E., M.D.B.&M.

Tax Rate Area

499-03

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

1-003  
1-040  
1-041



Parcel Map No 88-09 - Bk.50, Pgs.97&98  
Parcel Map No 88-17 - Bk.51, Pgs.7&8  
Parcel Map No 90-1 - Bk.51, Pgs.11&12  
Parcel Map No 79-12A - Bk.54, Pg.38  
Parcel Map No 2004-10 - Bk.65, Pg.5 & 6  
Parcel Map No 2006-06 - Bk.67, Pg.88 & 89

Record of Survey - Bk. 48, Pg. 65  
Parcel Map Exemption No. 2012-31, Doc. 12614, 01/29/13

Assessor's Map Bk.499 - Pg. 03  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

**Triple 7 Hospitality****Letter Of Justification for General Plan and Specific Plan Amendment:**

Property Address: 1450 Shaw Ave, Clovis, 93611

Current Zoning Code: C-P

Requested Zoning Code: P-C-C

To whom it may concern,

We have a Courtyard by Marriott opening at the above address which includes a bar and bistro. The current zoning code does not allow for us to serve liquor. We would like this property to be rezoned to P-C-C to allow us to fully operate the bar. The guests that will be staying at our property will be expecting a full bar like they do at every Courtyard they stay at. We believe the rezoning is justified due to the additional tax revenue it would bring in. Please take into consideration this request. We are looking to open the hotel within the next 2 months and your urgency would be much appreciated.

Triple 7 Hospitality Inc

Tehal Thandi (CEO)

**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

May 14, 2021

06-FRE-168-PM R6.321

Application for CUP – Conditional Use Permit

GPA2021-001, R2021-004 &amp; CUP2017-015A

[GTS: Triple 7 Hospitality Inc.](#)

Joyce Roach  
Planning Assistant  
City of Clovis  
Planning Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Joyce Roach:

Thank you for the opportunity to review of the conditional use permit amendment to allow alcohol sales for a hotel development on a 2.71-acre lot located at 1450 Shaw Avenue, just east of Sunnyside Avenue/Sierra Vista Parkway, about 2.4 miles east of the SR 168/Shaw Avenue interchange in the City of Clovis. The proposed hotel is Courtyard by Marriott. The development requires a General Plan amendment for the parcel from Office to General Commercial. ***It is projected that the trips generated by this development would not have a significant traffic impact to the State Highway System.***

If you have any further questions, contact Christopher Nicholas at (916) 698-0146 or [Christopher.nicholas@dot.ca.gov](mailto:Christopher.nicholas@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla".

DAVID PADILLA, Branch Chief  
Transportation Planning - North



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

AGENDA ITEM NO. 3.

Page 1 of 4

**PUBLIC AGENCY**

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

**DEVELOPER**

TRIPLE 7 HOSPITALITY INC. DBA COURTYARD  
BY MARRIOTT  
P.O. BOX 2700  
FRESNO, CA 93745

PROJECT NO: **2017-015A**

ADDRESS: **1450 SHAW AVE.**

APN: **499-031-71**

SENT: **May 20, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
3D	\$0.00	NOR Review	\$95.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$0.00</b>		<b>Total Service Charge: \$95.00</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 2/28/22 based on the site plan submitted to the District on 4/30/21 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

**CL  
CUP No. 2017-015A**

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

AGENDA ITEM NO. 3.

Page 2 of 4

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

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

**CL  
CUP No. 2017-015A**



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

AGENDA ITEM NO. 3.

Page 3 of 4

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: 5/20/2021 3:05:14 PM



Anthony Zaragoza  
Engineer II


Digitally signed by Anthony Zaragoza Date: 5/20/2021 10:15:16 AM

**CL  
CUP No. 2017-015A**

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

AGENDA ITEM NO. 3.

Page 4 of 4

<h1 style="margin: 0;">POLICY MANUAL</h1>	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT  Subject: Flood Plain Policy	Date Last Amended: August 10, 2005
	Approved By: 

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

**Policy:**

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

## **OTHER REQUIREMENTS**

AGENDA ITEM NO. 3.

### **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.



# City of Clovis

## Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

AGENDA ITEM NO. 3.

Distribution Date: **4/30/2021**

### PLANNING APPLICATION REQUEST FOR COMMENTS

**Project Manager - Kelsey George, Assistant Planner**

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Item(s): **CUP2017-015A** Location: **1450 Shaw Avenue**

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

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by **5/21/2021**

Please check one below:

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POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign): \_\_\_\_\_

#### PLEASE RETURN TO:

Kelsey George, Assistant Planner  
Planning and Development Services Dept.  
1033 Fifth St., Clovis, CA 93612  
Phone: 324-2338 Fax: 324-2844

**DRAFT  
RESOLUTION 21-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL TO THE CLOVIS CITY COUNCIL OF GENERAL PLAN  
AMENDMENT GPA2020-001 TO AMEND THE 2014 GENERAL PLAN FOR  
APPROXIMATELY 2.71 ACRES FROM THE OFFICE (O) PLANNED LAND USE  
CLASSIFICATION TO THE GENERAL COMMERCIAL (GC) PLANNED LAND USE  
CLASSIFICATION FOR PROPERTY LOCATED AT 1450 SHAW AVENUE**

**WHEREAS**, Taren Thandi of Triple 7 Hospitality Inc dba Courtyard by Marriott, PO Box 2700, Fresno, CA, 93745, submitted an application for General Plan Amendment GPA2021-001 in connection with a request to modify the conditional use permit for the existing hotel to allow for the sales of beer, wine, and hard liquor within the restaurant inside the hotel ("Project"); and

**WHEREAS**, General Plan Amendment GPA2021-001 proposes to amend the 2014 General Plan land use designation for approximately 2.71 acres of property located at 1450 Shaw Avenue ("Property") from the Office (O) planned land use classification to the General Commercial (GC) planned land use classification; and

**WHEREAS**, the proposed General Plan Amendment will facilitate operation of the Project on Property; and

**WHEREAS**, the proposed General Plan Amendment is consistent with the intent and purpose of the General Plan; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on June 9, 2021, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which concludes no additional CEQA environmental review is required pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162; and

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

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

1. The Planning Commission hereby recommends approval of General Plan Amendment GPA2020-001.
2. The proposed General Plan Amendment is internally consistent with the goals, policies, and actions of the General Plan.
3. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
4. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the operation of the Project.
5. There is a compelling reason for the General Plan Amendment, namely, to facilitate operation of the Project on the Property.
6. The Planning Commission finds that the Project is exempt from additional CEQA environmental review pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162.
7. The basis for the findings is detailed in the June 24, 2021 staff report, which is hereby incorporated by reference the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chairperson

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

**DRAFT  
RESOLUTION 21-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS  
RECOMMENDING APPROVAL TO THE CLOVIS CITY COUNCIL OF REZONE  
APPLICATION R2021-004 TO REZONE ± 2.71 ACRES FROM THE C-P  
(ADMINISTRATIVE/PROFESSIONAL OFFICE) ZONE DISTRICT TO THE C-2  
(COMMERCIAL COMMUNITY) ZONE DISTRICT FOR PROPERTY LOCATED AT 1450  
SHAW AVENUE**

**LEGAL DESCRIPTION:**

See **Attachment A**

**WHEREAS**, Taren Thandi of Triple 7 Hospitality Inc dba Courtyard by Marriott, PO Box 2700, Fresno, CA, 93745, submitted an application for Rezone Application R2021-004 in connection with a request to modify the conditional use permit for the existing hotel to allow for the sales of beer, wine, and hard liquor within the restaurant inside the hotel ("Project"); and

**WHEREAS**, Rezone Application R2021-004 proposes to rezone approximately 2.71 acres of property located at 1450 Shaw Avenue ("Property") from the C-P (Administrative/Professional Office) Zone District to the C-2 (Commercial Community) Zone District; and

**WHEREAS**, the proposed rezone will facilitate operation of the Project on Property; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on June 9, 2021, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which concludes no additional CEQA environmental review is required pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162; and

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

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



1. The Planning Commission hereby recommends approval of Rezone R2021-004.
2. The proposed rezone is consistent with the goals, policies, and actions of the General Plan.
2. The proposed rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The Property is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and operation of the Project.
4. The Planning Commission finds that the Project is exempt from additional CEQA environmental review pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chairperson

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

## ATTACHMENT A LEGAL DESCRIPTION

### PARCEI 1:

A PORTION OF PARCEL B OF PARCEL MAP NO. 79-12, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 38 PAGE 11 OF PARCEL MAPS, AND AMENDED PARCEL MAP NO. 79-12A ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 54 PAGE 38 OF PARCEL MAPS, FRESNO COUNTY RECORDS, TOGETHER WITH A PORTION OF THE NORTH HALF OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE & MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL B, THENCE SOUTH 00°20'33" EAST, ALONG THE EAST LINE OF SAID PARCEL B, A DISTANCE OF 289.64 FEET; THENCE SOUTH 89°39'27" WEST, A DISTANCE OF 406.91 FEET; THENCE NORTH 00°20'33" WEST A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF PARCEL A OF SAID PARCEL MAP NO. 79-12; THENCE CONTINUING NORTH 00°20'33" WEST, ALONG THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 259.64 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 89°39'27" EAST, ALONG THE NORTH LINE OF SAID PARCEL B, A DISTANCE OF 406.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE MENTIONED LEGAL DESCRIPTION IS MADE PURSUANT TO APPLICATION FOR PARCEL MAP EXEMPT NO. 2013-008 (LOT LINE ADJUSTMENT) RECORDED DECEMBER 05, 2014 AS INSTRUMENT NO. 2014-137137 OF OFFICIAL RECORDS.

### PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS, AND AN EASEMENT TO INSTALL, REPAIR AND MAINTAIN COMMON ELECTRICAL, GAS, TELEPHONE, WATER, AND SEWER EQUIPMENT AND FACILITIES (HEREIN "COMMON PRIVATE UTILITIES"), SUBJECT TO THE LIMITATIONS PROVIDED THEREIN, OVER AND ACROSS THAT PORTION OF PARCEL C AND PARCEL D OF PARCEL MAP NO. 79-12 RECORDED IN BOOK 38 OF PARCEL MAPS AT PAGE 11, OFFICE OF THE FRESNO COUNTY RECORDER, AS DESCRIBED IN THAT CERTAIN INSTRUMENT ENTITLED "RECIPROCAL EASEMENT AGREEMENT" RECORDED FEBRUARY 9, 1982 IN BOOK 7857 OF OFFICIAL RECORDS, PAGE 132 INSTRUMENT NO. 82-11230 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF SEWER, WATER AND UNDERGROUND POWER AND COMMUNICATION MAINS, PIPES AND LINES, SUBJECT TO THE LIMITATIONS PROVIDED THEREIN, OVER AND ACROSS THAT PORTION OF PARCEL A OF PARCEL MAP NO. 79-12 RECORDED IN BOOK 38, PAGE 11 OF PARCEL MAPS, OFFICE OF THE FRESNO COUNTY RECORDER, AS DESCRIBED IN THAT CERTAIN INSTRUMENT ENTITLED "GRANT DEED AND AGREEMENT" RECORDED FEBRUARY 9, 1982 IN BOOK 7857, PAGE 147 OF OFFICIAL RECORDS, INSTRUMENT NO. 82-11232, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 499-031-71

**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT CUP2017-015A TO MODIFY THE CONDITIONAL USE  
PERMIT FOR THE EXISTING HOTEL TO ALLOW FOR THE SALES OF BEER, WINE, AND  
HARD LIQUOR WITHIN THE RESTAURANT INSIDE THE HOTEL ON A ±2.71-ACRE  
PORTION OF PROPERTY LOCATED AT 1450 SHAW AVENUE**

**WHEREAS**, Taren Thandi of Triple 7 Hospitality Inc dba Courtyard by Marriott, PO Box 2700, Fresno, CA, 93745, submitted an application for Conditional Use Permit CUP2017-015A to modify the conditional use permit for the existing hotel to allow for the sales of beer, wine, and hard liquor within the restaurant inside the hotel ("Project") on a ±2.71-acre portion of property located at 1450 Shaw Avenue, in the City of Clovis ("Property"); and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on June 9, 2021, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which concludes no additional CEQA environmental review is required pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162; and

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

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

1. CUP2017-015A is hereby approved with incorporation of the conditions of approval set forth in **Attachment A** to this Resolution.
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.

**ATTACHMENT 7**

- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
  - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
  - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2017-015A without the conditions of approval set forth in **Attachment A** to this Resolution.
  4. The Planning Commission finds that the Project is exempt from additional CEQA environmental review pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162.
  5. The basis for the findings is detailed in the June 24, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
 DATED: June 24, 2021

\_\_\_\_\_  
 Paul Hinkle, Chairperson

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



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: June 24, 2021

SUBJECT: Consider Approval - Res. 21-\_\_\_\_, CUP2021-005, A request to allow a  $\pm 6,770$  square foot electronic fulfillment facility in an existing commercial center located at 300 West Shaw Ave., Units 113-117. Brown and Associates, Clovis, LLC, owners; Sophie Farrara, DoorDash Essentials, LLC, applicant/representative.

**Staff:** Emily Lane, Assistant Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Operational Statement
3. Site Plan
4. Conceptual Floor Plan
5. Resolution Nos. 00-131 and No. 11-135
6. DashMart Alcohol Delivery Procedures
7. Correspondence (Agencies and Departments)
8. Draft Resolution

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2021-005, subject to the conditions of approval included in **Attachment 1**.

### EXECUTIVE SUMMARY

The applicant is requesting approval of Conditional Use Permit CUP2021-005 to allow a  $\pm 6,770$  square foot electronic fulfillment facility in an existing commercial center located at 300 West Shaw Ave., Units 113-117 shown below in **Figure 1**. The request is for a 24-hour electronic fulfillment center that will sell groceries and household products including beer, wine and alcohol under a Type 21 Alcohol Beverage Control (ABC) license. The use is a newer concept by the applicant (DoorDash) for their DashMart convenience store which essentially serves as a small hub that stocks a limited amount of household products and grocery items (including alcohol).

As customers submit orders, employees, known as “Dashers,” will fulfill orders that are then delivered to the customer’s location. The operations are described in more detail below.

**FIGURE 1**  
**Project Location**



## BACKGROUND

- General Plan Designation: General Commercial
- Existing Zoning: C-2 (Community Commercial)
- Lot Size/Suite Size:  $\pm 1.92$  acres,  $\pm 6,770$  square feet
- Current Land Use: Commercial
- Adjacent Land Uses:
  - North: Commercial
  - South: Residential
  - East: Commercial
  - West: Commercial
- Previous Entitlements: CUP1992-03, CUP1992-03A2, SPR1977-15A

The subject site has had a history of uses throughout the years. In more recent years going back to the 1990's, the Planning Commission approved CUP1992-03 on October 27, 1994, allowing a  $\pm 3,000$  square foot arcade and billiard hall with 6 pool tables. On November 13, 1997, the Planning Commission approved CUP1992-03A2, to allow an expansion of the business to occupy  $\pm 4,800$  square feet and allow for 17 pool tables, operation from 10:00 a.m. to 2:00 p.m.



seven days a week and the sale of alcohol under a Type 40 ABC license. The billiard business closed in 2004. More recent uses have included a dance studio, mommy-and-me classes and an Aaron's Furniture and Appliance Rental Store, which closed in 2017.

In 2016, the project was part of exterior renovations for the shopping center through a Site Plan Review Amendment SPR1977-15A.

As a result of the COVID-19 pandemic, there has been a market shift in demand for online orders and delivery services. These services have enabled retailers to provide a safe, socially-distant shopping experience for their customers. One key component of this business model is the emergence of fulfillment centers which act as hubs to quickly cycle inventory from distributors to customers. In light of this burgeoning retail trend and to be able to accommodate this trend, a new "Electronic Order Fulfillment Facilities" use was adopted under Development Code Update (OA2020-002). Electronic Order Fulfillment Facilities are only allowed within the C-2 Community Commercial Zone District with an approved conditional use permit.

## **PROPOSAL AND ANALYSIS**

The applicant is requesting approval of Conditional Use Permit CUP2021-005, allowing an electronic fulfillment facility, with the sale of groceries and household goods, including beer, wine and distilled spirits. The following summarizes the proposed operations, however, a more complete description of operations is provided as **Attachment 2**.

The property has a General Plan designation of General Commercial (GC) and is zoned C-2 (Community Commercial). According to Section 9.12.020, Table 2-4, of the Clovis Municipal Code, Electronic Order Fulfillment Facilities are allowed within the C-2 Zone District with an approved conditional use permit. The review and approval of a conditional use permit application provides the opportunity to ensure that the operational characteristics of the proposed use are consistent with applicable policies and standards and to verify that the use is compatible with existing and planned uses in the surrounding vicinity. This process allows evaluation of a business model that incorporates the delivery and in-person pickup of products.

## **Existing Site and Surrounding Area**

As shown in the site plan provided in **Attachment 3**, the project is located within the existing commercial center located at the southeast corner of Peach and West Shaw Avenues. Businesses within the center include Kijima Japanese Restaurant, Metro PCS, and See's Candy. The project site is surrounded by commercial properties to the north, east and west. Property to the north of the project site is part of the Sunflower Marketplace Shopping Center which includes a Walmart Supercenter and Walgreens. To the east of the project site is Crunch Fitness and to the west across Peach Avenue is the Shaw Village Shopping Center. Along the southern property line the project is bordered by multi-family residential separated from the subject property by an existing block wall.

## **Project Characteristics**

The following provides a description of the proposed operations, including an overview of the operations, hours of operation, order fulfillment process, and alcohol sales.

### **DashMart Overview**

The DashMart business model is intended to leverage the DoorDash on-demand logistics platform to provide more locally sourced and made products to its customers. DashMart inventory would include pre-packaged foods and other consumer-packaged household items

typical of a convenience store. The inventory would be stored on shelves similar to a warehouse where orders can be fulfilled by DashMart on-site employees. The conceptual floor plan is provided as **Attachment 4**.

### Operations

As part of the request, the applicant is seeking approval for 24-hour use, seven days per week, and anticipates providing between 15 and 25 employment opportunities, with approximately 2 to 6 employees on-site at any given time. In addition to on-site employees, this location anticipates up to 5 delivery drivers on-site picking up orders, known as “Dashers.” Although delivery operations would be available 24 hours per day, a condition of approval is recommended to restrict orders retrieved directly by the customer between the hours of 6 am and 10 pm. Thus, when a customer places an order for self-pick-up, it could only occur between those hours.

This location anticipates approximately 10 inventory deliveries per week which would typically occur between 8:00 a.m. to 4:00 p.m.

### Orders and Deliveries

DashMart orders are submitted via the mobile app or computer and during a 24-hour period could fulfill anywhere between 150 and 300 orders, with peak volume between 9 pm and 12 midnight. It is anticipated that, on average, Dashers deliver orders with 12 to 15 miles of the DashMart location and may pick up orders for multiple customers at one time. While the primary model is for Dashers to pick-up and deliver the orders, there would be an option for customers to pick up their own orders on-site, although that would represent a low percentage of their operation. DashMart orders can only be fulfilled using a mobile app or computer, therefore, walk-up customers are not permitted to purchase items from the store unless ordered electronically.

### Alcohol Sales and Delivery

The applicant also requests the ability to sell alcohol under a Type 21 ABC license. The Type 21 license allows for the sale of packaged beer, wine and alcohol for off-site consumption. The Type 21 license is commonly used by grocery stores, convenience stores and warehouses.

Although the request for alcohol sales is included as part of CUP2021-005 as a matter of land use operation as an electronic fulfillment center, the Clovis Police Department (CPD) was granted full authority for decisions related to obtaining an ABC license. This authority was established via Resolution No. 00-131, adopted by City Council on October 9, 2000, and reaffirmed through Resolution No. 11-135, adopted by City Council on December 12, 2011. These resolutions are provided as **Attachment 5**. Thus, while CUP2021-005 includes a request for an electronic fulfillment center, the decision for the alcohol component ultimately rests with the Police Department.

As part of the proposed operations, DashMart would allow for alcohol to be purchased and delivered to the customers via the Dashers (i.e. delivery drivers), as well as for pick-up by the customer. The applicant has provided their procedure for when alcohol is delivered and/or picked up, included as **Attachment 6**. Procedures include verification of valid identification (ID), scanning the ID to verify it is valid, and ensuring the ID matches the customer presenting the ID and is the one who purchased the order. Additional procedures include not delivering alcohol if the customer is intoxicated. Other operational restrictions under DashMart include not delivering, under any circumstances, to schools (public or private), college campuses (including fraternity and/or sorority homes), and other stores selling alcohol (i.e. liquor stores), or reformatory locations (i.e. transitional or recovery homes).

Further, the Clovis Police Department has provided conditions of approval, included in **Attachment 7**. In general, the CPD does not oppose the sale of alcohol at this location, however, would require that alcohol is only sold to delivery orders and not available for orders opting to pick up their own order. Also, as mentioned earlier, hours of operation for delivery may occur 24 hours per day with pick-up availability only between the hours of 6 a.m. and 10 p.m., meaning no customers may directly pick up orders between the hours of 10 p.m. and 6 a.m. All other ABC-related restrictions would also apply, including hours of when alcohol may be sold.

### Parking and Circulation

The existing shopping center has three points of ingress and egress, including three along West Shaw Avenue and one on Peach Avenue. This provides for sufficient access by allowing Dashers and customers multiple points of entry and exit. The shopping center currently maintains approximately 152 parking stalls and meets the parking requirement by providing a minimum of 5.0 parking spaces for each 1,000 square foot of gross floor area shared among the tenants. The project does not include an expansion of any building area and will not require an increase the requirement for parking.

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

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

Comments received are included in **Attachment 7** 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 Department of Transportation Comments

During review of the Project, Caltrans provided a comment letter with proposed recommendations, which are included in **Attachment 7**. Caltrans requested that City Staff determine whether the project will exceed Vehicle Miles Traveled (VMT) thresholds required by CEQA. Staff has concluded that the project is below the VMT threshold per the City's adopted VMT Guidelines and will have negligible impact on traffic circulation as it relates to VMT. Under the City's VMT Guidelines, projects may "screen out" from having to do additional VMT analysis if they are considered a "small project." Small projects are those that would include retail/commercial uses that are 13,250 square-feet or less because they are presumed to have fewer than 500 vehicle trips per day. The proposed Project is utilizing approximately 6,600 square feet of existing space and is therefore considered a "small project". No further VMT analysis is required.

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

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

Under the Class 32 categorical exemption, projects that: (a) are consistent with the applicable land use designation, General Plan policies, and zoning; (b) are within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) are located on sites with no value as habitat for endangered, rare, or threatened species; (d) would not result in significant

effects relating to traffic, noise, air quality, and water quality; and (e) is located on a site that can be adequately served by all utilities.

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

The City published notice of this public hearing in *The Business Journal* on Wednesday, June 9, 2021.

### **Consistency with 2014 Clovis General Plan Goals and Policies**

Staff has evaluated the project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development and redevelopment in a responsible manner. The goals and policies seek to encourage and foster economic opportunities that support jobs for the area. The project would meet these goals and policies by introducing a new business to an existing shopping center.

#### Land Use Element

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

Policy 1.2 **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.

#### 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.**

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.

Policy 3.7 **Retail trends.** Anticipate the emptying of big box stores and changing trends in retailing; proactively evaluate development policies and adopt plans appropriate to minimize negative consequences and capitalize on new retail opportunities.

### **REASON FOR RECOMMENDATION**

Conditional Use Permit CUP2021-005 is consistent with the goals of the General Plan Land Use Diagram, Clovis Municipal Code, and the C-2 (Community Commercial) Zone District. Therefore, staff recommends that the Planning Commission approve CUP2021-005, subject to the conditions of approval attached as **Attachment 1**.

## 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 for commercial uses. The conditions of 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 as a General Commercial. The proposed use conforms to the General Plan land use designation.*

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

*The Operational Statement details the operating characteristics of the proposed use and demonstrates compatibility with existing and future land uses. The site is located within an existing shopping center that contains a variety of businesses. The project complements these uses and would not be out of the ordinary as it relates to the character of the surrounding area.*

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. The proposed use is suitable for subject property. There is adequate parking and retail space to support the proposed order fulfillment center.*

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 in a commercial area serviced by public utilities and services. As infill development on a site that was previously developed with similar uses (i.e. commercial uses), the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use.*

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative



effects upon environmental quality and natural resources. This finding is based on the following:

*The Project is categorically exempt as a Class 32 In-Fill Development Project. The proposed use will be located in an existing building in a commercial area. The proposed use is allowed by an approved conditional use permit.*

**ACTIONS FOLLOWING APPROVAL**

None.

**FISCAL IMPACT**

None.

**NOTICE OF HEARING**

Property owners within 500 feet notified: 31

Prepared by: Emily Lane, Assistant Planner

Reviewed by:



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Dave Merchen  
City Planner

## **CONDITIONS OF APPROVAL CUP2021-005**

### **PLANNING DIVISION CONDITIONS** **(Emily Lane, Division Representative – (559) 324-2316)**

1. All conditions of previous entitlements related to the site, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. Conditional Use Permit CUP2021-005 is for the approval of a 24-hour per day, seven day per week DashMart at the 300 W. Shaw Avenue, Suites 113-117.
3. As part of the operations, there shall be no orders retrieved directly by customers between the hours of 10:00 p.m. and 6:00 a.m.
4. Alcohol may not be available for direct customer pick-up and shall only be available for delivery orders.
5. This conditional use permit is not transferable to another location.
6. The applicant shall keep free and clear the access between the subject site and adjacent businesses.
7. The applicant shall operate in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties.
8. All exterior signs and/or signs on the inside of the building which are intended to be viewed from the outside shall require separate sign permits prior to installation.
9. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. Contact the Planning Division for signage requirements.
10. The applicant shall utilize the existing freestanding sign located on Shaw Avenue for freestanding identification and shall be subject to appropriate sign and/or building permits.
11. There shall be no lighted signs placed on the south side of the building, approved by the Planning Division.
12. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic per Planning Division Standards.
13. All electrical and HVAC equipment shall be screened per Planning Division standards.
14. Any modifications to the site as a result of department or agency comments shall require a separate Site Plan Review Amendment. Contact the Planning Division for submittal requirements.

15. All exit, entrance, service doors along the street frontages shall be a storefront type door per Planning Division Standards.
16. There shall be no outdoor sales or displays unless approved the Planning Division and by obtaining appropriate permitting.
17. Per Planning Division Standards, there shall be no outside storage of materials, supplies or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual barrier intended to screen such area from view of adjoining properties and from the street.
18. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this conditional use permit shall be addressed prior to operation of the facility.
19. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
20. This conditional use permit may be reviewed at any time. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and present findings of this review to the Planning Commission.
21. All parking of employees shall occur on site.

#### **POLICE DEPARTMENT COMMENTS**

**(Ken Wells, Department Representative - (559) -234-2468)  
(Christopher Hutchinson, Representative – (559) 423-3463)**

22. No on-site sales of alcohol – meaning all alcohol sales would have to be delivered to another location. This is to include orders where the customer may be waiting.
23. Customer pickup hours would be prohibited from 10 pm and 6 am.
24. All alcohol sales must cease between the hours of 2 am and 6 am.
25. Alcohol sales shall not be permitted at the following locations:
  - a. Public or private schools
  - b. Public parks
  - c. Any other location where alcohol consumption is not permitted.
26. Strict adherence to DoorDash policy titled “Delivering Alcohol Guidelines.” Conditions of this policy especially important to the Clovis Police Department include:
  - a. Delivery drivers shall be 21 years of age or older to deliver sales including alcohol.
  - b. Delivery drivers shall verify the age of the customer by checking the customer’s ID.
  - c. Delivery drivers shall not complete the sale of alcohol if the customer is visibly intoxicated.

d. To prevent sales to underage minors, delivery drivers shall verify the name of the customer placing the order matches the name of the person receiving the order. As noted in condition 26(b), the delivery driver shall check the customer's ID.

**ENGINEERING / PUBLIC UTILITIES CONDITIONS OF APPROVAL:**

**(Sean Smith, Engineering Representative – (559) 324-2363)**

**(Paul Armendariz, Public Utilities Representative – (559) 324-2649)**

**Dedications and Street Improvements**

22. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
23. The applicant shall remove and repair all damaged or broken concrete improvements, such as but not limited to the following list. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.

**Water**

24. 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.
25. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
26. The applicant shall provide for recording a landscape and irrigation perpetual maintenance covenant for landscaping installed in the public right-of-way behind the curb and within City easements that will not be maintained by the Clovis Landscape Maintenance District. The recordable covenant must be submitted to, reviewed and approved by the City Engineer prior to approval of the improvement plans or the release of any development permits.

**Miscellaneous**

27. The applicant shall construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be designed to accommodate for future grading of the alley. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
28. 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.

**CALIFORNIA DEPARTMENT OF TRANSPORTATION CONDITIONS**  
**(Christopher Nicholas, Department Representative – (916) 698-0146)**

27. The applicant shall refer to the attached California Department of Transportation correspondence.

**ENVIRONMENTAL HEALTH DEPARTMENT CONDITIONS**  
**(Kevin Tsuda, Department Representative – (559) 600-3271)**

28. The applicant shall refer to the attached Fresno County Health Department correspondence.

**FRESNO IRRIGATION DISTRICT CONDITIONS**  
**(Jeremy Landrith, Department Representative – (559) 233-7161 ext. 7407)**

29. The applicant shall refer to the attached Fresno County Health Department correspondence.

## **Attachment to Master Planning Application: DashMart Operations Description**

### **Overview**

DoorDash is proposing a DashMart location at 300 West Shaw Ave., Suites 113 - 117 in Clovis. DashMart will leverage the DoorDash on-demand logistics platform to help get more locally made and locally sourced products into the hands of residents, support brick and mortar merchants, and promote economic and workforce development opportunities for delivery providers (“Dashers”) and onsite DoorDash employees. DoorDash hopes to be a welcomed neighbor, complementing the diverse array of local businesses and organizations located in Clovis.

### **Zoning**

The 300 West Shaw Ave. property is located within the GC - General Commercial General Plan designation and the C-2 Community Commercial zoning district, which generally applies to "areas appropriate to serve the daily shopping needs of the community." (Clovis Municipal Code [9.12.010](#).) DoorDash met with the City's Development Review Committee on April 7, 2021 and received staff confirmation that the proposed DashMart would be categorized as an Electronic Fulfillment Center, a use type that is conditionally permitted in the C-2 zoning district.

In line with its classification as an Electronic Fulfillment Center, DashMart will purchase wholesale items from distributors, store food and household essentials commonly found in grocery and convenience stores (e.g. ice cream, frozen meals, dairy products, fruits and vegetables, soda, paper products, over the counter medicine, etc.) and sell these items via the online DoorDash website and app for delivery to customers or in-person pickup by customers.

### **DashMart Facility and Operational Details**

Facility: The proposed space at 300 Shaw Blvd is approximately 6,600 square feet. The leased premises consist of primarily warehouse storage space with a small accessory office for computer work and break room for onsite employees. Inventory will occupy the primary warehouse space, and a small pickup area would be located near the front entrance that would allow Dashers and customers to receive orders without entering the warehouse space. This facility is generally the same size as other DashMart locations. DoorDash anticipates only minor cosmetic interior improvements to be necessary but will submit for required building permits per comments from the Building Department for a door upgrade, change of use, and potentially for installation of shelving.

Inventory: DashMart inventory would include pre-packaged foods and other consumer-packaged household items typically stocked at convenience stores. DoorDash purchases inventory from wholesale distributors like Coca-Cola Bottling or Unilever (for example) and receives 8 to 10 deliveries (total) from these vendors per week. Deliveries occur in less than truckload (LTL) shipments during normal business hours between 8am - 4pm. Inventory that is received is stored onsite on shelves in the warehouse area until such time that an order is received.

Staffing & Operations: Around 15-25 employees are anticipated to be employed at the site, to cover all shifts across entry-level and management positions. The DashMart will employ 2 to 6 hourly onsite employees at any given time during a shift. In addition, 4 to 5 Dashers or customers picking up orders may be on site at any given time. Generally, customers opt for delivery by a Dasher but a small portion of customers may opt to pick up their own order onsite. DashMart's preferred hours of operation are 24/7, unless limited hours are required as a condition of approval.

Orders & Deliveries: Customers place orders using the DoorDash app on their phone or computer. Over the course of a typical 24-hour period, DashMart may pick and pack approximately 150 to 300 orders, with peak volume coming in during late-night hours of 9:00 pm-12:00 am. On average, the DashMart is



anticipated to receive between 150 to 300 orders per day. Deliveries to customers are completed by independent contractors, Dashers, using their own personal vehicles, typically within 12 to 15 miles of the facility. Dashers can pick up multiple orders from the facility at one time. Total delivery trips from the DashMart facility are anticipated to average between 75 to 200 per day depending on the order volume. Individuals who order via the DoorDash app would have the option to pick up their own orders at the facility, though these customer pick-ups are anticipated to represent a small portion of total orders.

Sales Tax: DoorDash Essentials, LLC which operates the DashMart, has a CA State Sales Tax license and collects sales tax in accordance with local tax rates for items; DoorDash Essentials, LLC then remits sales tax to the appropriate entity. The point of sale is the location of the DashMart.

Alcoholic Beverages: DashMart intends to stock alcohol and would apply for the Type 21 (beer, wine, liquor) license in compliance with all applicable legal requirements:

- Orders containing alcohol must be placed by a customer with proof of age over 21.
- Any Dasher picking up and delivering alcohol must be 21 also and provide a valid government ID to pick up the order.
- Dashers must verify the age of a customer upon delivery of any order containing alcohol by verifying a valid government ID.
- For more information on the precautions associated with DashMart alcohol orders, see DoorDash's [Alcohol Delivery Guidelines](#) and [Alcohol Order App Navigation](#) (see attached).

Solid Waste: The majority of waste generated on site is corrugated cardboard packing, which is broken down and recycled. Recycling and trash receptacles are proposed to be located on the East side of the facility. Per Engineering Department comments, DoorDash will upgrade or replace the existing trash enclosure to meet City requirements; the scope of work will be finalized and addressed in a subsequent Site Plan Review application prior to seeking building permits.

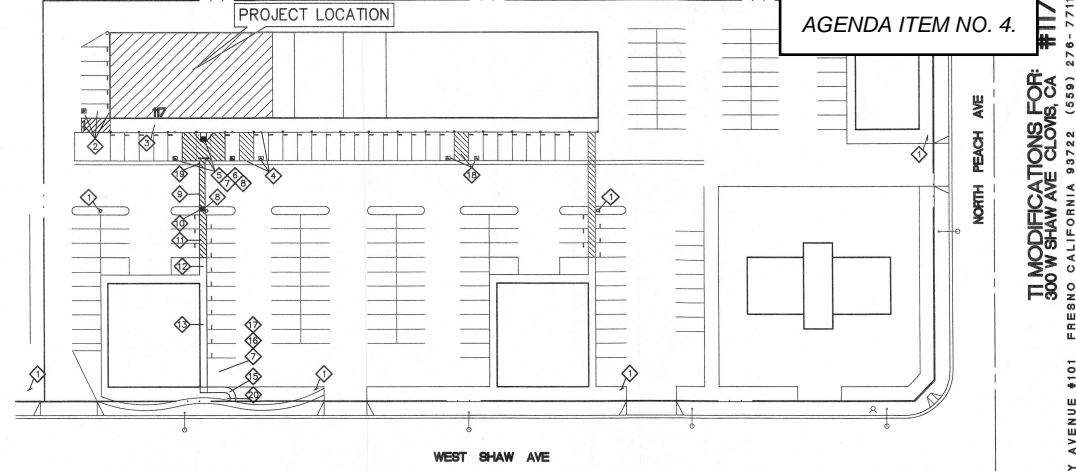
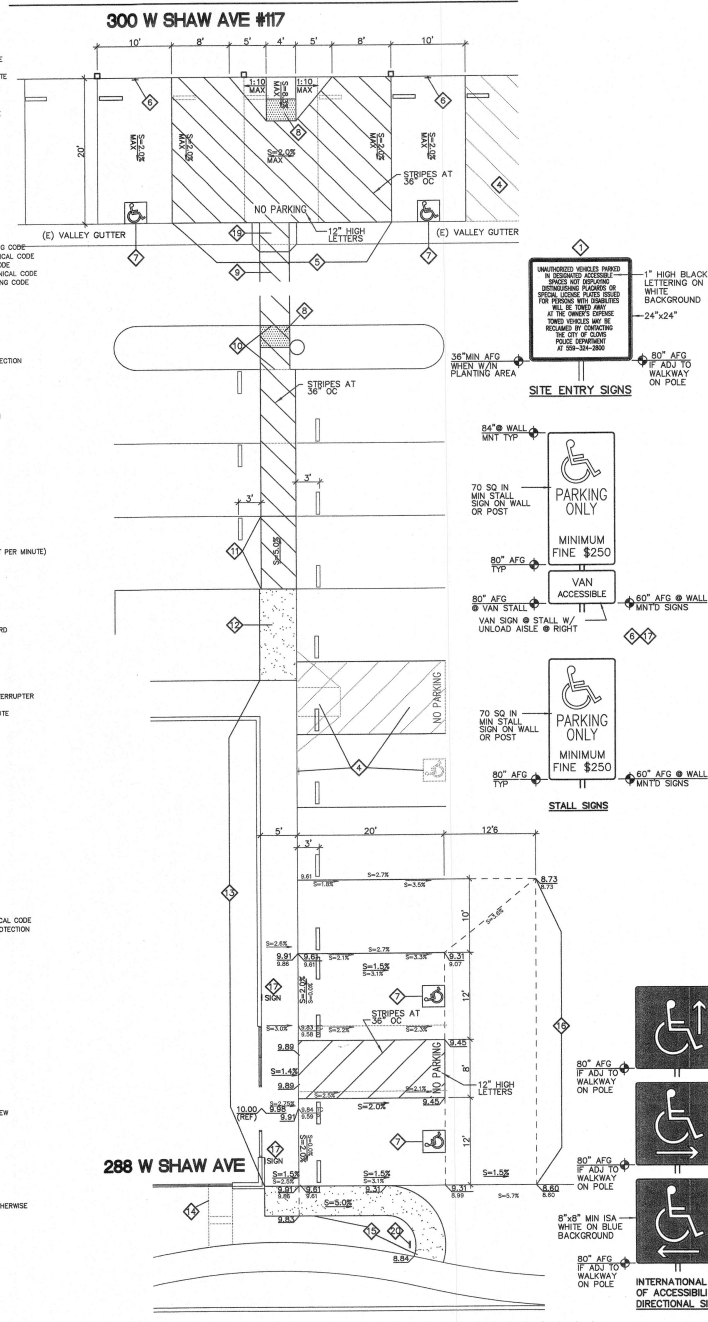
### **Supporting Clovis' Local Economy**

DoorDash's mission has always been to empower local economies. Our goal is increased flexibility, cost savings, and earning opportunities for our merchants, customers, and Dashers. This DashMart will benefit the local Clovis community across multiple stakeholders.

Local employees: All of our warehouse personnel and managers will be hired locally within Clovis and the surrounding area. We strive to create the best working environment in Clovis. DoorDash will offer competitive wages, snacks, and access to robust healthcare plans: warehouse hourly employees will have access to the same healthcare plans as our DoorDash senior leaders, engineers, product managers, and corporate HQ employees.

Local restaurant partners: Given our existing local restaurant merchant partnerships, DoorDash is uniquely positioned to further boost sales for our merchant partners through our DashMart concept. There are two main new channels we use to help our restaurant merchant partners, both of which we plan to significantly expand in 2021:

1. Purchasing and reselling consumer packaged goods merchandise from restaurant partners. DashMart has forged successful local partnerships and purchased directly from CA local brands like Urban Remedy, Acme Bread, Sweet Nothings, Humphry Slocombe, Wise Sons, Naia Gelateria, Double Rainbow, LOLA, Oren's Hummus, Ginger Labs, and Papalote, and would look to forge similar partnerships in Clovis.
2. Empowering local heroes like Humphry Slocombe and Naia Gelateria to launch new virtual storefronts quickly within the DashMart space, using DashMart real estate, equipment, and labor to fulfill their orders, especially during the pandemic.

[illegible]

## THE NOTES

- (C) OFF-STREET PARKING SIGNALS \* PARKING ENTRY POINTS
- (E) ±10'W/O±20' VAN ACCESSIBLE PARKING STALLS / W/ MAX 1:50 SLOPE IN ALL DIRECTIONS, 3' SIDE WALK ON BLUE ISA, \$350 FINE LINE, BLACK BORDER OF 10'X20 UNLOAD / W/ WHITE DIAGONAL STRIPES @ 36° OR 12° HIGH "NO PARKING"
- (E) ±10' MIDE CONC WALK, CROSS SLOPE SHALL NOT EXCEED 1:50
- REMOVE (E) D/A PARKING STALL, SIGN UNLOAD & RAMP REPAVE A/C PAVING & RE-STRIPS AS STD STALL
- PROVIDE (2) NEW ACCESSIBLE PARKING STALLS / W/ UNLOAD ZONE OF 8' BUILT UP TO 1:50 SLOPE IN ALL DIRECTIONS OF UNLOAD IN BLUE PAINT, STRIPING IN WHITE PAINT - PARKING STALLS & UNLOAD ZONES SHALL HAVE 2X MAX LANDSCAPE PLANTING IN EACH DIRECTION
- PROVIDE ACCESSIBLE PARKING SIGN ON POST ±STALL W/ LEFT SIDE UNLOAD & VAN ACCESSIBLE PARKING SIGN ON POST ±STALL W/ RIGHT SIDE UNLOAD & MINIMUM \$250 FINE AT BOTH:
- PROVIDE STANDARD MIN 3' SIDE ISA (WHITE ON BLUE BACKGROUND) AT EACH ACCESSIBLE STALL - (BURN IS BACK SHOWN) AT EACH ACCESSIBLE STALL - 18" DIA. SIGN
- WHERE TRUNCATED DONE DETECTABLE WARNING WHERE PATH OF TRAVEL ENTERS OR CROSSES THE DRIVEWAY
- PROVIDE 48" W/ WHITE BORDERED & STRIPPED CURB THRU DRIVE & PARKING AREA - STRIPES @ 36° OR 12°
- MODIFY (E) CURBS & PLANTING AREA AS NECESSARY TO ACCOMMODATE 4' WIDE TURN LANE - 1:50 SLOPE IN THE DIRECTION OF TRAVEL & 2X MAX CROSS SLOPES - PROVIDE CURBS AS NECESSARY TO RETAIN LANDSCAPE - RELOCATE/REPAIR IRRIGATION AS NECESSARY
- PROVIDE MAX WIDE 1:20 WALK TO TOP OF CURB
- PROVIDE MIN 48" WIDE 1:20 WALK W/ 5X MAX SLOPES ACROSS SECTION OF 4' WIDE TURN LANE - 1:50 SLOPE - RELOCATE PLANTING AND IRRIGATION TO ACCOMMODATE THE NEW WALK
- FORTIONS OF (E) WALK EXCEED 2X CROSS SLOPE - GRASS OR THEN TOP OR REPAIR WALK TO ELEVATIONS SHOWN
- REMOVE NON-CORRESPONDING LANDING & STEPS TO CITY SIDEWALK - REMOVE CURB & MATCH TO STREET FRONT SYSTEM W/ GLASS TO MATCH (E)
- REMOVE BOULDERS, PLANTING & IRRIGATION IN PATH OF EXISTING SIDE WALK / DRIVEWAY & GRADE TO UNMATCHED EDGES, 2X MAX CROSS SLOPE & MAX RUNNING SLOPE OF .5X
- RESHAPE THIS AREA W/ A/C/STORM OVERLAYS TO ESTABLISH SLOPES OF APPROXIMATELY 1:50 GRADES INDICATED - PROVIDE STALL & UNLOAD ZONE STRIPING IN WHITE PAINT / BORDERED WITH 36° OR 12° STRIPES
- PROVIDE ACCESSIBLE (ON RIGHT) & VAN (ON LEFT) PARKING SIGN ON WALL / MINIMUM \$250 FINE AT EACH
- (E) NONCONFORMING DISABLED ACCESS PARKING STALL & UNLOAD ZONE TO BE MADE TO CONFORM TO 2013 CBC SPECIFICATIONS STANDARDS FOR ACCESSIBILITY COMPLIANCE PLANNED FUTURE SITE ACCESSIBILITY IMPROVEMENTS
- (E) CONC VALLEY GUTTER - MODIFY AS NECESSARY TO PROVIDE MAX 1:50 SLOPE IN ALL DIRECTIONS OF TRAVEL W/YIN THE WIDE OF THE ROUTE OF TRAVEL
- PROVIDE ISA DIRECTIONAL SIGN(S) ON A POLL / WIN THE LANDSCAPE AREA ADJACENT TO THE PATH OF TRAVEL, LANDSCAPING INTERFERING WITH THE PATH OF TRAVEL

### GENERAL NOTES

- 1 ALL WORK SHALL BE INSTALLED IN STRICT CONFORMANCE WITH APPLICABLE CODES, INCLUDING 2013 CBC, CPC, CMC, CEC & CFC.
- 2 INSULATION WHICH IS NOT IN SUBSTANTIAL CONTACT WITH WALL OR CEILING FINISH MATERIALS SHALL HAVE MAX FLAME SPREAD OF 25 & A MAX SMOKE RATING OF 0.
- 3 PROJECT INFORMATION: PROJECT SPRINKLERS, SUBMIT LAYOUT FOR CLO & CONCEALED COMBUSTIBLE SPACES OR ULTIMATE PROTECTION TO THE FIRE DEPT FOR REVIEW & APPROVAL.
- 4 FINISHING BLDG FINAL SHALL NOT BE ISSUED UNTIL FIRE SPRINKLER SYSTEM HAS BEEN INSTALLED & APPROVED.
- 5 NO NEW OPENINGS IN BEARING OR SHEAR WALLS.
- 6 PROJECT INVOLVES MINOR REARRANGEMENT OF NON-BEARING WALLS, ASSOCIATED CEILING, LIGHTING, POWER & MECHANICAL ADJUSTMENTS.
- 7 IN BLDGS IN OCCUPANCY GROUP A HAVING AN OCCUPANT LOAD OF 300 OR LESS, GROUPS B, F, M & S AND IN PLACES WHERE THE WORK IS BEING DONE IN AN OCCUPANCY GROUP, ARE PERMITTED TO BE EQUIPPED WITH "KEY-OPERATED LOCK" OR "KEY-OPERATED LATCH" SYSTEMS.
  - 1) THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED.
  - 2) READILY VISIBLE DURABLE SIGN IS POSTED ON THE EGRESS SIDE OR ADJACENT TO THE DOOR STATING: "DUE TO REMODELING WORK, THIS DOOR MAY BE 'KEY-OPERATED'". THE SIGN SHALL BE IN LETTERS 1-INCH HIGH WITH CONTRASTING BACKGROUND.
  - 3) THE USE OF THE KEY-OPERATED LOCKING DEVICE IS REQUIRED BY THE CITY OF LOS ANGELES FIRE DEPT OFFICIAL OR DUE CAUSE. (CBC & CFC 1009.1-9.3.)

## FIRE DEPARTMENT NOTES

TENANT IMPROVEMENTS IN FIRE SPRINKLERED BUILDINGS  
ANY TENANT IMPROVEMENT OF A BUILDING INVOLVING CHANGES  
TO FLOORS, CELLINGS, AND PRODUCT STORAGE HEIGHTS OVER 8 FEET  
FROM THE FLOOR TO THE SPRINKLERED CEILING AND COVERAGE OF AN  
EXISTING FIRE PROTECTION SYSTEM(S), ALL ADDITIONS OR  
REMOVALS OF SPRINKLERED SYSTEMS, AND ALL SYSTEMS SHALL  
REQUIRE REVIEW AND APPROVAL BY THE CLOVIS FIRE DEPARTMENT.

EXIT SIGNAGE  
THE PATH OF EXIT TRAVEL TO AND WITHIN EXITS IN A BUILDING  
SHALL BE IDENTIFIED BY EXIT SIGNS CONFORMING TO THE REQUIRE-  
MENTS OF THE CBC.

EXITS AND EXIT ACCESS DOORS SHALL BE MARKED BY AN APPROVED  
EXIT SIGN READILY VISIBLE FROM ANY DIRECTION OF EGRESS TRAVEL  
WHICH IS MORE THAN 100 FEET OR LISTED VISIBLE DISTANCES FOR  
THE SIGN, WHICHEVER IS LESS, FROM THE NEAREST VISIBLE SIGN.

ROOMS  
ROOMS HAVING AN OCCUPANT LOAD OF 50 OR MORE AND WHICH IS  
USED FOR ASSEMBLY PURPOSES SHALL HAVE THE CAPACITY OF  
THE ROOM INDICATED IN THE ROOM SIGN ON AN APPROVED SIGN  
NEAR THE MAIN EXIT FROM THE ROOM.

SMOKE DETECTORS IN DUCT WORK  
IF APPLICABLE TO THIS TENANT IMPROVEMENT, SMOKE DETECTORS  
SHALL BE INSTALLED IN SUPPLY AND EXHAUST DUCTS OF MECHANICAL  
CONDITIONING SYSTEMS SUPPLYING GREATER THAN 2000 CFM.  
THE DETECTOR SHALL BE WIRED TO SHUT OFF THE AIR HANDLING UNIT  
IF THE DETECTOR IS TRIPPED. A SMOKE DETECTOR TEST SHALL BE  
REQUIRED AND SHALL BE WITNESSED BY A CLOVIS FIRE INSPECTOR.

## PROJECT DATA

PROJECT:	300 W SHAW AVE - CLOVIS SUITE 117		
OWNER'S CONTACT	DANA BUTCHER ASSOCIATES 1690 #220 W SHAW AVE FRESNO, CALIFORNIA (559) 446-2001		
TENANT:	AARON'S		
CONSTRUCTION:	5-B-NS		
OCCUPANCIES:	'M' & 'S-1'		
SUITE:	OCC		
117 -	M	SALES	4045/30 =135
S1		STOR	2725/300= 9
		TOTAL	6770 SF

**SHEET SCHEDULE**

- A-1 COVER/SITE PLAN  
A-2 FLOOR PLAN & INTERIORS  
A-3 REFLECTED CEILING/DETAILS  
PM PLUMBING/MECHANICAL PLANS  
E-1 ELECTRICAL PLAN

APR 08 2014

Clovis Fire Department  
Bureau of Life Safety and Enforcement  
1233 Fifth St.  
Clovis, CA 93612  
324-2200

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☒ Approved  
☐ Approved, subject to field inspection(s).  
☐ Approved, subject to changes as noted.  
☐ NOT APPROVED for reason(s) noted.

Reviewed by: [Signature]

Date: Nov 27 - 2014

**JOB**  
13021-117

**DATE**  
2.24.14  
4.3.14 PC

**CMBN-561-2014 [117]**  
**COVER/SITE PLAN**  
NO SCALE

SHEET  
A-1

FOR: #117  
300 W SHAW AVE CLOVIS, CA  
NO CALIFORNIA 93722 (559) 276-7711

4539 NORTH BRAWLEY AVENUE #101

**TABATA**  
TABATA ASSOCIATES ARCHITECTURE

## ATTACHMENT 3

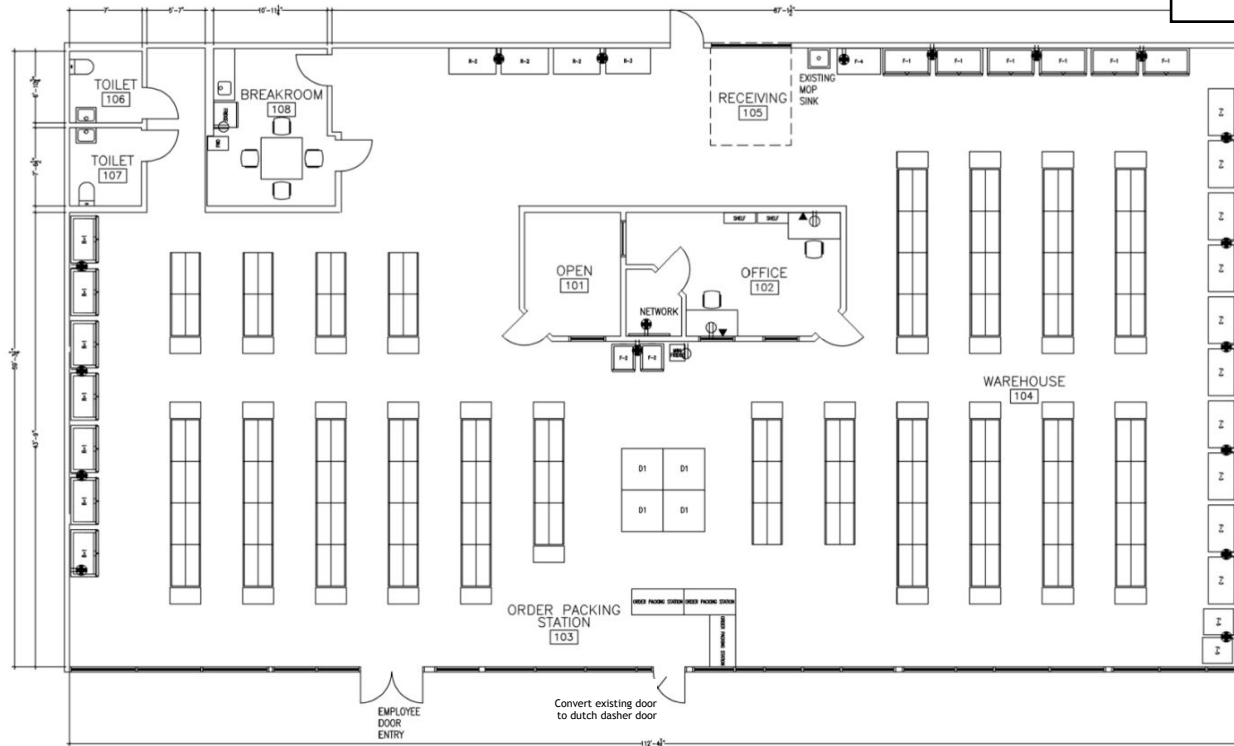
DESCRIPTION	QUANTITY
(B-1) ATOSA REFRIGERATOR - BLACK EXTERIOR GLASS 2 DOOR MERCHANDISER	2*
(B-1) ATOSA FREEZER - BOTTOM MOUNT 2 GLASS DOOR FREEZER	6*
(F-2) ATOSA STANDING FREEZER - BOTTOM MOUNT 1 GLASS DOOR FREEZER	2*
(F-3) GOOD HUMOR FREEZER - ICE CREAM BUNNERS	10*
(B-2) COKE REFRIGERATOR	3*
(B-3) PEPSI REFRIGERATOR	1*
(F-4) REDDY ICE COOLER	1*
(F-5) JEN'S FIVE SHELF FREEZER	2*
(D-1) DUNNAGE RACK	4*
WAREHOUSE STANDARD SHELFING (48" X 18")	
WAREHOUSE ENDCAP SHELFING (36" X 18")	
PACKING STATION TABLES	3
MINI FRIDGE	1
OFFICE DESK	2
OFFICE CHAIR	2
OFFICE WHITEBOARD	1
OFFICE SHELFING	2
BREAKROOM TABLES	1
BREAKROOM CHAIRS	4
BREAKROOM EMPLOYEE LOCKERS	10
BREAKROOM REFRIGERATOR	1
BREAKROOM FILTERED WATER DISPENSER	1
JANITORIAL STORAGE CABINET	1

## FIXTURE LEGEND

WAREHOUSE SHELFING	ORDER PACKING STATION
ATOSA REFRIGERATOR - BLACK EXTERIOR GLASS 2 DOOR MERCHANDISER - MCR2723GR (7)	ATOSA FREEZER - BOTTOM MOUNT 2 GLASS DOOR FREEZER - MCR2702GR (6)
ATOSA STANDING FREEZER - BOTTOM MOUNT 1 GLASS DOOR FREEZER - MCR2701GR (2)	GOOD HUMOR FREEZER - ICE CREAM BUNNERS (10)
COKE REFRIGERATOR - COM-49-1D (3)	PEPSI REFRIGERATOR - Q245-HC (1)
REDDY ICE COOLER - MODEL 40 (1)	JEN'S FIVE SHELF FREEZER - GZF-22 (2)
DUNNAGE RACKS (4)	JANITORIAL STORAGE CABINET (1)
OFFICE DESK AND CHAIR	OFFICE SHELF
OFFICE WHITEBOARD	BREAKROOM EMPLOYEE LOCKERS
BREAKROOM TABLES AND CHAIRS	BREAKROOM REFRIGERATOR
BREAKROOM FILTERED WATER DISPENSER	MINI FRIDGE

## FIXTURE NOTES:

\* QUANTITIES SHOWN FOR REFRIGERATOR AND FREEZERS ARE FUTURE ANTICIPATED QUANTITIES, NOT DAY ONE QUANTITIES



AGENDA ITEM NO. 4.

1

## FIXTURE PLAN - OPTION 01

3/32" = 1'-0"

## ATTACHMENT 4

132

LOCATION ADDRESS:

300 W. SHAW AVE. STE. 113

LOCATION #:

LEASE S.F.: +/- xxxx L.S.F.

FRE-1 REVISIONS:

ISSUE DATE:

3/22/21

**RESOLUTION NO. 00- 131****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
DELEGATING AUTHORITY REGARDING ALCOHOLIC BEVERAGE  
LICENSING TO THE CLOVIS POLICE DEPARTMENT**

WHEREAS, California Business and Professions Code was amended in 1999 to allow local governing bodies to request special conditions in relation to alcoholic beverage licensing; and

WHEREAS, the same Code provides that a local governing body may designate a subordinate agency to submit evidence of problems to, and request special conditions from the Department of Alcoholic Beverage Control; and

WHEREAS, the Police Department works closely with businesses in this area to detect and prevent problems involving establishments with alcohol licenses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that responsibility for submitting evidence and requesting special conditions under Business and Professions Code Section 23800(e) be delegated to the Clovis Police Department.

\* \* \* \* \*

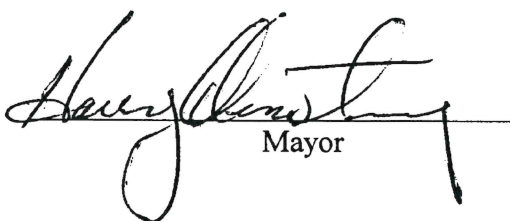
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 9, 2000, by the following vote to wit:

AYES: Councilmembers Flores, Waterston, Wynne, Mayor Armstrong

NOES: None

ABSENT: Councilmember Stearns

DATED: October 9, 2000

  
Mayor

  
City Clerk

**ATTACHMENT 5**

**RESOLUTION NO. 11-135****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DELEGATING  
AUTHORITY REGARDING ALCOHOLIC BEVERAGE LICENSING TO THE CLOVIS  
POLICE DEPARTMENT**

**WHEREAS**, two provisions of the California Business and Professions Code allow local governing bodies, or their designated subordinate officer or agency, to have a say in the issuance of Alcoholic Beverage Control ("ABC") licenses; and

**WHEREAS**, more particularly, Section 23800(e) allows the City to request ABC, and requires that ABC impose, reasonable conditions upon the transfer of a license and Section 23958.4 requires that ABC obtain from the City a letter of public convenience or necessity prior to the issuance of a license for an area determined to be over-concentrated; and

**WHEREAS**, in 2000, with the adoption of Resolution No. 00-131, the City Council delegated the City's authority over ABC licenses to the Police Department (**Exhibit A**);

**WHEREAS**, Resolution No. 00-131 expressly refers to Section 23800(e), which section incorporates by reference Section 23958.4; and

**WHEREAS**, in addition to the express Council delegated authority, it has been the practice of the City to allow the Police Chief to make final decisions regarding ABC matters; and

**WHEREAS**, in order to avoid any ambiguity that the Police Department has authority over both conditions on the transfer of a license (Section 23800(e)) and letters of public convenience or necessity (Section 23958.4), the City Council desires to adopt a new Resolution expressly referencing both sections.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The responsibility for submitting evidence and requesting special conditions on the transfer of a license under Business and Professions Code Section 23800(e) is delegated to the Clovis Police Department.
2. The responsibility for issuing letters of public convenience or necessity under Business and Professions Code Section 23958.4 is delegated to the Clovis Police Department.

\* \* \* \* \*



The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 12, 2011, by the following vote to wit:

AYES: Councilmembers Armstrong, Ashbeck, Magsig, Whalen, Mayor Flores

NOES: None

ABSENT: None

ABSTAIN: None

Dated: December 12, 2011

  
Mayor

  
City Clerk





# Delivering Alcohol Guidelines

At times, you may get orders containing alcoholic beverages. The following information is intended to help you lawfully deliver alcohol. Please note that you could be held liable if you deliver alcohol to a minor or someone who is visibly intoxicated, so it's important that you follow this process fully to protect yourself and the customer.

## I. ALCOHOL PICK-UP

Alcohol orders are for 21+. In order to pick up an order including alcohol you will be required to present your valid drivers license so please make sure you have it on you before accepting the order.

## II. ALCOHOL DROP-OFF

### A. AGE AND ID VERIFICATION

When an order contains alcohol, the law requires you to verify the age of the customer before you hand over the alcohol. You can only deliver alcohol if the customer is 21 years of age or older (19 if you are in Canada) and you scan the customer's ID.

To verify age, ask the customer to see a valid ID. Check every customer's ID every time, even if the customer clearly appears to be over 21 in the US and 19 in Canada. A valid ID must include a photograph and date of birth. For example, acceptable forms of ID may include:

- A valid driver's license issued by federal, state, county, or municipal government.
- A valid passport.
- An identification card issued by the Armed Forces of the United States that contains the name, date of birth, description, and picture of the person.

**IMPORTANT NOTE:** IDNYC is **not** a proper form of ID to buy alcohol in the state of New York. When checking customers' ID, please ask to see one of the above acceptable forms of ID.

**IMPORTANT NOTE:** Only four forms of identification are proper for purchasing alcohol in Massachusetts. Please ensure that the customer has presented (1) an unexpired Massachusetts driver's license, (2) an unexpired Massachusetts liquor ID, (3) an unexpired passport from a country recognized by the United States, or (4) an unexpired military identification card.

Next, make sure the ID is not invalid or fake:

1. Check the expiration date. Do not accept an ID that is expired.
2. Ask to remove the ID from the wallet.

3. Compare the customer at the door to the photo in the ID. Examine facial features height, eye shape, ear and nose shape or placement similar? Ignore weight, hair and makeup as these may change.
4. Feel the edges of the ID - a legitimate ID will have smooth, uniform edges. A fake ID may have rougher edges and perhaps may be coming apart.
5. Look for glue lines or bumpy or uneven surfaces. A real ID's surface should be consistent.

## ***B. CHECK FOR INTOXICATION***

Do not deliver alcohol if the customer is visibly intoxicated. The dictionary defines intoxication as the condition of being drunk. Here are some steps to help determine if a person is intoxicated.

### Physical Signs of Intoxication

1. Look for glassy or bloodshot eyes. Also look for droopy eyes or if someone clearly has difficulty keeping their eyes open.
2. Notice how the person smells. If you notice that the person's breath or clothes smell of alcohol, this may be an effective tell-tale sign of intoxication.
3. Watch for impaired motor function. Intoxicated people can't perform normal tasks in the same way they would if they were sober. If someone is having trouble walking in a straight line or is fumbling with objects, this may be a sign that they are intoxicated.

### Signs of Behavioral Intoxication

1. Look for a person's inhibitions becoming lowered. Some people who are visibly intoxicated exhibit louder behavior than usual or may make inappropriate comments.
2. Watch out for a person that is slurring their speech.
3. Notice if someone is speaking slower or faster than usual.

## ***C. RESTRICTED LOCATIONS***

Do NOT, under any circumstances, deliver alcohol to the following locations:

1. Public or private school (K-12) (e.g. an elementary school);
2. College campus (e.g. a frat house);

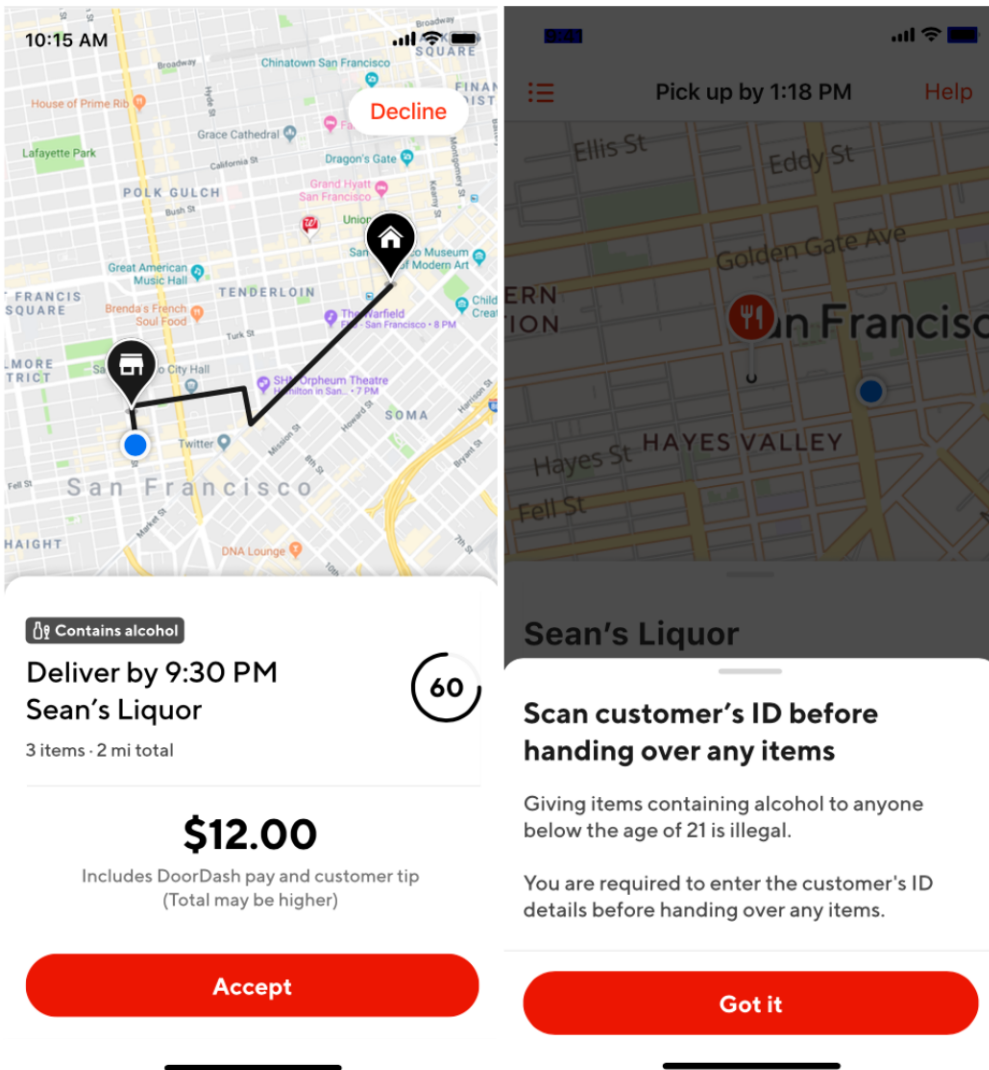
3. Prison, reformatory, veterans' home, or state capitol grounds;
4. Locker or similar package storage service (e.g. a storage facility); or
5. Business that sells alcohol (e.g. liquor store).

#### ***D. JUDGMENT***

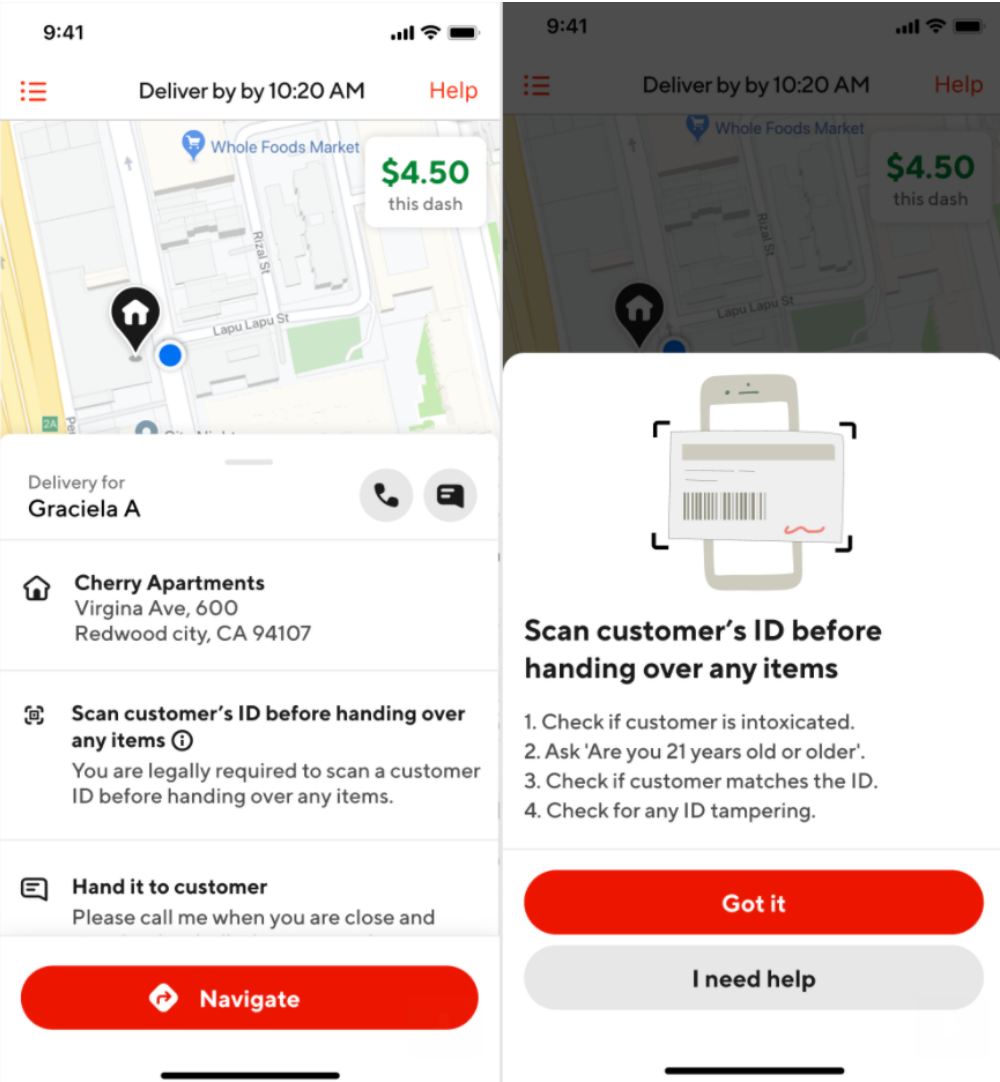
Lastly, use your judgment. If you have any doubts about the ID, the customer, or encounter a situation in which it does not seem reasonable to deliver alcohol (e.g. there is a party with minors present), do not complete delivery and contact support.

# Alcohol Order App Navigation

1. Alcohol orders are for 21+. You will know if your order contains alcohol before you accept it, so be sure to have your ID ready to present to the Merchant if needed.

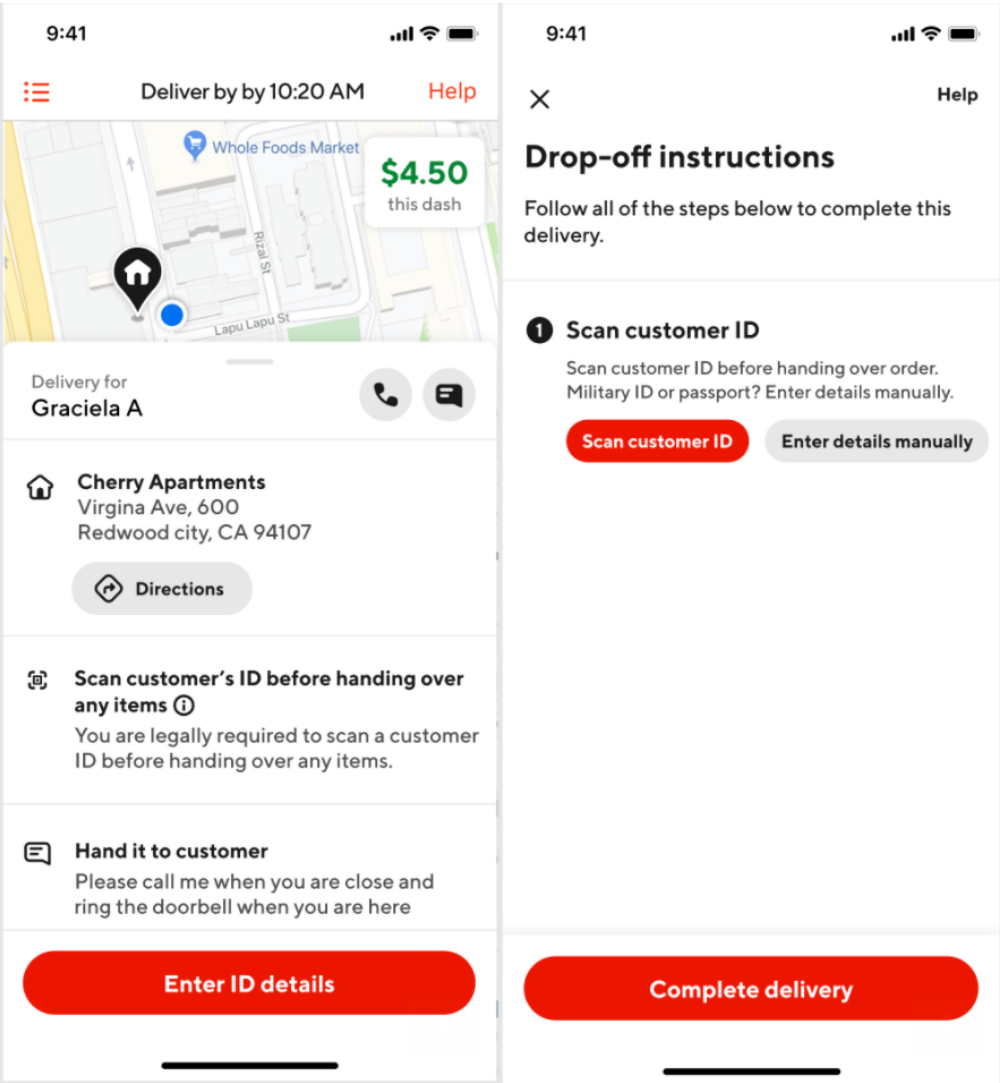


2. Alcohol orders will distinctly have instructions to check a customer's ID. Before handing over any items, check for intoxication and ensure that you have correctly scanned their ID.



3. You can either scan the customer’s ID or enter their details manually in-app. Your delivery is complete once you

have successfully done so.



Troubleshooting - Scanning a customer's ID

Having trouble scanning a customer’s ID? See the Dasher app troubleshooting walkthrough.

DASHER APP TROUBLESHOOTING

For more information and other legal questions, see the [Delivering Alcohol Guidelines](#).



**From:** Emily Lane  
**Sent:** Monday, June 7, 2021 10:19 AM  
**To:** 'Tsuda, Kevin'  
**Cc:** Joyce Roach  
**Subject:** RE: Request for Comments for CUP2021-005  
**Attachments:** DRC-21-00014, Enviromental Health.pdf

Hello Kevin,

Thank you for clarifying Environmental Health's conditions. The DRC comments will be included in the staff report.

Kind regards,



**Emily Lane | Assistant Planner**

City of Clovis | Planning Division  
 p. 559.324.2316 | m. 559.797.0138  
[emilyl@cityofclovis.com](mailto:emilyl@cityofclovis.com)

---

**From:** Tsuda, Kevin [<mailto:ktsuda@fresnocountyca.gov>]  
**Sent:** Monday, June 7, 2021 9:44 AM  
**To:** Emily Lane <[emilyl@ci.clovis.ca.us](mailto:emilyl@ci.clovis.ca.us)>  
**Subject:** RE: Request for Comments for CUP2021-005

Emily,  
 Previous comments for DRC-21-00014 sent on April 1, 2021 are applicable to CUP2021-005.

Sincerely,

Kevin Tsuda, R.E.H.S.  
 Environmental Health Specialist II  
 Environmental Health Division  
 (559) 600-3271  
[ktsuda@fresnocountyca.gov](mailto:ktsuda@fresnocountyca.gov)



## County of Fresno DEPARTMENT OF PUBLIC HEALTH

April 1, 2021

LU0021249  
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: **DRC-21-00014**

**DRC-21-00014;** Proposed electronic order fulfillment facility. The business will purchase wholesale items from distributors, store packaged foods and household essentials commonly found in convenience stores (e.g. ice cream, frozen meals, soda, paper products, over the counter medicine, etc) and sell these items via the business's online website and app. The storage of goods will occupy the primary space, there will be office space and a break room. The business would look to deliver goods 24/7 but would allow customers to pick up goods from the facility between 6am-10pm. Separately, we would seek out a Type 21 alcohol license (the facility would not sell alcohol in any capacity between 2am-6am). The facility would not have sales of alcohol on-site to "on-the spot" orders.

**APN: 499-230-85**

**ZONING: C-2**

**ADDRESS: 300 W. Shaw Avenue Suite 17**

Recommended Conditions of Approval:

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

***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

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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.

- The project has the potential to expose nearby residents to noise levels in excess of standards established in the Noise Element of the City of Clovis General Plan and the Noise Ordinance.

The following comments pertain to the remodel of existing suite(s):

- Should the suite(s) have an active rodent or insect infestation, the infestation should be abated prior to remodel of the suite(s) in order to prevent the spread of vectors to adjacent properties.
- In the process of remodeling the existing suite(s), the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the suite(s) were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

---

REVIEWED BY:

*Kevin Tsuda*

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

(559) 600-33271

---

KT

cc: Rogers, Moreno, Salazar & Morgan - Environmental Health Division (CT. 31.02)  
Sophie Farrara- Applicant ([ddpermits@doordash.com](mailto:ddpermits@doordash.com))

**POLICE DEPARTMENT COMMENTS**

Ken Wells, Police Corporal  
(559-234-2468, [kenw@cityofclovis.com](mailto:kenw@cityofclovis.com))  
Christopher Hutchison, Police Corporal  
(559-324-3463, [christopherh@cityofclovis.com](mailto:christopherh@cityofclovis.com))

**Clovis Police Proposed Conditions**

1. No on-site sales of alcohol – meaning all alcohol sales would have to be delivered to another location. This is to include orders where the customer may be waiting
2. Customer pickup hours would be prohibited from 10 pm and 6 am.
3. All alcohol sales must cease between the hours of 2 am and 6 am.
4. Alcohol sales shall not be permitted at the following locations:
  - a. Public or private schools
  - b. Public parks
  - c. Any other location where alcohol consumption is not permitted.
5. Strict adherence to DoorDash policy titled “Delivering Alcohol Guidelines.” Conditions of this policy especially important to the Clovis Police Department include:
  - a. Delivery drivers shall be 21 years of age or older to deliver sales including alcohol.
  - b. Delivery drivers shall verify the age of the customer by checking the customer’s ID.
  - c. Delivery drivers shall not complete the sale of alcohol if the customer is visibly intoxicated.
  - d. To prevent sales to underage minors, delivery drivers shall verify the name of the customer placing the order matches the name of the person receiving the order. As noted in condition 5(b), the delivery driver shall check the customer’s ID.

**CONDITIONS OF APPROVAL**

01-14-19 REV

Entitlement: CUP 2021-005  
 Description: All an Electronic Fulfillment Center within an Existing Building  
 Applicant: Doordash  
 Property Location: 300 West Shaw Avenue, Suite 117  
 APN: 499-230-85

**ENGINEERING / PUBLIC UTILITIES CONDITIONS OF APPROVAL:**

(Sean Smith, Engineering Representative - 324-2363)  
 (Paul Armendariz, Public Utilities Representative – 324-2649)

**Dedications and Street Improvements**

1. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
2. The applicant shall remove and repair all damaged or broken concrete improvements, such as but not limited to the following list. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.

**Water**

3. 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.
4. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
5. The applicant shall provide for recording a landscape and irrigation perpetual maintenance covenant for landscaping installed in the public right-of-way behind the curb and within City easements that will not be maintained by the Clovis Landscape Maintenance District. The recordable covenant must be submitted to, reviewed and approved by the City Engineer prior to approval of the improvement plans or the release of any development permits.

**Miscellaneous**

6. The applicant shall construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall

not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be designed to accommodate for future grading of the alley. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.

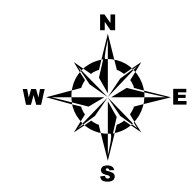
7. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.





Install Type III Trash Enclosure per City Standard M-2 and M-3.

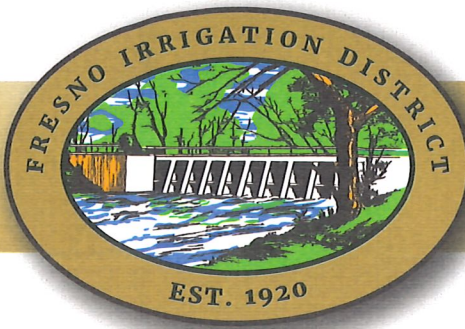
1" = 50'



4/6/2021

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

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

June 4, 2021

Emily Lane  
City of Clovis  
Planning Division  
1033 Fifth Street  
Clovis, CA 93612

RE: Conditional Use Permit Application No. CUP2021-005  
S/W Shaw and Villa avenues

Dear Ms. Lane:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit Application No. CUP2021-005 for which the applicant requests to allow an electronic fulfillment center within an existing building, APN: 499-230-85. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject properties, as shown on the attached FID exhibit map.
2. For informational purposes, FID's Helm No. 101 runs northwesterly, crosses Santa Ana Avenue approximately 2,900 feet southeast of the subject property, crosses Minnewawa Avenue approximately 2,000 feet east of the subject property, crosses Shaw Avenue approximately 1,800 feet northeast of the subject property, and crosses Villa Avenue approximately 1,400 feet northeast of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Santa Ana Avenue, Minnewawa Avenue, Shaw Avenue, Villa Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.

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

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment

G:\Agencies\Clovis\Conditional Use Permit\CUP2021-005\CUP2021-005.doc

REC 5/18/21  
DUE 6/4/21  
DRAFT 1  
JL

AGENDA ITEM NO. 4.

June 2, 2021

Emily Lane  
City of Clovis  
Planning Division  
1033 Fifth Street  
Clovis, CA 93612

OK

RE: Conditional Use Permit Application No. CUP2021-005  
S/W Shaw and Villa avenues

Dear Ms. Lane:

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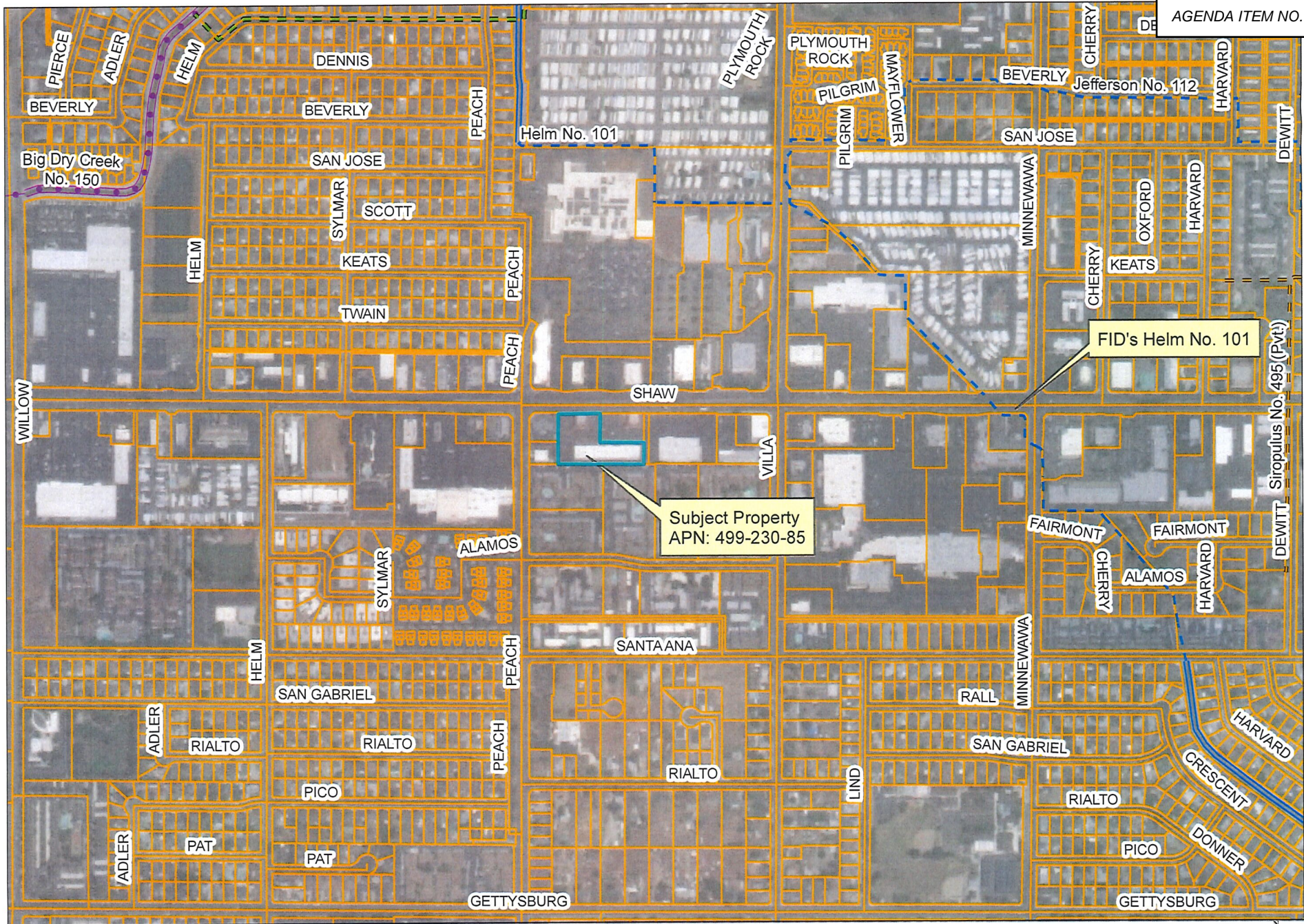
Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment

\\fids01\Eng\Agencies\Clovis\Conditional Use Permit\CUP2021-005\CUP2021-005.doc





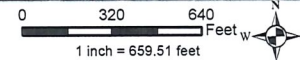
This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown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

FRESNO IRRIGATION DISTRICT

Legend

- FID Canal
- FID Pipeline
- Stream Group
- Private Canal
- Private Pipeline
- Other-Creek/River
- Abandoned Canal
- Abandoned Pipeline
- Other-Pipeline
- Railroad
- Streets & Hwys

- FID Boundary
- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins



Date Saved: 6/1/2021 8:44:40 AM  
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## Joyce Roach

---

**From:** Rick Fultz  
**Sent:** Monday, May 24, 2021 2:49 PM  
**To:** Joyce Roach  
**Subject:** RE: Request for Comments for CUP2021-005

Hi Joyce,

No fire department site comments for this project. The interior of the building will be reviewed when plans are submitted to the Building Department.

Thanks

Rick Fultz  
 Fire & Life Safety Analyst  
 Clovis Fire Department  
 Office (559)324-2214  
 Cell (559) 696-0889  
[rickf@cityofclovis.com](mailto:rickf@cityofclovis.com)

---

**From:** Joyce Roach  
**Sent:** Tuesday, May 18, 2021 11:41 AM  
**To:** Amjad M. Qader <amjadq@fresnofloodcontrol.org>; Amy Hance <AmyH@ci.clovis.ca.us>; Andrew Haussler <andrewh@ci.clovis.ca.us>; Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>; Andrew Nabors <andrewnabors@cusd.com>; Anthony Summers <Kristopher.W.Summers@usps.gov>; Arthur Negrete <arthurn@ci.clovis.ca.us>; Bernard Jimenez <Bjimenez@co.fresno.ca.us>; Bill Fox <billf@ci.clovis.ca.us>; Manuel Barrios <manuelb@ci.clovis.ca.us>; Brian Weldon <bw1987@att.com>; Chad Fischer <Chad.Fischer@waterboards.ca.gov>; Chad Fitzgerald <ChadF@ci.clovis.ca.us>; Cherie Clark <Cherie.Clark@valleyair.org>; Christopher Hutchison <christopherh@ci.clovis.ca.us>; Chris Motta <cmotta@co.fresno.ca.us>; Christian A. Esquivias Ramirez <ChristianE@ci.clovis.ca.us>; Claudia Cazares <claudiac@ci.clovis.ca.us>; Colleen Vidinoff <colleenv@ci.clovis.ca.us>; Curt Fleming <curtf@ci.clovis.ca.us>; Dave Fey <dfey@co.fresno.ca.us>; Dave Padilla <dave.padilla@dot.ca.gov>; Dave Randall <drandall@co.fresno.ca.us>; Dave Scott <ds1298@att.com>; David Gonzalez <davidg@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Debbie Campbell <debbiec@fresnofloodcontrol.org>; Deep Sidhu <SSidhu@co.fresno.ca.us>; Denver Stairs <DenverStairs@cusd.com>; Douglas Stawarski <dougs@ci.clovis.ca.us>; Emily Lane <emilyl@ci.clovis.ca.us>; Eric Smith <erics@ci.clovis.ca.us>; FID <Engr-Review@fresnoirrigation.com>; FMFCD <developmentreview@fresnofloodcontrol.org>; Gary Sawhill <Sawhill@ci.clovis.ca.us>; Gene Abella <genea@ci.clovis.ca.us>; George Gonzalez <georgeg@ci.clovis.ca.us>; George Uc <guc@co.fresno.ca.us>; Gerald Conley <geraldc@ci.clovis.ca.us>; Glenn Allen <glallen@co.fresno.ca.us>; Glenn Eastes <glenne@ci.clovis.ca.us>; Holly Greathouse <hollyg@ci.clovis.ca.us>; Iri Guerra <IriG@ci.clovis.ca.us>; Ivette Rodriguez <ivetter@ci.clovis.ca.us>; Jason C. <jasonc@fresnofloodcontrol.org>; Jesse Newton <jessen@ci.clovis.ca.us>; Jesus Santillan <jesuss@ci.clovis.ca.us>; Joe Alexander <JoeA@ci.clovis.ca.us>; John Cross <JohnC@ci.clovis.ca.us>; John Willow <JohnWi@ci.clovis.ca.us>; Jonas Chanh <jonasc@ci.clovis.ca.us>; Jose Sandoval <joses@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>; Juan Lara <jlara@co.fresno.ca.us>; Katy Benham <KatyB@ci.clovis.ca.us>; Kelsey George <kelseyg@ci.clovis.ca.us>; Ken Wells <kenw@ci.clovis.ca.us>; Kevin Tsuda <KTsuda@co.fresno.ca.us>; Lily Cha <lilyc@ci.clovis.ca.us>; Luis Murrieta <LDMQ@pge.com>; Luke Serpa <lukes@ci.clovis.ca.us>; Maria Spera <mspera@ci.clovis.ca.us>; Michael Maxwell <michaelm@fresnofloodcontrol.org>; Michael Navarro <michael\_navarro@dot.ca.gov>; Mike Harrison <mikeh@ci.clovis.ca.us>; Mike McLemore <MikeM@ci.clovis.ca.us>; Mikel Meneses <mikelm@fresnofloodcontrol.org>; Monique Chaidez <MKR4@pge.com>; Nadia Lopez <nllopez@fresnocountyca.gov>; Nicholas Torstensen <nicholast@ci.clovis.ca.us>; Paul Armendariz <PaulA@ci.clovis.ca.us>; Renee Mathis <ReneeM@ci.clovis.ca.us>; Rick

Fultz <rickf@ci.clovis.ca.us>; Ricky Caperton <rcaperton@ci.clovis.ca.us>; Robert J. Howard <R3Hd@p  
 Villalobos <robertv@fresnofloodcontrol.org>; Ryan Burnett <RyanB@ci.clovis.ca.us>; Ryan Nelson  
 <ryann@ci.clovis.ca.us>; Sarai Yanovsky <saraiy@ci.clovis.ca.us>; Scott Redelfs <scottr@ci.clovis.ca.us>; Sean Smith  
 <SeanS@ci.clovis.ca.us>; Sharla Yang <Sharla.Yang@valleyair.org>; Shawn Miller <ShawnM@ci.clovis.ca.us>; SJVAPCD  
 <CEQA@valleyair.org>; Steven Rhodes <SRhodes@co.fresno.ca.us>; Trina Vietty <trina@ci.clovis.ca.us>; Wildlife CEQA  
 <R4CEQA@wildlife.ca.gov>

**Cc:** Emily Lane <emilyl@ci.clovis.ca.us>; Joyce Roach <joycer@ci.clovis.ca.us>

**Subject:** Request for Comments for CUP2021-005

Good morning,

Please see the attached request for comments for CUP2021-005, for an electronic fulfillment facility at 300 W. Shaw Avenue, Suite #117.

Thank you, and have a good day.



**Joyce Roach | Planning Assistant**

City of Clovis | Planning Division  
 1033 Fifth Street, Clovis, CA 93612  
 p. 559.324.2341 | f. 559.324.2844  
[joycer@cityofclovis.com](mailto:joycer@cityofclovis.com)



## California Department of Transportation

**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 488-4057 | FAX (559) 488-4195 | TTY 711

[www.dot.ca.gov](http://www.dot.ca.gov)



June 3, 2021

06-FRE-168-PM R05.04

Application for STP – Site Plan Review

CUP2021-005, for an electronic fulfillment facility

[GTS: DoorDash Facility](#)

Joyce Roach  
Planning Assistant  
City of Clovis  
Planning Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Joyce Roach:

Thank you for the opportunity to review the Conditional Use Permit for the proposed development of a Doordash order fulfillment facility (approximately 6,600 ft<sup>2</sup>) in an existing strip mall on the southeast quadrant of Shaw Avenue and Peach Avenue in the City of Clovis. This infill type development is located approximately 0.9 mile east of the State Route (SR) 168 / Shaw Avenue interchange. The operational statement estimated the total delivery trips from the DashMart facility between 75 to 200 per day depending on the order volume. Delivery trips are estimated to be within 12 to 15 miles of the facility.

This development is expected to add vehicles to the eastbound SR168 ramp queue at Clovis Avenue in the peak hour. The result could be a significant speed differential between the off-ramp queue and the mainline of the freeway. The Project may contribute their fair share for the eastbound off-ramp improvement or contribute through the City of Clovis impact fee program if any and there should be a VMT analysis performed by the proponent for this development.

If you have any further questions, contact Christopher Nicholas at (916) 698-0146 or [Christopher.nicholas@dot.ca.gov](mailto:Christopher.nicholas@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Padilla'.

DAVID PADILLA, Branch Chief  
Transportation Planning - North

**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
CONDITIONAL USE PERMIT CUP2021-005 TO ALLOW AN ELECTRONIC FULFILLMENT  
FACILITY WITHIN AN EXISTING COMMERCIAL CENTER LOCATED AT 300 WEST SHAW  
AVENUE, SUITE 113-117, AND FINDING THAT THE PROJECT IS CATEGORICALLY  
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, Doordash Essentials, LLC, 303 2<sup>nd</sup> Street, Suite 800 San Francisco, CA 94107, has applied for a Conditional Use Permit (CUP2021-005) to allow an electronic fulfillment facility at an existing commercial center located at 300 West Shaw Avenue, Suite 113-117 Clovis, CA 93612 in the City of Clovis, County of Fresno ("Project"); and

**WHEREAS**, the City published notice of the Public Hearing in the Fresno Business Journal on June 9, 2021, mailed notice to area residents within 500 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**, a duly noticed Public Hearing was held on June 24, 2021; and

**WHEREAS**, the Planning Commission has reviewed and considered the entire Administrative Record, including the staff report, all written materials submitted with the request, the conditions attached as **Attachment A** to this Resolution, which are incorporated herein by this reference, and all the testimony and other evidence presented during the Public Hearing; and

**WHEREAS**, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports a finding that the Project is categorically exempt from CEQA review as a Class 32 Infill Development Exemption (CEQA Guidelines section 15332).

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

1. CUP2021-005 is hereby approved with incorporation of the conditions of approval set forth in **Attachment A** to this Resolution.
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of the Development Code.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.
  - c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.

**ATTACHMENT 8**

- d. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - e. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2021-005 without the conditions of approval set forth in **Attachment A** to this Resolution.
  4. Planning Commission finds that the Project is categorically exempt from CEQA review as a Class 32 Infill Development Exemption (CEQA Guidelines section 15332).
  5. The basis for the findings is detailed in the June 24, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chair

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



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: June 24, 2021

SUBJECT: Consider items associated with  $\pm 2.75$ -acres of property located south of Shaw Avenue and east of Highway 168 for the construction of a gas station and convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control license, and two (2) drive-through uses. Steven G. Sanders, Trustee of Steve G. Sanders Trust, owner; Randel Mathias, applicant and representative.

a) Consider Approval – Res. 21-\_\_\_\_, CUP2020-008, A request for a conditional use permit allowing for the construction of a gas station and  $\pm 4,500$  square-foot convenience store with a Type 21 (beer, wine, and distilled spirits) alcoholic beverage control (ABC) license.

b) Consider Approval – Res. 21-\_\_\_\_, CUP2021-003, A request for a conditional use permit allowing for the construction of a future drive-through use.

c) Consider Approval – Res. 21-\_\_\_\_, CUP2021-004, A request for a conditional use permit allowing for the construction of a future drive-through use.

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

**Recommendation:** Approve

ATTACHMENTS:

1. Conditions of Approval
2. Operational Statements
3. Conceptual Site Plan
4. Resolutions Nos. 00-131 and 11-135
5. Conceptual Elevations
6. Correspondence
7. Draft Res. 21-\_\_\_\_ CUP2020-008
8. Draft Res. 21-\_\_\_\_ CUP2021-003
9. Draft Res. 21-\_\_\_\_ CUP2021-004

## CONFLICT OF INTEREST

None.

## RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve Conditional Use Permit CUP2020-008, subject to the conditions of approval included as **Attachment 1**;
- Approve Conditional Use Permit CUP2021-003, subject to the conditions of approval included as **Attachment 1**; and
- Approve Conditional Use Permit CUP2021-004, subject to the conditions of approval included as **Attachment 1**.

## EXECUTIVE SUMMARY

As shown on **Figure 1**, the applicant is requesting approval of three (3) conditional use permits for the construction of three (3) buildings on  $\pm 2.75$ -acres of property located south of Shaw Avenue and east of Highway 168. Conditional Use Permit CUP2020-008 is a request for a gas station and convenience store with a Type 21 (beer, wine, and distilled spirits) ABC license. Conditional Use Permit CUP2021-003 and Conditional Use Permit CUP2021-004 are requests for conditional use permits for two separate future drive-through food and/or beverage uses. Each request is seeking up to 24-hour-per-day operation for flexibility. The users of the future drive-through locations are not yet known, and therefore, subsequent entitlements and/or amendments to the conditional use permits, if approved, may be required as users are identified.

The project would require demolition of an existing structure which currently operates as a recreational vehicle (RV) sales dealership. The applicant has provided a more detailed operational statements for each of the uses included as **Attachment 2**.

Approval of this request would allow the applicant to proceed with site plan review. Although the site plan review process is reviewed administratively at the Staff level, a conceptual site plan has been provided as **Attachment 3** for informational purposes.




## BACKGROUND

- General Plan Designation: GC (General Commercial) / Focus Area 3
- Existing Zoning: C-2 (Community Commercial)
- Lot Size:  $\pm 2.75$  acres (portion of overall parcel size)
- Current Land Use: Recreational Vehicle sales (will vacate prior to project)
- Adjacent Land Uses:
  - North: Commercial
  - South: Vacant (parking lot of former RV sales use)
  - East: Commercial (auto dealership)
  - West: Highway 168
- Previous Entitlements: CUPs (49; 69; 77-11; 81-11; 83-11)  
SPRs (81-15; 83-76; 97-17)



**FIGURE 1**  
**Project Location**



-  = Building "A" Gas Station and Convenience Store ( $\pm 4,500$  sq. ft.) / CUP2020-008
-  = Building "B" Future Drive-Through Use ( $\pm 2,700$  sq. ft.) / CUP2021-003
-  = Building "C" Future Drive-Through Use ( $\pm 2,600$  sq. ft.) / CUP2021-004

## PROPOSAL AND ANALYSIS

The applicant is requesting approval of three (3) conditional use permits for construction of a gas station and convenience store (Building “A”), and two (2) future drive-through uses (Buildings “B” and “C”), as shown in **Attachment 3**. Per Table 2-4 in Section 9.12.020 of the Clovis Municipal Code (CMC), the uses associated with the request each require a conditional use permit.

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

### Existing Site and Surrounding Area

The existing site currently operates as a recreational vehicle sales dealership. Historically, the site has operated as numerous vehicle sales dealerships and automotive uses throughout the years. The immediate surrounding area includes a variety of automotive and commercial uses, as well as single-family residential further south, and multi-family residential southwest of the area in the City of Fresno. Just west of the site is access to and from Highway 168.

### Conditional Use Permit CUP2020-008 (Gas Station and Convenience Store)

Conditional Use Permit CUP2020-008 proposes a gas station that would include 6 fueling pumps (12 stations), and a ±4,500 square-foot convenience store with alcohol sales shown above in **Figure 1** as “Building A.” The overall use would operate similar to a typical gas station/convenience store facility and offer a variety of beverages, food, and snacks. The applicant is also requesting a Type 21 ABC license.

#### Alcohol Sales (Type 21)

As part of the request, the applicant is seeking a Type 21 ABC license for the sale of beer, wine, and distilled spirits. Although the request for alcohol sales is included as part of CUP2020-008 as a matter of land use operation, the Clovis Police Department (CPD) was granted full authority for decisions related to obtaining an ABC license. This authority was established via Resolution No. 00-131, adopted by City Council on October 9, 2000, and reaffirmed through Resolution No. 11-135, adopted by City Council on December 12, 2011. These resolutions are provided as **Attachment 4**. Thus, while CUP2020-008 includes a request for a gas station, convenience store, and alcohol sales, the decision for the alcohol component ultimately rests with the Police Department.

The project is located within ABC Census Tract 31.02 which allows for up to six (6) off-sale ABC licenses according to state standards; however, currently there are nine (9) within the census tract, thus, “over concentrated” by three (3) licenses. This results when the number of “allowed” licenses within a specific census tract is exceeded. When over concentration occurs, a letter of “public convenience or necessity” must be provided by the local jurisdiction in order allow the license to be issued. Essentially, the State allows the additional licenses exceeding the limits when the local jurisdiction determines that “public convenience or necessity” is served by doing so. As noted above, this determination is made by the Clovis Police Department.

The Police Department has concluded that it would support the request for a Type 21 ABC license as part of CUP2020-008 if an existing Type 21 ABC license is transferred from another location within the same ABC census tract (Census Tract 31.02).

Thus, if approved, the project would not be adding another ABC license to the census tract, but rather would be relocating an existing license. This is reflected in the conditions of approval provided as **Attachment 1**. Assuming the applicant is able to transfer a license from another location, the Police Department has provided operational conditions for the project.

#### Project Operations

Although the applicant has stated that the planned hours of operation would be seven (7) days per week between the hours of 6:00 a.m. and 2:00 a.m., the request is to be able to operate 24 hours per day to allow for flexibility in hours of operation. Thus, the consideration for CUP2020-008 should be for 24-hour use of the gas station and/or convenience store. The project anticipates a staff of up to 10 full-time employees, with up to 6 part-time staff.

#### **Conditional Use Permits CUP2021-003 and CUP2021-004 (Future Drive-Through Uses)**

Conditional Use Permits CUP2021-003 and CUP2021-004 propose future drive-through uses shown above in **Figure 1** as “Building B” and “Building C,” respectively. The users of these drive-through facilities are unknown at this time; however, future users would be required to comply with the conditions of approval included as **Attachment 1**. Should the user(s) at that time seek to deviate from those conditions, an amendment to CUP2021-003 and/or CUP2021-004 would be required, in which case would come before the Planning Commission for further consideration.

#### Project Operations

Given the users are unknown, project operations are not yet identified for either drive-through location. However, the applicant is seeking up to 24-hour per day use for CUP2021-003 and CUP2021-004 for flexibility. Therefore, consideration of these conditional use permits should assume 24-hour per day operation.

Clovis Municipal Code (CMC) Section 9.40.090 provides specific standards for drive-through facilities; therefore, the recommended conditions of approval reflect adherence to CMC Section 9.40.090 to ensure operations are consistent with City standards. Of note, the conditions of approval also specify that any future tenant identified by the City as a “high volume drive-through” user may trigger additional review and requirements for vehicle stacking above the typical standard.

#### **Circulation and Parking**

As shown on the conceptual site plan (**Attachment 3**), the site would be accessed by two points of ingress/egress along Shaw Avenue. There is another point of entry via the cul-de-sac at Winery Avenue; however, that ingress/egress is intended only for emergencies and not necessarily for gas station, convenience store, or drive-through customers.

The project would include construction of a deceleration lane along Shaw Avenue to provide for sufficient length for customers to safely slow and enter the site from Shaw Avenue. Further, the site has been designed with safety in mind by minimizing potential vehicle conflicts upon entering the site. This is reflected by the proposed median at the western-most entrance, and the one-way drive-aisle providing access to the drive-through facilities.

With regard to parking, Chapter 9.32 of the CMC requires a parking ratio of 5.4 vehicle stalls per 1,000 square feet of building area for commercial and service users with multiple tenants. Therefore, based on  $\pm 4,500$  square foot convenience market, and  $\pm 5,300$  square feet of drive-through uses, totaling  $\pm 9,800$  square feet, 53 vehicle stalls would be required. The conceptual site plan indicates approximately 75 vehicle spaces, therefore, would meet the required parking. In addition, there is an existing reciprocal parking, access, and circulation agreement in place between the parcels. This would further provide the necessary parking and circulation needed to accommodate the uses proposed at the site.

### Site Design

The applicant has provided conceptual elevations which are included as **Attachment 5**. As shown, the convenience store (Building A) would have a maximum height of  $\pm 25$  feet at its peak. The elevations show a variety of heights to prevent a stark and continuous roofline, as well as the use of multiple façade materials such as stucco and stone or brick veneer. There would also be a fuel canopy covering the fuel stations. Conceptual elevations for Buildings “B” and “C” are also provided in **Attachment 5**, and reflect a similar style as the convenience store and gas station that ensures a consistent design among the different structures. Both of these buildings propose a maximum height of  $\pm 25$  feet at its peak, similar to the gas station and convenience store. This would ensure the massing and character of the area remains consistent.

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

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

### Review and Comments from Agencies

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

Comments received are attached (**Attachment 6**) 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.

Of note, Fresno Unified School District did provide a response in opposition to the sale of alcohol. However, as mentioned above, the sale of alcohol is contingent upon a transfer of an existing ABC license within the same census tract. Thus, if the sale of alcohol is permitted at this location, there would not be a net increase in the amount of ABC license in the area.

### California Environmental Quality Act (CEQA)

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

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

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

The City published notice of this public hearing in *The Business Journal* on Wednesday, June 9, 2021.

### **Consistency with 2014 Clovis General Plan Goals and Policies**

Staff has evaluated the project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development and redevelopment in a responsible manner. The goals and policies seek to encourage and foster economic opportunities that support jobs for the area.

#### Land Use Element

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

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

#### Economic Development Element

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

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

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

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



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

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

As part of Focus Area 3, a Commercial Corridor Pattern Book (Pattern Book) was developed in partnership with Fresno State and various local agencies in order to guide future development and redevelopment of the Shaw Avenue corridor. Although the Pattern Book is not an officially adopted document, therefore voluntary, the intent is that it serve as a tool offering ideas about how commercial properties can improve the look and function of their buildings and property as redevelopment of sites occur. The Pattern Book provides ideas for how to redevelop and enhance site features and design for an improved and more pedestrian oriented look and feel.

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

### **REASON FOR RECOMMENDATION**

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

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

### **Conditional Use Permits CUP2020-008, CUP2021-003, and CUP2021-004**

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

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

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

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

*If approved, the project would be in compliance with the 2014 Clovis General Plan, as described above in the staff report. The underlying General Plan land use designation of General Commercial would remain unchanged and the proposed use is acceptable within that designation, according to the 2014 Clovis General Plan. Per the General Plan, the General Commercial land use designation is intended for community- or regional-scale uses. The project proposes a gas station and convenience store, along with two future drive-through facilities which are intended to serve the overall area and serve as a convenient location for fuel and/or snacks and beverages to patrons exiting Highway 168 and/or driving along Shaw Avenue.*

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

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

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

*Although the project includes demolition of the existing structure, the proposed project would construct a new building of smaller in size. Further, the project is occupying approximately 2.75 acres of a total 5 acre site comprised of multiple parcels. Therefore, the site is physically suitable to accommodate the project and its proposed use.*

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

*The project would comply with all applicable public health standards. Further, as a redevelopment of a site that was previously developed with commercial and service related uses, the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use. Although modifications and/or upgrades may be required to the existing infrastructure, the overall site can be adequately served.*

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

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

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

### **ACTIONS FOLLOWING APPROVAL**

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

### **FISCAL IMPACT**

None.

### **NOTICE OF HEARING**

Property owners within 300 feet notified: 61

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by:



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Dave Merchen  
City Planner

# **CONDITIONS OF APPROVAL** **CUP2020-008**

## **PLANNING DIVISION CONDITIONS**

**(Ricky Caperton, AICP, Senior Planner, Division Representative – (559) 324-2347)**

1. All conditions of CUPs 49, 69, 77-11, 81-11, and 83-11, along with SPRs 81-15, 83-76, and 97-17, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This Conditional Use Permit approval is for the operation of 24-hour use  $\pm$ 4,500 square-foot convenience store and 12-pump fuel station located on an approximately 2.75-acre portion of property located at 984 Shaw Avenue, as indicated as Building “A” on the approved site plan exhibit included in the June 24, 2021 Planning Commission Staff Report.
3. This Conditional Use Permit allows for the sale of alcohol within a convenience store, subject to all applicable Alcoholic Beverage ABC license requirements and Clovis Police Department approval and conditions.
4. This Conditional Use Permit is not transferable to another location.
5. This Conditional Use Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report.
6. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
7. The use shall prohibit overnight parking and/or camping on the site.
8. Fuel delivery shall pull completely onto the site during deliveries and shall only access the site from Shaw Avenue, and shall not block any pedestrian and/or vehicular circulation.
9. Unless otherwise permitted through an appropriate entitlement, there shall be no outdoor displays and/or sales of merchandise, including the use of vending machines (i.e. propane exchange cages, vending machines, ice machines, etc.).
10. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
11. The applicant shall keep free and clear the access between the subject site and adjacent parcels.

12. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
13. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
14. There shall be no use of exterior music and/or outdoor speaker systems.
15. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
16. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
17. Any future request to expand the use shall be subject to an amendment to the CUP.
18. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
19. All parking of employees shall occur on-site.
20. The use shall provide for 5.4 vehicle parking spaces per 1,000 square feet of gross floor area.

### **FIRE DEPARTMENT CONDITIONS**

**(Rick Fultz, Department Representative – (559) 324-2224)**

21. **Reciprocal Access Agreement:** The applicant shall provide a signed reciprocal access agreement with the adjoining property for the use of the common drives and road system prior to the issuance of building permits.
22. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of the project.
23. **Fire Apparatus Access Roads (26'):** Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
24. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation. Gates shall be inspected and tested for operation prior to any occupancy. The emergency vehicle access gate at the north end of the property



shall have a minimum clear width of 20', have signs posted on each side of the gate stating "EMERGENCY ACCESS NO PARKING", and have a Best Lock CX-1 core pad lock accessible from either side of the gate.

25. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
26. **Fire Lane:** The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
27. **Fire Access – Landscape Obstruction:** Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.
28. **Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4') from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, and porches. A Fire Department permit is required for an automatic fire sprinkler installation.
29. **Underground Fire Service Line:** Modifications to existing fire service underground will require plans to be submitted and permits to be obtained from the fire department.
30. **Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.
31. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1. This will be reviewed and approved by the Clovis Fire Department before installation.
32. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
33. **Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A 10BC minimum rating, one (1) per each 3000 square feet (ordinary hazard), with a maximum travel of seventy five feet (75') from any point in building. These should be located and approved by the Clovis Fire Department prior to building occupancy.
34. **UL 300 – Hood System:** The applicant shall install protection of cooking equipment by means of an automatic fire extinguishing system complying with UL 300 that is listed and labeled for its intended use. A fire extinguisher listed and labeled for Class

K fires shall be installed within thirty feet (30') of commercial food heat processing. Plans shall be submitted to the Fire Department for approval and permit shall be obtained from Fire Department.

35. **Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8. Large commercial, industrial buildings may require additional building addressing on the back side of the building as approved by Clovis Fire Department. Building numbers shall:
  - a. Be a minimum of twelve inches (12") tall.
  - b. Be a minimum of one and one-half inches (1½") principal stroke width.
  - c. Be located above any eaves or walkway coverings, if possible.
  - d. Face the street in which it is addressed, if possible.
  - e. Buildings with multiple unites shall be identified with unit numbers at both front and rear entrances.
  - f. Buildings with multiple address numbers shall also have the address numbers on the rear door. (Rear door numbers are not required to be illuminated if reflectorized.)
  - g. Unit numbers and rear door building numbers shall be at least four inches (4") in height
36. **Exit Doors Locking:** No locks are permitted to prevent the operation of doors except the main exterior door meeting the requirements of 1010.1.9.4 2019 CFC. The unlatching of any door shall not require more than one operation. 1010.1.9.6. 2019 CFC.
37. **Underground Fuel Tanks:** Plan and installation approval for underground fuel tanks must be obtained through Fresno County Environmental Health.
38. **Fuel Islands:** Installation of fuel dispensing islands and underground tanks shall comply with 2019 CFC Section 2303, 2304, 2305.
39. **LP-gas cylinder exchange for resale:** Plans shall be submitted and permits obtained for the exchange and resale of LP-gas cylinders per 2019 CFC 6109.15.
40. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.
41. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**POLICE DEPARTMENT CONDITIONS**  
(Ken Wells, Department Representative – (559) 324-2400)

- 42. A video surveillance system will be installed with coverage to include the interior and exterior of the business.
- 43. Video surveillance will be recorded and maintained for a minimum of 30 days and will be made available to law enforcement upon request.
- 44. There shall be signs prominently posted on the exterior of the business that no alcohol is to be consumed on the property as well as signs indicating that loitering is prohibited.
- 45. There shall be no sale of alcohol to obviously intoxicated people.
- 46. Employees selling alcohol, on site management and other supervisors are to take an appropriate Alcohol Beverage Control approved class for this type of location every year, related to checking/receiving proper identification from patrons.
- 47. The business owner must comply with the Clovis Municipal Code Sign Ordinance.
- 48. Any alcohol license conditions by the California State Alcohol Beverage Control must be complied with by the owner and all employees.
- 49. Landscaping and vegetation must be maintained in a manner that allows for a clear view of the business to aid in crime prevention.
- 50. Sales of alcohol may only occur between 6:00AM and 12:00AM.
- 51. The exterior of the business must be well lit around the entire perimeter.

**COUNTY OF FRESNO HEALTH DEPARTMENT**  
(Kevin Tsuda, County of Fresno Health Representative – (559) 600-3271)

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

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

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

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
(Antony Zaragoza, FMFCD Department Representative – (559) 456-3292)

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

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

(Christopher Nicholas, Caltrans Department Representative – (916) 653-4287)

55. The applicant shall refer to the attached California Department of Transportation correspondence. If the list is not attached, please contact the District for the list of requirements.

**FRESNO UNIFIED SCHOOL DISTRICT**

(Alex Belanger, FUSD Department Representative – (559) 457-3066)

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

**CONDITIONS OF APPROVAL  
CUP2021-003**

**PLANNING DIVISION CONDITIONS**

**(Ricky Caperton, AICP, Senior Planner, Division Representative – (559) 324-2347)**

1. All conditions of CUPs 49, 69, 77-11, 81-11, and 83-11, along with SPRs 81-15, 83-76, and 97-17, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This Conditional Use Permit approval is for the operation of 24-hour drive-through use located on an approximately 2.75-acre portion of property located at 984 Shaw Avenue, as indicated as Building “B” on the approved site plan exhibit included in the June 24, 2021 Planning Commission Staff Report.
3. This Conditional Use Permit does NOT allow for the sale of alcohol.
4. This Conditional Use Permit is not transferable to another location.
5. This Conditional Use Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report, dated June 24, 2021.
6. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
7. The use shall prohibit overnight parking and/or camping on the site.
8. The use shall comply with the standards for drive-through uses under Section 9.40.090 of the Clovis Municipal Code, including but not limited to the following standards:
  - Each drive-through aisle shall maintain a minimum 12 foot width and a minimum 10 foot interior radius at curves;
  - Each drive-through aisle shall be appropriately screened with a minimum 3 foot high decorative masonry wall (a combination of landscape and walls may be used, subject to approval by the Planning Division); and
  - Each drive-through aisle shall provide enough space to accommodate at least five (5) vehicles and at least eight (8) waiting vehicles between the menu board and the drive-up window.



9. Unless otherwise permitted through an appropriate entitlement, there shall be no outdoor displays and/or sales of merchandise, including the use of vending machines (i.e. propane exchange cages, vending machines, ice machines, etc.)
10. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
11. The applicant shall keep free and clear the access between the subject site and adjacent parcels.
12. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
13. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
14. There shall be no use of exterior music and/or outdoor speaker systems.
15. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
16. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
17. Any future request to expand the use shall be subject to an amendment to the CUP.
18. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
19. All parking of employees shall occur on-site.
20. The use shall provide for 5.4 vehicle parking spaces per 1,000 square feet of gross floor area.
21. As a minimum standard, all drive-through aisles shall provide sufficient space before the menu board to accommodate at least 5 waiting vehicles and at least 8 waiting vehicles between the menu board and the drive-up window. For any drive-through use identified by the City as being a high-volume drive-through, additional queueing capacity will be required based on the specific characteristics of the proposed use and the location and configuration of the drive-through lane(s).

### **FIRE DEPARTMENT CONDITIONS**

**(Rick Fultz, Department Representative – (559) 324-2224)**

22. **Reciprocal Access Agreement:** The applicant shall provide a signed reciprocal access agreement with the adjoining property for the use of the common drives and road system prior to the issuance of building permits.
23. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of the project.
24. **Fire Apparatus Access Roads (26'):** Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
25. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation. Gates shall be inspected and tested for operation prior to any occupancy. The emergency vehicle access gate at the north end of the property shall have a minimum clear width of 20', have signs posted on each side of the gate stating "EMERGENCY ACCESS NO PARKING", and have a Best Lock CX-1 core pad lock accessible from either side of the gate.
26. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
27. **Fire Lane:** The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
28. **Fire Access – Landscape Obstruction:** Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.
29. **Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4') from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, and porches. A Fire Department permit is required for an automatic fire sprinkler installation.
30. **Underground Fire Service Line:** Modifications to existing fire service underground will require plans to be submitted and permits to be obtained from the fire department.

31. **Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department.  
Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.
32. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1. This will be reviewed and approved by the Clovis Fire Department before installation.
33. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
34. **Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A 10BC minimum rating, one (1) per each 3000 square feet (ordinary hazard), with a maximum travel of seventy five feet (75') from any point in building. These should be located and approved by the Clovis Fire Department prior to building occupancy.
35. **UL 300 – Hood System:** The applicant shall install protection of cooking equipment by means of an automatic fire extinguishing system complying with UL 300 that is listed and labeled for its intended use. A fire extinguisher listed and labeled for Class K fires shall be installed within thirty feet (30') of commercial food heat processing. Plans shall be submitted to the Fire Department for approval and permit shall be obtained from Fire Department.
36. **Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8. Large commercial, industrial buildings may require additional building addressing on the back side of the building as approved by Clovis Fire Department. Building numbers shall:
  - h. Be a minimum of twelve inches (12") tall.
  - i. Be a minimum of one and one-half inches (1½") principal stroke width.
  - j. Be located above any eaves or walkway coverings, if possible.
  - k. Face the street in which it is addressed, if possible.
  - l. Buildings with multiple units shall be identified with unit numbers at both front and rear entrances.
  - m. Buildings with multiple address numbers shall also have the address numbers on the rear door. (Rear door numbers are not required to be illuminated if reflectorized.)
  - n. Unit numbers and rear door building numbers shall be at least four inches (4") in height
37. **Exit Doors Locking:** No locks are permitted to prevent the operation of doors except the main exterior door meeting the requirements of 1010.1.9.4 2019 CFC. The

unlatching of any door shall not require more than one operation. 1010.1.9.6. 2019 CFC.

38. **Underground Fuel Tanks:** Plan and installation approval for underground fuel tanks must be obtained through Fresno County Environmental Health.
39. **Fuel Islands:** Installation of fuel dispensing islands and underground tanks shall comply with 2019 CFC Section 2303, 2304, 2305.
40. **LP-gas cylinder exchange for resale:** Plans shall be submitted and permits obtained for the exchange and resale of LP-gas cylinders per 2019 CFC 6109.15.
41. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.
42. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**POLICE DEPARTMENT CONDITIONS**  
**(Ken Wells, Department Representative – (559) 324-2400)**

43. A video surveillance system will be installed with coverage to include the interior and exterior of the business.
44. Video surveillance will be recorded and maintained for a minimum of 30 days and will be made available to law enforcement upon request.
45. There shall be signs prominently posted on the exterior of the business that no alcohol is to be consumed on the property as well as signs indicating that loitering is prohibited.
46. There shall be no sale of alcohol to obviously intoxicated people.
47. Employees selling alcohol, on site management and other supervisors are to take an appropriate Alcohol Beverage Control approved class for this type of location every year, related to checking/receiving proper identification from patrons.
48. The business owner must comply with the Clovis Municipal Code Sign Ordinance.
49. Any alcohol license conditions by the California State Alcohol Beverage Control must be complied with by the owner and all employees.
50. Landscaping and vegetation must be maintained in a manner that allows for a clear view of the business to aid in crime prevention.

51. Sales of alcohol may only occur between 6:00AM and 12:00AM.

52. The exterior of the business must be well lit around the entire perimeter.

### **COUNTY OF FRESNO HEALTH DEPARTMENT**

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

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(Alex Belanger, FUSD Department Representative – (559) 457-3066)

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# **CONDITIONS OF APPROVAL CUP2021-004**

## **PLANNING DIVISION CONDITIONS**

**(Ricky Caperton, AICP, Senior Planner, Division Representative – (559) 324-2347)**

1. All conditions of CUPs 49, 69, 77-11, 81-11, and 83-11, along with SPRs 81-15, 83-76, and 97-17, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This Conditional Use Permit approval is for the operation of 24-hour drive-through use located on an approximately 2.75-acre portion of property located at 984 Shaw Avenue, as indicated as Building “C” on the approved site plan exhibit included in the June 24, 2021 Planning Commission Staff Report.
3. This Conditional Use Permit does NOT allow for the sale of alcohol.
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6. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
7. The use shall prohibit overnight parking and/or camping on the site.
8. The use shall comply with the standards for drive-through uses under Section 9.40.090 of the Clovis Municipal Code, including but not limited to the following standards:
  - Each drive-through aisle shall maintain a minimum 12 foot width and a minimum 10 foot interior radius at curves;
  - Each drive-through aisle shall be appropriately screened with a minimum 3 foot high decorative masonry wall (a combination of landscape and walls may be used, subject to approval by the Planning Division); and
  - Each drive-through aisle shall provide enough space to accommodate at least five (5) vehicles and at least eight (8) waiting vehicles between the menu board and the drive-up window.
9. Unless otherwise permitted through an appropriate entitlement, there shall be no outdoor displays and/or sales of merchandise, including the use of vending machines (i.e. propane exchange cages, vending machines, ice machines, etc.)



10. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
11. The applicant shall keep free and clear the access between the subject site and adjacent parcels.
12. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
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15. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
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  - p. Be a minimum of one and one-half inches (1½") principal stroke width.
  - q. Be located above any eaves or walkway coverings, if possible.
  - r. Face the street in which it is addressed, if possible.
  - s. Buildings with multiple unites shall be identified with unit numbers at both front and rear entrances.
  - t. Buildings with multiple address numbers shall also have the address numbers on the rear door. (Rear door numbers are not required to be illuminated if reflectorized.)
  - u. Unit numbers and rear door building numbers shall be at least four inches (4") in height
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42. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**POLICE DEPARTMENT CONDITIONS**  
**(Ken Wells, Department Representative – (559) 324-2400)**

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47. Employees selling alcohol, on site management and other supervisors are to take an appropriate Alcohol Beverage Control approved class for this type of location every year, related to checking/receiving proper identification from patrons.
48. The business owner must comply with the Clovis Municipal Code Sign Ordinance.
49. Any alcohol license conditions by the California State Alcohol Beverage Control must be complied with by the owner and all employees.
50. Landscaping and vegetation must be maintained in a manner that allows for a clear view of the business to aid in crime prevention.
51. Sales of alcohol may only occur between 6:00AM and 12:00AM.
52. The exterior of the business must be well lit around the entire perimeter.

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

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

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**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

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**FRESNO UNIFIED SCHOOL DISTRICT**

(Alex Belanger, FUSD Department Representative – (559) 457-3066)

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

## OPERATIONAL STATEMENT

December 2, 2020

1. **Project Description:** This project is being submitted and developed by Randel Mathias for the benefit of ***Navjeet Chahal (Zippy Mart Convenience Markets; the ultimate retail user)***. This property is located at 984 W. Shaw Avenue, near the SEC of Shaw Avenue and Freeway 168, in Clovis, CA on approximately 1.007 acres as a part of a five (5) acre parcel of land.
2. **Assessor's Parcel Number (APN):** 430-031-27s & 430-031-38s
3. **Land Use and Zoning:** The parcel is planned for General Commercial use and is currently zoned C-2(Community Commercial).
4. **Summary Description/Use:** The Applicant is requesting authorization to proceed with development, construction and operation of a gas station, convenience market with a quick serve restaurant (QSR), along with the ability to sell (1) beer, wine and liquor (Type 21 license) as may be permitted and allowed by the City of Clovis in conjunction with the Alcohol Beverage Control, and (2) retail propane. In addition to site plan and conditional use permit submittals, the Applicant will also pursue a Lot Line Adjustment application in order to create the proposed 1.007 acre site.
5. **Existing Use:** The land is currently being used to sell motorhomes/RVs.
6. **Operational Narrative:** The Applicant is developing the gas station and convenience market for retail use by the owner and operator of twenty (20) gas station/convenience market/car wash facilities within the Fresno/Clovis area and central valley. The name of this particular business will be "Zippy Mart No. 7, LLC "(entity is in process with legal formation)(hereinafter "Operator"). The Operator will be leasing the subject property from the Property Owner (Sanders Trust). Together, Developer and Operator will be constructing and operating a gas station/convenience market (with QSR) on the subject property. See below for the as to the hours of operation, services and products offered, number of employees, et al.
7. **Hours of Operation:** The hours of operation in store use/purchases and fueling/recharging will be Sunday through Saturday 5:00 a.m. – 1:00 a.m. Developer will propose restricted hours for the purpose of beer/wine/liquor sales as part of Developer's proposal to mitigate the issuance of a Type 21 liquor license. The Developer reserves the right modify all hours to "24-hour service" if it enters into any franchise

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## ATTACHMENT 2



agreement in which the franchise requirements are such that the business is to remain open 24 hours per day.

8. **Product/Services:** As typical of all Zippy Mart stores and gas stations, gasoline/diesel/petroleum products will be offered for sale to the public at large. The gasoline sold will be a “major branded” gas product, in addition to branded diesel. *E-85 gasoline and bio-diesel E-85 (environmentally friendly fuel) will also be provided.* Other products will consist of in-store sales and will include, but not be limited to, consumer products such as food, snacks, dry consumer goods, coffee, other beverages, household consumer goods and beer/wine. Food service will include QSR/fresh food and produce (deli style) products. No product is produced on site other than the fresh food/QSR products.
9. **Employees:** Employees will number 10 full-time individuals, with an additional 6 part-time persons, for a total of 14 full/part-time employees. Typical work week for a full-time employee would be standard 40 hours. No person will be living on-site.
10. **Equipment:** The gas station will provide a fuel canopy (with inset shielded light) with *solar panels* installed on the canopy top, six (6) multi-product dispensers, and *multiple electric auto charging stations*.
11. **Storage:** In store racks, cold boxes and freezers will handle consumer goods and food items. Office items will be stored as typical in the office area of the store.
12. **Service and Delivery:** As typical of a gas station/convenience store, there will be periodic fueling trucks, product and food delivery vehicles/trucks. Adequate access and parking are depicted on the site plan.
13. **Building Material:** The store building will consist of wood frame, concrete foundation, stucco and siding, along with tile and/or metal roofing. More detail as to floor plan, elevations and building materials will be provided with site plan submittal.
14. **Hazardous Material:** The business does not produce hazardous material or waste, other than material (gas fumes from the MPD pumps) associated with and/or typical of the dispensing of automobile re-fueling. All State of California regulations will be adhered to in order to mitigate any gas fumes produced.
15. **Signage:** The Applicant will request that a pole sign be permitted along the Shaw Avenue frontage (see attached site plan).
16. **Entry gates:** None. However, the development will provide a decorative “street approach” main entrance to the development.

## OPERATIONAL STATEMENT

### CUP 2 – Building B

April 9, 2021

1. **Project Description:** This project is being submitted and developed by Randel Mathias for the benefit of ***SS Commercial LLC et al, the Property Owner***. This property is located at 984 W. Shaw Avenue, near the SEC of Shaw Avenue and Freeway 168, in Clovis, CA on approximately 1 acre as a part of a Four and 8/10 (4.80) acre parcel of land.
2. **Assessor's Parcel Number (APN):** Part of the combined APNs 430-031-27s, 35s, 36s, 37s, 38s & 430-020-72
3. **Land Use and Zoning:** The parcel is planned for General Commercial use and is currently zoned C-2 (Community Commercial).
4. **Summary Description/Use:** The Applicant is requesting authorization to proceed with development, construction and operation of a fast-food restaurant or other coffee/food restaurant, along with a drive through service. The precise user and/or brand (restaurant) is undetermined at this time. In addition to site plan and conditional use permit submittals, the Applicant will also, in the future, pursue a Lot Line Adjustment application in order to create the proposed 1-acre site.
5. **Existing Use:** The land is currently vacant.
6. **Operational Narrative:** This proposed use will complement the overall commercial center being proposed by the Applicant, as well as the Shaw Avenue business corridor, in general. The Applicant is developing a gas station and convenience market for retail use along with an additional retail food use with a drive-through service. See below for the as to the hours of operation, services and products offered, number of employees, et al.
7. **Hours of Operation:** The hours of operation in store use and drive-through service will be Sunday through Saturday 6:00 a.m. – 12:00 a.m. Developer reserves the right modify all hours to “24-hour service” if it enters into any franchise and/or sales agreement in which the franchise/buyer’s requirements are such that the business is to remain open 24 hours per day.
8. **Product/Services:** Food and other products will be offered as typical of other quick service restaurants. Drive-through service will also be provided.

9. **Employees:** Employees will number 10 full-time individuals, with an additional 6 part-time persons, for a total of 14 full/part-time employees. Typical work week for a full-time employee would be standard 40 hours. No person will be living on-site.
10. **Equipment:** The restaurant will operate equipment typical to fast food and convenience restaurants.
11. **Storage:** In store racks, cold boxes and freezers will be used to store and preserve restaurant food items. Office items will be stored as typical in the office area of the store.
12. **Service and Delivery:** As typical of a quick serve restaurant, there will be periodic product and food delivery vehicles/trucks. Adequate access and parking are depicted on the site plan.
13. **Building Material:** The store building will consist of wood frame, concrete foundation, stucco, and siding, along with tile and/or metal roofing. More detail as to floor plan, elevations and building materials will be provided with site plan submittal.
14. **Hazardous Material:** The business does not produce hazardous material or waste.
15. **Signage:** The Applicant will request that a sign be permitted along the Shaw Avenue frontage that will serve all operators/store owners within the commercial center (see attached site plan).
16. **Entry gates:** None. However, the development will provide a decorative “street approach” main entrance to the development.

## OPERATIONAL STATEMENT

### CUP 3 – Building C

April 9, 2021

1. **Project Description:** This project is being submitted and developed by Randel Mathias for the benefit of ***SS Commercial LLC et al, the Property Owner***. This property is located at 984 W. Shaw Avenue, near the SEC of Shaw Avenue and Freeway 168, in Clovis, CA on approximately 1 acre as a part of a Four and 8/10 (4.80) acre parcel of land.
2. **Assessor's Parcel Number (APN):** Part of the combined APNs 430-031-27s, 35s, 36s, 37s, 38s & 430-020-72
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4. **Summary Description/Use:** The Applicant is requesting authorization to proceed with development, construction and operation of a fast-food restaurant or other coffee/food restaurant, along with a drive through service. The precise user and/or brand (restaurant) is undetermined at this time. In addition to site plan and conditional use permit submittals, the Applicant will also, in the future, pursue a Lot Line Adjustment application in order to create the proposed 1-acre site.
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8. **Product/Services:** Food and other products will be offered as typical of other quick service restaurants. Drive-through service will also be provided.

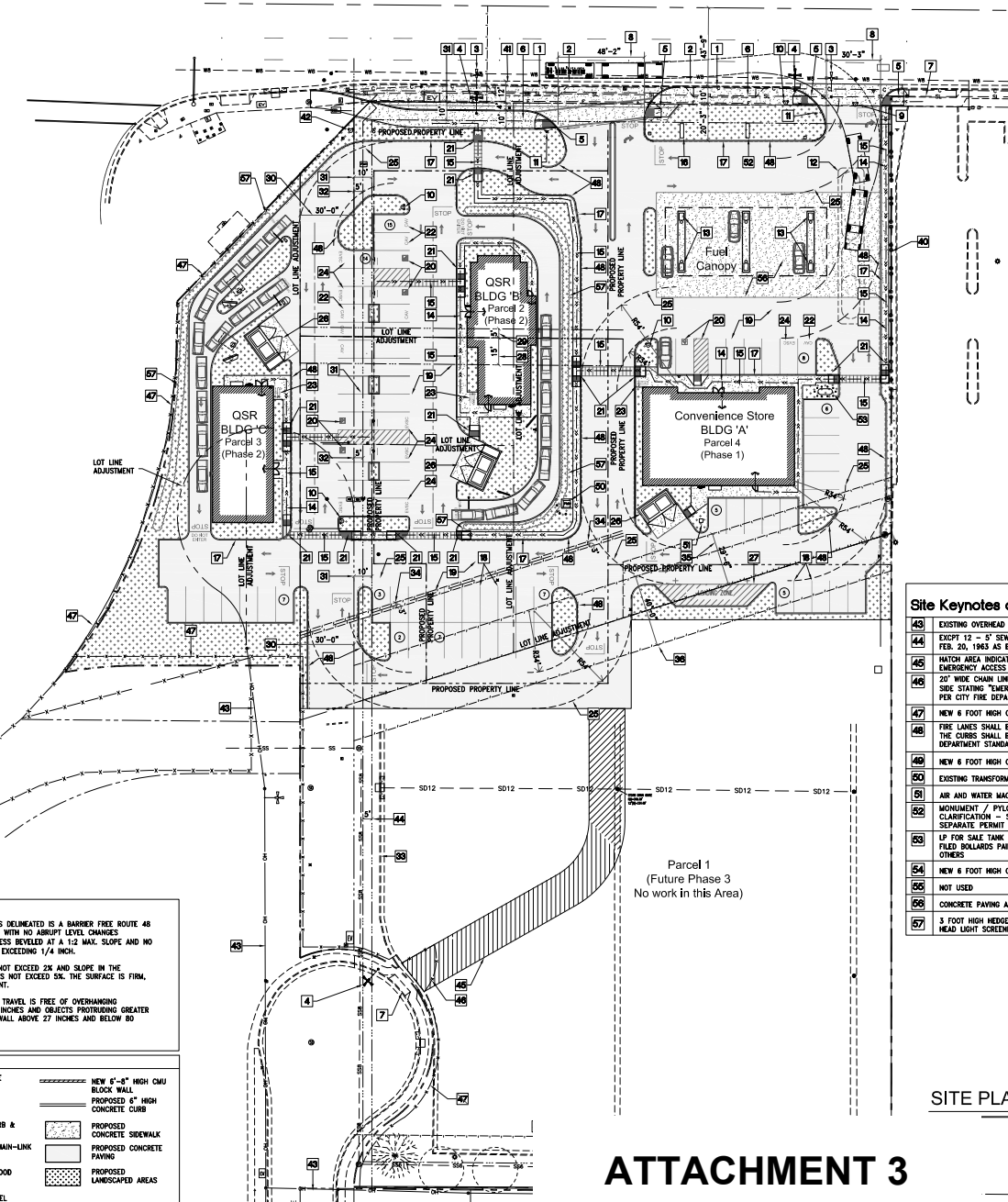
9. **Employees:** Employees will number 10 full-time individuals, with an additional 6 part-time persons, for a total of 14 full/part-time employees. Typical work week for a full-time employee would be standard 40 hours. No person will be living on-site.
  
10. **Equipment:** The restaurant will operate equipment typical to fast food and convenience restaurants.
  
11. **Storage:** In store racks, cold boxes and freezers will be used to store and preserve restaurant food items. Office items will be stored as typical in the office area of the store.
  
12. **Service and Delivery:** As typical of a quick serve restaurant, there will be periodic product and food delivery vehicles/trucks. Adequate access and parking are depicted on the site plan.
  
13. **Building Material:** The store building will consist of wood frame, concrete foundation, stucco, and siding, along with tile and/or metal roofing. More detail as to floor plan, elevations and building materials will be provided with site plan submittal.
  
14. **Hazardous Material:** The business does not produce hazardous material or waste.
  
15. **Signage:** The Applicant will request that a sign be permitted along the Shaw Avenue frontage that will serve all operators/store owners within the commercial center (see attached site plan).
  
16. **Entry gates:** None. However, the development will provide a decorative “street approach” main entrance to the development.

**GENERAL NOTES:**

- THE ACCESSIBLE ROUTE AS DELINEATED IS A BARRIER FREE ROUTE 48 INCHES MINIMUM IN WIDTH WITH NO ABRUPT LEVEL CHANGES EXCEEDING 1/2 INCH UNLESS BEVELLED AT A 1:12 MAX. SLOPE AND NO VERTICAL LEVEL CHANGES EXCEEDING 1/4 INCH.
- THE CROSS SLOPE DOES NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL DOES NOT EXCEED 5%. THE SURFACE IS FIRM, STABLE AND SLIP RESISTANT.
- THE ACCESSIBLE PATH OF TRAVEL IS FREE OF OVERHANGING OBSTRUCTIONS BELOW 80 INCHES AND OBJECTS PROTRUDING GREATER THAN 4 INCHES FROM A WALL ABOVE 27 INCHES AND BELOW 80 INCHES

**LEGEND**

----- PROPERTY LINE	----- NEW 6'-8" HIGH CMU BLOCK WALL
----- CENTERLINE	----- PROPOSED 6" HIGH CONCRETE CURB
----- EX CURB & GUTTER	----- PROPOSED CONCRETE SIDEWALK
----- PROPOSED CURB & GUTTER	----- EX 6" HIGH CHAIN-LINK FENCE
----- EX 6" HIGH CHAIN-LINK FENCE	----- PROPOSED CONCRETE PAVING
----- EX 6" HIGH WOOD FENCE	----- PROPOSED LANDSCAPED AREAS
----- PATH OF TRAVEL	



**Site Keynotes cont.**

43	EXISTING OVERHEAD POWER
44	EXCEPT 12 - 5" SEWER EASEMENT AS RECORDED ON FEB. 20, 1983 AS BK 4824, PG 456
45	HATCH AREA INDICATES TEMP ROAD FOR FIRE EMERGENCY ACCESS ONLY
46	20" WIDE CHAIN LINK FENCE WITH SIGNS ON EACH SIDE STATING "EMERGENCY ACCESS NO PARKING" PER CITY FIRE DEPARTMENT STANDARD No. 1.5
47	NEW 6 FOOT HIGH CHAIN LINK FENCE
48	FIRE LANES SHALL BE POSTED WITH SIGNS AND/OR THE CURBS SHALL BE PAINTED RED PER CLOVIS FIRE DEPARTMENT STANDARD No. 1.1
49	NEW 6 FOOT HIGH CHAIN LINK FENCE
50	EXISTING TRANSFORMER TO BE USED
51	AIR AND WATER MACHINE
52	MONUMENT / PYLON SIGN SHOWN ONLY FOR CLARIFICATION - SIGNAGE REQUIRES A SEPARATE PERMIT BY OTHERS
53	UP FOR SALE SIGN WITH 6" DIA. 5.5 CONCRETE FILED BOLLARDS PAINTED WITH SAFETY YELLOW BY OTHERS
54	NEW 6 FOOT HIGH CHAIN LINK FENCE
55	NOT USED
56	CONCRETE PAVING AT FUEL CANOPY AREA
57	3 FOOT HIGH HEDGE AT DRIVE THRU LANES FOR HEAD LIGHT SCREENING

No.	Description
1	EXISTING DRIVE APPROACH TO BE REMOVED
2	EXISTING CITY CURB AND GUTTER TO BE REMOVED
3	EXISTING STREET LIGHT TO BE RELOCATED
4	RELOCATED OR NEW CITY STREET LIGHT PER PW. STDS
5	NEW CURB RAMP PER PUBLIC WORKS STDS
6	NEW CONCRETE SIDEWALK PER PUBLIC WORKS STDS
7	EXISTING DRIVE APPROACH TO REMAIN
8	EXISTING DRIVE APPROACH PER PUBLIC WORKS STDS
9	EXISTING FIRE HYDRANT TO BE RELOCATED
10	NEW FIRE HYDRANT
11	NEW ACCESSIBLE SITE ENTRY SIGN
12	3-20,000 GALLON CALIFORNIA STATE APPROVED UNDERGROUND FUEL STORAGE TANKS. PLANS AND PERMITS BY OTHERS.
13	FUEL ISLANDS & FUEL DISPENSERS
14	CONCRETE SIDEWALK
15	PATH OF TRAVEL, I.E. TO FIELD VERIFY 2% MAX IN CROSS SLOPE AND 5% SLOPE MAX IN DIRECTION OF TRAVEL.
16	MONUMENT / PYLON SIGN SHOWN ONLY FOR CLARIFICATION - SIGNAGE REQUIRES A SEPARATE PERMIT BY OTHERS
17	6" HIGH CONCRETE CURB
18	TYPICAL PARKING STALLS 10'x20', STRIPE PER CITY REQUIREMENTS
19	ASPHALT PARKING LOT
20	ACCESSIBLE PARKING STALLS, RAMPS & SIGNAGE PER CBC
21	CURB RAMP WITH DETECTABLE WARNING
22	PER CALIFORNIA TABLE PROVIDE DESIGNATED PARKING SPACE FOR LOW EMITTING FUEL EFFICIENT AND CARPOOL/VANPOOL
23	BIKE RACKS PER CAL GREEN 5% OF TOTAL PARKING FOR EACH PHASED AREA
24	PER CALIFORNIA TABLE 5.106.3.3.3 NEW PARKING SPACES SHALL PROVIDE WITH ELECTRICAL CONDUIT FOR FUTURE CAR CHARGING STATION PER EACH PHASE OF THE PROJECT AS REQUIRED
25	FIRE TRUCK TURNING RADIUS
26	TRASH ENCLOSURE PER CITY STANDARDS
27	12"x40" "LOADING ZONE", STRIPE PER PW STANDARDS 1/ WHITE NON-REFLECTIVE PAINT. PAINT "LOADING ZONE" IN 12" TALL LETTERS.
28	EASEMENT TO BE REMOVED, EXCEPT 20 - 15" SEWER ESMT RECORDED ON JULY 16, 1981, AS BK 7755, PG 211
29	EASEMENT TO BE REMOVED EXCEPT 21 - 5" PACIFIC TELL & TELEGRAPH
30	EXCEPT 8 & 10 - 50 ESMT RECORD ON DECEMBER 22, 1993 & PER INSTR. 2002-0095417 RECORDED ON JUNE 10, 2002
31	EXCEPT 27 - 10" PUE RECORD ON FEBRUARY 5, 1998 AS INSTR. 98017030
32	EXCEPT 25 - 8" FUE RECORDED ON FEBRUARY 18, 1993 PER INSTR. 93025688
33	EXISTING CURB & GUTTER TO REMAIN
34	EXCEPT 18 - 3" SEWER ESMT RECORDED ON JUNE 1, 1976, AS BK 6602, PG 981
35	EXCEPT 19 - 28.7" NEW RW BIG DRY CREEK CANAL GRANTED TO COUNTY OF FRESNO, RECORDED ON JULY 02, 1981, BK 7748, PG 632
36	EXCEPT 28 - 40" RECORDED ON OCTOBER 16, 1997 AND ON FEBRUARY 5, 1998, PER DOC. 98017029 ALSO CANAL ESMT DOC. 98070123
37	NOT USED
38	EXISTING STORM DRAIN AND INLET TO BE REMOVED
39	EXISTING 6 FOOT HIGH CMU BLOCK WALL TO REMAIN
40	EXISTING 6 FOOT HIGH CHAIN LINK FENCE WALL TO REMAIN
41	PROPOSED 12 FOOT DECLARATION LANE WITH 4 FOOT SHOULDER
42	EXISTING FIRE HYDRANT

Project Information	
Applicant:	RA 44 CL 04
Address:	1840 W. Shaw, Clovis, CA 93612
A.P.N.:	430-031-278, 430-031-355, 430-031-385, 430-031-375, 430-031-385 & 430-020-72
PARCELS GENERAL LANDS USE: GENERAL COMMERCIAL EXISTING ZONE: C-2	
EXISTING USE: RY DEALERSHIP PROPOSED USE: COMMERCIAL	
Site Area:	
PARCELS 1 (PHASE 3 FUTURE) SITE AREA (NET)	95,717 SQ. FT. / 2.197 AC
PARCELS 2 (PHASE 2) SITE AREA (NET)	35,328 SQ. FT. / 0.811 AC
PARCELS 3 (PHASE 2) SITE AREA (NET)	37,245 SQ. FT. / 0.855 AC
PARCELS 4 (PHASE 1) SITE AREA (NET)	40,226 SQ. FT. / 0.923 AC
STREET DEDICATION AREA	2,438 SQ. FT. / 0.055 AC
Building Areas:	
PARCEL 1 / PHASE 3 FUTURE NO WORK IN THIS AREA	
PARCEL 2 & 3 / PHASE 2 BLDG "B" RESTAURANT w/ DT	= 2,695 SF
PARCEL 2 & 3 / PHASE 2 BLDG "C" RESTAURANT w/ DT	= 2,584 SF
PARCEL 4 / PHASE 1 BLDG "A" CONVENIENCE STORE CANOPY FUEL STATION	= 4,501 SF
TOTAL AREA	= 13,504 SF
PARKING REQUIRED:	
PARCEL 2 / PHASE 2 RESTAURANT w/DRIVE-THRU 1 STALL FOR EVERY 100 SQ. FT. BLDG "B"	BLDG = 2,695 / 100 = 27 STALLS
PARCEL 3 / PHASE 2 RESTAURANT w/DRIVE-THRU 1 STALL FOR EVERY 100 SQ. FT. BLDG "C"	BLDG = 2,584 / 100 = 26 STALLS
PARCEL 1 / PHASE 4 CONVENIENCE STORE COMMERCIAL CENTERS 0-20,000 SF 5.4 STALLS PER EACH 1,000 SF OF GROSS FLOOR AREA	CONVENIENCE STORE = 4,501 / 4.5 = 1,000 STALLS
TOTAL REQUIRED	= 25
PARKING PROVIDED:	
PARCEL 1 / PHASE 3 (FUTURE NO SCOPE OF WORK)	
PARCEL 2 / PHASE 2 (QUICK SEVER RESTAURANTS)	
STANDARD STALLS	= 23 STALLS
ACCESSIBLE STALLS	= 2 STALLS
TOTAL PARKING	= 25 STALLS
PARCEL 3 / PHASE 2 STANDARD STALLS	= 24 STALLS
ACCESSIBLE STALLS	= 2 STALLS
TOTAL PARKING	= 26 STALLS
PARCEL 4 / PHASE 1 (CONVENIENCE STORE)	
STANDARD STALLS	= 22 STALLS
ACCESSIBLE STALLS	= 1 STALL
TOTAL PARKING	= 24 STALLS

**AGENDA ITEM NO. 5.**

1915 Carolina Ave.  
Clovis CA 93611  
PH: 559, 593,9692  
susan@sjadesigngroup.com

**Proposed Commercial Center**  
1840 W. Shaw, Clovis, CA 93612



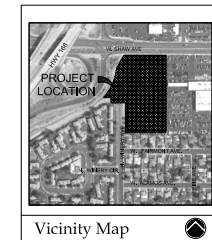
Date: 06.08.2021  
Drawn By: Susan Jones  
Project # 20022

Site Plan  
Annotated

Revisions  
Δ 1x

SHEET No.  
**A1.1**

**SITE PLAN - ANNOTATED**  
1"=30'-0" NORTH



**ATTACHMENT 3**



**RESOLUTION NO. 00- 131****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
DELEGATING AUTHORITY REGARDING ALCOHOLIC BEVERAGE  
LICENSING TO THE CLOVIS POLICE DEPARTMENT**

WHEREAS, California Business and Professions Code was amended in 1999 to allow local governing bodies to request special conditions in relation to alcoholic beverage licensing; and

WHEREAS, the same Code provides that a local governing body may designate a subordinate agency to submit evidence of problems to, and request special conditions from the Department of Alcoholic Beverage Control; and

WHEREAS, the Police Department works closely with businesses in this area to detect and prevent problems involving establishments with alcohol licenses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that responsibility for submitting evidence and requesting special conditions under Business and Professions Code Section 23800(e) be delegated to the Clovis Police Department.

\* \* \* \* \*

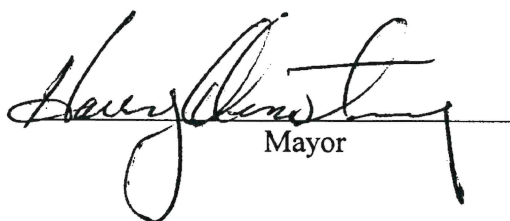
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 9, 2000, by the following vote to wit:

AYES: Councilmembers Flores, Waterston, Wynne, Mayor Armstrong

NOES: None

ABSENT: Councilmember Stearns

DATED: October 9, 2000

  
Mayor

  
City Clerk

**ATTACHMENT 4**

**RESOLUTION NO. 11-135****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DELEGATING  
AUTHORITY REGARDING ALCOHOLIC BEVERAGE LICENSING TO THE CLOVIS  
POLICE DEPARTMENT**

**WHEREAS**, two provisions of the California Business and Professions Code allow local governing bodies, or their designated subordinate officer or agency, to have a say in the issuance of Alcoholic Beverage Control ("ABC") licenses; and

**WHEREAS**, more particularly, Section 23800(e) allows the City to request ABC, and requires that ABC impose, reasonable conditions upon the transfer of a license and Section 23958.4 requires that ABC obtain from the City a letter of public convenience or necessity prior to the issuance of a license for an area determined to be over-concentrated; and

**WHEREAS**, in 2000, with the adoption of Resolution No. 00-131, the City Council delegated the City's authority over ABC licenses to the Police Department (**Exhibit A**);

**WHEREAS**, Resolution No. 00-131 expressly refers to Section 23800(e), which section incorporates by reference Section 23958.4; and

**WHEREAS**, in addition to the express Council delegated authority, it has been the practice of the City to allow the Police Chief to make final decisions regarding ABC matters; and

**WHEREAS**, in order to avoid any ambiguity that the Police Department has authority over both conditions on the transfer of a license (Section 23800(e)) and letters of public convenience or necessity (Section 23958.4), the City Council desires to adopt a new Resolution expressly referencing both sections.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The responsibility for submitting evidence and requesting special conditions on the transfer of a license under Business and Professions Code Section 23800(e) is delegated to the Clovis Police Department.
2. The responsibility for issuing letters of public convenience or necessity under Business and Professions Code Section 23958.4 is delegated to the Clovis Police Department.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 12, 2011, by the following vote to wit:

AYES: Councilmembers Armstrong, Ashbeck, Magsig, Whalen, Mayor Flores

NOES: None

ABSENT: None

ABSTAIN: None

Dated: December 12, 2011

  
Mayor

  
City Clerk





Bldg 'A' - Mini Mart & QSR - North Elevation

1/8"=1'-0"

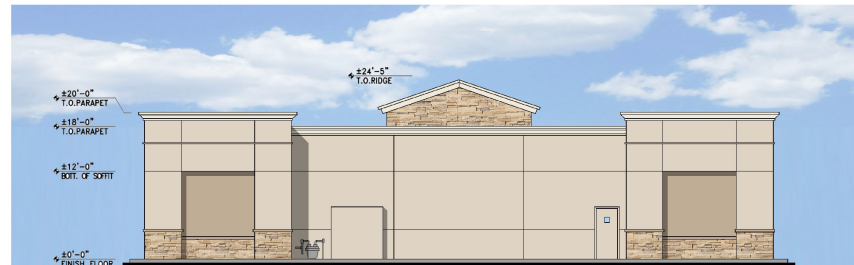


Bldg 'A' - Mini Mart & QSR - East Elevation

1/8"=1'-0"

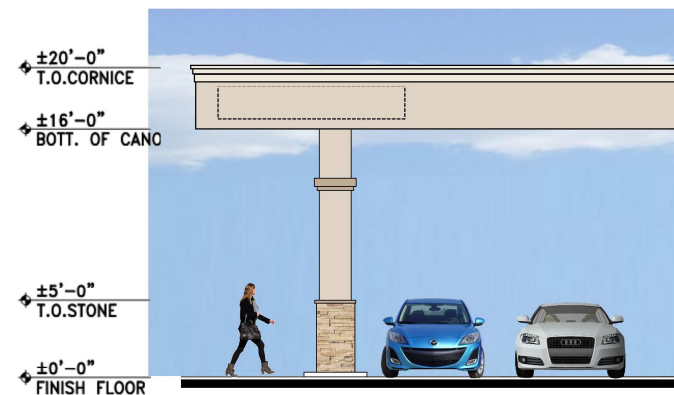
Bldg 'A' - Mini Mart & QSR - West Elevation

1/8"=1'-0"



Bldg 'A' - Mini Mart & QSR - South Elevation

1/8"=1'-0"



Fuel Canopy - South Elevation



Bldg 'B' - QSR - East Elevation

1/8"=1'-0"



Bldg 'B' - QSR - South Elevation

1/8"=1'-0"



Bldg 'B' - QSR - North Elevation

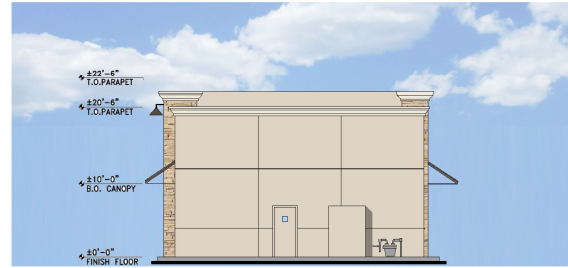
1/8"=1'-0"



Bldg 'B' - QSR - West Elevation

1/8"=1'-0"





Bldg 'C' - QSR - North Elevation

1/8"=1'-0"



Bldg 'C' - QSR - East Elevation

1/8"=1'-0"



Bldg 'C' - QSR - West Elevation

1/8"=1'-0"



Bldg 'C' - QSR - South Elevation

1/8"=1'-0"

## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 488-4057 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



May 20, 2021

06-FRE-168-PM R4.886

Application for CUP – Conditional Use Permit  
CUP2020-008, CUP2021-003, CUP2021-004, & SPR2020-010

[GTS: Commercial Development](#)

Joyce Roach  
Planning Assistant  
City of Clovis  
Planning Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Joyce Roach:

Thank you for the opportunity to review of the site plan of the store building located on a vacant lot (APN 430-031-27s & 430-031-38s), in the City of Clovis, in the corner of W. Shaw Avenue and Freeway 168. The proposed store building is situated east of State Route (SR) 168. This segment of SR 168 is a 6-lane, conventional highway. There are shoulders on each side and the posted speed limit along this portion of SR 168 is 65 mph. The proposed building will contain one operation of a gas station, convenience market with a quick serve restaurant in the building. Per the ITE Trip Generation Handbook, it is estimated that the Project would generate approximately 150 trips (12 fueling positions x 12.47 trips/fueling position) and 168 trips (12 fueling position x 13.99 trips/fueling position) during AM and PM peak travel hours respectively. The following are our comments:

- The existing west driveway as shown in the Project site plan should be removed.
- Per the Caltrans Interim LDIGR Safety Review Guidance dated July 2020, a traffic safety review needs to be conducted. There were 17 accidents that were recorded for the latest 3 year studied period. Approximately 59% of the accidents occurred on the outside right-turn lane on the eastbound off-ramp, involving vehicles stopped for traffic signal and a gap to enter eastbound Shaw Avenue. The proposed driveways for the gas station may exacerbate the situation. *It is recommended that an eastbound right-turn lane on Shaw Ave approaching the driveway be constructed.*
- Provide State access control line on Shaw Ave (approximately 65 feet) on the Project site plan. Provide distance between the proposed driveway and the State access control line. An overlay of the propose gas station site plan on the aerial picture of the existing site with complete dimensions should be provided for review.
- Caltrans has identified the need for an additional turn lane on the SR 168 eastbound off-ramp to Shaw Avenue and has established a fair share cost estimate (\$1,000/trip) prior to the implementation of the VMT metric. The Project may contribute their fair share for the eastbound off-ramp improvement or contribute through the City of Clovis impact fee program if any.

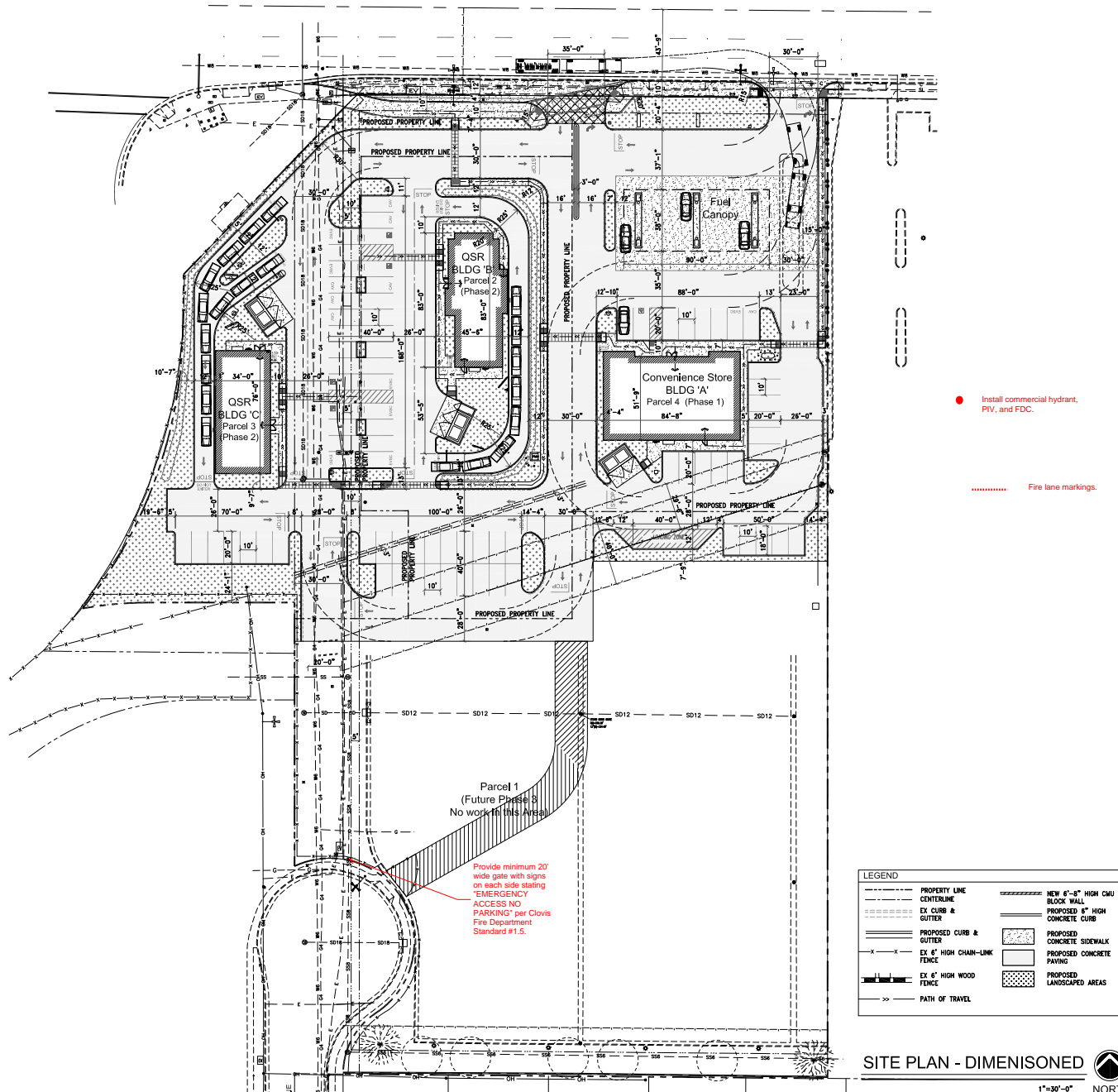
Ms. Joyce Roach  
May 20, 2021  
Page 2

If you have any further questions, contact Christopher Nicholas at (916) 698-0146 or [Christopher.nicholas@dot.ca.gov](mailto:Christopher.nicholas@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Padilla', with a long horizontal flourish extending to the right.

DAVID PADILLA, Branch Chief  
Transportation Planning - North



Project Information

Applicant: RA 44 CL

Address: 184 W. Shaw, Clovis, CA 93611

A.P.N.: 430-031-278, 430-031-355, 430-031-385, 430-031-375, 430-031-382 & 430-020-72

GENERAL LANDS USE: GENERAL COMMERCIAL

EXISTING ZONE: C-2

EXISTING USE: RY DEALERSHIP

PROPOSED USE: COMMERCIAL

AGENDA I

Site Area:

PARCELS 1 (PHASE 3 FUTURE) SITE AREA (NET)  
95,717 SQ. FT. / 2.197 AC

PARCELS 2 (PHASE 2) SITE AREA (NET)  
35,328 SQ. FT. / 0.811 AC

PARCELS 3 (PHASE 2) SITE AREA (NET)  
37,245 SQ. FT. / 0.855 AC

PARCELS 4 (PHASE 1) SITE AREA (NET)  
40,226 SQ. FT. / 0.923 AC

STREET DEDICATION AREA  
2,458 SQ. FT. / 0.055 AC

Building Areas:

PARCEL 1 / PHASE 3  
FUTURE NO WORK IN THIS AREA

PARCEL 2 & 3 / PHASE 2

BLDG "B" RESTAURANT w/ DT = 2,695 SF

BLDG "C" RESTAURANT w/ DT = 2,584 SF

PARCEL 4 / PHASE 1

BLDG "A" CONVENIENCE STORE = 4,501 SF

CANOPY FUEL STATION = 3,724 SF

TOTAL AREA = 13,504 SF

PARKING REQUIRED:

PARCEL 2 / PHASE 2

RESTAURANT w/DRIVE-THRU  
1 STALL FOR EVERY 100 SQ. FT.

BLDG "B"

BLDG = 2,695 / 100 = 27 STALLS

PARCEL 3 / PHASE 2

RESTAURANT w/DRIVE-THRU  
1 STALL FOR EVERY 100 SQ. FT.

BLDG "C"

BLDG = 2,584 / 100 = 26 STALLS

PHASE 1 / PARCEL 4

CONVENIENCE STORE  
COMMERCIAL CENTERS 0-20,000SF  
5.4 STALLS PER EACH 1,000SF OF GROSS FLOOR AREA

CONVENIENCE STORE = 4,501  
= 4.5 x 5.4 = 25 STALLS

TOTAL REQUIRED = 25

PARKING PROVIDED:

PARCEL 1 / PHASE 3  
(FUTURE NO SCOPE OF WORK)

PARCEL 2 / PHASE 2  
(GROSS SEVER RESTAURANTS)

STANDARD STALLS = 23 STALLS

ACCESSIBLE STALLS = 2 STALLS

TOTAL PARKING = 25 STALLS

PARCEL 3 / PHASE 2

STANDARD STALLS = 24 STALLS

ACCESSIBLE STALLS = 2 STALLS

TOTAL PARKING = 26 STALLS

PARCEL 4 / PHASE 1  
(CONVENIENCE STORE)

STANDARD STALLS = 22 STALLS

ACCESSIBLE STALLS = 2 STALLS

TOTAL PARKING = 24 STALLS



# CITY OF CLOVIS FIRE DEPARTMENT

1233 Fifth Street, Clovis, CA 93612 · (559) 324-2200



AGENDA ITEM NO. 5.

## SPR 2020-10 COMMENTS

Gas Station / Convenience Store/ Restaurants  
Shaw & 168

### Roads / Access

**Reciprocal Access Agreement:** The applicant shall provide a signed reciprocal access agreement with the adjoining property for the use of the common drives and road system prior to the issuance of building permits.

**Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access roads shall be constructed per City of Clovis streets standards and completed prior to any occupancy of the project.

**Fire Apparatus Access Roads (26'):** Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').

**Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation. Gates shall be inspected and tested for operation prior to any occupancy. The emergency vehicle access gate at the north end of the property shall have a minimum clear width of 20', have signs posted on each side of the gate stating "EMERGENCY ACCESS NO PARKING", and have a Best Lock CX-1 core pad lock accessible from either side of the gate or

**All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.

**Fire Lane:** The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.

**Fire Access – Landscape Obstruction:** Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.

### Water Systems

**Commercial Fire Hydrant:** The applicant shall install \_\_\_\_3\_\_\_\_ 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site.

**Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department

## **Systems Fire Protection**

**Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4') from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, and porches. A Fire Department permit is required for an automatic fire sprinkler installation.

**Underground Fire Service Line:** Modifications to existing fire service underground will require plans to be submitted and permits to be obtained from the fire department.

**Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.

**FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1. This will be reviewed and approved by the Clovis Fire Department before installation.

**Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.

## **Building Information**

**Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8. Large commercial, industrial buildings may require additional building addressing on the back side of the building as approved by Clovis Fire Department.

Building numbers shall:

1. Be a minimum of twelve inches (12") tall.
2. Be a minimum of one and one-half inches (1½") principal stroke width.
3. Be located above any eaves or walkway coverings, if possible.
4. Face the street in which it is addressed, if possible.
5. Buildings with multiple units shall be identified with unit numbers at both front and rear entrances.
6. Buildings with multiple address numbers shall also have the address numbers on the rear door. (Rear door numbers are not required to be illuminated if reflectorized.)

Unit numbers and rear door building numbers shall be at least four inches (4") in height

## **Other**

**Underground Fuel Tanks:** Plan and installation approval for underground fuel tanks must be obtained through Fresno County Environmental Health.

**Fuel Islands:** Installation of fuel dispensing islands and underground tanks shall comply with 2019 CFC Section 2303, 2304, 2305.



***LP-gas cylinder exchange for resale:*** Plans shall be submitted and permits obtained for the exchange and resale of LP-gas cylinders per 2019 CFC 6109.15

Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.

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

Plan Check Comments by:  
Fire & Life Safety Specialist  
Rick Fultz  
Fire and  
(559) 324-2224  
[sawhill@cityofclovis.com](mailto:sawhill@cityofclovis.com)

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

AGENDA ITEM NO. 5.

Page 1 of 3

**PUBLIC AGENCY**

RICKY CAPERTON  
PLANNING AND DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH STREET  
CLOVIS, CA 93612

**DEVELOPER**

RANDEL MATHIAS  
4665 E. COPPER AVE.  
CLOVIS, CA 93619

PROJECT NO: **2020-008R**

ADDRESS: **SWC OF SHAW AVE. AND HWY 168**

APN: **430-020-73T, 72, 430-031-35S**

SENT: **May 24, 2021**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
Q	\$6,051.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$100.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$6,051.00</b>		<b>Total Service Charge: \$150.00</b>		

\* The Development Review Service Charge shown above is associated with CL CUP 2021-004, CL SPR 2020-010R, CL CUP 2021-003 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/22 based on the site plan submitted to the District on 5/03/21 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

**CL CUP No. 2020-008R**

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

AGENDA ITEM NO. 5.

Page 2 of 3

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

**CL  
CUP No. 2020-008R**

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

AGENDA ITEM NO. 5.

Page 3 of 3

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



Debbie Campbell  
Design Engineer, RCE

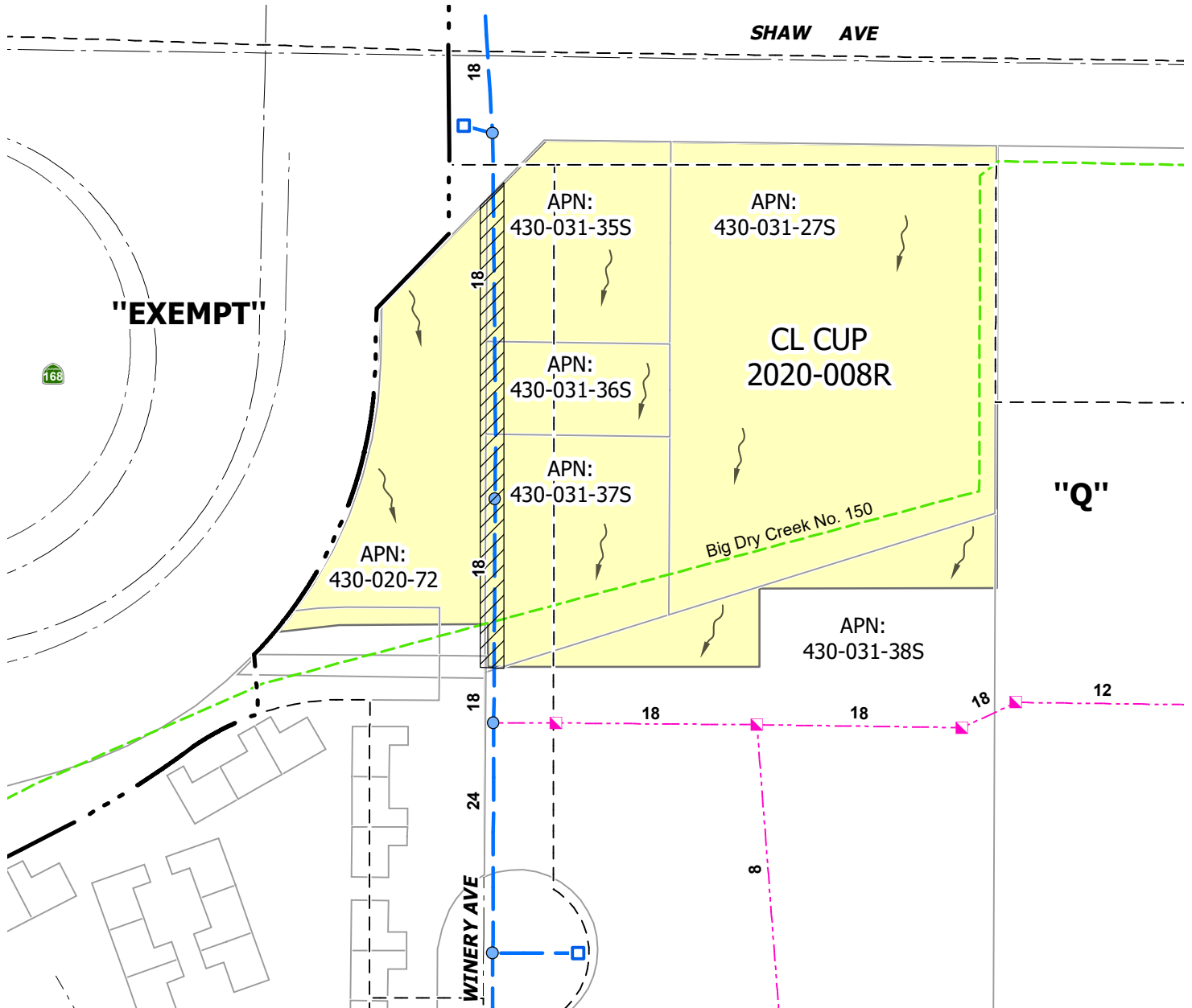
Digitally signed by Debbie Campbell Date: 5/21/2021 4:50:04 PM



Anthony Zaragoza  
Engineer II

Digitally signed by Anthony Zaragoza Date: 5/17/2021 2:05:44 PM

CL  
CUP  
No. 2020-008R



## LEGEND

- Existing Master Plan Facilities
- Private Facilities
- Existing FID Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage
- Minimum 15' Wide Storm Drain Easement To Be Dedicated To District By Developer
- Limits Of CL CUP 2020-008R



1" = 100'

**CL CUP 2020-008R**  
**DRAINAGE AREA "Q"**



## EXHIBIT NO. 1 FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

## OTHER REQUIREMENTS

AGENDA ITEM NO. 5.

### EXHIBIT NO. 2

The City of Clovis shall verify that drainage covenants are in place to allow surface runoff from APN 430-031-27S, 430-031-35S, 430-031-36S, 430-031-37S and 430-020-72 to drain to existing Master Plan facilities in Winery Avenue and existing private facilities located on APN 430-031-38S as shown on Exhibit No. 1. If covenants are not in place, CL CUP 2020-008R is required to obtain a drainage covenant from APN 430-031-38S to allow surface runoff to reach the existing facilities.

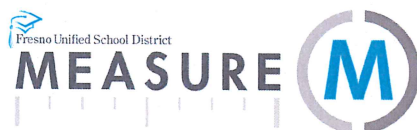
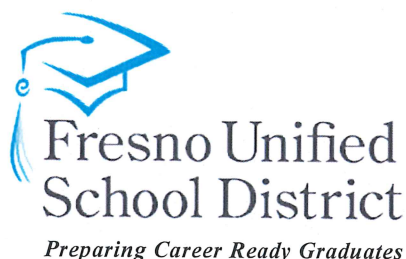
There are existing storm drain facilities located in the Winery Avenue Alignment as shown on Exhibit No. 1. The developer shall provide documentation to the District verifying the existence of a public utility easement for the existing storm drain facilities. If a public utility easement is not in place for the existing storm drain facilities then a minimum fifteen-foot (15') wide storm drain easement will be required as shown on Exhibit No. 1. No encroachment into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

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.





## Facilities Management &amp; Planning

## BOARD OF EDUCATION

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## SUPERINTENDENT

Robert G. Nelson, Ed.D.

May 7, 2021

Joyce Roach  
 Planning Division  
 City of Clovis  
 1033 Fifth St.  
 Clovis, CA 93612

Re: APPLICATION NO. CUP2020-008, CUP2021-003, CUP2021-004, & SPR2020-010  
 1840 W. SHAW AVE., CLOVIS

Dear Ms. Roach,

In response to your request for school district information regarding the above planning application for the proposed construction of a new gas station with mini-mart and two quick service/fast food restaurants to be located at 1840 West Shaw Avenue in Clovis, Fresno Unified School District submits the following.

Any new commercial development which occurs, may ultimately affect the District by generating employees. The children of those employees living in the District will need to be housed in District schools.

The District levies a commercial/industrial development fee and the current fee rate is \$0.66 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment.

Per the application documents, the District notes no reference to alcohol sales license requests for the proposed restaurants or convenience store. The District **would not support** any planned or future State of California Alcoholic Beverage Control (ABC) alcohol license requests relating to on- or off-site sales at the proposed operations. The District would have very significant concerns regarding potentially dangerous interaction between our students and any proposed operation that included alcohol sales.

Thank you for the opportunity to comment. Please contact our office at (559) 457-3066 if you have any questions or require additional information regarding our comments.

Sincerely,

Alex Belanger, Assistant Superintendent  
 Facilities Management and Planning

AB:hl

DWC



## County of Fresno DEPARTMENT OF PUBLIC HEALTH

December 21, 2020

LU0021156  
2604

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

Dear Mr. Caperton:

PROJECT NUMBER: **CUP2020-080, SPR2020-010**

**CUP2020-008**, A conditional use permit request to allow a gas station and convenience store on the properties located at 982 W. Shaw Avenue. The applicant is also requesting an off-sale alcohol license.  
**SPR2020-010**, A site plan review for a proposed gas station and convenience store on the properties located at 982 W. Shaw Avenue. This will include demolition of the existing building.

**APN: 430-031-27S & -38S**

**ZONING: C-2**

**ADDRESS: 982 W. Shaw Avenue**

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicants shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- 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.
- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health,

***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)

Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

The following comments pertain to the demolition of existing structure:

- Should the structure have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structure in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

- Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

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REVIEWED BY:

*Kevin Tsuda*

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

(559) 600-33271

---

kt

cc: Rogers, Moreno, Salazar & Morgan- Environmental Health Division (CT. 31.02)  
Randel Mathias- Applicant ([jctrlm@gmail.com](mailto:jctrlm@gmail.com))



# CITY *of* CLOVIS

## POLICE DEPARTMENT

1233 FIFTH STREET • CLOVIS, CA 93612

CUP2020-008

- 1) A video surveillance system will be installed with coverage to include the interior and exterior of the business.
- 2) Video surveillance will be recorded and maintained for a minimum of 30 days and will be made available to law enforcement upon request.
- 3) There shall be signs prominently posted on the exterior of the business that no alcohol is to be consumed on the property as well as signs indicating that loitering is prohibited.
- 4) There shall be no sale of alcohol to obviously intoxicated people.
- 5) Employees selling alcohol, on site management and other supervisors are to take an appropriate Alcohol Beverage Control approved class for this type of location every year, related to checking/receiving proper identification from patrons.
- 6) The business owner must comply with the Clovis Municipal Code Sign Ordinance.
- 7) Any alcohol license conditions by the California State Alcohol Beverage Control must be complied with by the owner and all employees.
- 8) Landscaping and vegetation must be maintained in a manner that allows for a clear view of the business to aid in crime prevention.
- 9) Sales of alcohol may only occur between 6:00AM and 12:00AM.
- 10) The exterior of the business must be well lit around the entire perimeter.

Ken Wells  
Police Corporal  
Clovis Police Department

**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT CUP2020-008 FOR A GAS STATION AND ±4,500 SQUARE  
FOOT CONVENIENCE STORE WITH ALCOHOL SALES (TYPE 21 ABC LICENSE) ON A  
±2.75-ACRE PORTION OF PROPERTY LOCATED AT 984 WEST SHAW AVENUE AND  
FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32  
CATEGORICAL EXEMPTION**

**WHEREAS**, Randel Mathias (Applicant), 4665 E. Copper Avenue, Clovis, CA 93619, applied for a Conditional Use Permit CUP2020-008 for a gas station and ±4,500 square-foot convenience store with a Type 21 Alcoholic Beverage Control (ABC) license establishment ("Project") on a ±2.75-acre portion of property located at 984 West Shaw Avenue, in the City of Clovis ("Property"); and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, June 9, 2021, mailed public notices to property owners within 300 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

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

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

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

1. CUP2020-008 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.



- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
  - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
  - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2020-008 without the conditions of approval set forth in **Attachment A** to this Resolution.
  4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development).
  5. The basis for the findings is detailed in the June 24, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
DATED: June 24, 2021

\_\_\_\_\_  
Paul Hinkle, Chair

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

**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT CUP2021-003 FOR A DRIVE-THROUGH USE ON A ±2.75  
ACRE PORTION OF PROPERTY LOCATED AT 984 WEST SHAW AVENUE AND FINDING  
THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL  
EXEMPTION**

**WHEREAS**, Randel Mathias (Applicant), 4665 E. Copper Avenue, Clovis, CA 93619, applied for a Conditional Use Permit CUP2021-003 for a future drive-through use ("Project") on a ±2.75-acre portion of property located at 984 West Shaw Avenue, in the City of Clovis ("Property"); and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, June 9, 2021, mailed public notices to property owners within 300 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

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

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

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

1. CUP2021-003 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.

- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
  - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
  - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2021-003 without the conditions of approval set forth in **Attachment A** to this Resolution.
  4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development).
  5. The basis for the findings is detailed in the June 24, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
 DATED: June 24, 2021

\_\_\_\_\_  
 Paul Hinkle, Chair

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

**DRAFT  
RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A CONDITIONAL USE PERMIT CUP2021-004 FOR A DRIVE-THROUGH USE ON A ±2.75  
ACRE PORTION OF PROPERTY LOCATED AT 984 WEST SHAW AVENUE AND FINDING  
THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL  
EXEMPTION**

**WHEREAS**, Randel Mathias (Applicant), 4665 E. Copper Avenue, Clovis, CA 93619, applied for a Conditional Use Permit CUP2021-004 for a future drive-through use ("Project") on a ±2.75-acre portion of property located at 984 West Shaw Avenue, in the City of Clovis ("Property"); and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on Wednesday, June 9, 2021, mailed public notices to property owners within 300 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on June 24, 2021; and

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

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

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

1. CUP2021-004 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
2. The Project satisfies the required findings for approval of a conditional use permit, as follows:
  - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
  - b. The proposed use is consistent with the General Plan and any applicable specific plan.

- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
  - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
  - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
  - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2021-004 without the conditions of approval set forth in **Attachment A** to this Resolution.
  4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development).
  5. The basis for the findings is detailed in the June 24, 2021, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on June 24, 2021, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-XX  
 DATED: June 24, 2021

\_\_\_\_\_  
 Paul Hinkle, Chair

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