



CITY *of* CLOVIS

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

April 09, 2020

6:00 PM

Council Chamber

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

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in and public comment for all Planning Commission meetings until notified otherwise. The Council chambers will not be open to the public. Any member of the Planning Commission may participate from a remote location by teleconference.

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

Written Comments

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/planning-and-development/planning/planning-commission/planning-commission-agendas/> at least (3) hours before the meeting. You will be prompted to provide:

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



- Please submit a separate e-mail for each item you are commenting on.
- Your item will be read into the record during the public comment portion when the item is heard. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions, but will be made part of the record of proceedings.
- Please be aware that any public comments received that do not specify a particular agenda item will be read aloud during the general public comment portion of the agenda.

- If a written comment is received after 3:00 p.m. on the day of the meeting, efforts will be made to read the comment into the record. However, staff cannot guarantee that written comments received after 3:00 p.m. will be read. All written comments that are not read into the record will be made part of the record of proceedings, provided that such comments are received prior to the end of the Planning Commission meeting.

Verbal Comments

- If you wish to speak to the Commission on the item by telephone, you must contact the Orlando Ramirez, Deputy City Planner (559) 324-2345 no later than 3:00 p.m. the day of the meeting.
 - You will be asked to provide a phone number to call you during the meeting. You will also be asked for your name so that you can be called when it is your turn to speak.
 - You will be called during the comment section for the agenda item on which you wish to speak.
 - You may be put on hold until your name is called by the meeting coordinator.
 - You will be able to speak to the Commission for up to three (3) minutes.

Noticed Public Hearings

- For noticed public hearings, all public comments must be received by the close of the public hearing period. All written comments received by the close of the public hearing period will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions, but will be included in the record of proceedings.
- If a comment on a public hearing item is received after the close of the public hearing, such comment will be treated like a general public comment and made part of the record of proceedings, provided that such comment is received prior to the end of the meeting.

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

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

Planning Commission Minutes for the Meeting of February 27, 2020.

[1](#) Planning Commission Minutes for the Meeting of February 27, 2020.

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.

CONSENT CALENDAR

Move to cancel Thursday April 23, 2020 Planning Commission Meeting.

PUBLIC HEARINGS

2 Consider Approval, Res. 20-____, A request to approve a one-year extension to approved tentative tract map TM6164, located on the west side of Leonard Avenue at Dakota Avenue. DYP 6164 LP, owner; De Young Properties, applicant; Quad Knopf, Inc., representative.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

3 Consider Approval. Res. 20-____, TM6125, A request to approve a one-year extension to an approved tentative tract map located near the northwest corner of Peach and Stuart Avenues. Beal Development, LLC, owner/applicant.

Staff: Joyce Roach, Planning Assistant

Recommendation: Approve

4 Consider Approval, Res. 20-____, CUP2014-22A, A request for a six month review of an approved conditional use permit amendment for the hours of operation specific to an existing 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue. MTE Foods Inc., owner/applicant; Christina Solomon, representative.

Staff: Maria Spera, Planning Technician II

Recommendation: Approve

5 Consider Approval, Res. 20-____, A request to approve a rezone of approximately 4 acres of property located at the southwest corner of Temperance and Nees Avenues to be consistent with the underlying General Plan designation of MU-BC (Mixed Use- Business Campus). This request is to rezone the subject property from the R-A (Single-Family Residential Very Low Density) Zone District to the C-P (Professional Office) Zone District. Beal Properties Inc., property owner; Legacy Construction, applicant.

Staff: Lily Cha, Assistant Planner

Recommendation: Approve

6 Consider items associated with approximately 50.80 acres of land located in the southwest area of Teague and N. Fowler Avenues. Multiple property owners; Woodside Homes of Fresno, LP., applicant; Yamabe & Horn Engineering, Inc., representative.

a. Consider Approval, Res. 20-____, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2019-006, Prezone R2019-007, Prezone R2020-002, & Vesting Tentative Tract Map TM6284.

b. Consider Approval, Res. 20-____, GPA2019-006, A request to amend the General Plan to re-designate approximately 34.3 acres from Rural Residential (1 lot per 2 acres) classification to Low Density Residential (2.1 to 4 DU/Ac) classification.

c. Consider Approval, Res. 20-____, R2019-007, A request to prezone approximately 50.80 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.

d. Consider Approval, Res. 20-____, TM6284, A request to approve a vesting tentative tract map for a 74-lot single-family subdivision on 32.19 acres of land.

Staff: George González, MPA, Associate Planner

Recommendation: Approve

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

MEETINGS & KEY ISSUES

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

April 23, 2020

May 28, 2020

June 25, 2020

July 23, 2020

CLOVIS PLANNING COMMISSION MINUTES
February 27, 2020

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

Flag salute led by Chair Hatcher

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

Absent: None

Staff: Dwight Kroll, Director of Planning and Development Services
Dave Merchen, City Planner
Orlando Ramirez, Deputy City Planner
Ricky Caperton, Senior Planner
George Gonzalez, Associate Planner
Maria Spera, Planning Technician II
Ryder Dilley, Planning Intern
Sean Smith, Supervising Civil Engineer

MINUTES

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

COMMISSION SECRETARY

None.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Hinkle called for a moment of silence in honor of the fallen Porterville firefighters.

COMMUNICATIONS AND REFERRALS

Items of correspondence related to Agenda Items X-4 and X-6.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider approval Res. 20-___, **TM6166**, A request to approve a one-year extension to the approved vesting tentative tract map, TM6166 located at the southeast corner of Gettysburg (alignment) and Highland Avenues. Cressey River, LLC.; owner; Fagundes Bros. Dairy, owner; Yamabe & Horn Engineering, Inc.

Deputy City Planner Orlando Ramirez presented the staff report.

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

Norman Allinder of Fagundes Dairy expressed agreement with staff's recommendation, offered to answer questions, and stated that the project engineer is also present and ready to answer questions.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Bedsted and seconded by Commissioner Hinkle to approve an extension to TM6166. The motion was approved by a vote of 5-0.

3. Consider approval Res. 20-___, **TM6123**, A request to approve a one-year extension to an approved tentative tract map for property located on the north side of Shaw Avenue, west of Highland Avenue. Fagundes Dairy, owner/applicant; Precision Civil Engineering, representative.

Planning Intern Ryder Dilley presented the staff report.

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

Norman Allinder of Fagundes Dairy expressed appreciation for scheduling both items on the same night and again offered to answer questions.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Bedsted and seconded by Commissioner Hinkle to approve an extension to TM6123. The motion was approved by a vote of 5-0.

4. Consider items associated with approximately 50.80 acres of property located in the southwest area of Teague and N. Fowler Avenues. Multiple property owners; Woodside Homes of Fresno, LP., applicant; Yamabe & Horn Engineering, Inc., representative.
 - a. Consider Approval, Res. 20-___, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2019-006, Prezone R2019-007, Prezone R2020-002, & Vesting Tentative Tract Map TM6284.
 - b. Consider Approval, Res. 20-___, **GPA2019-006**, A request to amend the General Plan to re-designate approximately 34.3 acres from Rural Residential (1 lot per 2 acres) classification to Low Density Residential (2.1 to 4 DU/Ac) classification.
 - c. Consider Approval, Res. 20-___, **R2019-007**, A request to approve a prezone of approximately 36.80 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.
 - d. Consider Approval, Res. 20-___, **R2020-002**, A request prezone approximately 14 acres from the County R-R (Rural Residential) Zone District to the Clovis R-R (Rural Residential) Zone District.
 - e. Consider Approval, Res. 20-___, **TM6284**, A request to approve a vesting tentative tract map for a 74-lot single-family subdivision on 32.19 acres of land.

Associate Planner George Gonzalez referred to received items of correspondence and requested a continuance to the March 26, 2020, Planning Commissioner meeting.

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

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

There being none, the Chair closed the public portion.

At this point, the Commission voted by consensus to continue the project to March 26, 2020.

5. Consider approval Res. 20-___, **CUP1996-010A4**, A request to approve a conditional use permit amendment to allow for the placement of signage on the gas island canopy at an existing convenience store located at the southeast corner of Ashlan and Fowler Avenues. Major S. Deol, property owner; Sign Development, Inc., Gus Ortega, applicant/representative.

Planning Technician II Maria Spera presented the staff report.

Commissioner Cunningham inquired as to whether the editorial comments in red on the exhibits were from the applicant or from staff. Planning Technician II Spera responded that the marked exhibits are to inform the Commission that the proposed signage will be reviewed in the sign review process and is not currently under consideration.

Commissioner Hinkle sought and received confirmation that such a request had been granted before. Deputy City Planner Orlando Ramirez provided information regarding the most recent similar project request.

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

Gus Ortega of Sign Development, Inc., stated that he had not been aware the Planning Division would not support the proposed east elevation sign and inquired as to whether there was some method by which it could be approved. Planning Technician II Spera responded that the issue will be reviewed through the sign review process. Mr. Ortega then provided information regarding two recent building permits he had pulled for properties within the City of Clovis that demonstrated that the proposed on-canopy signage is consistent with the new branding image for Valero gas stations.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Antuna and seconded by Commissioner Cunningham to approve CUP1996-010A4. The motion was approved by a vote of 5-0.

6. Consider items associated with approximately 1.6 acres of property located along the east side of Osmun Avenue and the west side of Baron Avenue, north of Second Street. TGP Investment LLC & Flyline Investments, owner/applicant; Dirk Poeschel, representative.
 - a. Consider Approval, Res. 20-___, **GPA2018-03**, A request to amend the General Plan to re-designate from the Medium Density Residential (4.1 to 7.0 DU/Ac) to the Very High Density Residential (25.1 to 43.0 DU/Ac) classification for future development.
 - b. Consider Approval, Res. 20-___, **R2018-09**, A request to approve a rezone from the R-1 (Single Family Residential – 6,000 Sq Ft) to the R-4 (Very High Density Multiple Family Residential) Zone District.

Deputy City Planner Orlando Ramirez referred to received items of correspondence and presented the staff report.

Commissioner Antuna inquired as to Clovis Unified School District concerns about accommodating increasing density detailed in comment letters, seeking and receiving confirmation that this is a standard comment letter. Deputy City Planner Ramirez further explained that CUSD is near capacity in various schools, but plans to construct new schools in

those areas are underway. He also pointed out that the school district has the ability to transfer or relocate students as they go through that process.

Commissioner Hinkle inquired as to whether this project fits within the definition of 'affordable housing.' Deputy City Planner Ramirez confirmed that it does so in terms of density, providing details.

Commissioner Cunningham sought and received confirmation that, if approved, this project's unit numbers will go towards the City's Regional Housing Needs Assessment count.

Commissioner Hinkle sought and received confirmation that, under the proposed R-4 zoning, the applicant could possibly build up to sixty-eight units.

Commissioner Cunningham inquired as to how this proposal fits in with Senate Bill SB330. Deputy City Planner Ramirez responded that it helps the City meet the mandate imposed by this state bill.

Commissioner Antuna inquired as to whether this project will provide more diverse housing in this area. Deputy City Planner Ramirez responded in the affirmative, providing details regarding the surrounding housing types and reiterating that in this case, 'affordable' is referring to density.

Commissioner Hinkle sought and received confirmation that this project would fall under Assembly Bill AB1763.

Commissioner Cunningham inquired as to whether this project would come in at four stories. Deputy City Planner Ramirez responded that it did so originally but that it has had several iterations since initial submission.

City Planner Dave Merchen explained that though the state qualifies this project as affordable housing, it is proposed as market-rate. The project does not require a density bonus under the provisions of AB1763. He referenced the recent urgency ordinance regarding housing adopted at the end of 2019 and explained to the Commission that the requirements of the urgency ordinance don't apply to this specific project. Though it will contribute to the City's ability to meet housing requirements, the proposal project is not mandatory and the Commission retained their ability to make a decision on the project.

Commissioner Hinkle requested clarification regarding a mow strip mentioned in a comment letter from the Fresno Metropolitan Flood Control District. Supervising Civil Engineer Sean Smith clarified that it is a typical structure. Deputy City Planner Ramirez further clarified that it is intended for maintenance purposes on the north side of the project.

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

Bob Garabell, owner, offered no comments at this time, as he was waiting for project representative Dirk Poeschel. They had believed the project would not be reviewed until later in the evening. He requested putting off the project for about fifteen minutes, which was denied as

the staff recommendation had already been given and the applicant or a representative for the applicant was present. Further, there would be an opportunity for rebuttal.

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

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

Derek Chapman of 40 Phillip Avenue spoke against the project as he believes that the applicant has deceived them as this will, he is certain, be low-income housing, and lower rent means more crime. He also expressed that privacy for the single-family homes will be impacted by renters on the second or third floors looking into their backyards, the proposal does not fit with this area of Old Town Clovis (a quiet, beautiful neighborhood of one- or two-story buildings where his children had been able to play on the street), property values will drop, and traffic impacts will be significant, especially on Phillip Avenue.

Jeff Pace of 81 Phillip Avenue expressed agreement with Mr. Chapman, though he is not as certain that this will be low-income housing. He did express disbelief in the rent price of \$1,800 proposed in the neighborhood meeting, stating that such is not affordable. He also inquired as to the traffic count, as he was unable to find the traffic study online. He concluded by stating that though he is in favor of development, growth, and affordable housing, he feels that the density of this project will adversely affect his low-density neighbors.

Chair Hatcher inquired as to whether the traffic study is available online. Supervising Civil Engineer Smith responded that he was unable to find it.

Cole Heap of 41 Phillip Avenue informed that he had sent one of the items of correspondence, then referenced several publications as proof that higher population density leads to lower property values and more street-side parking, which is evident near apartment complexes in Fresno and Clovis. However, he indicated that the increased traffic is his biggest concern, as another study he cited stated that higher population density leads to higher child pedestrian injuries (he had mentioned earlier that his children play in the street). He concluded by quoting from the General Plan and stating that this project negatively impacts not only his investment in Clovis, but also how Clovis looks and functions.

Jack Pokorny of 90 Phillip Avenue stated that Mr. Heap had made all of the points he wished to bar one: he finds the idea of a three-story building looking down into his backyard very undesirable and feels as though he is being pushed to move out. He also stated that the traffic will be terrible and that single-story apartments, such as those west of this site, should be considered.

Beth Pokorny of 90 Phillip Avenue informed that the previous speaker is her father, who moved into Clovis thirty years ago and helped build this city. She stated that you should be ashamed of the effect this project is having on him.

Darin Land of 881 Sierra Avenue informed that he lived just north of the proposed project site, across the ponding basin, and that though he and his neighbors raised money to put in speed

bumps, traffic is still an issue which will be further exacerbated by this project. He also objected to the impact on his view from his home, the increase in noise which is already an issue for him whenever there is a game played at Buchanan High School, and how this type of project will bring undesirables to the community along with people who would be assets. In conclusion, he requested that the Planning Commission not give in to pressure from the state government with such a very high density jump.

Rod Johnson of 879 Osmun Circle spoke against the project in terms of the undesirability of a three-story apartment complex in his area. He expressed his certainty that this will be low-income housing for Hispanics and illegals, inquiring as to whether this project is a result of Governor Newsom's sanctuary state policies and a lawsuit against the City. He further objected in terms of safety concerns regarding children being near the ponding basin, traffic and parking impacts, and increased crime.

Robin DiFalco of 227 Baron Avenue expressed her concerns with this project as it conflicts with the charm and desirability of Old Town Clovis, it conflicts with the surroundings as it's an apartment complex over two-stories, and a density jump of three levels is ridiculous.

April Watt of 239 Baron Avenue objected to the project in terms of increased traffic within the neighborhood, the lack of fit with Old Town Clovis, aesthetics, decreased property values, and the increased crime that will result from the increased activity. She supported the idea of putting single-family homes with accessory dwelling units or more single-story apartments, and stated that if this project is approved, she will move out.

Rosemary Martinez of 201 Osmun Avenue informed that she has lived in Clovis long enough to see many changes and embraced most of them, but she feels this would be a negative change. She expressed concern for the increased traffic, as the future library and senior center will also generate more traffic, safety, the departure from the theme of Old Town, and the invasion of privacy. She concluded by urging that this project be moved elsewhere.

Annie Gerrero of 210 Osmun Avenue expressed offense that the Commission is even considering approving this project, as she does not believe the commissioners would want such a project near their own homes. She expressed concerns regarding the driving speed of apartment residents and the decreased safety that results from it.

Mike DiFalco of 227 Baron Avenue expressed agreement with the statements of previous speakers regarding traffic concerns. He requested that the Commission take into consideration the parking, as when he lived in an apartment complex on Pollasky Avenue, he did not have room to park within the complex. He had concerns about an increasing number of children taking a shortcut directly across Third Avenue in order to reach Clark Intermediate School.

A previous speaker returned to the podium to add that she had considered building a cottage home like one of her neighbors, but that she will completely take that idea off the table if apartments are built there.

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

Dirk Poeschel of 923 Van Ness Avenue informed that most of the audience did not attend the outreach meeting, this project will be market-rate, apartment-living rather than house-living is a new lifestyle change, a small increment of traffic will be added with this project, development standards will be met so parking will not be an issue, and there is no information on the Internet that indicates that a well-designed and well-maintained project will lower property values. He also detailed several concessions made to accommodate neighborhood concerns and how the project addresses the housing element of the General Plan and the City's housing goals and needs. He concluded by offering to answer questions.

Commissioner Cunningham sought and received confirmation that all of the units bar the townhouses have two bedrooms and two bathrooms, then inquired as to the target customers and whether that would include seniors. Mr. Poeschel responded that it is aimed at those who wish to live near the Community Hospital, downtown Clovis, or the Herndon Avenue/Highway 168 intersection, and they expect a smaller percentage of renters to be seniors, who will most likely utilize units on the first floor.

Commissioner Hinkle sought and received confirmation that this project will not involve grant funding, will have charging stations, will be marketed to those who will be high users of the charging stations, will be market-rate despite meeting the state's target densities to be designated as 'affordable,' and the alley between Osmon and Baron Avenues will remain to provide access and preserve utilities located there. He then informed that this type of product, and those like the development at the northwest corner of Shepherd and Willow Avenues, are being promoted and mandated by state legislation, which is aimed at making more of the state resemble Los Angeles and the Bay Area. The City cannot afford the fines that will be levied if these mandates are not followed.

Commissioner Bedsted expressed appreciation for the applicant reorienting the building to address the privacy concerns, then remarked that the Commission has heard a great deal of concern about both privacy and traffic, inquiring as to whether the applicant had considered developing at two-stories. Mr. Poeschel responded that such had been considered, but that the proposed density is what is required for the project to be profitable enough for a quality product. He further detailed other features aimed at preserving the privacy of the neighbors.

Commissioner Bedsted followed up by seeking and receiving assurance that the applicant will not increase the currently proposed number of units if the rezoning is approved. Mr. Poeschel also assured that the elevations presented reflect what will be built, then added that landscaping, parking, etc., will be reviewed more in depth in the site plan review process.

At this point, the Chair closed the public portion.

A member of the public called out an objection, stating that the audience should have a chance to address the applicant's rebuttal. Chair Hatcher explained the procedures and assured that they had been followed even though the applicant had chosen not to make any statements before the floor was opened to the public.

Commissioner Antuna expressed appreciation to the members of the public for taking the opportunity to participate in this process and assured them that the commissioners, who are citizens just like them, do listen to their concerns. She informed that she herself has lived next to an apartment complex for over two years with no issues. She stated that Clovis is an inclusive city, so it aims to provide diverse housing for a broad spectrum of residents. Housing in Old Town Clovis is limited, and, as she reminded, several of the speakers had stated that they themselves had lived in apartments before getting houses. Infill projects are difficult, but the applicant has done well with their design, and so she is in support of it.

Commissioner Hinkle informed that there are more than three hundred bills being formulated for presentation to the state legislature between now and November, with affordable housing being a large part of those bills. This project, as an infill, falls under the jurisdiction of seven different bills he reviewed recently. He recommended the members of the public research these bills as they will affect development, then expressed appreciation for the applicant not proposing the highest number of units possible on this site. He is in favor of the project.

A member of the public called out an inquiry as to how \$1,800 per month in rent is affordable. Commissioner Hinkle responded that, if it was built with state grants and subsidies, then the rent would be approximately \$2,200. 'Affordable' has different meanings in different areas.

Chair Hatcher expressed gratitude to the neighbors for their attendance, then expressed that this is a difficult decision for her. She finds it to be a good infill project but does not believe it to be a good fit for this area, being that it is three-stories and she believes it will cause traffic issues. Therefore, regardless of state mandates, she cannot support this project.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to approve GPA2018-03. The motion was approved by a vote of 3-2. Chair Hatcher and Commissioner Bedstead voted "No".

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to approve R2018-09. The motion was approved by a vote of 3-2. Chair Hatcher and Commissioner Bedstead voted "No".

Commissioner Cunningham stated that though the Commission appreciates members of the public attending and speaking and understands that emotions are high, he does not appreciate the nasty, personal-level comments directed towards the commissioners and staff. They are ordinary citizens just like the people in the audience. He advised that when speaking to the City Council, the members of the public should keep to facts, as they will be unable to sway decision-making with insults.

At this point, a brief recess was called.

7. Consider items associated with approximately 1.49 acres of property located along the south side of Shaw Avenue between Stanford and Fowler Avenues. FE Monterey, LLC, owner; Moss Ventures, LLC, applicant; Pamela Jardini, Planning Solutions, representative.
 - a. Consider Approval, Res. 20-___, **GPA2019-005**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.
 - b. Consider Approval, Res. 20-___, **CUP2019-009**, A request to approve a conditional use permit to allow for an approximately 600 square foot drive-thru coffee shop.

City Planner Dave Merchen presented the staff report.

Commissioner Antuna expressed concern regarding traffic circulation in terms of the entry/exit onto Shaw Avenue, worried that drivers trying to exit the drive-thru site will have to wait as this is going to be a popular business. City Planner Merchen responded by demonstrating the circulation pattern and stating that the parking lot of the site being developed already limits configurations. Though the traffic volume seems significant, the scale will not be so, there is not likely to be a continuous stream of traffic coming off Shaw Avenue without break, the site is not unusual in terms of overall loading, and the drive-thru queues will move quickly.

Commissioner Antuna followed up with an inquiry into the average rate of customers to be served. City Planner Merchen deferred to the applicant for that information.

Commissioner Cunningham sought clarification, as the floor plans appeared to show two service bays yet the elevations only showed one service window. City Planner Merchen responded that staff had noticed some inconsistencies between the floor plans and elevations and would leave clarification to the applicant, and assured that such details as well as the circulation would be reviewed in-depth during the site plan review stage.

Commissioner Hinkle remarked that on both the diagram and a picture one of the bays is shown as a walk-up window.

Commissioner Bedsted and Chair Hatcher sought and received confirmation that this proposal is specific to this site, for both pads, and if the applicant seeks to build new construction elsewhere with a drive-thru, that proposal would also come before the Planning Commission.

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

Pamela Jardini of Planning Solutions provided background on the project and clarified the apparent inconsistencies regarding the service bays.

Commissioner Cunningham inquired as to the number of vehicles typically serviced and what mitigation may be done if the business proved successful enough to cause overflow potentially blocking nearby business. Ms. Jardini responded with details regarding vehicle numbers during

peak and lull times, then pointed out a portion of the parking lot with 'dead space' into which queues could stack.

Commissioner Antuna reiterated her concern regarding traffic entry/exit, as the site appears tight in space at that point. Ms. Jardini responded that the configuration meets City standards for clearance and there is an additional point of exit by the Walgreens. Project architect Larry Gabriel provided some details regarding the dimensions and the applicant's efforts to make the site work.

Commissioner Hinkle inquired as to whether there would be online ordering. Ms. Jardini responded in the affirmative.

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

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

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

Ms. Jardini provided more information regarding the floor plan and staffing, and how such will prevent more than ten cars from being in queue at any one time.

At this point, the Chair closed the public portion.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve GPA2019-005. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve CUP2019-009. The motion was approved by a vote of 5-0.

8. Consider approval Res. 20-__, **OA2020-001**, A request to amend the City of Clovis Sign Ordinance to allow video and LED changeable copy signs in the R-T (Research and Technology Park) and C-R (Commercial Recreation) Zone Districts. California Health Sciences University and Clovis Rodeo Association, applicants.

PDS Director Dwight Kroll presented the staff report.

Commissioner Antuna inquired as to whether the provided sign rendition is to specification and whether the video availability would have live video or slides. PDS Director Kroll responded that the rendition shows what the Rodeo Association intends to do and it would be live video as well as more availability for sponsors with the panels on the sides.

Commissioner Bedsted expressed his appreciation for the incorporation of new technology, then inquired as to what recourse would be available if these two signs move forward and there is deviation from the approved standards. PDS Director Kroll responded that staff was requesting that the Rodeo Association come in for an administrative use permit to more fully define what would be advertised on their sign, and if the agreement is violated, then the applicant could be cited. The same would be true for CHSU, but without the administrative use permit.

Commissioner Bedsted followed up with an inquiry as to whether there would be any opportunity for revocation of the signs if misused, or just citation, if either property changed hands in the future. PDS Director Kroll responded that they would be able to, which is why the ordinance amendment would be specific to these uses. For example, if something else were to develop on the rodeo grounds, it would involve amending Planning Area 12, at which point signs would be able to be reviewed with other considerations. As for CHSU, the amendment is specific to a university in the R-T Park; if the site changed to something else, then that new use would not be able to use that sign.

Commissioner Bedsted inquired as to whether there are any statistics or safety data regarding driver distraction, particularly in reference to the Rodeo sign with its placement on Clovis Avenue. PDS Director Kroll responded that he is not sure where to find such data. However, the sign would be limited in brightness and whether it would be considered a distraction is subjective, and staff is seeking feedback from the Commission. He provided details regarding the changes that will be taking place in the rodeo grounds entry.

Commissioner Cunningham expressed support from the Commission for both entities, then remarked that 'video' and 'animation' are interchangeable terms that essentially refer to moving pictures. He sought and received confirmation that the Rodeo Association is seeking such video on their sign while the Health Sciences University is not. He informed that he had performed some research on distracted driving, and had found that 7% of vehicle deaths result from distraction, with out-of-vehicle distractions being cited as part of that category. He sought confirmation as to the square footage of the proposed sign areas, stating that the CHSU sign appeared to be approximately five hundred square feet. PDS Director Kroll responded that the Rodeo Association video sign is at fifty square feet, and that the CHSU would, if approved, be aligned with the commercial standards and therefore limited to no more than three hundred fifty square feet.

Commissioner Cunningham inquired as to whether staff had contacted Caltrans regarding this. PDS Director Kroll responded that Caltrans will review whatever sign will be proposed out there by the freeway, and that they are less concerned with a fixed, non-changeable copy sign than they are with the intensity of light coming from LED lighting. Their feedback would be sought on such, and in fact their approval is required as per the freeway-related sign section of the municipal code. PDS Director Kroll stated that he believes they also have requirements regarding how long copy must stay on a freeway sign before it may change.

Commissioner Cunningham expressed his assumption that the reason for the delay is so that drivers can read the copy while driving at the speed limit, whereas moving video would encourage drivers to slow down in order to watch the video.

Commissioner Antuna remarked on the sponsor advertisement on the proposed rodeo sign, expressing that it is a bit of an issue for her as other businesses do not get to advertise their sponsors, though she finds the design itself to be nice. She is aware of other businesses that do advertise sponsorship and understands why the Rodeo Association wants this, but questioned

whether that would fit in with Old Town Clovis. PDS Director Kroll responded that this would be a change from what is allowed that would apply on to the rodeo.

Commissioner Hinkle expressed his understanding of the reasoning for including sponsor advertisement as well as the difference between sponsors for events and sponsors for businesses. PDS Director Kroll informed that the sign ordinance does not currently provide for sponsor advertisements and staff are requesting feedback from the Commission on the sponsor ID panels for the proposed rodeo sign, which would be fixed and not video.

Commissioner Hinkle remarked that events should be able to express gratitude to the entities that make them possible, which is not really advertising a business, for which sponsorship advertising would be very different. Such shows of appreciation are currently fulfilled by banners set up during events. He therefore sees no problem with this for events.

Commissioner Antuna sought and received confirmation that not only would these sponsor panels be fixed. As it seems that they're intended to remain year-round, she feels that they are basically sponsoring and even paying for the sign. Therefore, this would not be the same as sponsor signage for an event, which usually last for a week or the duration of the event then get taken down. PDS Director Kroll responded that it appears to be as Commissioner Antuna stated, but that he cannot speak for the Rodeo Association in such a way.

Commissioner Bedsted stated that, after listening to the report and everything said so far, he is trying to process a happy medium that will allow the City to be fair and equitable while honoring the spirit of what happens at the Clovis Rodeo and other events.

Commissioner Antuna stated that she viewed using the video board for the sponsors as a great option rather than the sign panels on the sides of the sign.

Commissioner Bedsted stated that he might be comfortable with the sponsor panels but not year-round, maybe only during events.

Chair Hatcher sought and received confirmation that the video board would be double-sided, then inquired as to whether the City can legally prevent sponsor advertisement if the signage is otherwise within allowed standards. PDS Director Kroll responded that there are some privilege sign provisions in the current sign ordinance in some commercial uses. Deputy City Planner Ramirez further responded that such have been allowed in most of the C-2 Community Commercial Zone District and that the allowed square footage for the rodeo sign could potentially incorporate the sponsor panels, at least in terms of square footage allowances.

Commissioner Cunningham inquired as to what other places are allowed video boards. Deputy City Planner Ramirez responded that the Clovis Veterans Memorial District has such, as well as Clark Intermediate School across the street from it.

Commissioner Cunningham followed up with the observation that many schools have them. Deputy City Planner Ramirez responded that public schools are exempt from the City's sign ordinance.

Commissioner Cunningham informed that the freeway sign at the business park located near Freeway 168 and Temperance Avenue has been dark the last four times he has checked it. PDS Director Kroll responded that he has not had a conversation yet with that operator to see what they plan to do.

Commissioner Cunningham stated that though he is in favor of both entities and has no issue with changeable copy, he is opposed to video signage, as he believes that such will distract drivers.

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

Representatives of the Rodeo Association were unable to attend but were confirmed to be in favor of the text change.

Tom McLaughlin, Director of Planning for California Health Sciences University (CHSU), provided background on the CHSU portion of the proposal.

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

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

There being none, the Chair closed the public portion.

Commissioner Cunningham inquired as to whether the sign height would be an administrative issue between the applicant and Planning & Development Services. PDS Director Kroll responded that it is currently limited to thirty-five feet in the current ordinance, subject to a flag test and director discretion, which is what this use would be paired with.

Commissioner Antuna sought clarification regarding the exact nature of the request in regards to CHSU. PDS Director Kroll clarified that the proposed ordinance amendment would pair the standards of the Research and Technology Park with the currently-existing standards for freeway-related signs in the C-2 Zone District, with the ability to do an LED changeable copy sign only for a university within the R-T Park.

Commissioner Cunningham inquired as to the height of the currently existing business park changeable copy sign. Mr. McLaughlin and Deputy City Planner Ramirez confirmed it as being at fifty feet high.

Chair Hatcher requested staff's input on a way to change the height for the CHSU sign only and not for every sign within the R-T Park. PDS Director Kroll responded that such direction and how the Commission would like that discretion handled can be made part of the motion, thus resulting in the ordinance being written per that recommendation.

Chair Hatcher then followed up by stating that she can foresee other universities and medical schools wanting taller signs, and thus she assumes staff would like the Commission to

specifically limit the change to this use. PDS Director Kroll clarified that the current proposal is written such that other schools along the freeway that are not zoned R-T would not have this option available to them. Deputy City Planner Ramirez expanded that there are also acreage and lineal frontage requirements in place as well, before a request could be reviewed under the administrative use permit process.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve OA2020-001, with a modification to limit LED signage at both sites to changeable copy with no video capability, and to increase the height restriction of thirty-five feet in the R-T Park to fifty feet, at the Director's determination, through administrative use permit. The motion was approved by a vote of 4-1. Commission Antuna voted "No".

9. Consider items associated with approximately 2.78 acres of property located south of Shaw Avenue, north of Gettysburg Avenue, between De Wolf and Leonard Avenues. City of Clovis, property owner/applicant/representative.
 - a. Consider Approval, Res. 20-___, **SPR2019-019**, A request to approve a site plan review for the construction of approximately 7,742 sq. ft., 3-bay fire station on a portion of an approximately 2.78 acre parcel.
 - b. Consider Approval, Res. 20-___, **AUP2019-021**, A request to approve an administrative use permit for the construction of an approximately 165 foot high telecommunications tower on property of the proposed fire station considered under SPR2019-0149.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Hinkle inquired as to whether there were also plans to also put a police department facility on this parcel, as he had though the space behind the fire station was intended for such. PDS Director Kroll responded that there are no such plans at this time, but that this site and others planned for public facilities could accommodate it. At this point, it is more likely that the remainder of this parcel will become a parking facility for the Loma Vista Village Green.

Fire Chief John Binaski informed that the height of the proposed tower is required for the UHF radio used by both the police and fire departments, both of which will use this tower. He also provided details regarding the chain of transmission.

Commissioner Hinkle inquired as to whether the proposed tower will be able to be used for emergencies as well as everyday use. Fire Chief Binaski confirmed that it can, providing information regarding backups and redundancy.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve SPR2019-019. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Bedsted to approve AUP2019-021. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 9:30 P.M. UNTIL the Planning Commission meeting on March 26, 2020.

Amy Hatcher, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission
 FROM: Planning and Development Services
 DATE: March 26, 2019
 SUBJECT: Consider Approval, Res. 20-___, A request to approve a one-year extension to approved tentative tract map TM6164, located on the west side of Leonard Avenue at Dakota Avenue. DYP 6164 LP, owner; De Young Properties, applicant; Quad Knopf, Inc., representative.

Staff: Orlando Ramirez, Deputy City Planner
Recommendation: Approve

ATTACHMENTS: 1. Draft Resolution
 2. Request for Extension
 3. Tentative Tract Map TM6164

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve an extension of Tentative Tract Map TM6164.

EXECUTIVE SUMMARY

The applicant is requesting the first one-year extension for Tentative Tract Map TM6164 per the California Subdivision Map Act. The property is located on the west side of Leonard Avenue at Dakota Avenue. Approval of the extension will allow the applicant to continue working toward development of an approved 45-lot single-family residential development.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 to 4.0 DU/AC) & Medium Density Residential (4.1 to 7.0 DU/AC)
- Specific Plan Designation: Loma Vista Specific Plan (Low Density Residential and Medium Density Residential)
- Existing Zoning: R-1 (Single-Family Residential – 6,000 Sq. Ft.) & R-1-MD (Single-Family Medium Density) Zone Districts

- Lot Size: 15.27 Acres
- Current Land Use: Rural Residential
- Adjacent Land Uses:
 - North: Urban Development
 - South: Rural Residential & Agricultural
 - East: Urban Development
 - West: Urban Development
- Previous Entitlements: R2006-21, GPA2015-01, R2015-04 & TM6101, R2017-02 & TM6164

PROPOSAL AND ANALYSIS

Tentative Tract Map TM6164 is a 45-lot single-family residential development with public streets and standard city sidewalks.

REASON FOR RECOMMENDATION

The proposed extension request is consistent with the General Plan Land Use Diagram, Development Code and Subdivision Map Act. Therefore, staff recommends that the Planning Commission approve a one-year extension for TM6164. Tentative Tract Map TM6164 was originally approved by the Planning Commission on May 25, 2017. The map was approved concurrently with Rezone R2017-02 to accommodate the residential development. As provided for in the Subdivision Map Act, an original approval period is granted for three years, after which the applicant may request up to six extensions in one-year increments. This is the first request.

The applicant is requesting a one-year extension for Tentative Tract Map TM6164 which would extend the approval to May 25, 2021. The applicant is currently working with the Army Corps of Engineers on site issues that require additional process requirements prior to recordation of the map.

Findings for Approval

The findings to consider when making a decision on a tentative tract map extension include:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative map.

Staff's Response: Since the approval of TM6164, there have been numerous changes to the Development Code. However, the changes do not impact the approval of an extension.

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project.

Staff's Response: The property has remained unchanged since the original map approval in May of 2017. There have been no changes in the character of the site, which remains as a rural residential use. Additionally, there have been no changes to the properties surrounding Tentative Tract

Map TM6164. Therefore, the policies of the General Plan and Development Code remain effective and applicable to TM6164.

- 3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads, or schools so that there is no longer sufficient remaining capacity to serve the project.

Staff's Response: Staff concurs that there have been no change to community resources and can accommodate the approved Project.

California Environmental Quality Act (CEQA)

The applicant's project is in substantial conformance with the environmental analysis performed for Tentative Map Tract Map TM6164. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, March 11, 2020.

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 600 feet notified:	247
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Deputy City Planner

Reviewed by: _____
Dave Merchen
City Planner

DRAFT RESOLUTION

ATTACHMENT 1

DRAFT
RESOLUTION 20-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A ONE-YEAR EXTENSION TO AN APPROVED TENTATIVE TRACT MAP FOR THE PROPERTY LOCATED ON THE WEST SIDE OF LEONARD AVENUE AT DAKOTA AVENUE AND FINDING THE PROJECT IN CONFORMANCE WITH CEQA PURSUANT TO SECTIONS 15162 AND 15182 CATEGORICAL EXEMPTION

WHEREAS, De Young Properties, 677 W. Palmdon Drive, Suite #208, Fresno, CA 93704, has applied for an extension to Tentative Tract Map TM6164; and

WHEREAS, an extension to Tentative Tract Map TM6164 was filed on February 14, 2020, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2 of the Municipal Code of the City of Clovis; and

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

WHEREAS, a duly noticed hearing was held on March 26, 2020; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative map;
- b. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project;
- c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads, or schools so that there is no longer sufficient remaining capacity to serve the project;

WHEREAS, the Planning Commission has given careful consideration to this map extension on March 26, 2020, and does find the project exempt from CEQA pursuant to Section 15162 and 15182 Categorical Exemption.

NOW, THEREFORE, BE IT RESOLVED that the first one-year extension of Tentative Tract Map TM6164, be and is hereby approved.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on March 26, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: March 26, 2020

AGENDA ITEM NO.2

Amy Hatcher, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

REQUEST FOR EXTENSION

ATTACHMENT 2



February 14, 2020

Orlando Ramirez
City Planner
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Subject: Tract 6164 Final Map Extension

Dear Mr. Ramirez:

This letter has been written to serve as our request for a one (1) year extension of Tentative Subdivision Map No. 6164, located in Clovis, California.

If you have any questions or would like to discuss this request further, please contact Scott Zaayer or Ernie Escobedo at (559) 449-2400.

Sincerely,

Scott Zaayer
Senior Engineer, PE

cc: Ernie Escobedo, QK

160217/06
jl/sz

TENTATIVE TRACT MAP TM6164

ATTACHMENT 3



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: April 9, 2020

SUBJECT: Consider Approval. Res. 20-____, TM6125, A request to approve a one-year extension to an approved tentative tract map located near the northwest corner of Peach and Stuart Avenues. Beal Development, LLC, owner/applicant.

Staff: Joyce Roach, Planning Assistant
Recommendation: Approve

ATTACHMENTS: 1. Draft Resolution
 2. Request for Extension
 3. Vesting Tentative Tract Map TM6125

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve an extension of Tentative Tract Map TM6125.

EXECUTIVE SUMMARY

The applicant is requesting the second one-year extension for Tentative Tract Map TM6125 per the California Subdivision Map Act. The property is located near the northwest corner of Peach and Stuart Avenues. Approval of the extension will allow the applicant to continue working toward development of an approved 27-lot single-family planned residential development.

BACKGROUND

- General Plan Designation: Medium Density Residential (4.1 to 7.0 DU/AC) & Medium High Density Residential (7.1 to 15.0 DU/AC)
- Specific Plan Designation: None
- Existing Zoning: R-1-PRD (Single-Family Planned Residential Development)
- Lot Size: 4.41 acres
- Current Land Use: Rural Residential Home & Vacant Land
- Adjacent Land Uses:

- North: Rural Residential Home, Vacant Land, & Single Family Residential
- South: Rural Residential
- East: Single-Family Residential & Church
- West: Multiple-Family Residential
- Previous Entitlements: R79-33, R91-09, CUP91-05, SPR89-22 & SPR91-104, TM4293, TM578999, R2015-12, and CUP2015-07

PROPOSAL AND ANALYSIS

Vesting Tentative Tract Map TM6125 is a 27-lot, non-gated, single-family planned residential development with public streets and specific development standards. Vesting Tentative Tract Map TM6125 was originally approved by the Planning Commission and City Council on December 17, 2015, and February 1, 2016, respectively. The map was approved concurrently with a rezone and conditional use permit to accommodate a 27-lot planned residential development. The applicant is working through access easement issues, which must be resolved before the final map can be recorded. Such resolution has taken more time than was provided by the original map approval period. As provided for in the Subdivision Map Act, an original approval period is granted for three years, after which the applicant may request up to six extensions in one-year increments. The first request was approved by Planning Commission February 28, 2019.

The applicant is requesting a one-year extension for Vesting Tentative Tract Map TM6125 which would extend the approval to February 1, 2021.

Findings for Approval

The findings to consider when making a decision on a tentative tract map extension include:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative map.

Staff's Response: Since the approval of TM6125, there have been numerous changes to the Development Code, including changes to address modifications, inadvertent omissions, typographical, grammatical, and content errors. However, the changes do not impact the approval of an extension.

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project.

Staff's Response: The property has remained unchanged since the original map approval in February of 2016. There have been no changes in the character of the site, which remains mostly vacant with one rural residential home adjacent to Peach Avenue. Although there has been development of single-family homes on northern adjacent properties, the change does not

affect the tentative map approval. Therefore, the policies of the General Plan and Development Code remain effective and applicable to TM6125.

- 3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads, or schools so that there is no longer sufficient remaining capacity to serve the project.

Staff's Response: Staff concurs that there have been no change to community resources and can accommodate the approved Project.

California Environmental Quality Act (CEQA)

The applicant's project is in substantial conformance with the environmental impact report performed for the General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project; therefore, subject to CEQA Sections 15162 and 15182, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, March 30, 2020.

REASON FOR RECOMMENDATION

The proposed extension request is consistent with the General Plan Land Use Diagram, Development Code and Subdivision Map Act. Therefore, staff recommends that the Planning Commission approve a one-year extension for TM6125.

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 600 feet notified:	128
Interested individuals notified:	10

Prepared by: Joyce Roach, Planning Assistant

Reviewed by: _____
Dave Merchen
City Planner

DRAFT RESOLUTION

ATTACHMENT 1

DRAFT
RESOLUTION 20-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A ONE-YEAR EXTENSION TO AN APPROVED VESTING TENTATIVE TRACT MAP FOR
THE PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF PEACH AND WEST
STUART AVENUES AND FINDING THE PROJECT IN CONFORMANCE WITH CEQA
PURSUANT TO SECTIONS 15162 AND 15182 CATEGORICAL EXEMPTION**

WHEREAS, Beal Development, LLC, 1175 Shaw Avenue, Unit 104, Clovis, CA 93612, has applied for an extension to Vesting Tentative Tract Map TM6125; and

WHEREAS, an extension to Vesting Tentative Tract Map TM6125 was filed on January 23, 2020, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2 of the Municipal Code of the City of Clovis; and

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

WHEREAS, a duly noticed hearing was held on April 9, 2020; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative map;
- b. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project;
- c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads, or schools so that there is no longer sufficient remaining capacity to serve the project;

WHEREAS, the Planning Commission has given careful consideration to this map extension on April 9, 2020, and does find the project exempt from CEQA pursuant to Section 15162 and 15182 Categorical Exemption.

NOW, THEREFORE, BE IT RESOLVED that the second one-year extension of Vesting Tentative Tract Map TM6125, be and is hereby approved.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on April 9, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: April 9, 2020

AGENDA ITEM NO.3

Amy Hatcher, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

REQUEST FOR EXTENSION

ATTACHMENT 2

Beal Developments LLC

1175 Shaw Ave., #104, PMB 372 Clovis, CA | (559) 288-0211 | bealdevelopments@aol.com

January 23, 2020

City of Clovis

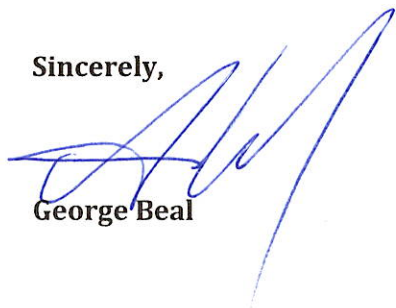
Planning Staff

RE: Tentative Tract Map TM6125

Dear City of Clovis:

I am requesting my 2nd one (1) year extension of Tentative Tract Map TM6125 that was approved February 1, 2016 which is valid until February 1, 2019.

Sincerely,



George Beal

VESTING TENTATIVE TRACT MAP TM6125

ATTACHMENT 3



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: March 26, 2020

SUBJECT: Consider Approval, Res. 20-___, CUP2014-22A, A request for a six month review of an approved conditional use permit amendment for the hours of operation specific to an existing 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue. MTE Foods Inc., owner/applicant; Christina Solomon, representative.

Staff: Maria Spera, Planning Technician II
Recommendation: Approve

- ATTACHMENTS:
1. Conditions of Approval
 2. Draft Resolution
 3. Site Plan and Aerial Map

CONFLICT OF INTEREST
 None.

RECOMMENDATION
 Staff recommends that the Planning Commission make a determination that the existing 24-hour drive-thru window use permitted by Conditional Use Permit CUP2014-22A is operating in conformance with the adopted conditions of approval and allow the project to continue to operate, subject to the original conditions as listed in Attachment 1.

EXECUTIVE SUMMARY
 The Planning Commission previously approved Conditional Use Permit CUP2014-22A for a 24-hour drive-thru window at an existing Del Taco restaurant located near the northeast corner of Herndon and Sunnyside Avenues on September 26th, 2019, which included conditions of approval. Condition number four specifically stated that the Project would receive approval, but would be subject to additional review after the use had been in operation for six months in order to fully analyze the Project’s potential impact to the surrounding area. Consideration and approval of the applicant’s six-month review would allow the applicant to continue operating the 24-hour drive-thru window with no further review required.

BACKGROUND

- General Plan Designation: General Commercial

- Specific Plan Designation: Business Corridor (Herndon-Shepherd Specific Plan)
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 0.77 acres
- Current Land Use: Commercial
- Adjacent Land Uses:
 - North: Single-Family Residential
 - South: Clovis Unified School District Administration
 - East: Commercial
 - West: Commercial
- Previous Entitlements: R1991-03 (R-A to C-2)
CUP2014-22 (Drive-Thru Eating Establishment)
SPR2014-16 (2,750 Sq. Ft. Restaurant)
CUP2014-22A (24 Drive-Thru Window)

PROPOSAL AND ANALYSIS

Planning Commission Approval

Conditional Use Permit Amendment CUP2014-22A for the Del Taco restaurant located near the northeast area of Herndon and Sunnyside Avenues (see Figure 1 below) was presented to the Planning Commission on September 26th, 2019 and was granted conditional approval with direction that the amendment would return before the Commission for review in six-months.

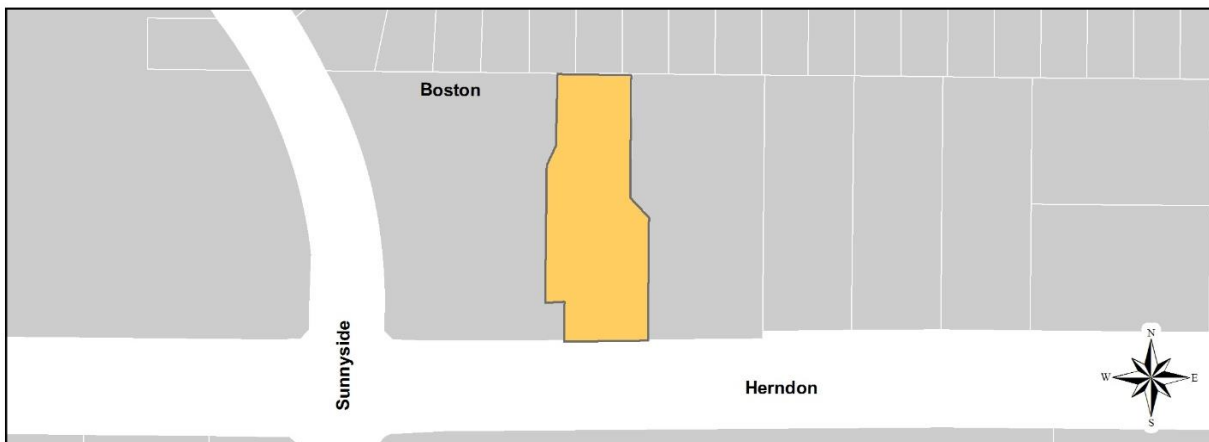


Figure 1: Location Map

Six-Month Review of CUP2014-022A

The request for a subsequent review of the existing use arose from neighborhood and Commission concerns of potential noise impacts from the drive-thru speaker and noise that could potentially affect adjacent neighbors, specifically during late hours. Staff distributed the applicant’s project review to City staff and outside agencies for follow-up consideration. Staff has been in contact with the Clovis Police Department to assure the operator has not had any calls for service specific to noise issues. Clovis PD has indicated that there have been no complaints filed with its department. As a result, staff finds that the conditions of approval have been met for the drive-thru use and Del Taco can continue operation of its 24-hour drive-thru window.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control

District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, and the County of Fresno.

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

Public Comments

A public notice was sent to area residents within 350 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

California Environmental Quality Act (CEQA)

The Project was reviewed through the original application and was determined to be exempt from CEQA pursuant to Public Resources Code Section 15031 (Class 1 – Existing Facilities). A Notice of Exemption was completed and filed with the County Clerk on October 4, 2020. Therefore, no additional review is needed for the review request of Conditional Use Permit Amendment CUP2014-22A.

The City published notice of this public hearing in The Business Journal on Wednesday, March 11, 2020.

REASON FOR RECOMMENDATION

Conditional Use Permit Amendment CUP2014-22A is consistent with the goals, freeway-related commercial uses, and the land use designations of the General Plan Land Use Diagram, the Herndon-Shepherd Specific Plan, Clovis Municipal Code, and the C-2 (Community Commercial) Zone District. As indicated in staff’s report, the Clovis Police Department and staff have not received any concerns specific to the 24-hour uses, therefore, staff recommends that the Planning Commission approve a six-month review of CUP2014-22A, subject to the conditions of approval attached as Attachment 1.

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 350 feet notified:	32
Interested individuals notified:	10

Prepared by: Maria Spera, Planning Technician II



Reviewed by: _____
Dave Merchen
City Planner

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

1. All conditions of R1991-03, CUP2014-22, SPR2014-16, Herndon-Shepherd Specific Plan, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. The drive-thru windows hours of operation shall be permitted 24-hours daily.
3. Operation of the site shall conform with the Clovis General Plan noise standards and shall not generate noise levels exceeding 55 decibels to the exterior of any residence.
4. CUP2014-22A shall be reviewed six months following approval of this application. Clovis Planning Staff shall conduct a review of the use in regard to conditions of approval and present findings of this review to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit amendment for revocation.

POLICE DEPARTMENT CONDITIONS
(Scott Borsch, Department Representative - 324-3464)

5. Volume from both drive-thru customers and the drive-thru microphone should not disturb the neighbors during the overnight hours. This can be measured through calls for service to Clovis PD and officer's discretion at that time.
6. Provisional hours to be changed to close at midnight and may be reassessed based on number of noise related complaints.
7. Business should post "No Loitering" signs in the lot to avoid noise and disturbances.

DRAFT RESOLUTION

DRAFT
RESOLUTION 20-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A SIX MONTH REVIEW OF AN APPROVED CONDITIONAL USE PERMIT AMENDMENT
FOR THE HOURS OF OPERATION SPECIFIC TO AN EXISTING 24-HOUR DRIVE-THRU
WINDOW USE AT THE DEL TACO RESTAURANT LOCATED AT 1415 HERNDON AVENUE**

WHEREAS, MTE Foods, Inc., 444 N. Prospect Street Suite A, Porterville, CA 93257, applied for a Conditional Use Permit Amendment CUP2014-22A and received approval by the City of Clovis Planning Commission on September 26, 2019; and

WHEREAS, CUP 2014-22A permitted a 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue, City of Clovis, County of Fresno; and

WHEREAS, the conditions of approval for CUP 2014-22A require that a review be completed after six months of operation to verify compliance with the other conditions of approval; and

WHEREAS, the applicant has requested a six month review in compliance with the conditions of approval; and

WHEREAS, a public notice was sent out to area residents within 350 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on March 26, 2020; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does hereby make a determination that the use permitted under CUP2014-22A is operating in a manner consistent with its conditions of approval and may continue to operate subject to the conditions of approval approved by the Planning Commission on September 26, 2019.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on March 26, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

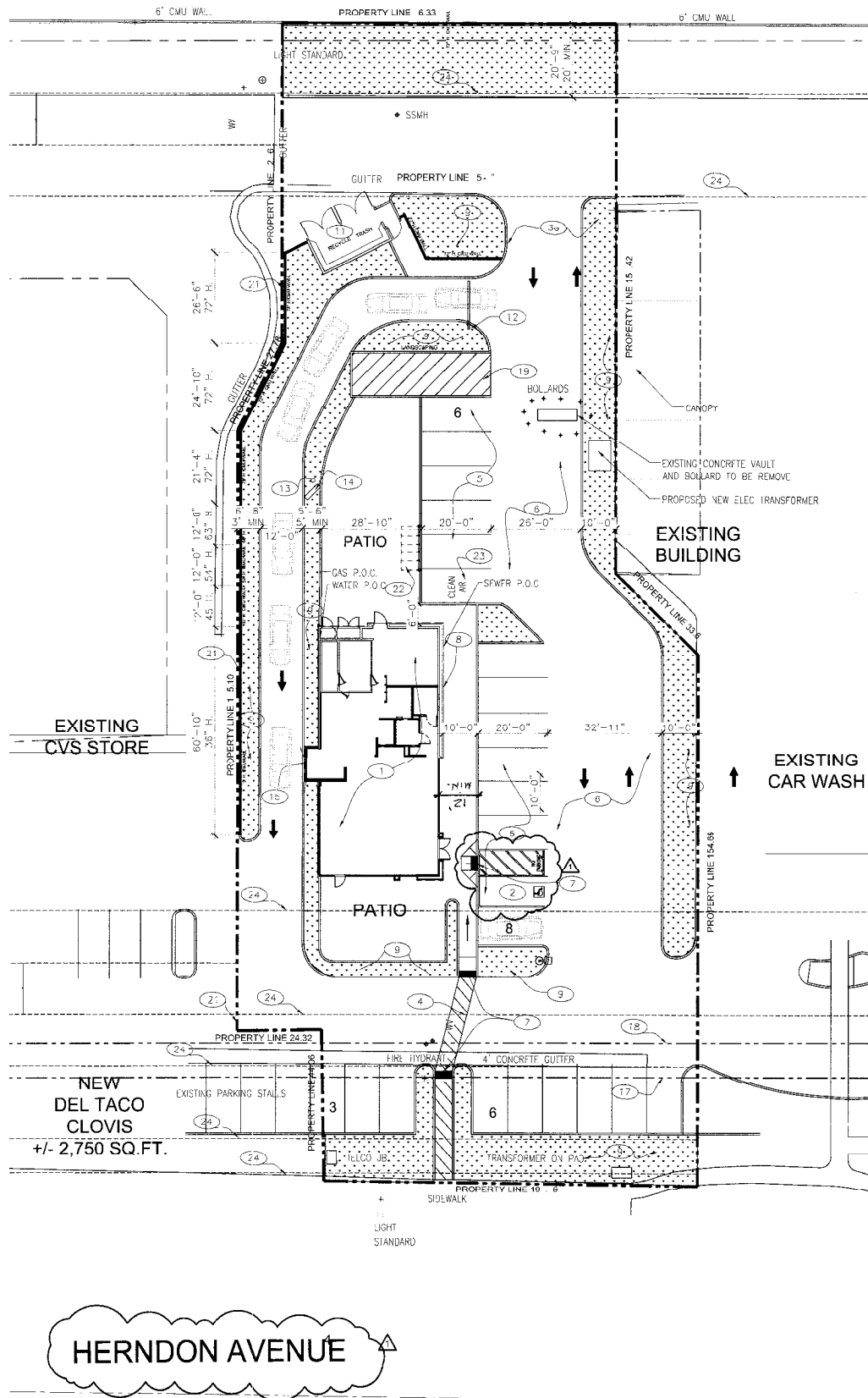
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: March 26, 2020

Amy Hatcher, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

SITE PLAN AND AERIAL MAP



HERNDON AVENUE

AERIAL IMAGE





CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: March 26, 2020

SUBJECT: Consider Approval, Res. 20-___, A request to approve a rezone of approximately 4 acres of property located at the southwest corner of Temperance and Nees Avenues to be consistent with the underlying General Plan designation of MU-BC (Mixed Use- Business Campus). This request is to rezone the subject property from the R-A (Single-Family Residential Very Low Density) Zone District to the C-P (Professional Office) Zone District. Beal Properties Inc., property owner; Legacy Construction, applicant.

Staff: Lily Cha, Assistant Planner

Recommendation: Approve

- ATTACHMENTS:
1. Conditions of Approval
 2. Draft Resolution
 3. Conceptual Site Layout
 4. Correspondence

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve rezone R2019-009, subject to the conditions of approval listed as **Attachment 1**.

EXECUTIVE SUMMARY

Legacy Construction is requesting to rezone the subject property to the C-P (Professional Office) Zone District for development purposes. Future improvement plans include two large office buildings, with one building dedicated as a medical office facility for a proposed United Health Center facility. Although the request is strictly for zoning consideration, proposed development on the site within the R-T Park warrants discussion on uses and building types. The anticipated project is proposed for development in two phases, with construction of the United Health Center building and associated parking as the first phase of development. The second phase of development will incorporate the remaining building and parking area.

This development requires the rezone of the subject property for conformity with the underlying general plan designation of MU-BC (Mixed Use Business Campus). Approval of this rezone will memorialize the C-P Zone District and allow Legacy Construction to move forward with submittal for site plan review.

BACKGROUND

- General Plan Designation: MU-BC (Mixed Use Business Campus)
- Existing Zoning: R-A (Single-Family Residential Very Low Density)
- Lot Size: 4 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Single-Family Residential Subdivision (R-1)
 - South: Single-Family Residence (R-A)
 - East: Single-Family Residence (R-A)
 - West: Single-Family Residence (R-A)
- Previous Entitlements: GPA99-05

History

In the year 1996, the subject property was incorporated into the City limits as a part of Reorganization 193 (Nees-Temperance Reorganization). The reorganization annexed roughly 386 acres of unincorporated area that is generally bound by Armstrong, Temperance, Shepherd Avenues, and highway 168. Preceding the annexation, the subject property contained a single-family residence and carried characteristics typical of rural residential properties. Prior to the year 2015, the site was completely cleared and has remained vacant since.

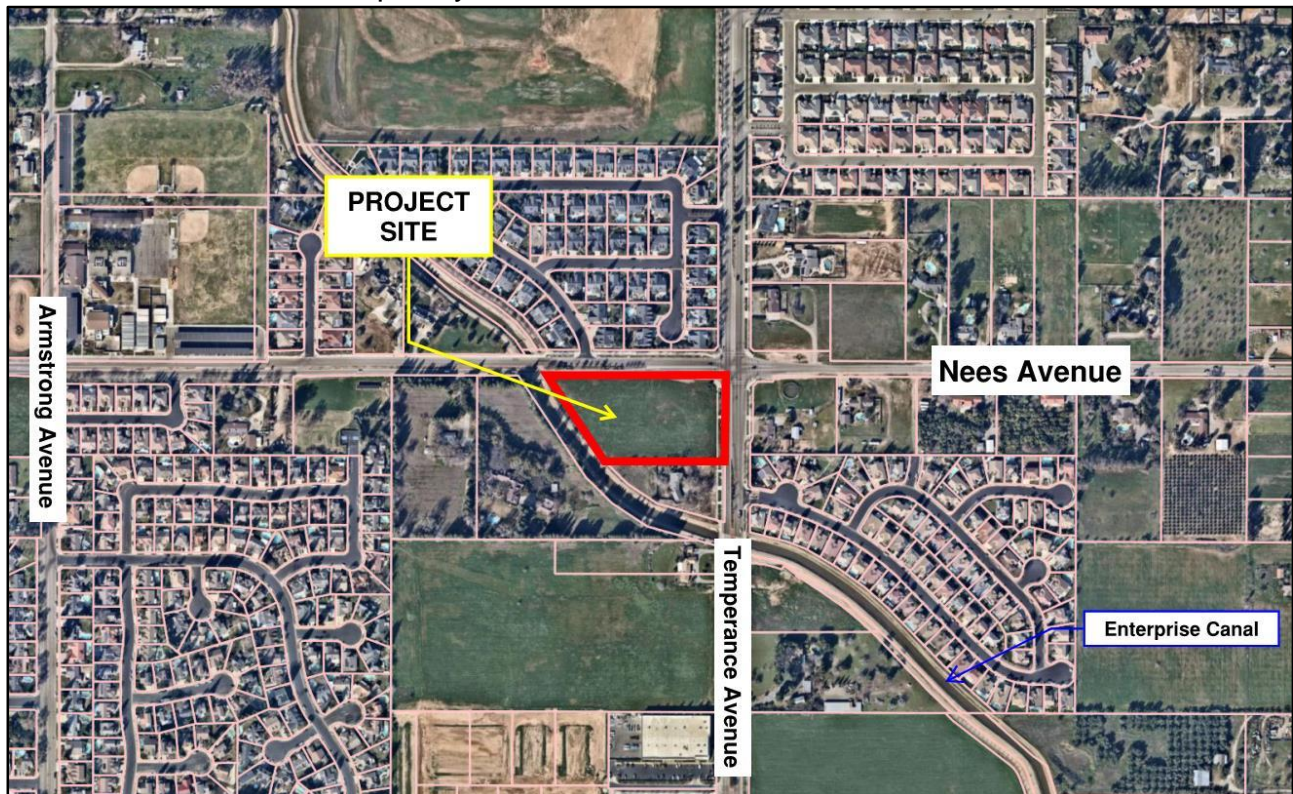


FIGURE 1: Project Location

PROPOSAL AND ANALYSIS

General Plan Designation

In 1999, the Council approved GPA99-5, a comprehensive amendment to the General Plan that re-designated roughly 168 acres from the Low Density Residential, High Density Residential, and Park/Open Space to the Mixed-Use land use designation as illustrated within Figure 2 below. The purpose of the amendment was to accommodate land uses that promote economic development and create a stronger employment base as indicated with the intent of the Research and Technology Business Park. The subject property is located within a segment of the area that was re-designated to Mixed Use Business Campus. The Mixed Use Business Campus (MU-BC) designation promotes land uses that allow for higher intensity mixes of employment generating businesses that are drawn from the land uses permitted in the Office and Industrial designations. Live/work options are also permitted under this designation.

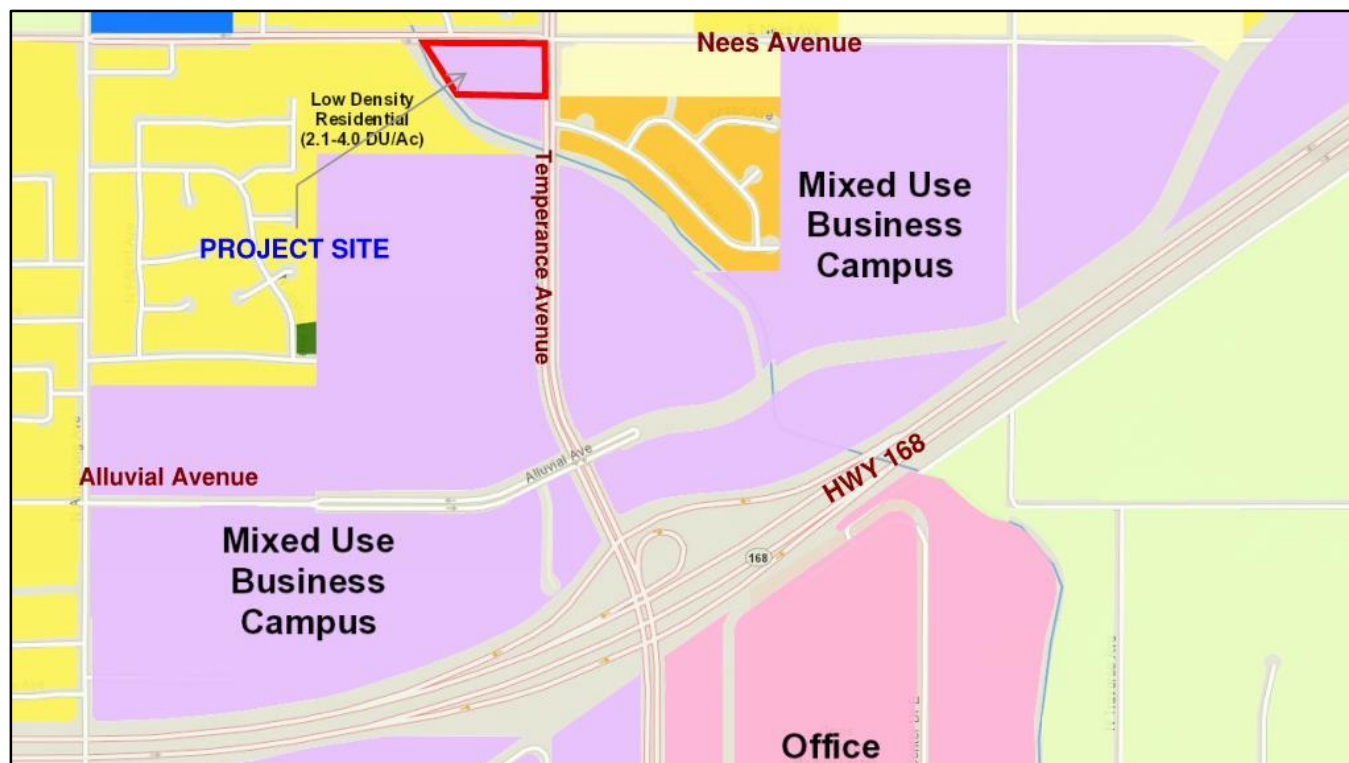


Figure 2: Mixed Use Area

Rezone

The subject property's current zone designation is R-A, (Single-Family Residential 24,000 minimum), which is associated with large lot single-family rural uses. This existing zone district is consistent with the Very Low Density Residential land use designation of the City's General Plan. As indicated earlier, the property carries a land use designation of MU-BC in the City's Land Use Diagram. Although properties were re-designated in the General Plan Land Use Diagram with GPA99-5, not all properties have been updated with corresponding zoning classifications. Under these conditions, existing residential properties in this area continue to be permitted uses until development is proposed and properties are rezoned.

Currently, the property's R-A Zone District is not consistent with the land use diagram designated in the City's General Plan of Mixed Use Business Campus. Approval of this rezone is necessary to bring the property's zoning into conformance with the MU-BC general plan designation. The

C-P (Professional Office) Zone District classification proposed with this rezone request is consistent with the MU-BC designation.

Surrounding Land Uses

The project site is bounded by Nees Avenue to the north, Temperance Avenue to the east, the Enterprise Canal along the southwest, and an approximately one acre parcel with an existing single-family residence directly to the south. The subject property is approximately four acres and is currently vacant. The nearest single-family residential subdivisions in its vicinity include the Cambridge Tract across Nees Avenue to the north, the Northwood Estates roughly 0.15 miles to the west and Tract Map 4973 across Temperance Avenue to the southeast. The remaining surrounding properties that are closest to the subject property are either vacant or rural residential type properties with single family homes, accessory structures, and large open fields. About 0.18 miles further to the south of the subject property are the Portal Sierra I & II Business Parks.

As indicated in purple of figure 2 above, the subject property and the property abutting its southern property line are both planned for MU-BC type development.

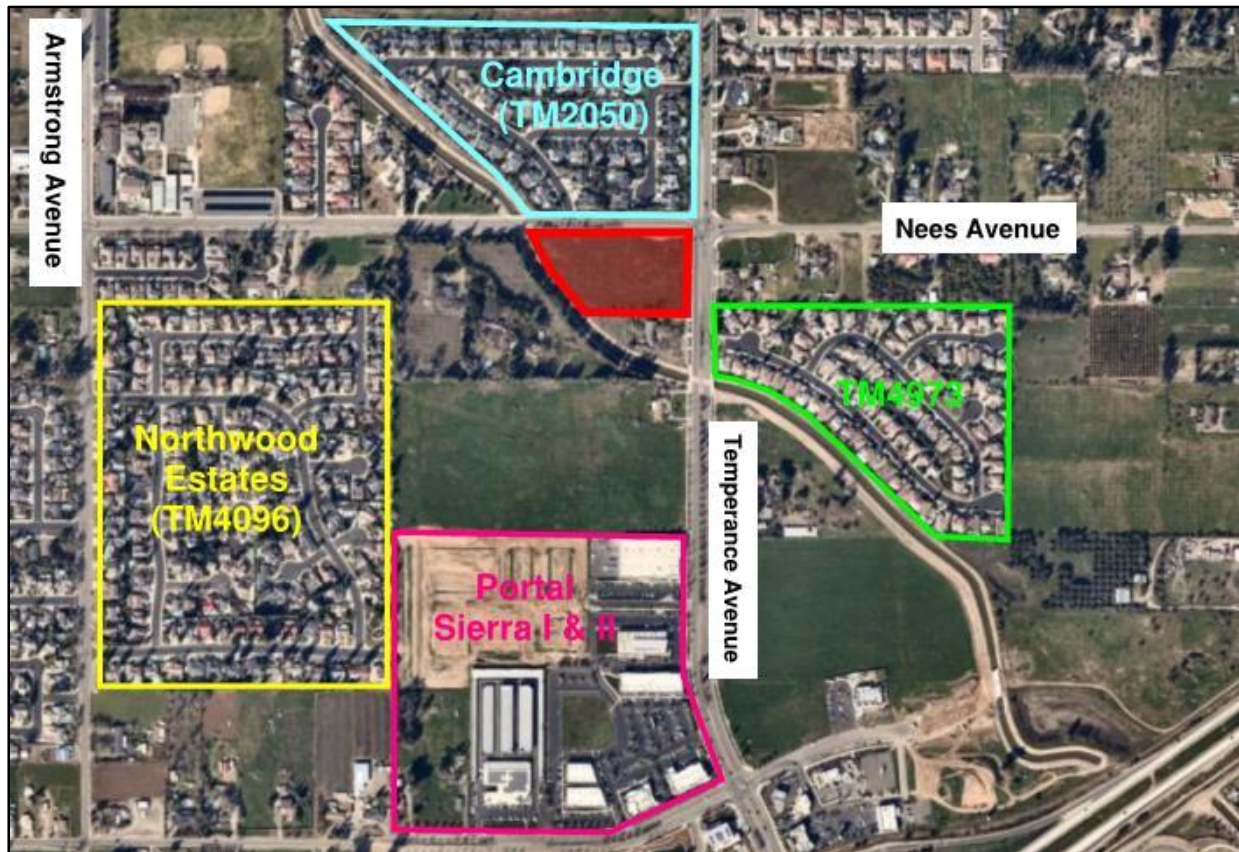


FIGURE 3: Surrounding Properties

Conceptual Site Layout

Approval of this rezone request will allow the applicant to move forward with the site plan review process. The process provides staff the opportunity to review the location, design, site plan and configuration of the project per the City’s established development standards, regulations, and

any other applicable design guidelines and policies. The conceptual site layout is provided as **Attachment 3**.

The subject property is approximately four acres in area and is located at the southwest corner of Nees and Temperance Avenues. The property's primary frontage is along Nees Avenue with an approximate length of 680 feet. Its frontage along Temperance Avenue is approximately 310 feet in length. Phase I of the proposed development includes the 15,000 square foot building located at the far northeast area of the property. The second building of approximately 10,000 square feet is proposed with phase II of development and would be located at the far southwest area of the property. The site layout and details will be further refined through the site plan review process.

Architecture and Design Guidelines

Design guidelines are intended to encourage the design and construction of structures and areas that compliment architecturally. Coordination of architecture and design may serve as an enhancement to areas by providing elements of commonality, identity and place. The project site is located within the MU-BC area that was designated for economic development of the Research and Technology (R-T) Business Park. Although this area has not been formally incorporated as a part of the R-T Park, it's within the MU-BC area intended to encourage economic vitality. In effort to carry architectural and design consistency throughout this employment generating area, the project should adhere to the design guidelines memorialized for the R-T Park.

R-T Park design guidelines were adopted with the intent of creating a unifying theme for the employment generating area. It memorialized a general "design vocabulary" that is identifiable and compatible with the existing surrounding development of the time. The design guidelines emphasize architecture that is visually clean and "edgy." The visual appearance of the area should reflect a high tech and contemporary look by accentuating construction materials inclusive of glass, steel, and cementitious exteriors. Building elevations and architecture will be considered during the site plan review phase.

Employment generating businesses, such as those the R-T Business Park were designed to attract, tend to require larger building footprints. To accommodate such businesses, a minimum building size of 20,000 square feet was initially required. In recent years, the Council has approved ordinance amendments that modified the minimum building size requirement to 10,000 square feet when constructed within a Business Campus Planned Development. The project proposes two separate buildings at approximately 10,000 square feet and 15,000 square feet in size, respectively, meeting the minimum building size requirement.

Circulation and Reciprocal Access

Although this entitlement is for the purpose of land use, a conceptual site plan (**Attachment 3**) referencing the proposed site layout was provided. The final site layout will be reviewed and memorialized through the site plan review process. The project site fronts onto both Nees and Temperance Avenues and proposes access from both public streets. Interior circulation and parking requirements will be further analyzed during the site plan review process. Because development standards require a minimum distance of 250 feet from the street intersections, the project's driveway from Temperance Avenue is limited to the area that is closest to the southern property line. There are potential concerns of this driveway hindering any additional driveways from Temperance Avenue for future development of the adjacent property to the south. In effort

to mitigate this concern, staff is recommending that this project be required to provide an irrevocable offer for reciprocal access with the property to the south (**Figure 4**). Based on the design of the conceptual site layout, designating an area for a shared driveway to the southern property should not be problematic. This requirement shall be reflected on the final site plan of the site plan review process and has been conditioned with this rezone request.

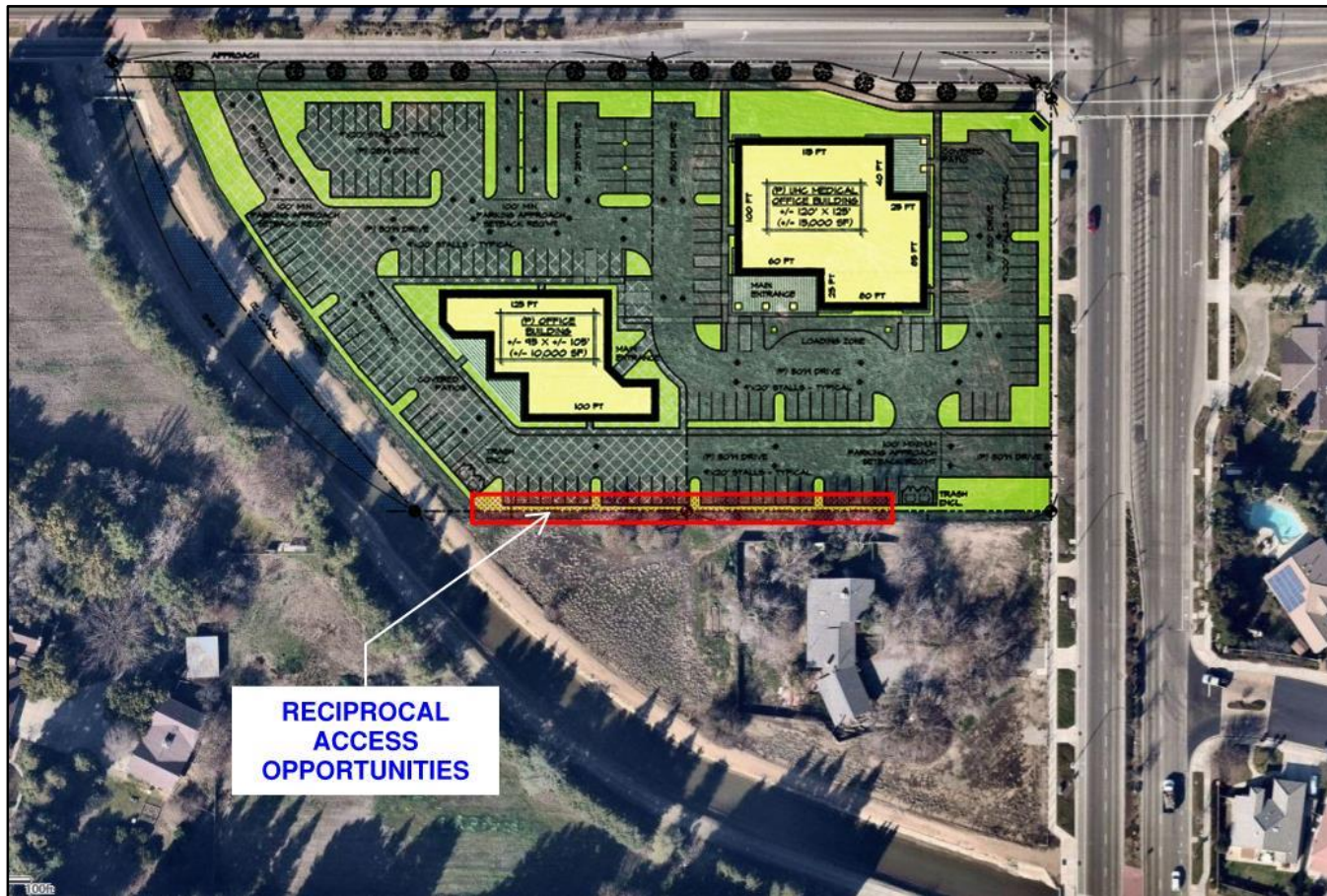


FIGURE 4: Reciprocal Access

Public Comments

A public notice was sent to area property owners within 600 feet of the project boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

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

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

Consistency with General Plan Goals and Policies

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

Land Use Element:

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

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

Economic Development Element:

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

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

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

California Environmental Quality Act (CEQA)

This project is exempt from CEQA pursuant to a Class 32 categorical exemption. Class 32 exemptions consist of in-fill development less than 5 acres in size meeting the conditions described in California Government Code Section 15332(a), (b), (c), (d) and (e). A Notice of Exemption has been completed during the preliminary review and is kept for public review with the project files during the processing of the project application. The notice will be filed with the County Clerk if the project is approved.

The City published notice of this public hearing in *The Business Journal* on Wednesday, March 11, 2020.

REASON FOR RECOMMENDATION

The applicant’s rezone request would bring the property’s zoning into conformance with the property’s general plan designation. With approval of the C-P zoning designation, the property may be developed per the development standards of the respective zone district. As indicated by the conceptual site layout, the applicant is looking to develop the property per the C-P zone district. At full build-out, this project would provide development that is appropriate with the City’s

general plan and the proposed zone district. Therefore, staff recommends that the Planning Commission approve R2019-009 subject to the associated conditions of approval listed as **Attachment 1**.

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.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014).
4. The Planning Commission finds the Project in substantial conformance with the environmental analysis performed for the General Plan.

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None

NOTICE OF HEARING

Property owners within 600 feet notified: 66

Interested individuals notified: 10

Prepared by: Lily Cha, Assistant Planner



Reviewed by:

Dave Merchen
City Planner

Conditions of Approval- R2019-009

PLANNING DIVISION COMMENTS
(Lily Cha, Assistant Planner – 559-324-2335)

1. Rezone R2019-009 approves a C-P (Professional Office) Zone District for the subject site located at the southwest corner of Nees and Temperance Avenues.
2. Development of this site shall be consistent with the General Plan, Mixed Use Business Campus Designation.
3. This rezone request is subject to the associated development standards of the General Plan and Community Commercial Zone District.
4. The applicant shall coordinate with the Development Review Unit of the City’s Engineering Division to provide an irrevocable offer for reciprocal access with the adjacent property to the south.

COUNTY OF FRESNO ENVIRONMENTAL HEALTH DEPARTMENT
(Kevin Tsuda, Health Department Representative – (559) 600-3271)

5. 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.

FRESNO IRRIGATION DISTRICT
(Jeremy Landrith, FID Department Representative – (559) 233-7161)

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

RESOLUTION 20-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING APPROVAL TO REZONE APPROXIMATELY 4 ACRES FROM THE R-A (SINGLE-FAMILY RESIDENTIAL VERY LOW DENSITY) ZONE DISTRICT TO THE C-P (PROFESSIONAL OFFICE) ZONE DISTRICT FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NEES AND TEMPERANCE AVENUES AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

WHEREAS, Legacy Construction., 2045 N. Fine Avenue, Fresno CA 93727, has applied for a Rezone R2019-009; and

WHEREAS, this is a request to rezone approximately 4 acres from the R-A (Single-Family Residential Very Low Density) Zone District for property located at the southwest corner of Nees and Temperance Avenues, in the City of Clovis, County of Fresno, California; and

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

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

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely;

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014); and
4. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and, based upon the Categorical Exemption, there is no substantial evidence that the project will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does recommend approval of Rezone R2019-009.

ATTACHMENT 2

* * * * *

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

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

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: March 26, 2020

Amy Hatcher, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

legacy construction

lcfresno.com
 Message: 559.291.1922
 commercial + professional office + industrial

2045 N. Fine Avenue + Fresno, California 93727
 Message: 559.291.1922 + Facsimile: 559.314.6190
 Visit us at lcfresno.com

"Our Business is Building Yours"
 Authorized Builder

UNITED HEALTH CENTERS - FRESNO EXPANSION

PROPOSED SITE AND BUILDING DEVELOPMENT

SOUTH-WEST CORNER OF TEMPERANCE & NEES AVE'S CLOVIS, CA. 93611

564-033-16
 (E) *3.52 (4.09) ACRE SITE

REVISIONS

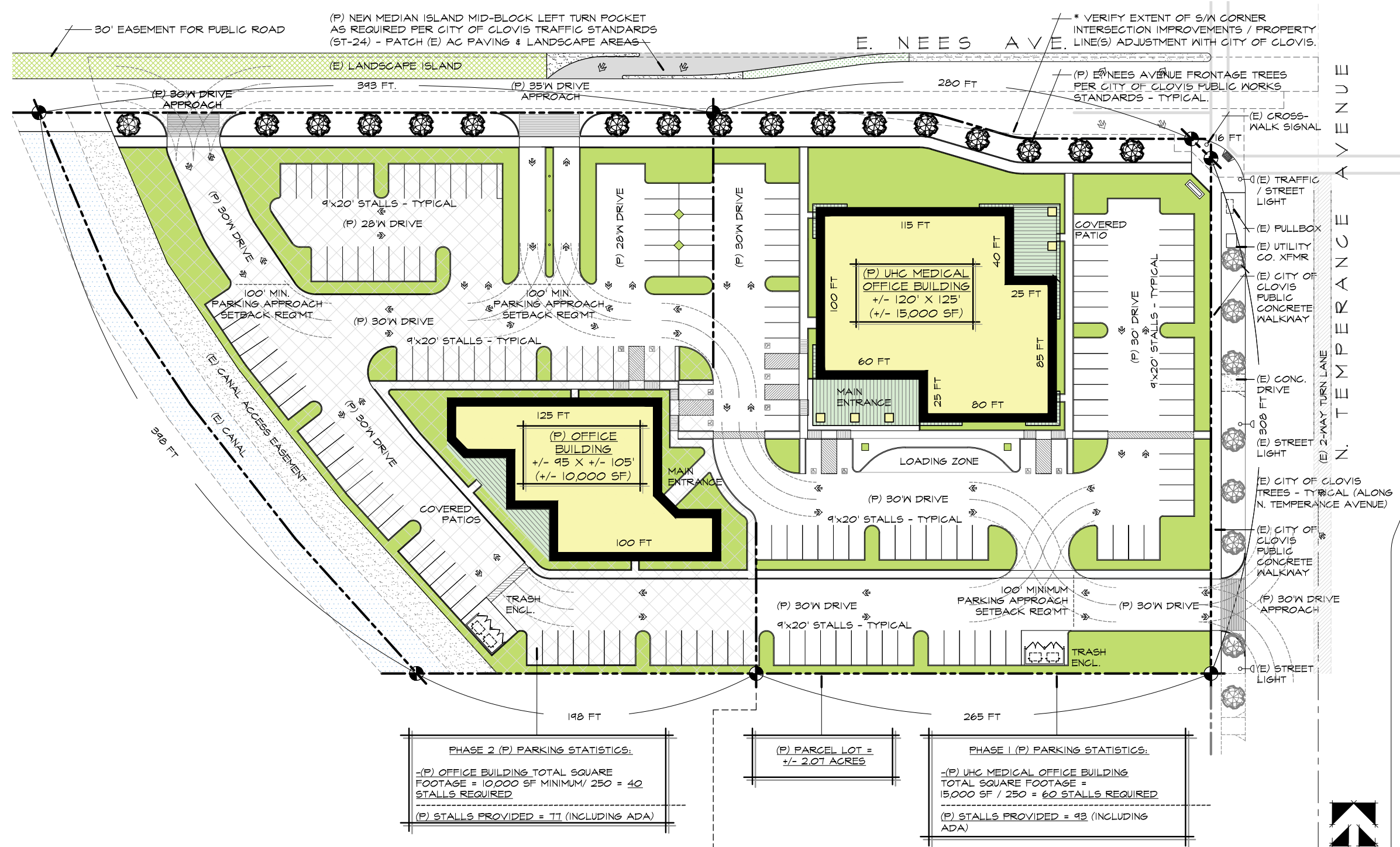
DESCRIPTION	DATE

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SHEET DESCRIPTION
 PROPOSED SITE PLAN PHASE 1 AND 2

DATE	JANUARY 24, 2020
DRAFTING	GLR
ENGINEERING	GLR
COMPUTER FILE	-
PROJECT NO.	-
DESCRIPTION	-



PHASE 2 (P) PARKING STATISTICS:

-(P) OFFICE BUILDING TOTAL SQUARE FOOTAGE = 10,000 SF MINIMUM / 250 = 40 STALLS REQUIRED
 (P) STALLS PROVIDED = 71 (INCLUDING ADA)

(P) PARCEL LOT = +/- 2.07 ACRES

PHASE 1 (P) PARKING STATISTICS:

-(P) UHC MEDICAL OFFICE BUILDING TOTAL SQUARE FOOTAGE = 15,000 SF / 250 = 60 STALLS REQUIRED
 (P) STALLS PROVIDED = 93 (INCLUDING ADA)

PROPOSED SITE PLAN - PHASE 1 AND 2
 SCALE: 1" = 30'-0"

PROPOSED SITE LOCATION



VICINITY PLAN
 NO SCALE

CORRESPONDENCE FROM COMMENTING AGENCIES



February 6, 2020

LU0020523
2604

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

Dear Ms. Cha:

PROJECT NUMBER: R2019-009

R2019-009: A request to rezone approximately 4.09 acres of property located at the SWC of Nees and Temperance Avenues from the R-A (Single-Family Residential Very Low Density) Zone District to the C-P (Professional Office) Zone District. This rezone request is in conformance with the general plan designation of the property.

APN: 564-033-16 ZONING: R-A to C-P ADDRESS: SWC of Nees & Temperance Avenues

Comments/Concerns:

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

Recommended Conditions of Approval:

- If the applicant(s) propose to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- For retail food establishments, prior to issuance of building permits. The applicant(s) shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the applicant(s) shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The applicant(s), or any tenants leasing space, should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.
- The applicant(s) may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
- The future construction and projects have 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.

REVIEWED BY:

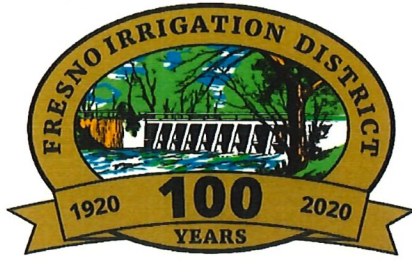
Kevin Tsuda

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

(559) 600-33271

kt

cc: Rogers, Moreno, Gleghorn, Mak & Bains- Environmental Health Division (CT. 55.12)
Alondra Williams- Applicant (alondra@lcfresno.com)



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

“A Century of Commitment, Conveyance & Customer Service”

February 19, 2020

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

RE: Rezone Application No. R2019-009
S/W Nees and Temperance avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Rezone Application No. R2019-009 for which the applicant requests to approve a rezone of approximately 4.09 acres of land from the R-A (Single-Family Residential Very Low Density) Zone District to C-P (Professional Office) Zone District, APN 564-033-16. FID has the following comment:

1. FID previously reviewed and comments on the subject property on October 2, 2019 as Development Review Committee Application No. 2600-2019 and on February 29, 2016 as Development Review Committee Application No. 2016-05. Those comments and conditions still apply and a copy has been attached for your reference.

FID has the following additional comments:

1. The proposed development may negatively impact local groundwater supplies. The area is currently open land, rural residential or limited agricultural production with little to no water demand. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in an increase in the consumption of water, this deficit will increase. FID suggests the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area’s existing groundwater overdraft.
2. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local

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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.

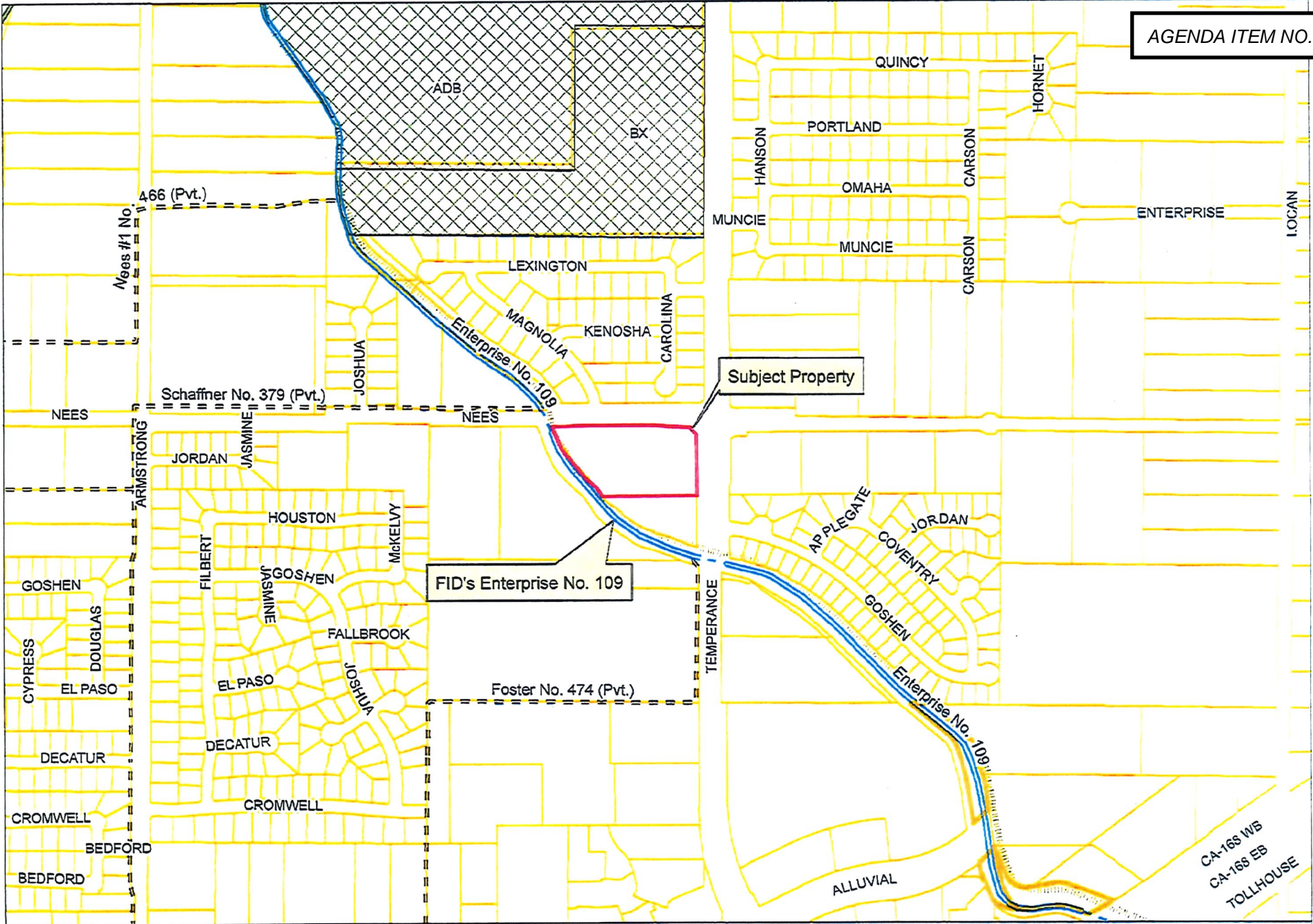
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



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

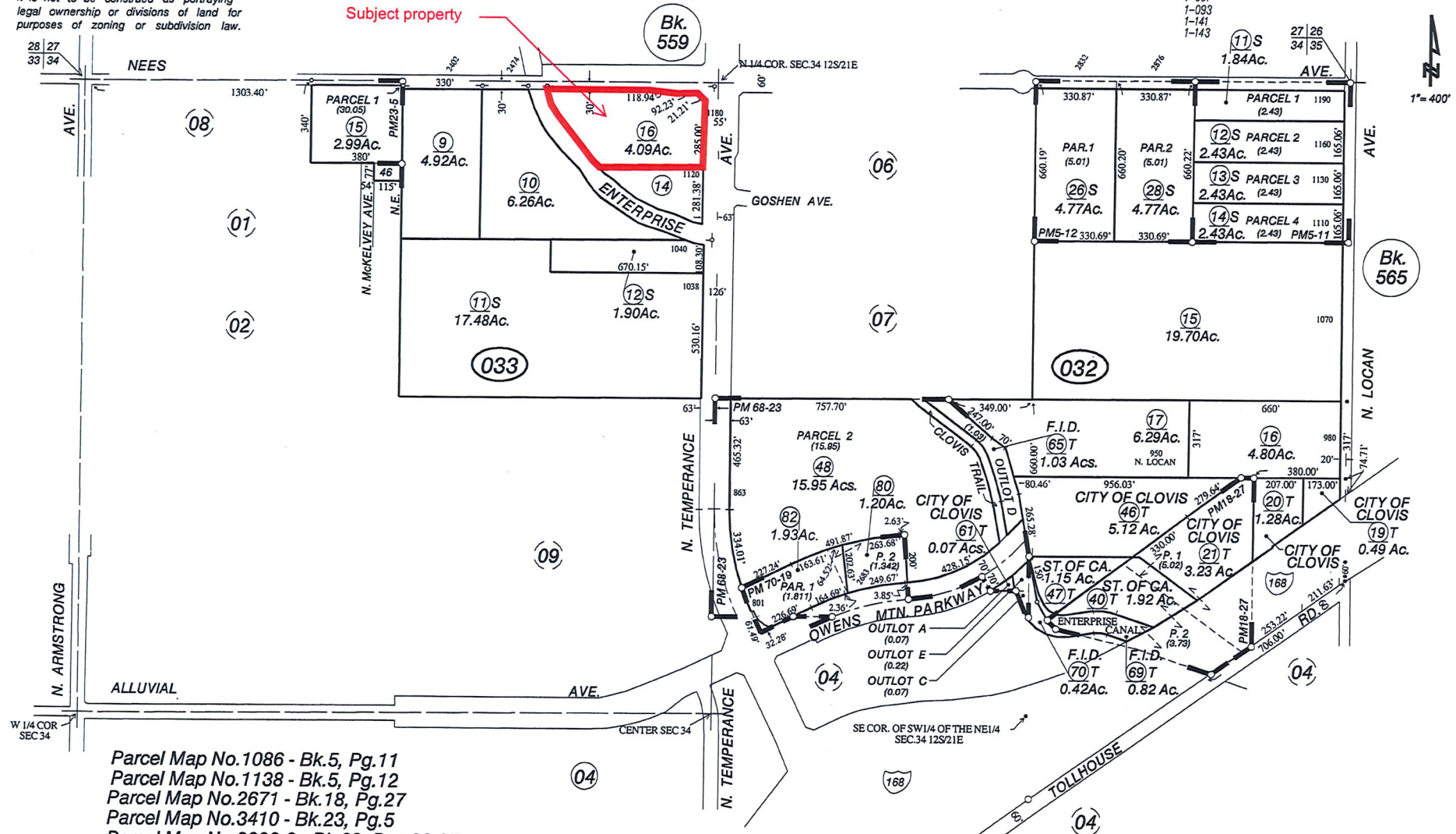
Legend			
FID Canal	FID Pipeline	Stream Group	FID Boundary
Private Canal	Private Pipeline	Other-Creek/River	Railroad
Abandoned Canal	Abandoned Pipeline	Other-Pipeline	Streets & Hwys
		Parcel	FMFCD Acquired Basins
			FMFCD Proposed Basins

0 275 550 Feet
 1 inch = 570.41 feet
 1/21/2019
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POR. SEC.34, T.12 S., R.21 E., M.D.B.& M.

Tax Rate Area 564-03

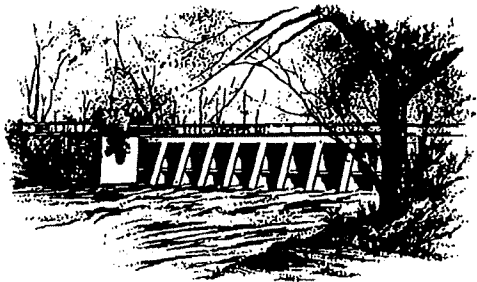
--- NOTE ---
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.



- Parcel Map No.1086 - Bk.5, Pg.11
- Parcel Map No.1138 - Bk.5, Pg.12
- Parcel Map No.2671 - Bk.18, Pg.27
- Parcel Map No.3410 - Bk.23, Pg.5
- Parcel Map No.2006-9 - Bk.68, Pgs.23-25
- Parcel Map No.2007-05 - Bk.70, Pgs.19-25
- Northwood Estates - Tract No. 4096 - Plat Bk. 53, Pgs. 27-28

Assessor's Map Bk.564 - Pg. 03
 County of Fresno, Calif.

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



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

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

October 2, 2019

Courtney Thongsavath
City of Clovis
Planning Division
1033 Fifth Street
Clovis, CA 93612

RE: Development Review Committee Application No. 2600-2019
S/W Nees and Temperance avenues

Dear Ms. Thongsavath:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2600-2019 for which the applicant proposes the construction of a 15,000 square feet medical office building located on approximately 4.32 acres, APN: 564-033-16. FID has the following comments and conditions:

1. FID previously reviewed and commented on the subject property on July 15, 2013 as Development Review Committee Application No. 2016-05. Those comments and conditions still apply and a copy has been attached for your reference.

FID has the following additional comments:

Summary of Requirements:

- Varying Width Grant of Easement.
- Canal Bank Improvements.
- Channel Improvements.
- Drive Approaches per FID Detail No. 1-02
 - Previously "Drive Approach in Urban Areas" Detail No. 62
- Existing Encroachments removed and/or relocated, if any.
- Review and Approval of all Plans.
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

Courtney Thongsavath
Re: DRC No. 2600-2019
October 2, 2019
Page 2 of 3

Area of Concern

1. Comment No. 3 in February 29, 2016 correspondence in regards to DRC 2016-05 should be clarified to mean minimum 20-foot wide right-of-way along the top of bank to be built out full width, clear of obstructions, structures, vegetation, etc. to provide clear passage and full width at all points along the canal bank.

2. Comment No. 4(b) in February 29, 2016 correspondence in regards to DRC 2016-05 should be clarified to mean:
 - i. All drive banks must be sloped a minimum of 2%, maximum of 4% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - ii. Any drainage systems or swales proposed must be located outside FID's property/easement.
 - iii. Drive banks shall be built out to the required freeboard and elevation for the full width of the required Canal right-of-way width.
 - iv. All drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression.
 - v. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.

3. Trail - It is FID's understanding that a trail is master-planned along the Enterprise canal bank. As with other developments with trails proposed along the canals, FID will not allow the trail to encroach/overlap FID's canal easement. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:
 - a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.

Courtney Thongsavath
Re: DRC No. 2600-2019
October 2, 2019
Page 3 of 3

- e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.
4. A Trail fence between Trail and Canal is required unless an agreement is in place between City of Clovis and FID.

General Comments

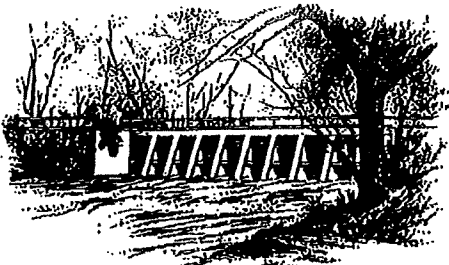
- 1. As with developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
- 2. The above comments are not to be construed as the only request FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses.

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

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment



OFFICE OF
FRESNO
IRRIGATION DISTRICT

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

YOUR MOST VALUABLE RESOURCE - WATER
February 29, 2016

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

RE: Development Review Committee Application No. 2016-05
S/W Nees and Temperance avenues
FID's Enterprise Canal No. 109

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2016-05 for which the applicant proposes the construction of a 37,000 square feet Skilled Nursing Facility located on approximately 4.32 acres, APN: 564-033-13. FID has the following comments and conditions:

1. FID's Enterprise Canal No. 109 traverses along the west portion of the subject property to be developed, as shown on the attached FID exhibit map, and will be impacted by the future development.
2. FID requires that, within the limits of the proposed project [and its remainder], the landowner grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width of canal, 2) height of canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.
3. FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has 20 feet at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take but, there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing the Final Maps, the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal.

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Lily Cha
Re: Development Review Committee Application No. 2016-05
February 29, 2016
Page 2 of 5

4. Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Enterprise Canal, FID requires the developer to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of the development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for the canal, FID will require the following minimum conditions:
- a. Channel Stabilization: The proposed plan does not indicate any improvements to the Canal. If the Developer is not willing to concrete line the Canal or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:
 - i. Surrounding Development – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water.
 - ii. Freeboard – FID typically requires between 1.0 to 1.5 feet of freeboard. Because the Canal is used to route storm waters, and is one of the larger canals used to convey the storm water, FID will require a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards.
 - iii. Maintenance – this reach of Canal does have a history of high loads of sediment deposits which requires periodic dredging. FID will typically dredge the Canal and deposit the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. This reach of Canal also has large volumes of trash, debris, shopping carts that are deposited into the Canal. FID's crews will typically remove the trash at the Nees/Temperance Avenue bridge and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the Developer and/or City require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City and/or Developer will be responsible to fund the "higher level" of maintenance.
 - b. Drive banks/maintenance roads (both banks):
 - i. One or both of the drive banks must be sloped a minimum of 2% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.

Lily Cha
Re: Development Review Committee Application No. 2016-05
February 29, 2016
Page 3 of 5

- ii. One or both of the drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression.
 - iii. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement.
5. Canal Access – FID will continue to access the Canal from Nees and Temperance avenues. In order to access the maintenance road with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID proposes a 50-foot wide drive approach narrowing to a 20 feet wide drive bank (See attached "Drive Approach in Urban Areas" Detail No. 62). The 50-foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.
6. If a fence will be installed between the development and open canal, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.

General Comments

- 1. FID requires the Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
- 2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
- 3. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
- 4. FID requires its easements be shown on all maps with proper recording information, and that FID be made a party to signing the final map.
- 5. Footings of retaining walls shall not encroach onto FID property/easement areas.
- 6. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
- 7. If a utility is required to cross the canal, FID will require a permit.

Lily Cha
Re: Development Review Committee Application No. 2016-05
February 29, 2016
Page 4 of 5

8. The proposed development appears to be within the City of Clovis Sphere of Influence but lies outside FID's boundary line. The development is not entitled to water from the Kings River.
9. The proposed land use (or change in land use) should be such that the need for water is minimized and/or reduced so that groundwater impacts to the proposed project area and any surrounding areas are eliminated. The "demand" side of water consumed needs to be evaluated or scrutinized as much as the "supply" side of the water supply. 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 agricultural land or rural residential with minimal 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.
10. It is unclear if the source of water for this development is solely groundwater or a mixture of treated surface water from FID's Enterprise Canal. If treated surface water will be used, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not reduce water supplies to or create water supply deficits in other areas of the City. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.
11. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Clovis and FID service area. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.
12. The City of Clovis and FID have been working to address water supplies issues for development outside of the FID service area. We encourage the City to continue towards finding solutions to minimize the impacts of changes in land uses and to mitigate any existing adverse water supply impacts within the development areas.
13. The above comments are not to be construed as the only request FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses.

Lily Cha
Re: Development Review Committee Application No. 2016-05
February 29, 2016
Page 5 of 5

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

Sincerely,

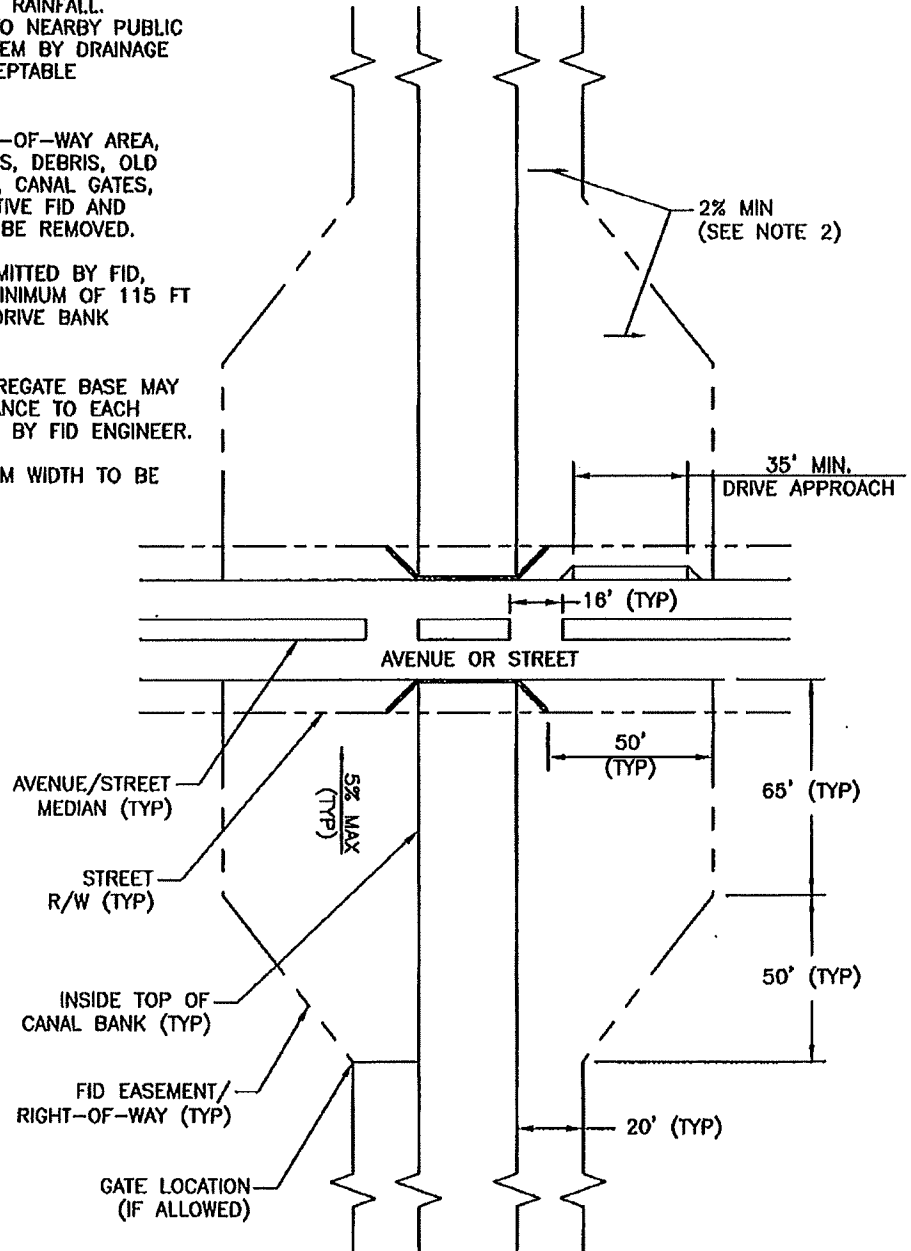


Laurence Kimura, P.E.
Chief Engineer

Attachment

NOTES:

1. DIMENSIONS AND NOTES ARE FOR LAYOUT PURPOSES ONLY. A SCALED DRAWING SHALL BE PREPARED AND SUBMITTED WITH ALL PLAN SETS PRIOR TO CONSTRUCTION.
2. DRAINAGE WILL NOT BE ACCEPTED IN THE CANAL AND SHALL BE ROUTED AWAY FROM FID PROPERTY/DRIVE BANKS. SLOPE DRIVE BANKS A MINIMUM OF 2% AWAY FROM THE CANAL WITH PROVISIONS MADE FOR RAINFALL. RUNOFF TO BE CONVEYED TO NEARBY PUBLIC STREETS OR DRAINAGE SYSTEM BY DRAINAGE SWALES OR OTHER FID ACCEPTABLE ALTERNATIVES.
3. WITHIN FID EASEMENT/RIGHT-OF-WAY AREA, ALL EXISTING TREES, BUSHES, DEBRIS, OLD CANAL STRUCTURES, PUMPS, CANAL GATES, AND OTHER NON OR IN-ACTIVE FID AND PRIVATE STRUCTURES MUST BE REMOVED.
4. IF AN ACCESS GATE IS PERMITTED BY FID, GATE MUST BE PLACED A MINIMUM OF 115 FT AWAY FROM ROAD, WHERE DRIVE BANK NARROWS TO 20 FT.
5. THREE (3) INCH THICK AGGREGATE BASE MAY BE REQUIRED AT THE ENTRANCE TO EACH DRIVE BANK AS DETERMINED BY FID ENGINEER.
6. DRIVEWAY APPROACH MINIMUM WIDTH TO BE 35 FT.



DRIVE APPROACH IN URBAN AREAS



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: March 26, 2020

SUBJECT: Consider items associated with approximately 50.80 acres of land located in the southwest area of Teague and N. Fowler Avenues. Multiple property owners; Woodside Homes of Fresno, LP., applicant; Yamabe & Horn Engineering, Inc., representative.

- a) Consider Approval, Res. 20-___, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2019-006, Prezone R2019-007, Prezone R2020-002, & Vesting Tentative Tract Map TM6284.
- b) Consider Approval, Res. 20-___, GPA2019-006, A request to amend the General Plan to re-designate approximately 34.3 acres from Rural Residential (1 lot per 2 acres) classification to Low Density Residential (2.1 to 4 DU/Ac) classification.
- c) Consider Approval, Res. 20-___, R2019-007, A request to prezone approximately 50.80 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.
- d) Consider Approval, Res. 20-___, TM6284, A request to approve a vesting tentative tract map for a 74-lot single-family subdivision on 32.19 acres of land.

Staff: George González, MPA, Associate Planner
Recommendation: Approve

- ATTACHMENTS:
1. Location Map
 2. Conditions of Approval TM6284
 3. Initial Study & Mitigated Negative Declaration
 4. Draft Resolution CEQA
 5. Draft Resolution GPA2019-006
 6. Draft Resolution R2019-007
 7. Draft Resolution TM6284
 8. Applicant's Justification for GPA2019-006
 9. Correspondence from Commenting Agencies
 10. Letter from Corey File
 11. Letter from Marcus N. DiBuduo
 12. Letter from Norman D. Morrison IV
 13. Vesting Tentative Tract Map TM6284
 14. Dry Creek Preserve Master Plan

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve an environmental finding of a mitigated negative declaration for General Plan Amendment GPA2019-006, Prezone R2019-007, & Vesting Tentative Tract Map TM6284;
- Approve General Plan Amendment GPA2019-006;
- Approve Prezone R2019-007;
- Approve Vesting Tentative Tract Map TM6284, subject to the conditions of approval listed as Attachment 2; 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 74-lot residential subdivision on approximately 32.19 acres of property within the Dry Creek Preserve. The proposal will require annexation into the City before development can proceed, and a general plan amendment application has been filed to implement the provisions of the Dry Creek Preserve Master Plan. The general plan amendment would change the land use designation from Rural Residential (1 lot per 2 acres) to Low Density Residential (2.1 to 4 DU/Ac). A rezoning application has also been submitted to prepare the future annexation boundary to become part of the City. The 50.8 acre rezoning area is larger than the subdivision site, because it also includes the surrounding rural residential properties that are necessary to achieve a logical annexation boundary. The subdivision properties are proposed to be rezoned to Clovis R-1 (Single-Family Residential), while the rural residential properties will be rezoned to Clovis R-R (Rural Residential). Approval of this Project would allow the developer to continue processing development drawings.

BACKGROUND

- General Plan Designation: Rural Residential (1 lot per 2 acres)
- Specific Plan Designation: Herndon-Shepherd Specific Plan (Rural Residential)
- Existing Zoning: County R-R (Rural Residential)
- Lot Size: Thirteen properties totaling 50.80 acres
- Current Land Use: Rural Residential and vacant land
- Adjacent Land Uses:
 - North: Rural Residential and Single-Family Residential
 - South: Rural Residential
 - East: Rural Residential
 - West: Rural Residential

On June 4, 2018, the City Council approved the Dry Creek Preserve Master Plan for this area, which is also referred to as Focus Area #7 in the Clovis General Plan Land Use Diagram (see **Figure 1** below). The Dry Creek Preserve Master Plan established goals, standards and guidelines for the entire Plan area. The Master Plan acknowledges the overall vision and intent of this area and seeks to preserve the rural lifestyle of the current property owners while providing for limited urban development. Key components of the Master Plan include an annexation agreement, protecting agricultural operations, land use guidelines, and development standards for new housing developments (see **Attachment 14**). An annexation program was also included describing the probable development in this area over the next 18 years.

The primary goal of the Master Plan is to respect the rural lifestyle that has been historically enjoyed by the property owners in the Dry Creek Preserve. New housing development proposals are limited to a density of 2.3 units per acre, and only where the project is 10 acres or more. Properties less than 10 acres may still develop in the Dry Creek Preserve at 0.5 units per acre per the existing General Plan, either within the County or as a City project. The standards include unique elements for this area, such as asphalt or decomposed sidewalks, split rail/concrete fencing, thematic lighting, and limited curbs and gutters.

Focus Area #7 is approximately 736 acres, generally bound by Nees Avenue on the south, Big Dry Creek on the west, Enterprise Canal to the east, and Shepherd Avenue to the north. Subsequent to the approval of the Master Plan, the City Council approved a general plan amendment, prezone, vesting tentative tract map, and annexation for the development of a 95-lot single-family residential subdivision (TM6154) at the northwest corner of Teague and Fowler Avenues (see **Figure 1** below), immediately northeast of the current request.

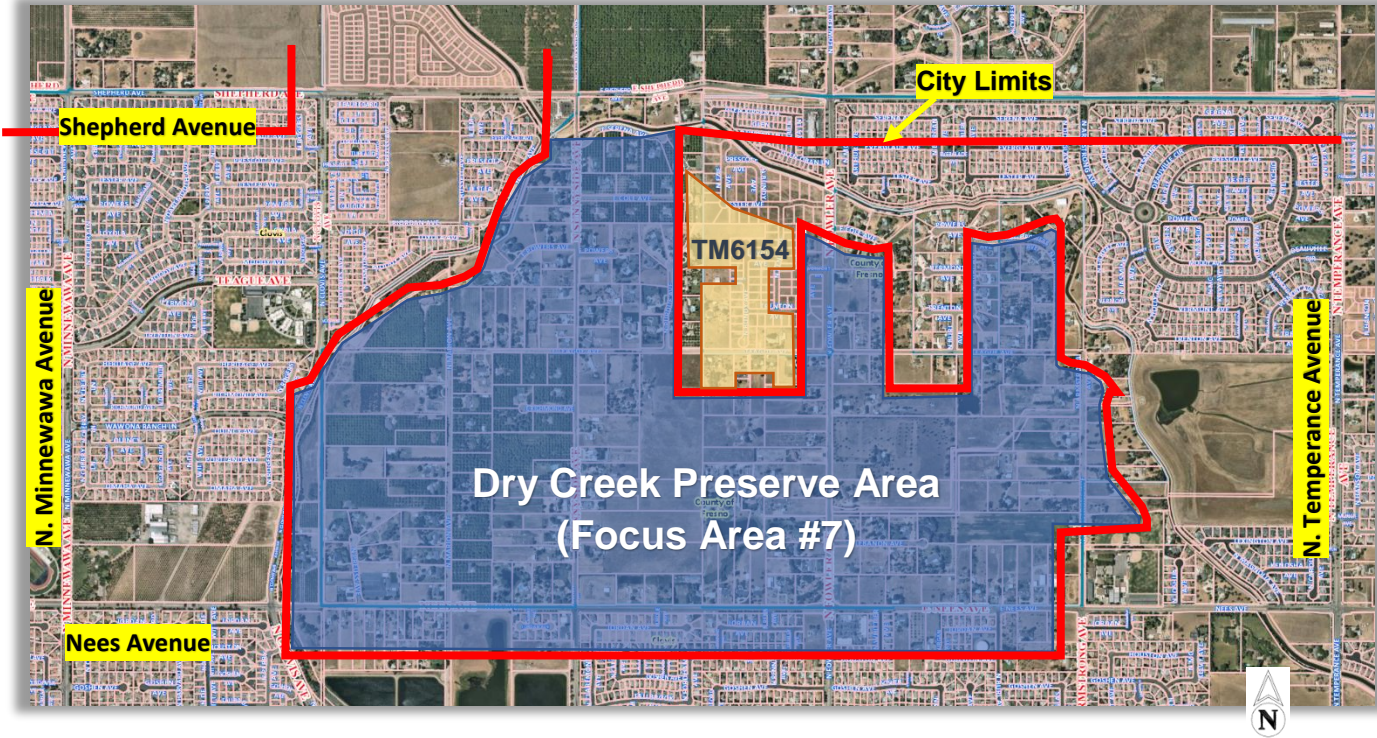


Figure 1

PROPOSAL AND ANALYSIS

General Plan Amendment

The applicant is requesting to amend the General Plan Land Use Diagram and Herndon-Shepherd Specific Plan for an area currently designated as Rural Residential (1 DU/2 Ac) to the Low Density Residential designation, which permits a range of 2.1 to 4.0 units per acre. The plan amendment would amend the land use diagram for approximately 34.3 acres of land. A general plan amendment is a change in City policy and requires a compelling reason for change. The applicant has provided a justification for the general plan amendment (see **Attachment 8**).

This general plan amendment (see **Figure 2** below) is accompanied with a specific project density of 2.3 units per acre, which is consistent with the Dry Creek Preserve Master Plan. The proposed general plan amendment to the Low Density Residential designation is required to implement the Master Plan. The requested land use designation of Low Density Residential is similar to the project density within the approved Woodside Homes single-family development located to the northeast of the subject project (94 units at 2.3 units per acre). Staff's analysis of the proposed Low Density Residential land use considered the location of the site, its surroundings, and the potential environmental impacts associated.



Figure 2

Prezone

The applicant is requesting to prezone approximately 50.80 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and Clovis R-R (Rural Residential) Zone Districts (see **Figure 3** below). The R-1 District will be applied to the proposed subdivision properties and will allow the development of the 74 lots that are envisioned by the applicant. The R-1 District is consistent with the Low Density Residential general plan designation that is also being proposed as part of the Project. The Rural Residential Zone District will be applied to the nine (9) rural residential properties located east of the subdivision. These parcels make up part of the area which constitutes a logical annexation boundary. Pursuant to state law, these properties need to be prezoned before they can be annexed.



Figure 3

Development Standards

The Clovis R-1 and R-R Zone Districts include specific development standards, such as lot size, setbacks, lot coverage, and building height.

Zoning Standards

R-1 Setbacks

Front – 20 Feet
Sides – 5 Feet (Interior Lots)
Rear – 20 Feet
Lot Coverage – 40%
Maximum Height – 35 Feet

R-R Setbacks

Front – 35 Feet
Sides – 10 Feet (Interior Lots)
Rear – 20 Feet
Lot Coverage – 30%
Maximum Height – 35 Feet

The development of Vesting Tentative Tract Map TM6284 will be subject to the development standards of the R-1 Zone District, including a 20 to 24-foot front yard setback, 20-foot rear yard setback, and 5-foot on each side for interior lots.

Vesting Tentative Tract Map

The project includes a Vesting Tentative Tract Map TM6284. The map includes 74 lots and is consistent with the requirements of the Subdivision Map Act.

Circulation and Lot Sizes

The project is accessible from one main entry along the Teague Avenue frontage, which is a designated collector street in the circulation diagram of the Clovis General Plan. Traffic circulation is carefully evaluated and addressed, particularly with a request to increase residential density. An increase in density for the vesting tentative tract map has the potential to impact not only Teague Avenue, but also other streets in the vicinity such as Sunnyside and Fowler Avenues. The Project circulation was analyzed by Peters Engineering Group, in cooperation with the County of Fresno Department of Public Works and Planning. The report concluded that the Project will contribute to increased traffic in the vicinity streets; however, the circulation system identified in the Clovis General Plan can accommodate the proposed increase in density (see pages 50-53 of **Attachment 3**). The project includes 50-foot wide public right-of-ways with standard City streets and sidewalks. All of the proposed streets follow the City standards and Codes regarding street widths. The lots sizes range from 11,375 square feet to 38,163 square feet.

The project will provide a Fire Apparatus Access Road (FAAD) in the southwest area of TM6284 which connects to Sunnyside Avenue. This FAAD will be utilized by Clovis emergency vehicles when necessary to access TM6284 from Sunnyside Avenue. The ultimate width of the FAAD will be 54 feet and Woodside Homes will be securing/providing 42 feet of this ultimate width with this development. The additional 12 feet will be provided at such time the properties on the south side of the FAAD are developed. Woodside Homes will be providing the 42-foot FAAD in fee title, transferring ownership of the right-of-way to the City of Clovis. The FAAD will be equipped with two electric gates complying with Clovis Fire Department standards and will have Opticom devices installed per Fire Department requirements. Infrastructure to be provided within the FAAD right-of-way will include sewer, water and storm drain. This FAAD will eventually become a City public street in the future, as development occurs on the north and south sides of its alignment.

In response to neighborhood concerns associated with traffic impacts, the applicant provided an updated Traffic Impact Study (TIS) dated March 3, 2020. The latest TIS provides information which includes, but is not limited to, updated traffic count data, which was performed on Tuesday, February 25, 2020, between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m. Additionally,

the TIS provided a more comprehensive list of approved projects in the analysis to assess cumulative impacts. It is important to note that the updated Traffic Impact Study was not performed as a result of any deficiency found in the environmental analysis, but rather, it was provided to help clarify concerns of the neighborhood. This updated TIS was forwarded to the three property owners that provided letters of opposition (see **Attachments 10, 11 & 12**). The updated TIS does not change or add new mitigation measures in the environmental analysis.

Thematic Elements

Branding of the Dry Creek Preserve Master Plan with specific elements is essential to create a “signature look” or uniqueness for this Plan area as envisioned by the Master Plan. Thematic lighting, fencing, public structures, monuments, signage, and street signs have been established for the Dry Creek Preserve Master Plan. Staff will be looking for these elements to help preserve the rural nature of the Dry Creek Preserve. The developer will provide these details, and they will be approved by City staff in conjunction with the final map approval process with the Engineering Division.

Water and Sewer Impact

The Project’s impacts to water and sewer facilities were analyzed during the California Environmental Quality Act (CEQA) review. Provost and Pritchard provided a summary of water impacts and concluded that the City has capacity to serve and the infrastructure can accommodate the Project upon completion of the recommended connections. The City Engineer completed a sewer analysis and concluded that the City has capacity to accommodate the Project. Installation of sewer lines through the proposed subdivision and outside its boundaries will be required to serve the project.

The project lies inside of the Fresno Irrigation District boundary and therefore is eligible to utilize entitled surface water from the Kings River. However, this project will pay fees to acquire additional water supplies necessary for the project demands.

Landscape Setbacks

The Dry Creek Preserve Master Plan adopted specific street section designs for arterial and collector streets within this area. Teague Avenue is proposed to have a 14-foot landscape/pedestrian setback, with a 4-foot parkway, 5-foot sidewalk, and 5-foot landscape setback.

Neighborhood Meeting

Per City policy, the applicant held a neighborhood meeting on Wednesday, February 19, 2020, at Dry Creek Elementary School. Approximately 50-55 residents were in attendance along with the Project team and City staff. Here is a bullet point summary of comments raised:

- Matt Smith with Woodside Homes discussed traffic in the Dry Creek Preserve Area and the annexation scenarios in the Master Plan.
- Woodside Homes was hoping to have this project on the March 26, 2020, Planning Commission hearing.
- Matt answered questions from the public regarding County road conditions in the Dry Creek Preserve area and improvements to Teague Avenue.
- Discussions occurred regarding traffic calming issues at the Sunnyside and Teague Avenues intersection and the possibility of providing the County with options to consider.
- Matt confirmed that the project will have one (1) ingress/egress access point from Teague Avenue to the proposed development.

- Discussion occurred regarding possible improvements on Sunnyside Avenue, including the possibility of a sidewalk on one side of the street.
- Planning staff answered questions related to annexation and discussed the Annexation Agreement available to the Dry Creek Preserve property owners.

Public Comments

A public notice was sent to area residents within 800 feet of the property boundaries and all property owners within the Dry Creek Preserve Area. Two property owners came to the front counter at Planning & Development Services to ask questions about the proposed project and planning staff provided information pertaining to their inquiries. Staff received three (3) letters of opposition concerning the project, included with this report as **Attachments 10, 11 & 12**. Staff does not agree with the assertions made in the opposition letters stating that the CEQA analysis prepared for this project is unreliable, outdated, flawed, and deficient. Staff prepared the CEQA analysis in accordance with CEQA guidelines and will provide additional information concerning these issues during staff's presentation at the public hearing.

Additionally, comments in the opposition letters suggest that revisions to the environmental document were necessary and that recirculation of the initial study would be required based on the aforesaid assertions. Per Section 15073.5 of the California Environmental Quality Act & CEQA Guidelines, recirculation of a mitigated negative declaration is required only when substantial revisions are made after the document has been noticed as being available for review. Substantial revisions include:

- A new, avoidable significant effect is identified and mitigation measures or project changes must be added in order to reduce the effect to a less-than-significant level; or
- The City determines that the proposed mitigations or project revisions will not reduce potential effects to less than significant and new measures or revision must be required.

Substantial revisions to the initial study have not been made which meet the criteria outlined above. While an updated traffic analysis was completed, this information served to amplify and clarify the information provided in the initial study. No new mitigation measures are required and no changes have been made to the level of significance of any impact; therefore, a recirculation of the initial study is not required.

Staff has not received any additional comments or concerns from the public upon finalization of this report.

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

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the goals and policies of the General Plan, Herndon-Shepherd Specific Plan and Dry Creek Preserve Master Plan. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life.

General Plan

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

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

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.

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:

- The proposed change is and will be fiscally neutral or positive.
- 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.

The Project (TM6284) requests to re-designate property from Rural Residential to Low Residential providing a diverse housing type for the area. If approved, the project will contribute to the City's Community Facilities District, and complete infrastructure including streets, sewer, storm drain to serve the development and its surroundings. The Project provides a residential development within biking distance to commercial services and open space.

Herndon Shepherd Specific Plan

3.1 Major Goals

3.11 Organize and develop a well-planned, well-designed, high quality, and functional community which meets the needs of a diverse population.

3.13 Create a unique living environment that provides the amenities of a modern urban community while retaining the existing equestrian character of plan area.

3.14 Minimize the impact of expanding urban development on existing agricultural operation, and allow such operations to continue as long as desired by the property owner.

3.2 Residential Land Use Objectives

- Provide an attractive, quality residential environment to accommodate a variety of lifestyles.
- Preserve areas for lower densities, semi-rural residential character yet provide for further development of variable lot size subdivisions to meet the continuing demand for housing in Clovis.

3.22 Housing

- Promote diverse high quality housing products, types and price ranges organized to create harmonious and compatible neighborhoods.
- Encourage variety in subdivisions in the design of streets and street landscapes, the location of parks, and recreation areas, and the placement of homes on lots.

Dry Creek Preserve Master Plan

4.0 Master Plan Goals

- **Maintain the DCP’s Rural Character and Appearance.** Establish area-unique design standards to maintain the preferred semi-rural look and feel of the area.
- **Protect the Ability of Current Landowners to Maintain Their Current Lifestyle.** This is accomplished through thoughtful standards for future development, provision for owners to execute individual Annexation Agreement with the City of Clovis, required recordation of “Right to Farm” covenants on developing lands, and the grandfathering of all preexisting permissible land uses which have existed within the Rural Residential zoning of Fresno County.
- **Provide a Framework for Future Development.** Identify desirable development guidelines which promote lower housing densities to allow compatible development but encourage a rural look and feel for the Plan area.
- **Build Identity.** Create a “signature look” for the plan area, to set it apart as a unique and special place, which is semi-rural in character and thus preserves the Historic Clovis Western Way of Life.
- **Establish Predictability in Land Use Changes.** Respect the guidance and direction provided in the development guidelines that were collaboratively developed.

Community Facilities District

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

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

California Environmental Quality Act (CEQA)

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

The City published notice of this public hearing in *The Business Journal* on Wednesday, March 4, 2020.

Annexation

The project consists of an annexation to the City of Clovis, general plan amendment, rezoning to a single-family and rural residential designations and vesting tentative tract map for a 74-lot single-family residential subdivision. An application for annexation has been submitted and identified as the Teague-Fowler Southwest Reorganization (RO301). The annexation area includes a total of thirteen properties located at the southwest corner of Teague and N. Fowler Avenues.

The annexation is brought to the Commission's attention to provide context for the general plan amendment, rezoning and vesting tentative tract map. The Commission is not required to take action on this request, which will be considered by the City Council and if supported, the Council will take proponent action to apply to LAFCO as the applicant.

The Commission is encouraged to ask any questions about annexation related to the general plan amendment, rezoning and vesting tentative tract map project (see **Figure 4** below).

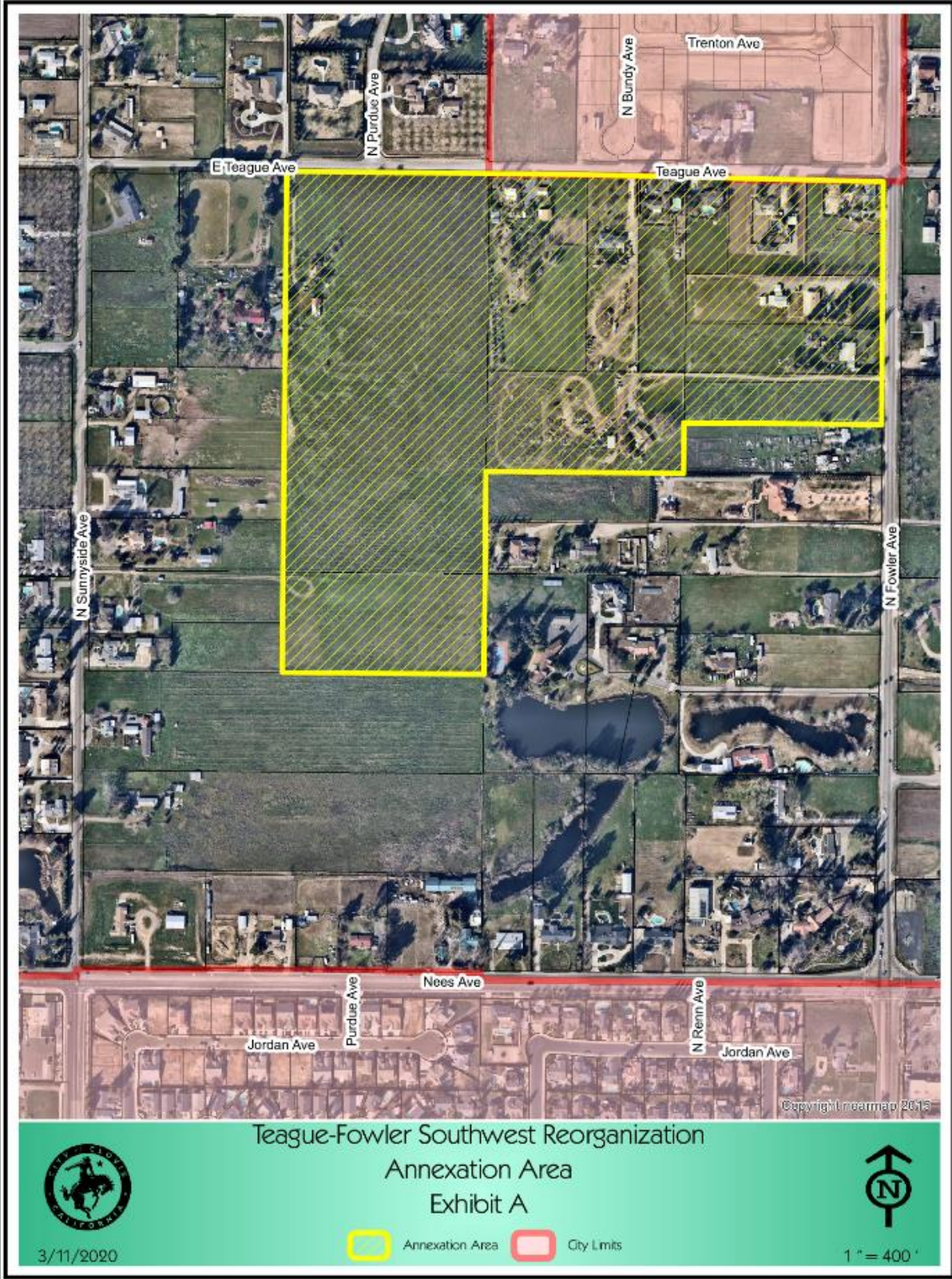


Figure 4

REASON FOR RECOMMENDATION

The proposal will provide a diversity in housing types and a quality residential environment for this area as envisioned by the General Plan, Herndon-Shepherd Specific Plan and Dry Creek Preserve Master Plan. The Project does not substantially impact sewer, water and other public services and will contribute a proportionate share of infrastructure and open space. The proposed vesting tentative tract map is consistent with the goals and policies of the General Plan, Herndon-Shepherd Specific Plan, Dry Creek Preserve Master, and Development Code. Staff therefore recommends that the Planning Commission approve GPA2019-006, R2019-007 and TM6284, subject to the conditions of approval attached as **Attachment 2**.

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; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
4. There is a compelling reason for the amendment.
5. The Planning Commission does recommend approval of a mitigated negative declaration for the project, pursuant to CEQA guidelines.

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

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)
4. The Planning Commission does recommend approval of a mitigated negative declaration for the project pursuant to CEQA guidelines.

The findings to consider when making a decision on a tentative subdivision map application are as follows:

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;
2. The site is physically suitable for the type and proposed density of development;
3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;

5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
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;
7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and
8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.
9. The Planning Commission does recommend approval of a mitigated negative declaration for the project pursuant to CEQA guidelines.

In light of court decisions, it is appropriate for the City to make findings of consistency between the required dedications and the proposed development. Every dedication condition needs to be evaluated to confirm that there is a rough proportionality, or that a required degree of connection exists between the dedication imposed and the proposed development. The City of Clovis has made a finding that the dedication of property for this project satisfies the development's proportionate contribution to the City's circulation system. The circulation system directly benefits the subject property by providing access and transportation routes that service the site. Further, the circulation system also enhances the property's value.

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None.

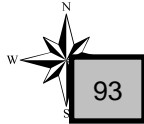
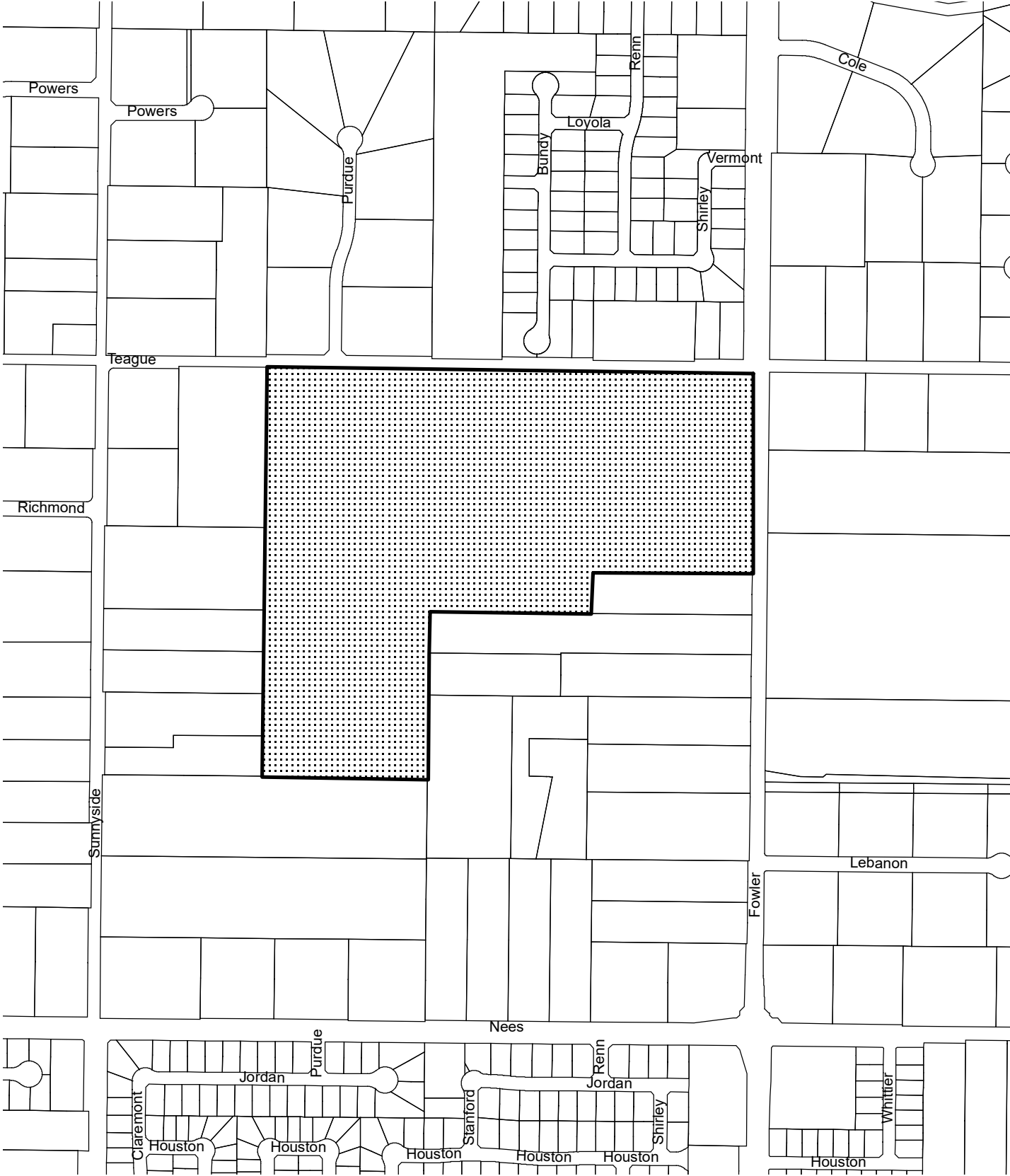
NOTICE OF HEARING

Property owners within 800 feet notified and the entire DCP property owners:	264
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner



Reviewed by: _____
 Dave Merchen
 City Planner



Conditions of Approval - TM6284
Planning Division Comments

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

1. This Project is subject to the development standards of the Herndon-Shepherd Specific Plan and Dry Creek Preserve Master Plan.
2. The applicant shall notify all property owners within the annexation boundary and along streets where new water and sewer utilities will be constructed to determine if they wish to purchase a lateral connection per City policy.
3. 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.
4. The developer shall repair and or replace any broken or damaged irrigation lines, valves, and other equipment on their properties which are intended to serve adjacent or downstream properties.
5. Prezone R2019-007 approves an R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.
6. The density within TM6284 shall be consistent with the Dry Creek Preserve Master Plan and Herndon-Shepherd Specific Plan and not exceed 2.3 dwelling units per acre.
7. 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.
8. TM6284 is subject to the development standards of the R-1 Zone District.
9. 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.
10. Maximum lot coverage is 40% unless specifically approved through a residential site plan review or variance.
11. The developer shall construct a fence along the property line of adjacent rural residential properties that will not impact the existing and/or permitted animals.

12. Where lots front onto Teague Avenue, the applicant shall install a combination masonry/rock pillar and split rail fence within the front yards.
13. All transformers for this subdivision shall be located underground. Pad mounted transformers may be considered through approval of an administrative use permit.
14. The developer shall utilize the PG&E Halophane street light or a model which will shield the light from up lighting.
15. The developer may utilize concrete, asphalt curbs, gutters and or swales along local streets. Cooperation and approval of the Fresno Metropolitan Flood Control District and City of Clovis Utilities.
16. The developer shall record a Covenant regarding a "right to farm," for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
17. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
18. Garages shall be a minimum dimension of 20' x 22' (interior clear).
19. Landscape plans shall be reviewed and approved separately by the landscape review committee for tree and landscape type and location.
20. Prior to the submittal of civil plan review, the applicant shall submit a tree plan showing all existing trees with their variety. A tree remove/protection plan shall be reviewed and approved by the Director. Trees shall not be removed without approval from the Director.
21. Teague Avenue shall have a 14-foot landscape/pedestrian setback, with a 4-foot parkway, 5-foot sidewalk, and 5-foot landscape setback.
22. 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.
23. The applicant shall relay all conditions of approval for Vesting Tentative Tract Map TM6284 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
24. 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.
25. The applicant shall contribute a proportionate share towards the development of a "trail" system as required by the General Plan land use diagram.

- 26. All lighting shall be screened from direct view from the public right-of-way and adjacent residential properties.
- 27. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
- 28. The developer shall comply with all mitigation measures identified in the initial study mitigated negative declaration prepared for the Project, included as **Attachment 3** to the staff report.
- 29. This vesting tentative tract map is approved per **Attachment 13** of this report.

Police Department Conditions

(Scott Borsch, Department Representative - 324-3464)

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

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

- 34. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
- 35. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1.
- 36. **Street Width for Single Family Residences:** Minimum Access Road Width of 36 feet for Single Family Residences. Roads 36 feet or wider allow for Parking on both sides of street.
- 37. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45’).

- 38. **Electric Gate on Fire Apparatus Access Road at Portland Ave.:** All electric gates shall comply with Clovis Fire Department Gates Standard #1.5. Gates in residential developments shall have Opticom devices installed. Plans shall be submitted for review and permits issued by Fire Department prior to installation.
- 39. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
- 40. **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.
- 41. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
- 42. **Residential Fire Hydrant:** The applicant shall install 9 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site.
- 43. **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.
- 44. This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

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

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

- 45. 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.
- 46. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required

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

- 47. 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).
- 48. 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

- 49. 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.
- 50. 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.
- 51. 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.
- 52. 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.

- 53. 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.
- 54. 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.
- 55. The applicant shall provide and pay for all geotechnical services per City policy.
- 56. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
- 57. All existing overhead and new utility facilities located on-site or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
- 58. 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.
- 59. 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

- 60. 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 and the Dry Creek Preserve Master Plan. 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. Fowler Avenue – For nonadjacent major street requirements, between the Enterprise Canal and Teague Avenue, dedicate to provide right-of-way acquisition for 30' east centerline and 30' west of centerline, and improve with median island, median island landscaping and irrigation, 32' (16' east + 16' west) permanent paving, permanent paving and overlay as necessary

to match the existing permanent pavement, 3' paved swale, and transitional paving as needed, or another City approved alternate route.

- b. Teague Avenue – Along frontage, dedicate to provide right-of-way acquisition for 30' (exist 20') north of centerline, and improve with asphalt dike or other approved drainage system, 5' asphalt sidewalk, drive approaches, curb return ramps, street lights, landscape strip, 32' (16' north + 16' south) permanent paving, and transitional paving as needed. For nonadjacent major street requirements, the applicant shall provide between Tract Map 6284's western limit and Sunnyside Avenue, 32' (16' north + 16' south) of permanent paving, asphalt dike or other approved drainage system, and all transitional paving as required, or another City approved alternate route. Street improvements shall not be reimbursable in areas where underground utilities are not installed but ultimately required.
- c. Portland Avenue – Between western limit of TTM 6284 and North Sunnyside Avenue, dedicate to provide right-of-way in fee for 27' (exist 0') north and 15' (exist 0') south of centerline, and improve with 26' (13' north + 13' south) of permanent pavement and transitional paving as needed. Additional width may be required for utility cover. This area may be used for an interim period as a Fire Access Apparatus Road and for public maintenance access. Gates per City Fire Department standards shall be required on both ends of this street to restrict access. The applicant shall install a chain link fence on the south side of the street per City standards and as approved by the City Engineer.
- d. Sunnyside Avenue – Between Portland Avenue and Nees Avenue, 32' (16' west + 16' east') permanent paving, 3' paved swale, and transitional paving as needed.
- e. 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.
- f. Cul-De-Sacs - dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
- g. Temporary Turnabouts – Dedicate to provide for a 48' radius and install 45' of permanent/temporary paving plus 3' paved swale at the south end of Purdue Avenue or provide of a garbage covenant for Lots 25 and 50.

61. 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.

- 62. The applicant shall not install any fences, temporary or permanent in public right-of-way.
- 63. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
- 64. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
- 65. 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.
- 66. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
- 67. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.
- 68. The applicant shall provide to the City for recording a reciprocal access agreement to maintain and provide vehicular, pedestrian and public access, prior to obtaining building permits.

Sewer

- 69. The applicant shall identify and abandon all septic systems to City standards.
- 70. 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. Teague Avenue – Install 10" main along frontage between the eastern limit and North Purdue Avenue.
 - b. Teague Avenue – Install 8" main between North Purdue Avenue and the western limit.
 - c. North Purdue Avenue – Install 10" main between Teague Avenue and Heritage Avenue.

- d. Heritage Avenue – Install 10" main between North Miami Avenue and North Purdue Avenue.
- e. North Miami Avenue – Install 12" main between Portland Avenue and Heritage Avenue.
- f. Portland Avenue – Install 12" main between North Miami Avenue and North Sunnyside Avenue.
- g. North Sunnyside Avenue – Install 12" main between Portland Avenue and Nees Avenue.
- h. Nees Avenue – install 15" main between North Sunnyside Avenue and North Minnewawa Avenue.
- i. Interior Streets – install 8" mains, except where noted.

71. The applicant has proposed a temporary pump station and force main. If the alternative temporary system is implemented by the applicant, all costs for installation and maintenance shall be borne by the applicant until the gravity system is available. The applicant shall be responsible for all costs associated with removal of the temporary system. The applicant shall work with staff to provide a funding mechanism for long term maintenance.

72. The applicant shall provide dedication of a 15' wide utility easement for all on-site sewer mains, not located in otherwise dedicated rights-of-way.

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

74. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

75. The City cannot guarantee at this time that sewer capacity will be available for this development when site construction occurs. The applicant, therefore, waives any claim or demand against the City for any delay in availability of sewer capacity for this subdivision.

76. The applicant acknowledges that sewage collection and treatment capacity for the area within which the proposed subdivision is located is extremely limited, and that capacity may not be available to provide service for the proposed subdivision at such time as the applicant is ready to seek approval of a final map. The applicant agrees that if such sewage collection and treatment capacity is not available to serve the proposed subdivision, as determined in the sole and absolute discretion of the City of Clovis, the final map shall not be approved. Notwithstanding this knowledge and agreement, the applicant has freely and voluntarily chosen to proceed with the submittal and processing of the tentative map, intends to expend money, time and effort in connection therewith, and accepts the risks that the final map may not be

approved if such capacity is unavailable. The applicant agrees to hold harmless and indemnify the City of Clovis from any and all claims, costs, expenses, and damages incurred or suffered by the applicant, its principals, officers, employees, agents, or contractors, caused by, in connection with, or arising out of the unavailability of sewage collection or treatment capacity to serve the proposed subdivision, or the City's refusal or failure to approve a final map for the proposed subdivision because of the unavailability of sewage collection or treatment capacity.

Water

- 77. The applicant shall identify and abandon all water wells to City standards.
- 78. 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. Teague Avenue – install 16" main between Fowler Avenue and the western property line.
 - b. North Sunnyside Avenue – install 12" main between Portland Avenue and Nees Avenue.
 - c. Interior Streets – install 8" mains.
- 79. 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.
- 80. 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.
- 81. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
- 82. The applicant shall install a City standard water service connection or connections of the necessary size to all parcels along the new water main where new pavement will be installed.
- 83. 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.

Grading and Drainage

- 84. 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.

- 85. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City’s cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.

- 86. The owner of the property on which the temporary basin(s) are located shall backfilled said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.

- 87. 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

- 88. 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 Teague Avenue.

- 89. 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 \$183.00, 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.
- 90. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
- 91. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis, if the property has not already been removed from FID and transferred to the City. The applicant shall execute a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.
- 92. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.

Miscellaneous

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

- 94. 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.

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

- 96. 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

(Laurence Kimura, FID Representative – 233-7161)

- 97. 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)

98.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.

Caltrans

(Jamaica Gentry, Caltrans Representative – 488-7307)

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

Clovis Unified School District

(Michael Johnston, CUSD Representative – 327-9000)

100.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

(Brian Clements, SJVAPCD Representative – 230-6000)

101.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

(Peter Sanchez or Michael Maxwell, FMFCD Representative – 456-3292)

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

Administration Department Conditions

(John Holt, Department Representative – 324-2072)

103.Prior to approval, recordation or filing of an annexation, final map, or site plan, the property covered by the Project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD. The CFD applies only to residential projects.

104.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.

105.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.

106.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.

Woodside Homes of Fresno, LP
GPA2019-006, R2019-007, R2020-002, TM6284, & RO301
Initial Study and Mitigated Negative Declaration

February 2020

PREPARED BY:

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Planning & Development Services
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CITY of CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

INITIAL STUDY

This Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) Public Resources Code Sections 21000 *et seq.*, CEQA Guidelines Title 14, Section 15000 *et seq.* of the California Code of Regulations.

PROJECT TITLE: Woodside 06N, LP
(GPA2019-006, R2019-007, R2020-002,
TM6284, & RO301)

LEAD AGENCY NAME AND ADDRESS: City of Clovis
Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

CONTACT PERSON AND PHONE NUMBER: George González, MPA, Associate Planner
(559) 324-2383
georgeg@cityofclovis.com

PROJECT LOCATION: Southwest area of Teague and N. Fowler
Avenues in the County of Fresno, California
APN(s): 559-021-03S, 04, 5, 6, 7, 8, 37, 69
(Partial), 57, 58, 59, 60, & 64

PROJECT SPONSOR'S NAME AND ADDRESS: Matt Smith
Woodside 06N, LP
9 River Park Place, Suite 430
Fresno, CA 93720

LAND USE DESIGNATION: See page 7 of this Initial Study

ZONING DESIGNATION: See page 7 of this Initial Study

PROJECT DESCRIPTION See page 7 of this Initial Study

SURROUNDING LAND USES AND SETTING: See page 6 of this Initial Study

REQUIRED APPROVALS: See page 8 of this Initial Study

HAVE CALIFORNIA NATIVE AMERICAN TRIBES REQUESTED CONSULTATION? IF SO, HAS CONSULTATION BEGUN? No.

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A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion in this Initial Study.

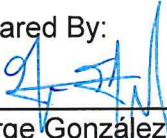
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| <input checked="" type="checkbox"/> Hydrology & Water Quality | <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities & Service Systems | <input checked="" type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination

On the basis of this initial evaluation:

- I find that the proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponents. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed Project MAY have a significant effect on the environmental, and an ENVIRONMENTAL IMPACT REPORT (EIR) will be prepared.
- I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environmental, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

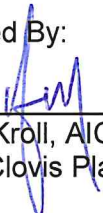
Prepared By:



George González, MPA, Associate Planner
City of Clovis Planning & Development Services

2/6/2020
Date

Approved By:



Dwight Kroll, AICP, Director
City of Clovis Planning & Development Services

2.7.2020
Date

B. PROJECT OVERVIEW

Woodside Homes of Fresno proposes the construction a 74-lot single-family residential development on approximately 32.19 acres of land located on the south side of Teague Avenue, between Sunnyside and Fowler Avenues in the County of Fresno, California, herein referred to throughout the document as “proposed Project” and/or “Project.” The project includes a General Plan Amendment to re-designate approximately 34.3 acres from the Rural Residential classification to Low Residential classification and prezone approximately 50.8 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.

Additionally, the Project includes an Annexation request to annex approximately 50.8 acre to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District. The entire project area includes vacant land and rural residential uses. Furthermore, the Project includes the Fresno Local Agency Formation Commission (LAFCo) as a responsible agency.

C. PROJECT LOCATION

As shown in Figure 1 below, the Project is located in the southwest area of Teague and N. Fowler Avenues and consists of Thirteen (13) parcels totaling approximately 50.8 acres. Assessor’s Parcel Number (APN) 559-021-03S is approximately 20 acres; APN 559-021-04 is approximately 5 acres; APN 559-021-05 is approximately 0.94 acres; APN 559-021-06 is approximately 1.55 acres; APN 559-021-07 is approximately 2.23 acres; APN 559-021-08 is approximately 1 acre; APN 559-021-57 is approximately 1.81 acres; APN 559-021-58 is approximately 1.79 acres; APN 559-021-59 is approximately 2.36 acres; APN 559-021-60 is approximately 2.36 acres; APN 559-021-64 is approximately 2.44 acres; APN 559-021-37 is approximately 4.88 acres; and APN 559-021-69 (Partial) is approximately 5 acres. The Project site is bound by the City of Clovis limit lines and County rural residential parcels to the north and County rural residential parcels to the west, east and south.

D. EXISTING SETTING

This section describes the existing conditions, surrounding conditions, as well as the General Plan land use and zoning designations.

1. EXISTING CONDITIONS

As shown in Figure 2 below, the existing Project area has vacant land and rural residential uses, including homes, accessory structures, weeds, shrubs and trees. Currently, the project area does not have any vehicle circulation infrastructure per City standards and a portion of the Nees #2 No. 541 Private Pipeline is located within the boundaries of the proposed 74-lot single-family residential development. The project area has grade differences throughout the 50.8-acre Project.

2. SURROUNDING CONDITIONS

As referenced in Table 1 below, and shown on Figure 2, the Project site is surrounded by the City of Clovis limits and rural residential uses to the north and rural residential uses to the west, south and east.

Table 1: Surrounding Land Uses

	Land Use Designation*	Zoning**	Existing Land Use
North	Low Density Residential & Rural Residential	R-1 & County R-R	Rural Residential homes and vacant land
East	Rural Residential	County R-R	Rural Residential homes and vacant land
South	Rural Residential	County R-R	Rural Residential homes and vacant land
West	Rural Residential	County R-R	Rural Residential homes
Notes:			
*Low Density Residential (2.1 – 4.0 DU/Ac) and Rural Residential (1 DU/Ac - Clovis)			
**R-1 (Single-Family Residential) and R-R (Rural Residential)			

3. LAND USE DESIGNATION

As shown on Figure 3, the Project area has an existing General Plan Land Use designation of Rural Residential, which allows for one dwelling unit per 2-acres of land. According to the 2014 Clovis General Plan, the Rural Residential designation is intended for very low density residential uses and small scale agricultural operations.

4. ZONING DESIGNATION

As shown on Figure 4, the Project area is currently zoned County R-R (Rural Residential) Zone District. The project area is part of the Dry Creek Preserve Master Plan and within the boundaries of the Herndon-Shepherd Specific Plan area.

E. PROJECT DESCRIPTION

This section describes the components of the proposed Project in more detail, including site preparation, proposed structures, and on- and off-site improvements.

1. PROJECT CONSTRUCTION

The Project is anticipated to begin construction March 2022, with full buildout by July 2024. Furthermore, the building occupancy is expected to occur in August 2022. This schedule is an estimation only and is contingent upon entitlements, and the market, among other factors.

2. SITE PREPARATION

Site preparation would include typical grading activities to ensure a level surface. Part of the preparation would include the removal of a homes, accessory structures, trees, shrubs, and weeds. Other site preparation activities would include minor excavation for the installation of utility infrastructure, for conveyance of water, sewer, stormwater, and irrigation.

3. PROJECT COMPONENTS

This section describes the overall components of the Project, such as the proposed building(s), landscape, vehicle and pedestrian circulation, and utilities.

DEMOLITION

Since the Project site has existing homes and accessory structures, a demolition permit will be required through the Clovis Building Division.

SITE LAYOUT AND CIRCULATION

As shown in Figure 5, the Project proposes a 74-lot single-family residential development with standard local streets and sidewalks within the interior of the subdivision. The lot sizes within the residential development will range from approximately 11,375 square-feet to 38,163 square-feet, with an average lot size of approximately 15,611 square-feet. The Project will have 6 lots fronting Teague Avenue and will have a lot depth of approximately 214-feet. Additionally, the Project will improvement a portion of Teague Avenue per City standards and Dry Creek Preserve Master Plan. All vehicular access will be provided from Teague Avenue and a paved EVA (Emergency Vehicle Access) will be provided on the west side of the project, connecting to Sunnyside Avenue. The EVA will be equipped with two electric gates complying with Clovis Fire Department standards and will have Opticom devices installed per Fire Department requirements. Infrastructure to be provided along the EVA will include sewer, water and storm-drain.

DRY CREEK PRESERVE

The Project area is part of the Dry Creek Preserve Master Plan Area. This master plan established goals and guidelines for the residential development of the area. The master plan also established standards for protecting farming operations and rural residential uses, including permissible uses and maximum density allowances for new housing developments.

PARKING

Per the Development Code, the proposed 74-lot single-family residential development will be required to provide a minimum of two (2) covered spaces for each dwelling unit and have interior dimensions of 20-feet by 22-feet.

PROJECT DESIGN

Conceptual design elevations of the homes will occur later on in the project review process. The applicant will typically provide these designs during the Building Division review process to ensure compliance with Building Code Requirements.

LANDSCAPE

The Project area will include landscaping in the front yard setback of reach home and along the street side yard setback. The proposed landscaping will be required to comply with the City's water efficient landscape requirements and guidelines.

UTILITIES

Utilities for the site would consist of water, sewer, electric, cable, gas, and storm water infrastructure. Trenching and digging activities would be required for the installation of necessary pipelines typical of residential developments. All utility plans would be required to be reviewed and approved by the appropriate agency, and/or department to ensure that installation occurs to pertinent codes and regulations. Other infrastructure would include new fire hydrants as required by the City of Clovis Fire Department.

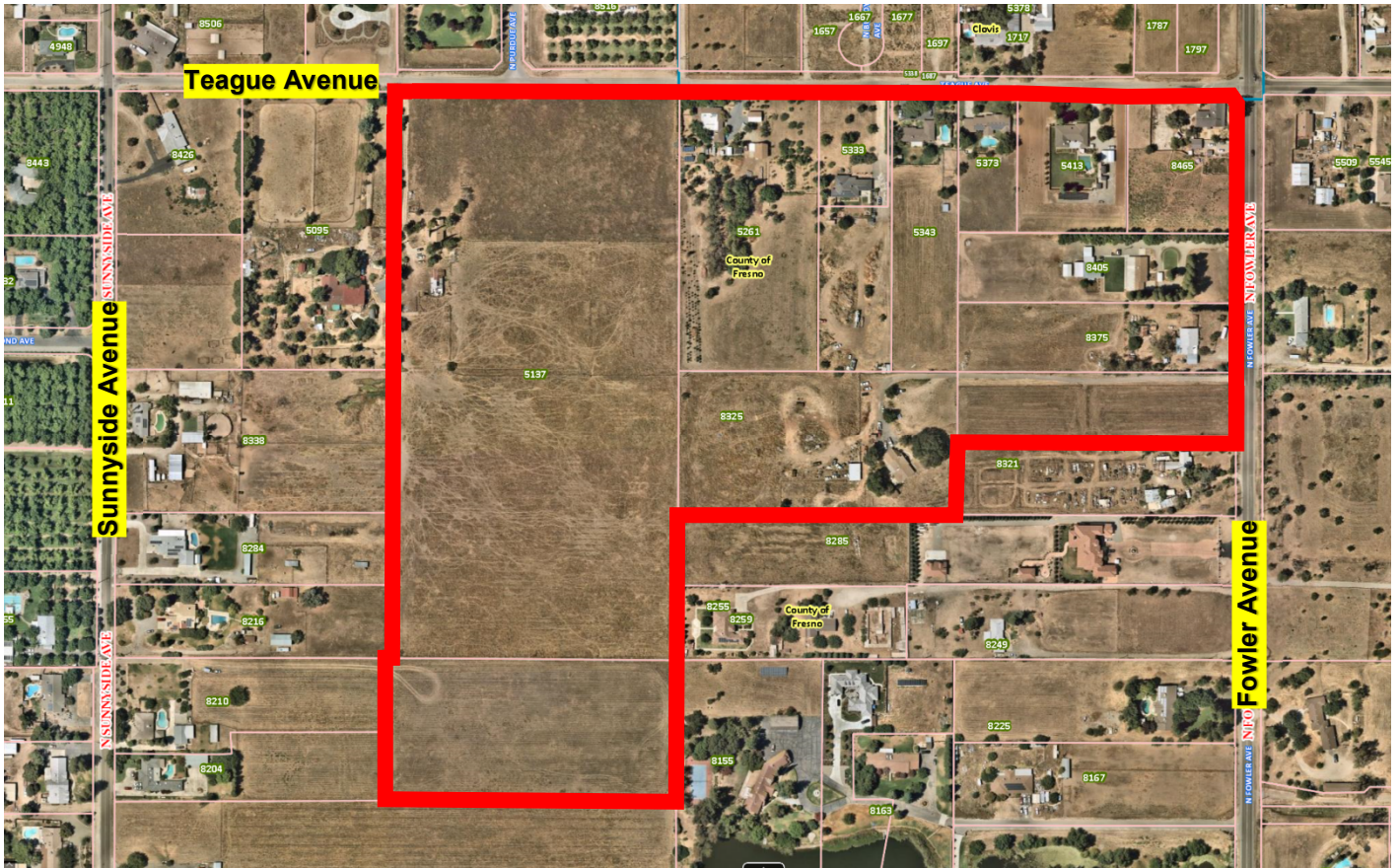
Utilities are provided by and managed from a combination of agencies, including FID which provides the City's water supply, Fresno Metropolitan Flood Control District (FMFCD) which has responsibility for storm water management, and the City's public utilities department which provides for solid waste collection, and sewer collection services. Pacific Gas & Electric (PG&E) provides electricity and natural gas within the City of Clovis.

F. REQUIRED PROJECT APPROVALS

The City of Clovis requires the following review, permits, and/or approvals for the proposed Project; however, other approvals not listed below may be required as identified throughout the entitlement process:

- General Plan Amendment
- Rezone
- Vesting Tentative Tract Map
- Annexation/Reorganization
- Grading Permit(s)
- Building Permit(s)

Figure 1: Project Location



 = Project Site (approximate limits)



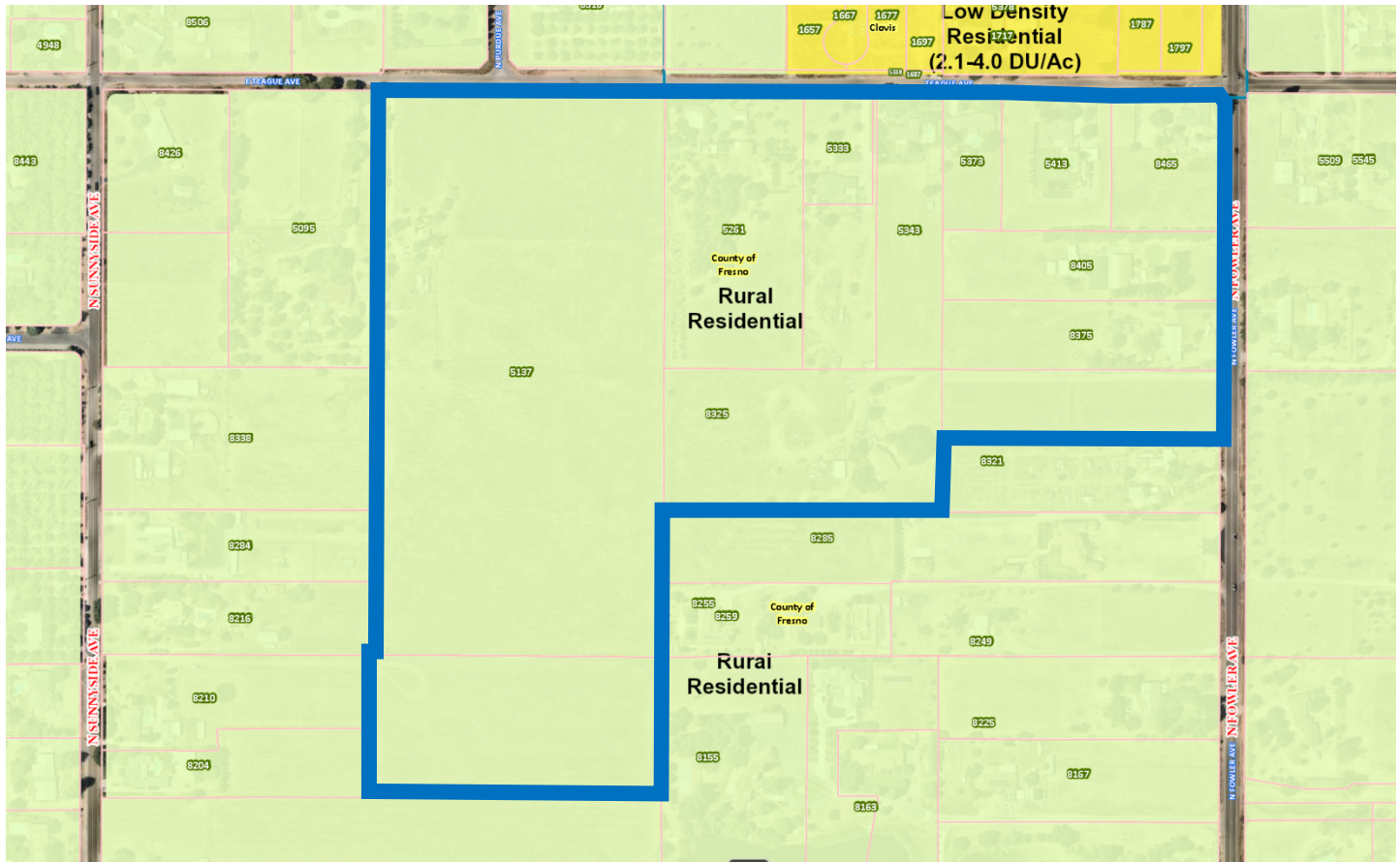
Figure 2: Aerial of Project Site



 = Project Site (approximate limits)



Figure 3: Land Use Designation

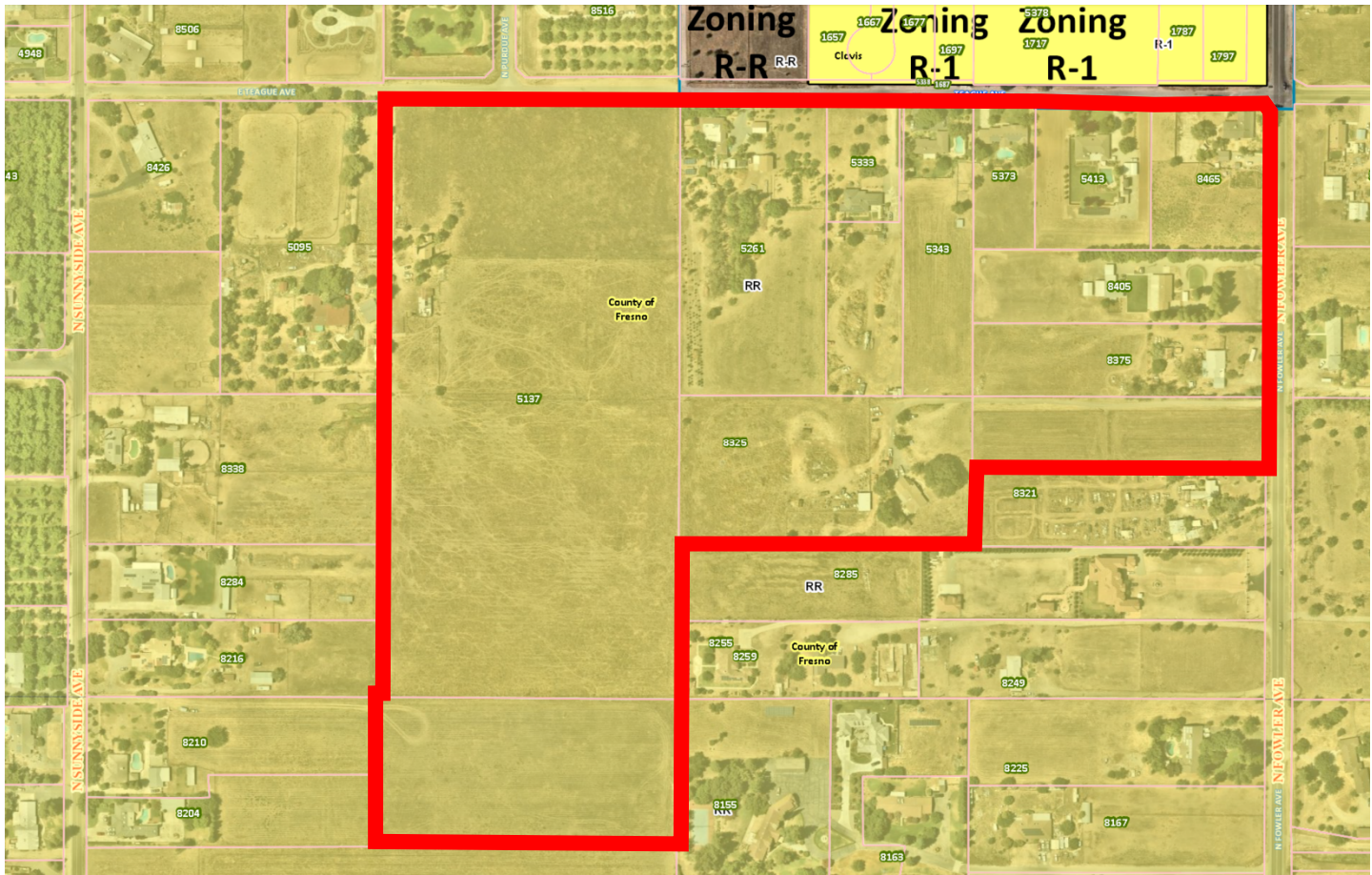


 = Project Site (approximate limits)



EXISTING LAND USE:
RR – Rural Residential

Figure 4: Zoning District



 = Project Site (approximate limits)

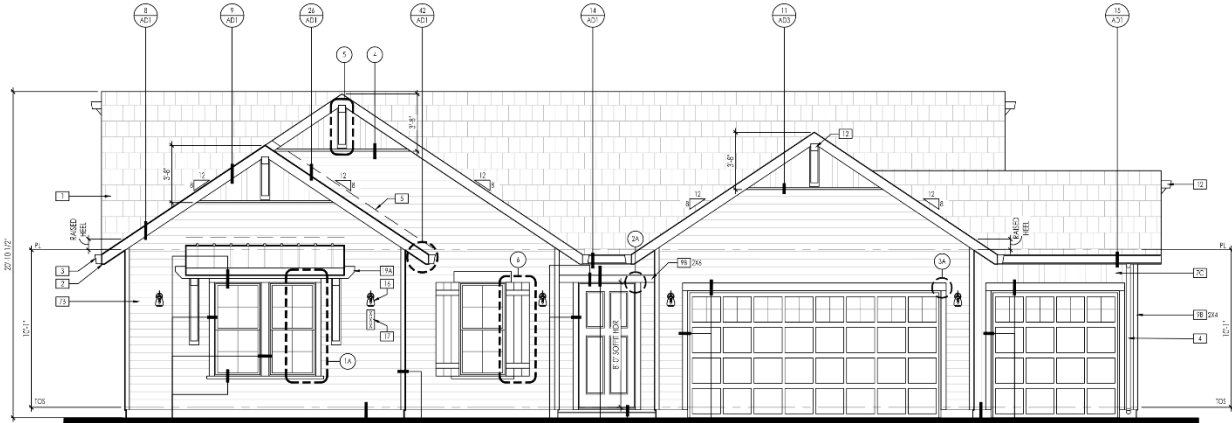


EXISTING ZONING:
County R-R (Rural Residential)

Figure 6: Conceptual Elevations



'MODERN FARMHOUSE' (COMPOSITION SHINGLE)
 FRONT ELEVATION 'B'
 1/4" = 1'-0"



'CLASSIC FARMHOUSE' (COMPOSITION SHINGLE)
 FRONT ELEVATION 'A'
 1/4" = 1'-0"

Conceptual elevations only. Final product may change during the review process.

G. ENVIRONMENTAL CHECKLIST

This section provides an evaluation of the potential environmental impacts of the proposed project and are based on CEQA Guidelines Appendix G. For each issue area, one of four conclusions is made:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less Than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant with Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant, and no mitigation can be identified that would reduce the impact to a less than significant level.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial effect on a scenic vista?			X	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?		X		

ENVIRONMENTAL SETTING

The City of Clovis is located within the San Joaquin Valley. Thus, much of the City and its surrounding areas are predominately flat. As a result, on clear days, the Sierra Nevada Mountains are visible to the east depending on your location.

Aside from Sierra Nevada, there are no officially designated focal points or viewsheds within the City. However, Policy 2.3, Visual Resources, of the Open Space Element of the 2014 Clovis General Plan, requires maintaining

public views of open spaces, parks, and natural features and to preserve Clovis' viewshed of the surrounding foothills.

As indicated above in the Project Description, the project area is located in the southwest area of Teague and N. Fowler Avenues. The Project area will be primarily surrounded by rural residential uses to the west, east and south; and rural residential and a portion of Vesting Tentative Tract Map TM6154 to the north.

DISCUSSION

- a) *Would the project have a substantial effect on a scenic vista?*

Less-Than-Significant Impact. As mentioned above, there are no officially designated scenic vistas or focal points in the City of Clovis or Dry Creek Preserve Area. While the Sierra Nevada Mountains can be viewed on clear days, the Project would allow structures to be constructed at a maximum height of 35 feet. Further, General Plan Policy 2.3 requires that public views of open spaces, parks, and natural features be maintained. Therefore, because there are no officially designated scenic vistas in the area, a **less-than-significant impact** would occur with regards to the project having a substantial effect on a scenic vista. As a result, no mitigation measures are required.

- b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

No Impact. As stated in the 2014 Clovis General Plan Environmental Impact Report (EIR), there are no Caltrans-designated scenic highways within the City of Clovis.¹ Further, there are no existing historical structures or rock outcroppings located on or within the immediate vicinity of the project area. Therefore, the Project would result in **no impact** with regards to substantially damaging scenic resources within a State scenic highway, and no mitigation measures are required.

- c) *Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Less-Than-Significant Impact. The existing Project area is surrounded by rural residential uses, including low density residential to the north. Thus, as a proposed low density residential project consistent with the Dry Creek Preserve Master Plan, the homes would fit within the character of the surrounding area. Furthermore, the Project proposes a General Plan Amendment and Prezone, and if approved, would be consistent with the applicable Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.

Further, the Project would undergo Plan Review which would ensure that the overall design and character is consistent with the Dry Creek Preserve Master Plan. The Plan Review process will ensure the Project complies with relevant design policies, such as in the Dry Creek Preserve Master Plan, the Clovis Development Code, and the General Plan. During the review, the height, architecture, color and materials are reviewed for consistency with these plans and guidelines. Consequently, a **less-than-significant** impact would occur with regards to substantially degrading the existing visual character of the site and its surroundings, and no mitigation measures are required.

¹ 2014 Clovis General Plan EIR, June 2014, Page 5.1-1.

- d) *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

Less-Than-Significant With Mitigation Incorporated. The Project consists of 74 single-family homes within 34.3 acres. As a result of the existing Project area being rural residential and vacant land, the Project would result in new sources of light and glare. Light and glare from the Project would be typical of residential development, including but not limited to, sources such as exterior lighting for safety, light and glare from vehicles or from light reflecting off of surfaces such as windshields. Other sources of light would be the interior lighting of the units at night. These sources of light and glare are not typically associated with causing significant effects on the environment, especially given that the surrounding rural developed area already emits similar sources of light and glare and are part of the existing conditions present in the vicinity. The existing urban development (Whisper Creek TM5550) within the Dry Creek Preserve Area has contributed to the urbanization of the area, therefore, lighting and glare are already being emitted in the vicinity. Sources of existing light and glare are comprised of streetlights, and light and glare from vehicles going to and from home.

Although the Project would introduce new sources of light and glare, the Plan Review process would ensure that the design and placement of lighting is appropriate to minimize potential light and glare impacts to surrounding properties. Further, the Project would be required to comply with Section 9.22.050, Exterior Light and Glare, of the Clovis Municipal Code (CMC or Development Code), which requires light sources to be shielded and that lighting does not spillover to adjacent properties.

Overall, the lighting is necessary to provide enough illumination at night for security and traffic purposes. All lighting will be installed per City and PG&E standards. With the inclusion of the following Mitigation Measure, impacts in this category will be reduced to a less than significant impact.

Mitigation Measure AES-1d: The developer shall direct all on-site lighting downward and provide physical shields to prevent direct view of the light source from adjacent rural residential properties surrounding the proposed residential development. Street lighting shall be spaced in accordance with City Standards to reduce up-lighting. The applicant shall utilize a PG&E street light which directs light downward.

2. AGRICULTURE AND FORESTRY RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.			X	
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

ENVIRONMENTAL SETTING

The Project site is located in the southwest area of Teague and N. Fowler Avenues in the County of Fresno. The Project area is within the Dry Creek Preserve Master Plan and surrounded primarily by rural residential uses. A portion of the City limits is located along the north side of the Project site with a land use designation of Low Density Residential.

DISCUSSION

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Less-Than-Significant Impact. According to the 2016 Farmland Monitoring and Mapping Program (FMMP) maps from the California Department of Conservation,² the Project area is considered Rural Residential Land and a portion is considered Farmland of Local Importance, which is defined by the Department of Conservation as residential areas of one to five structures per ten acres and farmable lands within Fresno County that do not meet the definition of Prime, Statewide, or Unique.

The Project area has not been used for farming activities in recent years, nor is it zoned or designated for farming-related activities under the 2014 Clovis General Plan. Consequently, because the site is not considered Prime, Unique, or Farmland of Statewide Importance, a **less-than-significant** impact would occur, and no mitigation measures are required.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?*

No Impact. As shown on Figure 5.2-2 of the Agricultural Resources Chapter of the 2014 Clovis General Plan EIR, the Project area is not under a Williamson Act Contract. Further, as mentioned above, the site is not currently zoned or designated for agricultural use. As a result, the Project would have **no impact** with regards

² Farmland Mapping and Monitoring Program, California Department of Conservation, 2016 Fresno County Map.

to conflicting with existing zoning for agricultural use or a Williamson Act Contract. No mitigation measures are required.

- c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?*

No Impact. The Project area is rural residential uses and vacant land, thus, does not contain forest land. Further, the area is not zoned for forestry or other forestry related uses. As a result, **no impact** would occur with regards to conflicts with existing zoning for, or cause rezoning of, forest land. No mitigation measures are required.

- d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. See discussion under Section 2c.

- e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

No Impact. See discussions under Sections 2a, 2b and 2c.

3. AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c. Expose sensitive receptors to substantial pollutant concentrations?			X	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

ENVIRONMENTAL SETTING

An Air Quality and Greenhouse Gas Analysis Report (AQ/GHG Report) was prepared by Mitchell Air Quality Consulting on August 12, 2019 (see Appendix A). Information in this AQ/GHG Report is used for the analysis included in both the Air Quality and Greenhouse Gas Emissions section of this Initial Study.

San Joaquin Valley Air Basin

The City of Clovis (City) is in the central portion of the San Joaquin Valley Air Basin (SJVAB). SJVAB consists of eight counties: Fresno, Kern (western and central), Kings, Tulare, Madera, Merced, San Joaquin, and Stanislaus. Air pollution from significant activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The SJVAB is approximately 250 miles long and an average of 35 miles wide. It is bordered by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. There is a slight downward elevation gradient from Bakersfield in the southeast end (elevation 408 feet) to sea level at the northwest end where the valley opens to the San Francisco Bay at the Carquinez Strait. At its northern end is the Sacramento Valley, which comprises the northern half of California's Central Valley. The bowl-shaped topography inhibits movement of pollutants out of the valley (SJVAPCD 2012a).

Topography³

The topography of a region is important for air quality because mountains can block airflow that would help disperse pollutants, and can channel air from upwind areas that transports pollutants to downwind areas. The San Joaquin Valley Air Pollution Control District (SJVAPCD) covers the entirety of the SJVAB. The SJVAB is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coast Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation).

Climate

The SJVAB is in a Mediterranean climate zone and is influenced by a subtropical high-pressure cell most of the year. Mediterranean climates are characterized by sparse rainfall, which occurs mainly in winter. Summers are hot and dry. Summertime maximum temperatures often exceed 100°F in the valley.

The subtropical high-pressure cell is strongest during spring, summer, and fall and produces subsiding air, which can result in temperature inversions in the valley. A temperature inversion can act like a lid, inhibiting vertical mixing of the air mass at the surface. Any emissions of pollutants can be trapped below the inversion. Most of the surrounding mountains are above the normal height of summer inversions (1,500–3,000 feet).

Winter-time high pressure events can often last many weeks, with surface temperatures often lowering into the 30°F. During these events, fog can be present and inversions are extremely strong. These wintertime inversions can inhibit vertical mixing of pollutants to a few hundred feet (SJVAPCD 2012a).

Ambient Air Quality Standards

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve

³ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, August 12, 2019.

and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS, based on even greater health and welfare concerns.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors,” those most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table 4, Ambient Air Quality Standards for Criteria Pollutants, these pollutants are ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), and lead (Pb). In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

In addition to the criteria pollutants, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

Table 2: Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.07 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.03 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	3-Hour	0.5 ppm	
	1-Hour	0.075 ppm	0.25 ppm
PM ₁₀	Annual	--	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	12 ug/m ³	12 ug/m ³
	24-Hour	35 ug/m ³	--
Lead	30-Day Avg.	--	1.5 ug/m ³
	3-Month Avg.	1.5 ug/m ³	--

Notes: ppm = parts per million; ug/m³ = micrograms per cubic meter.
Source: California Air Resources Board, 2008. Ambient Air Quality Standards (4/01/08), <http://www.arb.ca.gov/aqs/aaqs2.pdf>.

Attainment Status

The air quality management plans prepared by SJVAPCD provide the framework for SJVAB to achieve attainment of the state and federal AAQS through the SIP. Areas are classified as attainment or nonattainment areas for particular pollutants, depending on whether they meet the ambient air quality standards. Severity

classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

At the federal level, the SJVAPCD is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM₁₀ and CO, and nonattainment for PM_{2.5}. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

DISCUSSION

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Less-Than-Significant Impact. Although the CEQA Guidelines indicate that a significant impact would occur if the Project were to conflict with or obstruct implementation of the applicable air quality plan, the SJVAPCDs 2015 Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) does not provide specific guidance on analyzing conformity with the plan. Thus, for purposes of analyzing this potential impact, the AQ/GHG Analysis Report considered impacts based on: (1) whether the Project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards; and (2) whether the Project will comply with applicable control measures in the air quality plan, primarily compliance with Regulation VIII – Fugitive PM₁₀ Prohibitions and Rule 9510 – Indirect Source Review.

In general, regional air quality impacts and attainment of standards are the result of the cumulative impacts of all emission sources within the air basin. Thus, individual projects are generally not large enough to contribute measurably to an existing violation or air quality standards alone. Therefore, in order to analyze this threshold, and because the of the region's existing nonattainment status for several pollutants, the Project would be considered to cause significant impacts if it were to generate emissions that would exceed the SJVAPCDs significance thresholds. Based on the AQ/GHG Analysis Report, the Project would not exceed these thresholds from construction and operation of the homes.⁴

The SJVAPCD provided a comment letter, dated September 11, 2019, indicating that the Project would not exceed thresholds for criteria pollutants. However, the Project would be subject to compliance with District Rule 9510 which is intended to mitigate a project's impact through project design elements or payment of off-site fees. The Project applicant would be required to submit to the SJVAPCD an Air Impact Assessment (AIA). Further, the Project would be required to submit a Dust Control Plan (DCP) to the SJVAPCD for review and approval. Consequently, a **less-than-significant** impact would occur and no mitigation measures are required.

- b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Less-Than-Significant Impact. See discussion under Section 3a above.

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Less-Than-Significant Impact. Sensitive receptors are generally considered to include children, the elderly, and persons with pre-existing respiratory and cardiovascular illness. The SJVAPCD considers a sensitive receptor a location that houses or attracts children, the elderly, or people with illnesses. Examples of these receptors are considered to be hospitals, residences, schools and school facilities, and convalescent facilities. The nearest sensitive receptors to the Project area would be the existing rural residences adjacent to the site

⁴ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, pages 7 & 8, August 12, 2019.

to the west, south, east, and north. Based the AQ/GHG Analysis Report , the Project would not exceed emission thresholds that would result in a significant impact⁵ based on compliance with SJVAPCD regulations and standards for construction and operation of this type of development. Therefore, a **less-than-significant** impact would occur.

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Less-Than-Significant Impact. Generally, sources considered to emit odors are associated with wastewater treatment facilities, sanitary landfills, petroleum refineries, chemical manufacturing, and other industrial/manufacturing related uses. The Project is a residential use, thus, the odors associated with such use would be similar to that of the surrounding area which includes rural residential uses. Although the Project proposes a trash toter with each unit, the toters are located away from the existing residences, thus, would minimize or eliminate the possibility of odor emitting from the toters. Overall, because the Project is a residential use, similar to existing rural residential uses, the types of odor that could result from the Project would not be considered an objectionable odor source. Thus, a **less-than-significant** impact would occur.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X

⁵ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, August 12, 2019.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

ENVIRONMENTAL SETTING

A Biological Assessment was prepared by Argonaut Ecological Consulting, Inc. on May 29, 2019 (see Appendix B). This Biological Assessment included an investigation of the biotic resources of the Project area, and assessed potential project-related impacts pursuant to the California Environmental Quality Act. As part of the Biological Assessment, the Project area was surveyed on April 18, 2019, to assess the potential presence of sensitive species and associated suitable habitat.

The existing Project area is rural residential uses and vacant land. The area habitat is characteristic of residential landscaping around the homes and non-native grassland. There are eucalyptus trees, palm trees, old orchard trees, landscaping scrubs, and mowed landscaped areas.

The following analysis is based in part on information provided by the Biological Assessment prepared by Argonaut Ecological Consulting, Inc.

DISCUSSION

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less-Than-Significant Impact With Mitigation. As described in the Biological Assessment, a pedestrian survey of the Project area was conducted on April 18, 2019, by Argonaut Ecological Consulting, Inc. The survey found that the site does not contain suitable habitat for special status species within the Project area. A summary of the potential special status species impacts are shown in Table 2 of the report. Nevertheless, implementation of mitigation measures BIO-1 and BIO-2 would ensure that a **less-than-significant impact with mitigation** occurs.

Mitigation Measure BIO-1: Western Burrowing Owl. A preconstruction survey for potential occupation of the site by Western burrowing owl and nesting Swainson's hawk is recommended if ground disturbing activities are scheduled during the nesting period (Feb – August). This species, although not observed during the field review, could occupy the site in the near future. The survey should be performed within 30-45 days prior to construction (ground disturbance).

Mitigation Measure BIO-2: Swainson's Hawk. The only suitable nesting habitat for Swainson's hawk is in the northeast portion near Teague Avenue and on properties adjacent to the Study Area. No active nests were found. A nest survey should be conducted prior to removal (if needed) of the eucalyptus/pine stand or individual trees in the northeast corner of the Study Area if tree removal is to occur during the nesting season of February 1 – August 31).

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

No Impact. According to the Biological Assessment, the pedestrian survey found that the site does not contain critical habitat for any listed species.⁶ Therefore, the Project would not result in a substantial adverse effect with respect to this threshold, and **no impact** would occur. No mitigation measures are required.

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. See discussion under Section 4b.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. See discussion under Section 4b.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less-Than-Significant Impact. The site does not indicate the presence of any suitable habitat features that would be significantly impacted. Although Policy 2.6 of the Open Space and Conservation Element of the General Plan calls for the protection of biological resources, the Biological Assessment did not identify any such resources at the site due to its location and continuous development as rural residential for several decades. Further, the Clovis Development Code does include tree protection standards which would ensure the appropriate replacement of any trees removed during construction in compliance with this standard.

⁶ Biological Assessment prepared by Argonaut Ecological Consulting, Inc., page 15, May 29, 2019.

Consequently, due to the lack of any identified sensitive species, and because compliance with existing City codes for the removal of any existing trees would ensure trees are replaced or in-lieu fee is assessed for the replacement of trees, the impact would be **less-than-significant** as the Project would not conflict with local policies or ordinances for protection biological resources.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. The Project site is not located within an adopted or approved Habitat Conservation Plan (HCP) or other conservation plan. Therefore, **no impact** would occur and no mitigation measures are required.

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c. Disturb any human remains, including those interred outside of formal cemeteries?		X		

ENVIRONMENTAL SETTING

The Project area is located in the southwest area of Teague and N. Fowler Avenues in the County of Fresno. The Project area is within the Dry Creek Preserve Master Plan and surrounded primarily by rural residential uses. A portion of the City limits is located along the north side of the Project site with a land use designation of Low Density Residential. The Project area is currently rural residential uses and vacant land.

A Cultural Resources Assessment was prepared by Peak & Associates, Inc., dated May 17, 2019 (see Appendix C). This Cultural Resources Assessment included a records search at the Southern San Joaquin Valley Archaeological Information Center (SSJVIC) and a formal request submittal to the Native American Heritage Commission to review their Sacred Lands Files.

In addition to the Cultural Resources Assessment, City staff conducted Native American Consultation in compliance with Senate Bill 18 (SB18) and Assembly Bill 52 (AB52). In compliance with AB52, invitations for consultation were mailed on June 4, 2019, which affords Native tribes thirty (30) days to respond and to request consultation. During this timeframe, no requests for consultations were received. In compliance with SB18, invitations for consultation were mailed on June 4, 2019, which affords Native tribes ninety (90) days to request consultation.

During that time, one (1) tribe requested consultation. On July 31, 2019, representatives from Table Mountain Rancheria provided a letter to the City requesting to coordinate a meeting date to discuss the proposed project. On Wednesday, February 5, 2020, City staff forwarded the Cultural Resources Assessment prepared by Peak & Associates, Inc. to the representative from Table Mountain Rancheria for review.

Mitigation measures are included in the following analysis to ensure protection of such resources if any are discovered inadvertently.

DISCUSSION

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

No Impact. As part of the Cultural Resources Assessment, the survey found no evidence of prehistoric period cultural resources within the Project area. Additionally, there are no resources eligible for the California Register of Historical Resources within the Project area. Further, compliance with Policy 2.9 of the General Plan, which calls for the preservation of historical sites and buildings of state or national significance, would ensure that if there were historical resources present, they would be protected. Therefore, **no impact** would occur with regard to the Project causing a substantial adverse change in the significance of a historical resource and no mitigation measures are required.

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less-Than-Significant Impact With Mitigation. The site is currently rural residential uses and vacant land. Per the Cultural Resources Assessment, the land is currently used as pasturage for horses and soils range from yellow sand to tan loamy sand to light brown loam. Furthermore, the Cultural Resources Assessment found the site negative for prehistoric period cultural resources.⁷

Because there is the slight possibility for the accidental or inadvertent uncovering of archaeological resources during construction, Mitigation Measure CULT-1 would serve to reduce those potential impacts by requiring the stopping of any work until any found artifacts can be properly removed and inventoried by a qualified archaeologist. Therefore, the Project would result in a **less-than-significant impact with mitigation**.

Mitigation Measure CULT-1: Although no prehistoric sites were found during the survey, there is a slight possibility that a site may exist and be totally obscured by vegetation, fill, or other historic activities, leaving no surface evidence. Should artifacts or unusual amounts of stone, bone, or shell be uncovered during construction activities, an archeologist should be consulted for on-the-spot evaluation of the findings.

- c) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Less-Than-Significant Impact With Mitigation. The site is currently rural residential uses and vacant land. The Project area shows long-term agricultural use with leveling, irrigation, fencing and general agricultural use evident. However, the potential remains that human remains could be inadvertently or accidentally uncovered during ground-disturbing activities such as trenching, digging, and the installation of utilities and other infrastructure.

⁷ Cultural Resources Assessment prepared by Peak & Associates, Inc., page 14, May 17, 2019.

Because there is the slight possibility for the accidental or inadvertent uncovering of human remains during construction, Mitigation Measure CULT-2 would serve to reduce those potential impacts by requiring the stopping of any work until any found human remains can be properly removed by the Fresno County coroner and/or tribes. Therefore, the Project would result in a **less-than-significant impact with mitigation**.

Mitigation Measure CULT-2: The possibility of encountering human remains cannot be entirely discounted. If human graves are encountered, work should halt, and the Fresno County Coroner should be notified. The California Health and Safety Code Section 7050.5 states it is a misdemeanor to knowingly disturb a human grave. Upon discovery, the Project owner should contact a qualified archaeologist to evaluate the historical significance of the remains. If human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of the identification.

6. ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

ENVIRONMENTAL SETTING

The Project area is located within the Dry Creek Preserve Master Plan and surrounded by existing rural residential uses.

DISCUSSION

- a) *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Less-Than-Significant Impact. The Project proposes the construction of 74 single-family homes on approximately 34.3 acres, along with associated landscaping, hardscape and infrastructure (i.e. drive aisles, utilities, etc.). The Project would include construction activities typical of residential development, thus, is not generally considered the type of use or intensity that would result in the unnecessary consumption of energy. The homes would comply with Title 24 Green Building Standards for energy efficiency, as well as be required to comply with the latest water efficient landscape policy regulations, and California Building Code. Further, the Project would be required to comply with Clovis General Plan Policy 3.4, and 3.7 of the Open Space and Conservation, which call for the use of water conserving and drought tolerant landscape, as well as energy efficient buildings. Consequently, compliance with these measures would ensure that the Project does not result

in a significant impact due to the unnecessary consumption of energy and **less-than-significant** impact would occur.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less-Than-Significant Impact. See discussion under Section 6a above.

7. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or				X

alternative waste disposal systems where sewers are not available for the disposal of wastewater?				
f. Directly or indirectly destroy a unique paleontological resource or unique geologic feature?		X		

ENVIRONMENTAL SETTING

The 2014 Clovis General Plan EIR identified no geologic hazards or unstable soil conditions known to exist in the Project area. Although Figure 5.6-2 of the Geology and Soils Chapter of the General Plan EIR does show a fault, the fault is located northeast of the Project site.

DISCUSSION

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?; ii) Strong seismic ground shaking?; iii) Seismic-related ground failure, including liquefaction?; iv) Landslides?*

Less-Than-Significant Impact. Although the Project site does not have any known faults on the site, the potential remains that seismic ground-shaking could occur from the fault located northeast of the Project. However, adherence to the most current California Building Codes would ensure that the structures are constructed safely and in compliance with the appropriate Building Codes. With regards to liquefaction, the 2014 General Plan EIR states that the soil types in the area are not considered conducive to liquefaction due to their high clay content or from being too coarse.⁸ Further, the site is generally flat and therefore landslides would not occur at the Project site. Overall, due to the location away from a known fault, adherence to the most recent California Building Codes, and the flat topography, a **less-than-significant impact** would occur with regards to potential impacts from seismic activity.

- b) *Would the project result in substantial soil erosion or the loss of topsoil?*

Less-Than-Significant Impact. Grading activities would be required to ensure a flat and graded surface prior to construction, which may result in the soil erosion and loss of topsoil. However, as part of the Project, grading plans are required to be submitted and approved by the City Engineer Division to ensure appropriate grading of the site. Thus, this review and approval process would ensure that a **less-than-significant impact** occur and no mitigation measures are required.

- c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less-Than-Significant Impact. See discussion under Section 7a.

⁸ 2014 Clovis General Plan EIR, Chapter 5: Geology and Soils, page 5.6-3.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property?*

No Impact. According to the 2014 Clovis General Plan EIR, expansive soils are mostly present in areas along the northern edge of the non-Sphere of Influence (SOI) and the easternmost part of the Clovis non-SOI plan area. Because the Project is not within the vicinity of these areas, there would be no potential for creating direct or indirect substantial risks to life or property with regards to expansive soils. As a result, **no impact** would occur and no mitigation measures are required.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?*

No Impact. The proposed 74-lot single-family development does not propose the use of septic tanks, therefore, **no impact** would occur.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or unique geologic feature?*

Less-Than-Significant Impact With Mitigation. The Project site has been previously disturbed, as well as the immediately surrounding areas with no known occurrences of the discovery of paleontological resources. In addition, the Cultural Resource Assessment found the site negative for prehistoric period cultural resources. Nevertheless, the possibility remains that the inadvertent or accidental discovery could occur during ground disturbing construction activities. However, Mitigation Measure GEO-1, below, would serve to protect the accidental discovery of paleontological resources. As such, a **less-than-significant with mitigation** impact would occur.

Mitigation Measure GEO-1: If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist and/or paleontologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants.

If the qualified professional determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

If a potentially-eligible resource is encountered, then the qualified professional archaeologist and/or paleontologist, the Lead Agency, and the project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.

8. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	

ENVIRONMENTAL SETTING

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG’s has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth’s climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual Projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth’s atmosphere. Carbon dioxide is the “reference gas” for climate change, meaning that emissions of GHGs are typically reported in “carbon dioxide-equivalent” measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

In 2005, in recognition of California’s vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32),

which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

In April 2009, the California Office of Planning and Research published proposed revisions to the California Environmental Quality Act to address GHG emissions. The amendments to CEQA indicate the following:

- Climate action plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the greenhouse gas emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.
- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of greenhouse gas emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that “to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation.”
- OPR’s emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports (EIRs) must specifically consider a project's energy use and energy efficiency potential.

On December 30, 2009, the Natural Resources Agency adopted the proposed amendments to the CEQA Guidelines in the California Code of Regulations.

In December 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted guidance for addressing GHG impacts in its *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects under CEQA*. The guidance relies on performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific GHG emissions on global climate change during the environmental review process.

Projects can reduce their GHG emission impacts to a less than significant level by implementing BPS. Projects can also demonstrate compliance with the requirements of AB 32 by demonstrating that their emissions achieve a 29% reduction below “business as usual” (BAU) levels. BAU is a projected GHG emissions inventory assuming no change in existing business practices and without considering implementation of any GHG emission reduction measures.

Significance Criteria

The SJVAPCDs *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects under CEQA* provides initial screening criteria for climate change analyses, as well as draft guidance for the determination of significance.

The effects of project-specific GHG emissions are cumulative, and therefore climate change impacts are addressed as a cumulative, rather than a direct impact. The guidance for determining significance of impacts has been developed from the requirements of AB 32. The guideline addresses the potential cumulative impacts that a project's GHG emissions could have on climate change. Since climate change is a global phenomenon, no direct impact would be identified for an individual land development project. The following criteria are used to evaluate whether a project would result in a significant impact for climate change impacts:

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with BAU?

Projects that meet one of these guidelines would have less than significant impact on the global climate.

Because BPS have not yet been adopted and identified for specific development projects, and because neither the ARB nor the City of Clovis has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the goal of 29% below BAU for emissions of GHG has been used as a threshold of significance for this analysis.

DISCUSSION

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less-Than-Significant Impact. The Project would include the construction and operation of 74 single-family homes and associated infrastructure (i.e. sewer and water infrastructure, roadways, sidewalks, etc.). As such, GHG emissions would be produced through the construction and operational phases of the Project. However, the SJVAPCD includes regulations to reduce GHG emissions such as standards for medium and heavy duty engines and vehicles (i.e. tractors and construction equipment) that would apply to buildout of the Project. Further, compliance with Title 24 energy efficient building codes would apply, which also help to reduce GHG emissions during operation of the Project, by requiring minimum standards for insulation, energy efficiency, and window glazing, etc., which serve to maximize efficiency of new construction. Further, the Project would comply with the latest water efficient landscape standards which help to reduce energy usage. Overall, the AQ/GHG Report concluded that the Project, with implementation of required energy efficient standards, would reduce emissions versus business as usual scenarios and would exceed the minimum percentage reduction of emissions required by the State, SJVAPCD, and the Clovis General Plan EIR. Therefore, a **less-than-significant** impact would occur.

- b) *Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Less-Than-Significant Impact. Based on the AQ/GHG Analysis,⁹ the Project would include several features that would minimize GHG emissions, which are consistent with project-level strategies identified by the Air Resources Board Scoping Plan and the Clovis General Plan. As indicated in the discussion above under Section 8a, the Project would result in GHG reductions that meet or exceed minimum targets by complying with the latest energy efficient standards, and water conservation. Consequently, the AQ/GHG Analysis Report found this potential impact to be **less than significant**.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a				X

⁹ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, page 125, August 12, 2019.

safety hazard or excessive noise for people residing or working in the project area?				
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

ENVIRONMENTAL SETTING

For purposes of this chapter, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. A “hazardous material” is defined in the Code of Federal Regulations (CFR) as “substance or material that is capable of posing an unreasonable risk to health, safety, and property when transported in commerce” (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

“Hazardous material” means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. “Hazardous wastes” are defined in California Health and Safety Code Section 25141(b) as wastes that:

...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The nearest school to the Project site is Woods Elementary School, located approximately 0.64 miles west of the Project area at its closest point.

DISCUSSION

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less-Than-Significant Impact. The Project consists of the construction of 74 single-family homes on approximately 34.3 acres. The type of hazardous materials that would be associated with the Project are those typical of residential uses, such as the use of household cleaners, landscape maintenance products, and potential pesticides (for pest control). These materials, when used and applied properly, would not necessarily create a significant hazard to the public or the environment. Further, these materials are not anticipated to be stored in large quantities that could pose a threat. Overall, the Project would not routinely transport, use, or dispose of hazardous materials other than those typical of residential development, which are not generally considered of the type or quantity that would pose a significant hazard to the public when used as directed.

During construction, typical equipment and materials would be used that are associated with residential construction; however, any chemicals or materials would be handled, stored, disposed of, and/or transported according to applicable laws. Consequently, because the Project is not of the type of use that would routinely transport, use, or dispose of hazardous materials a **less-than-significant** impact would occur.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less-Than-Significant Impact. See discussion above under Section 9a.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less-Than-Significant Impact. As mentioned above, the Project site is located approximately 0.64 miles from the nearest school, which is Woods Elementary School. Further, the Project is not of the type of use typically associated with emitting hazardous emissions or handling the type or quantity of hazardous materials such that it would pose a risk or threat to the school, or surrounding area. Therefore, a **less-than-significant** impact would occur.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. According to the California Department of Toxic Substance Control EnviroStor Database, the Project site is not located on or within the immediate vicinity of a hazardous materials site.¹⁰ Therefore, **no impact** would occur.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

No Impact. The Project is not within an airport land use plan nor is the site within two miles of a public airport. Therefore, **no impact** would occur.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less-Than-Significant Impact. The Project is located at a site that is surrounded by existing rural residential developments. Further, the road network is already in place from previous developments. Although the Project could result in temporary traffic detouring or closures during buildout, these delays would be temporary and would be coordinated with the City engineering department and other departments to ensure safe access to and from the area is maintained. Further, the site itself would be reviewed by City departments to ensure adequate site access and circulation is provided in the event of an emergency. Overall, a **less-than-significant** impact would occur.

¹⁰ California Department of Toxic Substance Control, EnviroStor Database, <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Clovis>, accessed on October 30, 2019.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Less-Than-Significant Impact. The site is surrounded by rural residential uses. Therefore, it is not in a location typically associated with wildfires. Although urban fires could occur, the Project would be constructed to the latest fire code standards, which would include fire sprinklers in each unit, as well as the installation of several fire hydrants throughout the site as required by the Clovis Fire Department. Further, other life safety features would be required such as smoke detectors, which would be reviewed and checked by the Fire Department to ensure proper operation prior to occupancy. Ultimately, a **less-than-significant** impact would occur.

10. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?			X	
i) Result in substantial erosion or siltation on- or off-site?			X	
ii) Substantially increase the rate or amount of surface runoff in a manner			X	

which would result in flooding on- or offsite?				
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
iv) Impede or redirect flood flows?			X	
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

ENVIRONMENTAL SETTING

The Plan Area is within the drainages of three streams: Dry Creek, Dog Creek, and Redbank Slough. On the north, Dry Creek discharges into the Herndon Canal in the City of Fresno west of Clovis. South of Dry Creek, Dog Creek is a tributary of Redbank Slough, which discharges into Mill Ditch south of Clovis (USGS 2012). A network of storm drains in the City and the Plan Area discharges into 31 retention basins, most of which provide drainage for a one- to two-square-mile area. Most of the Plan Area east and northeast of the City is not in drainage areas served by retention basins. Those areas drain to streams that discharge into reservoirs, including Big Dry Creek Reservoir in the north-central part of the Plan Area and Redbank Creek Dam and Reservoir in the southeast part of the Plan Area. Fancher Creek Dam and Reservoir are near the east Plan Area boundary.

The Project is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary, and subject to its standards and regulations. Detention and retention basins in the FMFCD's flood control system are sized to accommodate storm water from each basin's drainage area in builtout condition. The current capacity standard for FMFCD basins is to contain runoff from six inches of rainfall during a ten-day period and to infiltrate about 75 to 80 percent of annual rainfall into the groundwater basin (Rourke 2014). Basins are highly effective at reducing average concentrations of a broad range of contaminants, including several polyaromatic hydrocarbons, total suspended solids, and most metals (FMFCD 2013). Pollutants are removed by filtration through soil, and thus don't reach the groundwater aquifer (FMFCD 2014). Basins are built to design criteria exceeding statewide Standard Urban Storm Water Mitigation Plan (SUSMP) standards (FMFCD 2013). The urban flood control system provides treatment for all types of development—not just the specific categories of development defined in a SUSMP—thus providing greater water quality protection for surface water and groundwater than does a SUSMP.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the cities of Fresno and Clovis; such recharge totaled 29,575 acre feet during calendar year 2012 (FMFCD 2013).

The pipeline collection system in the urban flood control system is designed to convey the peak flow rate from a two-year storm.

Most drainage areas in the urban flood control system do not discharge to other water bodies, and drain mostly through infiltration into groundwater. When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area (Rourke 2014). Two FMFCD drainage areas discharge directly to the San Joaquin River, and three to an irrigation canal, without storage in a basin. Six drainage areas containing basins discharge to the San Joaquin River, and another 39 basins discharge to canals (FMFCD 2013).

A proposed development that would construct more impervious area on its project site than the affected detention/retention basin is sized to accommodate is required to infiltrate some storm water onsite, such as through an onsite detention basin or drainage swales (Rourke 2014).

The Big Dry Creek Reservoir has a total storage capacity of about 30 thousand acre-feet (taf) and controls up to 230-year flood flows. Fancher Creek Dam and Reservoir hold up to 9.7 taf and controls up to 200-year flood flows. Redbank Creek Dam and Reservoir hold up to 1 taf and controls up to 200-year flood flows.

Groundwater

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, Kings Groundwater Basin, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2011).

In the Plan Area, groundwater levels are monitored by the City of Clovis and FID. The overall area has not experienced land subsidence due to groundwater pumping since the early 1900s (FID 2006). Subsidence occurs when underground water or natural resources (e.g., oil) are pumped to the extent that the ground elevation lowers. No significant land subsidence is known to have occurred in the last 50 years as a result of land development, water resources development, groundwater pumping, or oil drilling (FID 2006). The City has identified a localized area of subsidence of 0.6 feet in the vicinity of Minnewawa and Herndon Avenues within the last 14 years (Clovis 2016). Regional ground subsidence in the Plan Area was mapped as less than one foot by the US Geological Survey in 1999 (Galloway and Riley 1999). Groundwater levels in the San Joaquin Valley are forecast to hit an all-time low in 2014 (UCCHM 2014).

New development in accordance with the General Plan Update would increase the amount of impervious surface in the Plan Area, potentially affecting the amount of surface water that filters into the groundwater supply. Groundwater levels are monitored in the Plan Area by the FID and the City of Clovis. As described in the 2015 City of Clovis Urban Water Management Plan (UWMP), groundwater recharge occurs both naturally and artificially throughout the City. The Kings Groundwater Basin area is recharged through a joint effort between the Cities of Clovis and Fresno and the FID (CDWR 2006). Approximately 8,400 acre-feet per year (afy) of water are intentionally recharged into the Kings Groundwater Basin by the City of Clovis, and approximately 7,700 afy of water naturally flow into groundwater in the City's boundaries (Clovis 2011).

The FMFCD urban storm water drainage system would provide groundwater infiltration for runoff from developed land uses in detention basins in the drainage system service area.

Projects pursuant to the proposed General Plan Update and developed outside of the FMFCD urban storm water drainage system would be required to meet the requirements of NPDES regulations, including the implementation of BMPs to improve water retention and vegetation on project sites.

DISCUSSION

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less-Than-Significant Impact. The Project is located on a site that was previously anticipated for rural residential use. As with any development, existing policies and standards are required to be complied with, which are assessed during review of the entitlements. As such, the engineering department, as well as outside agencies such as the Fresno Metropolitan Flood Control District (FMFCD) review all plans to ensure that none of the water quality standards are violated and that waste discharge requirements are adhered to during construction and operation of the Project. Consequently, this process of Project review and approval would ensure that a **less-than-significant** impact occur.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less-Than-Significant Impact. The Project would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level due to the Project. The General Plan EIR identified a net decrease in ground water aquifer throughout the region, however, because the City's domestic water system is primarily served through surface water via existing water entitlements, the loss of aquifer is less than significant. The City has developed a surface water treatment plant (opened in June, 2004) that reduces the need for pumped groundwater, and has also expanded the municipal groundwater recharge facility. The Projects impacts to groundwater are **less than significant**.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?*

Less-Than-Significant Impact. The Project site is located on a site that has slight grade differences and mostly surrounded by existing rural residential uses. There are no streams or rivers on the site that would be altered as a result of the Project. The Project area is mostly pervious since it is currently rural residential and vacant land, and as a result, the Project would increase the amount of impervious surfaces by installing paving for roadways and sidewalks. However, the drainage pattern would be constructed per existing policies and regulations through review of the plans by the City engineering department and the FMFCD to ensure the site is properly and adequately drained such that the stormdrain system is maintained and so that no flooding occurs. Consequently, this review and approval by City engineers and FMFCD would mean that the Project result in a **less-than-significant** impact.

- d) *Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Less-Than-Significant Impact. The Project site is located on a site substantially surrounded by existing rural residential uses. Due to the Central Valley’s location away from the ocean, an impact from a tsunami is unlikely. Furthermore, the Project site is not located in or adjacent to a flood zone per figure 5.9-5 of the Clovis General Plan Environmental Impact Report. The nearest flood zone is located approximately 370 feet away from the Project area boundaries (southeast area). Consequently, this is a low-risk area and as a result a **less-than-significant** impact would occur.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Less-Than-Significant Impact. The City of Clovis is within the North Kings County Groundwater Sustainability Agency (GSA). Pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA), certain regions in California are required to develop and implement a groundwater management plan that sustainably manages groundwater resources. As of the writing of this Initial Study, the North Kings County GSA has an adopted groundwater management plan, as of November 22, 2019, according to the North Kings GSA website. The Project would derive its water from surface water sources and does not propose or include plans for groundwater use. With regards to water quality control, the Project would be required to adhere to appropriate storm drain conveyance and the protection of water resources which would include the installation of backflow preventers. Consequently, the Project would result in a **less-than-significant** impact.

11. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an existing community?			X	
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

ENVIRONMENTAL SETTING

As described above in the Project Description, the Project site is surrounded by existing rural residential development.

The Project requests a General Plan Amendment, Prezone and Vesting Tentative Tract Map to be able to construct 74 single-family homes. The General Plan Amendment is required to increase the density, and the Prezone is to allow the change in zoning development standards to the Clovis R-1 (single-family residential) and Clovis R-R (Rural Residential) Zone Districts. If approved, the Project would comply with the land use and zoning designated for the Project site.

DISCUSSION

- a) *Would the project physically divide an existing community?*

Less-Than-Significant Impact. Although the site is currently rural residential and vacant land, the general area is urbanized with rural residential and agricultural uses. Typically, physically dividing existing communities is associated with the construction of a new road intersecting an established area or introducing uses that are not necessarily in line with the existing uses and planned land uses of the area. However, the Project site has been previously designated in the Clovis General Plan and Dry Creek Preserve Master Plan and zoned for rural residential use. Also, the Project site would provide for greater pedestrian connectivity between the proposed residential project and Teague Avenue to the north by installing new sidewalks and roadways throughout the site consistent with the development standards of the Dry Creek Preserve Master Plan.

Consequently, because the proposed Project is the type of use previously planned for this site and properties within the Dry Creek Preserve Master Plan, it would not physically divide an existing community. Rather, it seeks to complement and enhance the connectivity of the area with installation of a new public sidewalk and roadway infrastructure within TM6284 and a portion of Teague Avenue. Therefore, a **less-than-significant** impact would occur and no mitigation measures are required.

- b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Less-Than-Significant Impact. As mentioned, the Project site is currently zoned County R-R (Rural Residential) and includes a general plan amendment and a request to prezone to the Clovis R-1 (single-family residential) and Clovis R-R (Rural Residential) Zone Districts, which would allow for the proposed Project. Further, through the review and entitlement process, the Project is reviewed for compliance with applicable regulations, including those intended for avoiding or mitigating an environmental effect. The Project would be required to comply applicable lighting, landscape, and noise standards, which are regulated through the Clovis Municipal Code to ensure minimal impacts to the environment as well as to neighboring properties.

As a result of the Project in complying with the land use and zoning designation upon approval, as well as the review process ensuring General Plan and other applicable policies are adhered to, the Project would result in a **less-than-significant** impact with regards to conflicting with a land use plan.

12. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

ENVIRONMENTAL SETTING

The City of Clovis 2014 General Plan EIR defines minerals as any naturally occurring chemical elements or compounds formed from inorganic processes and organic substances.¹¹ The 2014 General Plan EIR indicates that there are no active mines or inactive mines within the Plan Area of the City of Clovis.

DISCUSSION

- a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

No Impact. As stated above, the City of Clovis does not have any active mines or inactive mines. Furthermore, the Project site is located within the City’s Sphere of Influence and is not zoned, designated, or otherwise mapped for mineral resource extraction, or for having mineral resources of value to the region present on or below the surface of the site. Therefore, **no impact** would occur and no mitigation measures are required.

- b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. Please refer to the discussion under Section 12.a.

13. NOISE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b. Generation of excessive groundborne vibration or groundborne noise levels?			X	
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

¹¹ 2014 Clovis General Plan EIR, Chapter 5: Mineral Resources, page 5.11-1.

ENVIRONMENTAL SETTING

The Project site is located on rural residential parcels and vacant land surrounded by existing rural residential development. Further, the Project area is generally bounded by Teague Avenue to the north, Fowler Avenue to the east, Sunnyside Avenue approximately 640 feet to the west, and Nees Avenue approximately 975 feet to the south. As such, existing ambient noise levels are typical of those associated with residential development, such as the sound of vehicles passing by and recreating. As a result of construction activity associated with Tentative Tract Map TM6154 at the northwest corner of Teague and Fowler Avenues, existing ambient noise levels may be slightly elevated as a result of the use of construction equipment, such as large trucks, tractors, and other construction tools associated with residential development. These increases would be temporary, however, and would cease upon completion of the subdivision.

DISCUSSION

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less-Than-Significant Impact With Mitigation. The Project would include development of 74 single-family homes on approximately 34.3 acres of land. Thus, the Project would result in a temporary and permanent increase in ambient noise levels as a result of construction and operation. However, as mentioned above, the Project site is already surrounded by existing rural residential uses. Therefore, while the Project would introduce new ambient noise from the construction and operation of the homes, these noises would be typical of that of the surrounding area and would not represent the type of noise levels that would drastically differ from what already exists. Also, while increases in ambient noise would increase due to the construction of the Project, this increase would be temporary and would be required to adhere to local regulations limiting the hours of construction.

The City of Clovis Municipal Code Section 9.22.080, Noise, sets forth noise standards for development which would need to be complied with. For example, construction would only be permitted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 9 a.m. and 5:00 p.m. on weekends. However, between June 1 and September 15, construction may begin at 6 a.m. on weekdays.

The mitigation measures below would reduce these impacts to the extent feasible. Consequently, a **less-than-significant impact with mitigation** would occur.

Mitigation Measure NOISE-1a: The Project contractor shall locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.

Mitigation Measure NOISE-1b: The Project contractor shall ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday.

- b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Less-Than Significant Impact. The Project includes development of 74 single-family homes and associated infrastructure (i.e. sidewalks, roadways, curb, gutter, stormdrains, etc.). Therefore, construction equipment typical of the development of residential homes would be utilized temporarily. This equipment could include the use of heavy tractors, trucks, and other equipment, however, this type of equipment isn't typically associated

with excessive ground-borne vibration. If any vibration were to occur, it's likely that it would be temporary in nature and not at levels that would significantly impact the surrounding area. Further, the Project would be required to comply with the provisions of Section 9.22.090 of the Clovis Municipal Code which requires that vibration not be perceptible along property lines and that it shall not interfere with operations or facilities on adjoining parcels. It's important to note also that temporary construction vibration and noise is exempt from these provisions due to the fact that construction is temporary. Overall, because the type of equipment likely to be used in the development of the Project is not considered to be of the type and intensity to result in substantial vibration or ground-borne noise, the impact would be **less than significant** and no mitigation measures are required.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The Project is not located within the vicinity of a private airstrip or within an airport land use plan nor is the site within two miles a public airport. Therefore, **no impact** would occur.

14. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

ENVIRONMENTAL SETTING

The Project is located on a site that has been previously planned for rural residential use in the 2014 Clovis General Plan. As mentioned in the Project Description above, the Project proposes a general plan amendment from Rural Residential (1 DU/2 Ac) to Low Density Residential (2.1 – 4.0 DU/Ac), rezone request from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and Clovis R-R (Rural Residential) Zone Districts. The Project proposes a 74-lot single-family residential development on approximately 34.3 acres of land at a density of 2.3 DU/Ac. The total project area encompasses approximately 50.8 acres of land, which includes nine (9) rural residential properties not part of TM6284.

DISCUSSION

- a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?*

Less-Than-Significant Impact. As mentioned, the Project would result in a density of 2.3 DU/Ac which would be within the planned density range of the Low Density land use designation, with approval of a general plan amendment. Further, the Project includes residential uses consistent with the Dry Creek Preserve Master Plan, including the proposed density for TM6284. Unplanned population growth is typically associated with providing new services in remote areas of the City or other infrastructure that was not previously identified in the General Plan. The major infrastructure (i.e. road network, utilities, sidewalks, etc.) within the project boundaries and a portion of Teague Avenue will be provided, as planned for in the Dry Creek Preserve Master Plan. Thus, a **less-than-significant** impact would occur and no mitigation measures are required.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Less-Than-Significant Impact. The Project area currently has rural residential uses, vacant land, trees, and landscaping. Although construction of the Project would require the removal of two homes and associated structures, this would not represent a substantial displacement of people or housing. Furthermore, the Project itself would include the construction of 74 homes, therefore, construction of housing would occur in place of the removal of the existing homes. Consequently, a **less-than-significant** impact would occur and no mitigation measure are required.

15. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?			X	
d. Parks?			X	
e. Other public facilities?			X	

ENVIRONMENTAL SETTING

The Project site is located within the City's Sphere of Influence, surrounded by existing rural residential uses. The Project would be served by the Clovis Fire Department, Clovis Police Department, with mutual aid from the City of Fresno, when needed. The Project site would also be within the Clovis Unified School District.

The nearest fire station is Fire Station #5, located a short distance (approximately 1.31 miles) southeast of the site. The other closest fire station is Fire Station #3, located approximately 1.5 miles southwest of the site.

DISCUSSION

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?*

Less-Than-Significant Impact. Although the Project would result in 74 new residential units, the site is located in a planned area of the City's Sphere of Influence and will be served by the Clovis Fire Department. Also, the site itself is in close proximity to Fire Station's #5 and #3, which would mean that response times should be able to be maintained during calls for service. As part of the entitlement process for the Project, the Clovis Fire Department will review the design and site layout to ensure adequate fire safety measures and site circulation are achieved. This would include placement of new fire hydrants in certain locations throughout the site, adequate drive widths for fire truck and emergency vehicle access, and the appropriate application of fire codes, such as installation of sprinkler systems, fire alarms, and smoke detectors. Overall, with the Project site in close proximity to numerous fire stations, construction that would meet the latest fire code standards, and review by the Clovis Fire Department, impacts related to effects on the performance of the Fire Department would be **less-than-significant** and no mitigation measures are required.

- b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?*

Less-Than-Significant Impact. Although the Project would result in 74 new residential units, the site is located within a planned area in the City's Sphere of Influence and will be served by the Clovis Police Department. The Clovis Police Department headquarters are located at 1233 Fifth Street, which is approximately 2.05 miles from the site. As part of the entitlement process for the Project, the Clovis Police Department will review the design and site layout to ensure adequate safety measures are achieved. Also, the Project will provide City Standard improvements to a portion of Teague Avenue and within TM6284, thus access to and from the site would be similar to existing local-street conditions when responding to calls for services. Consequently, a **less-than-significant** impact would occur and no mitigation measures are required.

- c) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

Less-Than-Significant Impact. Although the Project would result in 74 new residential units, the site is located within a planned area in the City's Sphere of Influence and within the Clovis Unified School District (CUSD). As part of the review process, CUSD is provided the opportunity to comment and work closely with the City as development is proposed. As mentioned previously, the Project site was previously planned for residential development, as indicated in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan. As such, the CUSD has been aware of the potential for this type of development at this location. As part of the process, the Project would be required to pay school fees which typically go towards the improvement and/or construction of new schools or expanding existing schools if and when needed, as determined by the CUSD. Therefore, because the Project is consistent with what was previously planned for at this site in addition to payment of

appropriate school fees set by the CUSD, a **less-than-significant** impact would occur and no mitigation measures are required.

- d) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

Less-Than-Significant Impact. See discussion under Section 16, Recreation for the analysis related to parks.

- e) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

Less-Than-Significant Impact. Although the Project would result in 74 new residential units, residential uses have been previously planned for in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan in this area. Also, through the entitlement process, the Project would undergo review by several departments and agencies for compliance with appropriate regulations and policies. This could result in various impact fees that are intended to maintain and enhance public facilities as appropriate to be able to accommodate the Project. As such, payment of the typical development fees, as well as project review by the different department and agencies, would result in the Project having a **less-than-significant** impact to public facilities. No mitigation measures are required.

16. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?			X	

ENVIRONMENTAL SETTING

The proposed Project area is located on a site surrounded by existing rural residential development. Teague Avenue is located to the north of the Project. The nearest recreational park is Century Park, located at the southwest corner of El Paso and N. Stanford Avenues (ease of Century Elementary School), which is approximately 0.44 miles from the Project site.

DISCUSSION

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less-Than-Significant Impact. As mentioned in the Population and Housing section of this Initial Study, the Project is of the type previously planned and accounted for in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan. This growth was planned for with regards to park usage throughout the City. Furthermore, the Project itself would include landscaped and private open space areas for each unit. The Project would also be required to comply with General Plan Policy 2.2 of the Open Space and Conservation Element which encourages the incorporation of on-site natural resources.

Overall, the Project is not likely to increase the use of existing parks such that physical deterioration would occur. Therefore, the impact would be **less-than-significant** and no mitigation measures are required.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

Less-Than-Significant Impact. The Project would not create new demand for any type of recreational facilities that were not already identified in the parks and recreation Element of the General Plan. The General Plan requires that all development contribute a proportionate share toward the development of parks throughout the community. As such, a **less-than-significant** impact would occur and no mitigation measures are required.

17. TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?		X		
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d. Result in inadequate emergency access?			X	

ENVIRONMENTAL SETTING

The Project site is located in an area previously planned for residential development in the City's Sphere of Influence, surrounded by existing rural residential development. The site is bounded by Teague Avenue to the north, rural residential uses and Fowler Avenue to the east, rural residential uses and Sunnyside Avenue to the west, and rural residential uses and Nees Avenue to the south. As an already planned area of the City's Sphere of Influence, the circulation network serving the site and its vicinity is already in place, with the exception of internal site circulation which will be constructed as part of the Project. If approved, the Project will improve a portion of Teague Avenue on the north side of the Project frontages.

According to the 2014 Clovis General Plan Circulation Diagram in the Circulation Element (Figure C-1 of the Circulation Element), Teague Avenue is classified as a "Collector." Fowler Avenue, located on the east side of the Project area, is classified as an "Arterial." Collectors and arterials are streets generally intended to provide for relatively short distance travel between and within neighborhoods and that serve longer through trips. Local streets are intended to provide direct access to abutting land uses and serve short distance trips within neighborhoods.

A Traffic Impact Study (TIS) was prepared by Peters Engineering Group, on February 4, 2020 (included as Appendix D of this Initial Study). The information and analysis in the following sections is based in part on the results of the TIS.

DISCUSSION

- a) *Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Less-Than-Significant Impact With Mitigation. As mentioned above, the Project site is within a planned area of the City's Sphere of Influence for residential uses in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan. New traffic will be introduced to the area as a result of the project. As described in the Project Description above, the Project proposes a general plan and prezone to increase the density from Rural Residential to Low Density Residential (within the boundaries of TM6284).

The TIS studied four (4) intersections: 1) Teague Avenue/Sunnyside Avenue; 2) Teague Avenue/Fowler Avenue; 3) Nees Avenue/Sunnyside Avenue; and 4) Nees Avenue/Fowler Avenue for existing conditions, existing-plus-project conditions, near term with project conditions, and cumulative year 2040 with-project conditions. A discussion of each of these scenarios is included below. Each scenario is based on the Projects a.m. and p.m. peak hour trips as determined in the TIS. According to the TIS, the Project would result in 56 trips in the a.m. peak hours of between 7 a.m. and 9 a.m. and 74 trips in the p.m. peak hours between 4 p.m. and 6 p.m., as well as a total of 700 daily vehicle trips.

Existing Traffic Conditions

Based on the TIS,¹² existing traffic volumes were determined during morning peak hours of 7 a.m. to 9 a.m., and between evening peak hours of 4 p.m. and 6 p.m. on a weekday. Long queues have been observed, primarily at the Nees Avenue/Sunnyside Avenue intersection, and are often on a single approach during school peaks. However, according to the TIS, all intersections are operating at an acceptable Level of Service (LOS) based on City of Clovis standards.¹³

¹² Traffic Impact Study, Vesting Tentative Tract No. 6284, Peters Engineering Group, February 4, 2020, page 3 of PDF.

¹³ Traffic Impact Study, Vesting Tentative Tract No. 6284, Peters Engineering Group, February 4, 2020, page 3 of PDF.

Existing-Plus-Project Conditions

Existing-Plus-Project conditions represent existing conditions plus buildout of the Project. According to the TIS, all intersections would operate at an acceptable LOS.¹⁴ The study intersections will continue to operate at acceptable levels of service with queuing conditions similar to the existing conditions. The study road segments are also expected to continue to operate at acceptable level of service.

Near-Term-With-Project Conditions

These conditions are based on buildout of the Project plus the near term planned or entitled projects that are reasonably foreseeable. For a list of the projects considered under this scenario, please refer to Table 2 on page 4 of the TIS (page 9 of PDF). Under this scenario, the intersection of Nees and Sunnyside Avenues is expected to operate at LOS F during the a.m. peak hours. The other study intersections will continue to operate at acceptable levels of service with acceptable queuing conditions. The study road segments are also expected to continue to operate at acceptable LOS thresholds per City standards.¹⁵

Cumulative 2040 With-Project Conditions

These conditions represent anticipated traffic volumes for the year 2040. As described in the TIS, three study intersections would operate at below (i.e., worse than) the target levels of service, with excessive queues that accompany the long delays. However, implementation of Mitigation Measures TRAF-1 and TRAF-2 were found to adequately mitigate this potential impact.

In the case of the Project, development of the 74-lot single-family development at a low density (2.3 DU/Ac) would provide a public benefit by improving a portion of Teague Avenue, along the street frontage of TM6284. Consequently, Mitigation Measures TRAF-1 and TRAF-2, would ensure that a **less-than-significant with mitigation** impact would occur.

Mitigation Measure TRAF-1: The Project proponent and/or applicant shall contribute their proportional share of traffic impact fees (street fees) for the future complete signalization of following three (3) intersections: (1) signalization at the intersection of Teague and Fowler Avenues; (2) signalization at the intersection of Nees and Sunnyside Avenues; and (3) signalization at the intersection of Nees and Fowler Avenues.

Mitigation Measure TRAF-2: The Project proponent and/or applicant shall improve $\frac{3}{4}$ of Teague Avenue from the western boundaries of TM6284 and Fowler Avenue per the City standards and the Dry Creek Preserve Master Plan circulation design.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Less-Than-Significant Impact. Under Senate Bill 743 (SB743), starting July 2020, projects will be required to assess traffic impacts based on Vehicle Miles Traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as opposed to the existing Level of Service (LOS) method, which measures vehicle delays. As such, VMT is not required to be assessed until July 2020. The City Engineer analyzed the project and concluded that the current and proposed improvements with the project can accommodate the additional traffic. Overall, the Project would result in a **less-than-significant** impact.

¹⁴ Traffic Impact Study, Vesting Tentative Tract No. 6284, Peters Engineering Group, February 4, 2020, page 3 of PDF.

¹⁵ Traffic Impact Study, Vesting Tentative Tract No. 6284, Peters Engineering Group, February 4, 2020, page 3 of PDF.

- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less-Than-Significant Impact. The Project would result in a significant impact if it would include features that would create a hazard such as a sharp curve in a new roadway, or create a blind corner or result in sight distance issues from entryways. Through the entitlement process, the Project would undergo review by multiple City departments, such as planning and engineering, to ensure that the site layout conforms to existing regulations, such as the City Development Code, and other applicable codes, such as the fire code and building code. During this review, the Project would need to make the necessary corrections to ensure that no hazardous design features would result from the Project. Further, the main roadway network within the current boundaries of the Dry Creek Preserve Area (i.e. Teague Avenue, Fowler Avenue, and Sunnyside Avenue) was previously constructed to County roadway standards. Therefore, because the Project would undergo site plan and design review to ensure consistency and adherence to applicable design and site layout guidelines, a **less-than-significant** impact would occur.

- d) *Would the project result in inadequate emergency access?*

Less-Than-Significant Impact. The Project would include one ingress/egress access point from Teague Avenue to the proposed development. The project will also provide an Emergency Vehicle Access (EVA) point in the southwest area of TM6284 to Sunnyside Avenue. This EVA will be utilized by Clovis emergency vehicles when necessary to access TM6284 from Sunnyside Avenue. As part of the Project review, the Clovis Fire Department would review all plans to ensure adequate emergency access is provided. This review includes review for adequate roadway widths, turning radius, as well as adequate access to homes and accessibility to water. Consequently, because the Project plans would be required by the Clovis Municipal Code to be reviewed and approved by Clovis Fire Department and Police Department prior to construction, this impact would be **less than significant** and no mitigation measures are required.

18. TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?				X
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance		X		

of the resource to a California Native American Tribe?				
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ENVIRONMENTAL SETTING

On September 25, 2014, Governor Jerry Brown signed Assembly Bill AB52, which intends to protect a new class of recourse under CEQA. This new class is Tribal Cultural Resources and provides an avenue to identify Tribal Cultural resources through a consultation process, similar to SB18. However, unlike SB18, where consultation is required for all General Plan and Specific Plan Amendments, AB52, applies to all projects where a Notice of Determination is filed. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.

City staff conducted Native American Consultation in compliance with Senate Bill 18 (SB18) and Assembly Bill 52 (AB52). In compliance with AB52, invitations for consultation were mailed on June 4, 2019 which affords Native tribes thirty (30) days to respond and to request consultation. During this timeframe, no requests for consultations were received. In compliance with SB18, invitations for consultation were mailed on June 4, 2019, which affords Native tribes ninety (90) days to request consultation.

During that time, one (1) tribe requested consultation. On July 31, 2019, representatives from Table Mountain Rancheria mailed a letter to City staff requesting to schedule a meeting and discuss the proposed Project. On February 4, 2020, planning staff emailed the representative from Table Mountain to verify/confirm if a consultation meeting is still necessary. On February 5, 2020, planning staff emailed the Cultural Resources Assessment to the representative from Table Mountain Rancheria. As of February 6, 2020, planning staff has not received a reply back from the Table Mountain Rancheria representative. However, mitigation measures are included in the following analysis to ensure protection of such resources if any are discovered inadvertently.

A Cultural Resources Assessment was prepared by Peak & Associates, Inc., dated May 17, 2019 (see Appendix C). This Cultural Resources Assessment included a records search at the Southern San Joaquin Valley Archaeological Information Center (SSJVIC).

DISCUSSION

- a) *Would the project cause a substantial adverse change to a listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

No Impact. See discussion under Section 5a.

- b) *Would the project cause a substantial adverse change to a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe?*

Less-Than-Significant Impact With Mitigation. The site’s ground shows its long-term agricultural use with leveling, irrigation, fencing and general agricultural use. The land is currently used as pasturage for horses. Furthermore, the Cultural Resources Assessment concluded that the pedestrian survey of the site conducted by the Archaeologist found it negative for prehistoric period cultural resources.¹⁶ Although no resources were

16 Cultural Resources Assessment by Peak & Associates, In., page 14, May 17, 2019.

identified, tribal cultural resources could be inadvertently or accidentally uncovered during ground-disturbing activities such as trenching, digging, and the installation of utilities and other infrastructure.

Because there is the slight possibility for the accidental or inadvertent uncovering of tribal cultural resources during construction, Mitigation Measures TCR-1 and TCR-2 would serve to reduce those potential impacts by requiring the stopping of any work until any found artifacts can be properly removed and inventoried by a qualified archaeologist. Therefore, the Project would result in a **less-than-significant impact with mitigation**.

Mitigation Measure TCR-1: There is a possibility that subsurface cultural resources exist in the study area, as archaeological sites may be buried with no surface manifestation. If concentrations of prehistoric or historic-period materials are encountered during ground disturbing activities, all work in the immediate vicinity shall halt until a qualified professional/archaeologist can evaluate the finds and make specific recommendations. Examples of prehistoric materials include obsidian and chert flake stone tools (e.g. projectile points, knives, scrapers) or toolmaking debitage, cultural darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains, and stone milling equipment (e.g. mortars, pestles, handstones). Examples of historical materials include stone, concrete, or adobe footings and walls, filled wells or privies, and deposits of metal, grass, and/or ceramic refuse.

Mitigation Measure TCR-2: If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Lead Agency.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the			X	

project's projected demand in addition to the provider's existing commitments?				
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e. Comply with federal, state, and local management reduction statutes and regulations related to solid waste?			X	

ENVIRONMENTAL SETTING

Pacific Gas & Electric (PG&E) provides electricity and natural gas services in the City of Clovis. AT&T/SBC provides telephone service to the City.

The City's water supply sources include groundwater drawn from the Kings Sub-basin of the San Joaquin Valley Groundwater Basin and treated surface water from the Fresno Irrigation District (FID). Surface water is treated at the City of Clovis Surface Water Treatment Facility.

The City of Clovis provides sewer collection service to its residents and businesses. Treatment of wastewater occurs at the Fresno-Clovis Regional Wastewater Treatment Plant (RWTP). The Fresno-Clovis RWTP is operated and maintained by the City of Fresno and operates under a waste discharge requirement issued by the Central Valley Regional Water Quality Control Board. Additionally, the City of Clovis has completed a 2.8 mgd wastewater treatment/water reuse facility, which will service the City's new growth areas.

The Fresno Metropolitan Flood Control District (FMFCD) has the responsibility for storm water management within the Fresno-Clovis metropolitan area of the Project site. Storm water runoff that is generated by land development is controlled through a system of pipelines and storm drainage detention basins.

DISCUSSION

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less-Than-Significant Impact. The Project includes construction of 74 residential units and associated infrastructure. As mentioned above, the proposed residential site is a use previously accounted for in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan. Furthermore, as part of the review process for the Project, the wastewater impacts will be evaluated by the City Engineer to ensure compliance with the City's Waste Water Master Plan, as well as FMFCD, so that the Project would not exceed wastewater treatment requirements such that a new facility would be required nor would the existing treatment facility need to be expanded. While the Project would introduce a new units at this site, the type of development would be consistent with the land use designation and Zone District upon approval of the general plan amendment and prezone request. Upon review and approval by the City Engineer, the Project would result in a **less-than-significant** impact.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Less-Than-Significant Impact. The Project is of the type of development previously accounted for in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan, and is a site surrounded with existing rural residential uses. The Project is anticipated to be adequately served by City water. Further, the Project would comply with current Green Building Codes, as well as the water efficient landscape policies with regards to water conserving features. Lastly, the Project would be required to comply several water conserving policies, such as Policy 3.4 and 3.5 of the Open Space and Conservation Element. Overall, a **less-than-significant** impact would occur.

- c) *Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less-Than-Significant Impact. Because the Project is of the type previously planned and accounted for in the 2014 Clovis General Plan and Dry Creek Preserve Master Plan, it is not likely that the Project would result in a demand that would exceed the capacity of the wastewater treatment facility. Further, the Project is reviewed by the appropriate departments and agencies to ensure compliance and adequate capacity with regard to infrastructure, such as the ability to provide adequate wastewater treatment. Consequently, the impact would be **less than significant**.

- d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Less-Than-Significant. The Project would introduce new solid waste throughout construction and operation of the Project. However, the Project would be required to comply with Chapter 6.3.1, Recycling and Diversion of Construction and Demolition Debris, of the Clovis Municipal Code during construction. This section of the Clovis Municipal Code requires that a minimum of fifty percent (50%) of waste tonnage from a project be diverted from disposal, and that all new residential (and commercial) construction within the City shall submit and obtain approval for a waste management plan prior to construction activities. Compliance with these measures would ensure that the Project does not result in a significant impact during the construction phase of the Project. Further, compliance with policies in the General Plan for the reduction and recycling of solid waste would serve to reduce impacts of solid waste by promoting and encouraging the recycling of materials. Lastly, according to the California Department of Resources Recycling and Recovery (CalRecycle, the City of Clovis has exceeded their target per resident disposal rate of 4.7 pounds per day per resident, meaning that Clovis residents are actually producing less solid waste than the target set by the State.¹⁷ Consequently, a **less-than-significant** impact would occur.

- e) *Would the project comply with federal, state, and local management reduction statutes and regulations related to solid waste?*

Less-Than-Significant. See discussion 19d above.

¹⁷ Calrecycle, City of Clovis, <https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006>, accessed June 17, 2019.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

ENVIRONMENTAL SETTING

The Project site is located on a site surrounded by existing rural residential uses and vacant land. The site's topography has slight grade differences and characterized primarily by low lying weeds, trees, homes, and accessory structures.

DISCUSSION

- a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

Less-Than-Significant Impact. The Project is located at a site that is surrounded by existing rural residential development. Further, the major road network (within Dry Creek Preserve Master Plan area) is already in place from previous County projects. Although the Project could result in temporary traffic detouring or closures during buildout, these delays would be temporary and would be coordinated with the City engineering department and other departments to ensure safe access to and from the area is maintained. Further, the site itself would be reviewed by City departments to ensure adequate site access and circulation is provided in the event of an emergency. Overall, a **less-than-significant** impact would occur.

- b) *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Less-Than-Significant Impact. The Project site has a slight grade difference, rural residential homes, and vacant land and located on a site surrounded by existing rural residential uses. The general vicinity of the site is not of the type of topography nor in a location likely to exacerbate wildfire risks. Further, the Project would be required to comply with the latest fire codes and would be required to include sprinklers on the interior of the homes and require installation of several hydrants throughout the Project site. Lastly, the site plans would undergo review by the Clovis Fire Department to ensure that all fire safety regulations are met. Therefore, a **less-than-significant** impact would occur.

- c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Less-Than-Significant Impact. The site is located in an area previously developed with rural residential uses. As a new development, installation of a public roadway network, water lines, and power lines would be required; however, these utilities and infrastructure are typical of residential development and would be constructed to standards of the respective agencies and departments which oversee them, as well as be required to comply all necessary plan review and permitting requirements of such departments and agencies. As such, a **less-than-significant** impact would occur.

- d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

No Impact. The City of Clovis (including Dry Creek Preserve Area) is generally flat topography, and the Project site itself is in an area that is not in close proximity to hillsides such that it would expose people or structures to significant risks associates with downstream flooding or landslides as a result of runoff or post-fire slope instability. As such, **no impact** would occur.

21. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X	

ENVIRONMENTAL SETTING

The Project is located on a site within the City of Clovis’ Sphere of Influence, substantially surrounded by existing development consisting of rural residential uses.

DISCUSSION

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

Less-Than-Significant Impact. As discussed above throughout the Initial Study, the Project would not result in any significant impacts with implementation of mitigation measures prescribed above. Therefore, the Project would have a **less-than-significant** impact as it would not substantially degrade the quality of the environment.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less-Than-Significant Impact. The Project includes mitigation measures in certain topic areas identified throughout this Initial Study which would reduce potential impacts to a less-than-significant level. None of these impacts would be cumulatively considerable since most are either temporary impacts from construction or site specific. With the exception of air quality that is generally considered measurable cumulatively, the Project was found to have a less-than-significant impact through compliance with existing regulations from the SJVPACD. As such, future Projects in Clovis would be required to comply with those same regulations, ensuring adequate mitigation as development occurs. Lastly, while the Project would introduce 74 new residential homes to an existing rural residential and vacant Project site, the type of use was previously accounted for in the 2014 Clovis General Plan buildout and Dry Creek Preserve Master Plan. Thus, a **less-than-significant** impact would occur.

- c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

Less-Than-Significant Impact. As discussed throughout the document, the Project would not result in an impact that could not be mitigated to a less-than-significant level. Therefore, a **less-than-significant** impact would occur.

H. Report Preparation

LEAD AGENCY

George González, MPA
Associate Planner
City of Clovis
Planning & Development Services

TECHNICAL STUDIES

Air Quality and Greenhouse Gas Analysis Report

Woodside Homes Tract No. 6284
Dave Mitchell, Senior Air Quality Scientist
Mitchell Air Quality Consulting

Biological Assessment

Woodside Homes
Argonaut Ecological Consulting, Inc.

Cultural Resources Assessment

Yamabe & Horn
Melinda A. Peak
Peak & Associates, Inc.

Traffic Impact Study

Woodside 06N, LP
John Rowland, PE, TE
Peters Engineering Group

**DRAFT
RESOLUTION 20-___**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE
DECLARATION FOR GENERAL PLAN AMENDMENT GPA2019-006, PREZONE R2019-
007, PREZONE R2020-002, AND VESTING TENTATIVE TRACT MAP TM6284, PURSUANT
TO CEQA GUIDELINES**

WHEREAS, the project proponent, Woodside Homes of Fresno, LP., 9 River Park Place, Suite 430, Fresno, CA 93720, has submitted various applications including a General Plan Amendment GPA2019-006, Prezone R2019-007, Prezone R2020-002, and Vesting Tentative Tract Map TM6284 for property located in the southwest area of Teague and N. Fowler Avenues, in the County of Fresno; and

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

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

WHEREAS, the Planning Commission has independently reviewed, evaluated, and considered the initial study, mitigated negative declaration and all comments, written and oral, received from persons who reviewed the mitigated negative declaration, or otherwise commented on the Project.

NOW, THEREFORE, the Planning Commission of the City of Clovis resolves as follows:

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

commented on the Project prior to approving the Project and recommends the adoption of a mitigated negative declaration for this project.

4. Finds, on the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment.
5. Approves and adopts the mitigation monitoring program set forth in **Attachment A**, including the mitigation measures identified therein and as described in the mitigated negative declaration.
6. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and that the custodian of the record be the City Planner or other person designated by the Planning and Development Services Director.
7. The Planning and Development Services Director, or his/her designee, is authorized to file a notice of determination for the Project in accordance with CEQA and to pay any fees required for such filing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Clovis held on March 26, 2020, by the following vote, to wit:

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

CLOVIS PLANNING COMMISSION RESOLUTION NO. 20-____
Date: March 26, 2020

Amy Hatcher, Chair

Dwight Kroll, AICP, Secretary

ATTACHMENT A

Mitigation Monitoring and Reporting Program

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
G.1 Aesthetics				
G.1-d	The developer shall direct all on-site lighting downward and provide physical shields to prevent direct view of the light source from adjacent rural residential properties surrounding the proposed residential development. Street lighting shall be spaced in accordance with City Standards to reduce up-lighting. The applicant shall utilize a PG&E street light which directs light downward.	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	
G.4 Biological				
G.4-a1	Western Burrowing Owl. A preconstruction survey for potential occupation of the site by Western burrowing owl and nesting Swainson’s hawk is recommended if ground disturbing activities are scheduled during the nesting period (Feb – August). This species, although not observed during the field review, could occupy the site in the near future. The survey should be performed within 30-45 days prior to construction (ground disturbance).	City of Clovis Planning Division	<i>Prior to Permits and During Construction</i>	
G.4-a2	Swainson’s Hawk. The only suitable nesting habitat for Swainson’s hawk is in the northeast portion near Teague Avenue and on properties			

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	adjacent to the Study Area. No active nests were found. A nest survey should be conducted prior to removal (if needed) of the eucalyptus/pine stand or individual trees in the northeast corner of the Study Area if tree removal is to occur during the nesting season of February 1 – August 31).			
G.5 Cultural Resources				
G.5-b	Although no prehistoric sites were found during the survey, there is a slight possibility that a site may exist and be totally obscured by vegetation, fill, or other historic activities, leaving no surface evidence. Should artifacts or unusual amounts of stone, bone, or shell be uncovered during construction activities, an archeologist should be consulted for on-the-spot evaluation of the findings.	City of Clovis Planning Division	<i>Prior to Permits and During Construction</i>	
G.5-c	The possibility of encountering human remains cannot be entirely discounted. If human graves are encountered, work should halt, and the Fresno County Coroner should be notified. The California Health and Safety Code Section 7050.5 states it is a misdemeanor to knowingly disturb a human grave. Upon discovery, the Project owner should contact a qualified archaeologist to evaluate the historical significance of the remains. If human remains are of Native American origin, the Coroner must			

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	notify the NAHC within 24 hours of the identification.			
G.7 Geology and Soils				
G.7-f	<p>If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist and/or paleontologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants.</p> <p>If the qualified professional determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.</p> <p>If a potentially-eligible resource is encountered, then the qualified professional archaeologist and/or paleontologist, the Lead Agency, and the</p>	City of Clovis Planning Division	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.			
G.13 Noise				
G.13-a1	The Project contractor shall locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.	City of Clovis Planning Division	<i>Prior to Permits and During Construction</i>	
G.13-a2	The Project contractor shall ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday.			
G.17 Transportation				
G.17-a1	The Project proponent and/or applicant shall contribute their proportional share of traffic impact fees (street fees) for the future complete signalization of following three (3) intersections:	City of Clovis Planning Division	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
G.17-a2	<p>(1) signalization at the intersection of Teague and Fowler Avenues; (2) signalization at the intersection of Nees and Sunnyside Avenues; and (3) signalization at the intersection of Nees and Fowler Avenues.</p> <p>The Project proponent and/or applicant shall improve ¾ of Teague Avenue from the western boundaries of TM6284 and Fowler Avenue per the City standards and the Dry Creek Preserve Master Plan circulation design.</p>			
G.18 Tribal Cultural Resources				
G.18-b1	<p>There is a possibility that subsurface cultural resources exist in the study area, as archaeological sites may be buried with no surface manifestation. If concentrations of prehistoric or historic-period materials are encountered during ground disturbing activities, all work in the immediate vicinity shall halt until a qualified professional/archaeologist can evaluate the finds and make specific recommendations. Examples of prehistoric materials include obsidian and chert flake stone tools (e.g. projectile points, knives, scrapers) or toolmaking debitage, cultural darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains, and stone milling equipment (e.g. mortars, pestles, handstones). Examples of historical materials include stone, concrete, or</p>	City of Clovis Planning Division	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<p>G.18-b2</p>	<p>adobe footings and walls, filled wells or privies, and deposits of metal, grass, and/or ceramic refuse.</p> <p>If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Lead Agency.</p>			

DRAFT
RESOLUTION 20-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING GENERAL PLAN AMENDMENT GPA2019-006 AMENDING THE LAND USE
ELEMENT FOR APPROXIMATELY 34.3 ACRES LOCATED IN THE SOUTHWEST AREA
OF TEAGUE AND N. FOWLER AVENUES AND APPROVING A MITIGATED NEGATIVE
DECLARATION FOR GPA2019-006, PURSUANT TO CEQA GUIDELINES**

WHEREAS, Woodside 06N, LP., 9 River Park Place, Suite 430, Fresno, CA 93720, has applied for a General Plan Amendment GPA2019-006; and

WHEREAS, The Applicant submitted an application for a general plan amendment to amend the Clovis General Plan to change the land use designation from Rural Residential (1 lot per 2 acres) to Low Density Residential (2.1 to 4 DU/Ac), for approximately 34.3 acres of land located in the southwest area of Teague and N. Fowler Avenues, in the County of Fresno, California; and

WHEREAS, the proposed General Plan Amendment GPA2019-006, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries and the entire Dry Creek Preserve area residents twenty-one days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on March 26, 2020; and

WHEREAS, on March 26, 2020, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2019-006 which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
- c. 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.
- d. There is a compelling reason for the amendment.

- e. The Planning Commission does recommend approval of a mitigated negative declaration for the project, pursuant to CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does recommend approval of General Plan Amendment GPA2019-006.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on March 26, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: March 26, 2020

Amy Hatcher, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

DRAFT
RESOLUTION 20-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL TO PREZONE APPROXIMATELY 50.80 ACRES FROM
THE COUNTY R-R (RURAL RESIDENTIAL) ZONE DISTRICT TO THE CLOVIS R-1
(SINGLE-FAMILY RESIDENTIAL) AND R-R (RURAL RESIDENTIAL) ZONE DISTRICTS
FOR PROPERTY LOCATED IN THE SOUTHWEST AREA OF TEAGUE AND N. FOWLER
AVENUES AND APPROVING A MITIGATED NEGATIVE DECLARATION FOR R2019-007,
PURSUANT TO CEQA GUIDELINES**

WHEREAS, Woodside 06N, LP., 9 River Park Place, Suite 430, Fresno, CA 93720, has applied for a Prezone R2019-007; and

WHEREAS, this is a request to prezone approximately 50.80 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts for property located in the southwest area of Teague and N. Fowler Avenues, in the County of Fresno, California and recommending adoption of a mitigated negative declaration for R2019-007; and

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries and the entire Dry Creek Preserve area residents twenty-one days prior to said hearing; and

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

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely;

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)
4. The Planning Commission does recommend approval of a mitigated negative declaration for the project pursuant to CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does recommend approval of Prezone R2019-007.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on March 26, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: March 26, 2020

Amy Hatcher, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

DRAFT
RESOLUTION 20-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING A VESTING TENTATIVE TRACT MAP FOR A 74-LOT SINGLE-FAMILY
SUBDIVISION ON 32.19 ACRES OF PROPERTY LOCATED IN THE SOUTHWEST AREA
OF TEAGUE AND N. FOWLER AVENUES AND APPROVING A MITIGATED NEGATIVE
DECLARATION PURSUANT TO CEQA GUIDELINES**

WHEREAS, Woodside 06N, LP, 9 River Park Place, Suite 430, Fresno, CA 93720, has applied for a Vesting Tentative Tract Map TM6284; and

WHEREAS, Vesting Tentative Tract Map TM6284, was filed on August 22, 2019, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2, of the Municipal Code and the City of Clovis; and

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries and the entire Dry Creek Preserve area residents twenty-one days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on March 26, 2020; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;
- b. The site is physically suitable for the type and proposed density of development;
- c. 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;
- d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
- e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;

- f. 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;
- g. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities;
- h. 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; and
- i. The Planning Commission does approve a mitigated negative declaration for the project pursuant to CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED that Vesting Tentative Tract Map TM6284, attached and labeled **Attachment 13**, be and is hereby approved, subject to the attached conditions of approval labeled **Attachment 2**.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on March 26, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
 DATED: March 26, 2020

 Amy Hatcher, Chair

ATTEST: _____
 Dwight Kroll, AICP, Secretary

**Woodside Homes Tract 6284
General Plan Amendment Justification
August 19, 2019**

Applicant: Woodside 06N, LP (Woodside Homes)
9 River Park Place East, Suite 430
Fresno, CA 93720

Owners: Amardeep Aulakh
Charles and Sheree Merrill
Rick and Susan Warren
Troy and Debra McKenney

Area: 37.27 gross +/- acres

Request:

Woodside Homes is requesting the re-designation of approximately 37.27 gross acres near the South-West corner of Fowler and Teague Avenues from Rural Residential (1 lot per 2 acres) to Low Residential (2.1 to 4.0 lots per acre) which is consistent with the density of development allowed under the Dry Creek Preserve Master Plan (the “Master Plan”), which was approved by the Clovis City Council in June 2018. The proposed project will develop at a density of 2.2 units per acre, and the lots will range in size from approximately 11,375 Sq. Ft. to 38,163 Sq. Ft., as detailed in the Tentative Tract No. 6284 prepared by Yamabe & Horn.

There are a number of City of Clovis residents, who enjoy the Clovis way of life, and who would like to move up into a larger home on a larger lot and stay within the City to enjoy City services and the quality Clovis Unified schools. However, with most new homebuilding in Clovis moving towards greater density, there are few options available. In addition, while many of these people could afford a home in the \$525,000 - \$900,000 range, they are not able or willing to pay the additional amount to purchase a custom home or a large home on a 2acre rural residential lot. Even in those cases where rural residential homes are more affordable, many homebuyers prefer City services to managing septic, well, and propane. Woodside Homes proposes to offer large single story and two-story homes ranging from approximately 2,900 to 5,500 square feet on lots that are 80 and 100 feet wide (10,000 sq. ft. minimum and 18,000 sq. ft. minimum respectively) creating a unique offering in the City of Clovis.

The proposed General Plan Amendment for this area is justified for the following reasons:

1. This General Plan Amendment is consistent with and contemplated in the Dry Creek Preserve Master Plan, which was approved by the Clovis City Council in June 2018. The Master Plan details the compromises made between large and small landowners in the area and states that "... larger properties will be able to reasonably develop, subject to General Plan Amendment applications..." (Page 5 of the Master Plan).
2. The proposed project and General Plan Amendment comply with the standards listed in the Master Plan, including the minimum size of development (10.0 net acres), and maximum allowable density (2.3 units/acre).
3. The General Plan Amendment, proposed project, and associated annexation will not cause nearby owners of rural residential properties to lose their rural residential way of life, as an annexation agreement between the neighborhood and City of Clovis was finalized and then memorialized at the time of the Master Plan approval.
4. The proposed increase in density to Low Density Residential is consistent with the stated general plan goal of improving service delivery efficiency. Many land studies including the ones used for the new City development fees demonstrate that slight increases in density lead to more efficient delivery of City services. As an example, with the current drought, water is at the forefront of many discussions and it is very costly for the City of Clovis to provide and maintain water to anything less than 2.1 lots to the acre, a fact encapsulated in the City's current and proposed fee structures. The proposed project seeks to provide low density and larger homes to be compatible with the neighborhood without making delivery of City services inefficient.
5. As mentioned above, the proposed development provides lot sizes and housing types not readily available in other parts of Clovis thereby achieving the New Housing Goal of the Fresno Multi-Jurisdictional Housing Element recently adopted in April 2016 to "facilitate and encourage the provision of a range of housing types to meet the diverse needs of residents." It also meets the Clovis General Plan Land Use Goal of "a city with housing, employment, and lifestyle opportunities for all ages and incomes of residents." While we don't normally think of above average income housing as a place of need, the movement towards density over the years has led to smaller lot sizes and fewer options for higher income families. In addition, by providing lot widths of 80 feet and 100 feet which are not commonly used in Clovis, the project will be able to offer unique house plans and designs which will address the needs of Clovis families and residents that are currently being ignored.

Consistent with the Clovis General Plan Land Use Element Goals

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

By providing 10,000 and 18,000 minimum square foot lots with lot widths of 80' and 100' respectively, the proposed project offers lot sizes that are relatively unique for the City of Clovis. Our initial research has shown many Clovis families want more home and yard than they

currently have but they want to stay within the City of Clovis so that they can enjoy City services and Clovis Unified Schools. By offering two different lot sizes that are not easily found in Clovis and by targeting a price point of \$525,000 to \$900,000, the project is targeting specific stages of life and incomes that are not being met by other parts of the new home market in Clovis.

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.*

The proposed project offers two minimum lot sizes. While they are both larger than most of the new home lots in Clovis, they will target different income brackets and provide two different sets of homes and home designs to help meet this policy. In addition, Woodside has historically provided floorplans with numerous structural options to allow buyers to customize for their lifestyle and stage of life.

Policy 5.2 Ownership and rental. *Encourage a mixture of both ownership and rental options to meet varied preferences and income affordability needs.*

While the proposed project addresses a void in the new home market, it is at a price point that will not typically lead to renters. The only way to attract renters would be to add density and lower the price point which would not be compatible with the surrounding neighborhood.

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

By offering lot sizes not typically found in the City of Clovis, the proposed project will also offer housing product types that are not easily found elsewhere in Clovis. For example, the proposed project will allow the construction of large single story homes that still have a large usable backyard. With the movement to density, we continually hear people wish you could still buy wider single story homes with some room around them. For this project, a 3,300 square foot single story home with a 3 bay garage could fit on most of the proposed lots and still have a nice backyard with a swimming pool. In addition, Woodside Homes currently offers homes with numerous structural options to allow buyers to customize the home to better meet their lifestyle needs.

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

By addressing an underserved but higher income market, the proposed project will encourage a number of high income families from multiple industries to move to Clovis or to remain in Clovis rather than more to the County or other cities to get more home and yard.

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

The movement in recent years towards greater density has left a void at the upper-end of the market. There are fewer and fewer opportunities for families who want more than a typical home on a typical lot in a typical subdivision in Clovis. Many of them live in homes that worked when their children were younger but now they need more house and more yard. Rather than have them leave for the County or other cities, this project provides a unique offering which helps to keep Clovis workers in Clovis and may also serve to attract workers from neighboring cities as well.

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:*

A. The proposed change is and will be fiscally neutral or positive.

By increasing the density, the proposed project is more efficient for the delivery of services. As an example, water is more cost-effective for the City to provide when the density is above 2.0 units to the acre. The current designation of 0.5 units to the acre would be more costly for the City to provide and maintain services. In addition, the higher density will also provide a higher property tax base for the City. The proposed change will be fiscally positive for the City of Clovis.

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.

There is currently planned capacity to service up to 2.5 units to the acre for the area where the project is located. This was built into the existing projections for this area and no additional change is required by granting the change in general plan designation requested for this project. By increasing the density, the project makes the provision of services more efficient and cost effective than the current designation.

C. The proposed change is consistent with the Urban Village Neighborhood Concept when within an Urban Center.

Not applicable ... the proposed project is not located in an Urban Center.

D. General Plan amendments proposing a change from industrial, mixed-use business campus, or office (employment generating) land use designations to non-employment-generating land use designation shall be accompanied by an analysis of the potential impacts on the City's current and long-term jobs-housing ratio, as well as an evaluation on the change or loss in the types of jobs.

Not applicable ... the proposed project does not fall within any of these categories.

For the reasons above, Woodside Homes respectfully requests that the General Plan be amended for this area from Rural Residential to Low Density Residential.



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.434
210.45 "6284"
310. "BT"
400.11

October 1, 2019

Mr. George Gonzalez, MPA, Associate Planner
City of Clovis
Department of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez,

Rezone Application No. R2019-007
General Plan Amendment GPA 2019-006
Drainage Area "BT"

The proposed rezone and general plan amendment lie within the District's Drainage Area "BT". Based on information submitted at this time, the District's system can accommodate the proposed rezone. The existing Master Plan system has been designed for runoff from a Medium Density Residential land use at this location. Lot coverage must be provided to the District prior to submittal of improvement plans for this project. Should the density of the project be commensurate with a density higher than the system design, mitigation may be required.

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

Very truly yours,

Michael Maxwell
Engineering Technician III

MM/lrl

k:\letters\rezone letters\clovis\2019\2019-007.gpa 2019-006(bt)(mam).docx

**DEPARTMENT OF TRANSPORTATION
DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7307
FAX (559) 488-4088
TTY 711
www.dot.ca.gov

AGENDA ITEM NO.6

*Making Conservation
a California Way of Life.*

September 16, 2019

FRE-168-8.045
GPA2019-006, RO301, R2019-007, TM6284
Woodside Subdivision

George Gonzalez
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mx. Gonzalez:

Caltrans has completed its review of the proposal to prezone and reorganize approximately 53.4 acres of land into the City of Clovis for development into a 74-lot single-family home subdivision. The project will be sited at the southwest quadrant of the intersection of Teague Avenue and Fowler Avenue in Clovis. Consistent with Caltrans' mission to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability, the following comments are offered:

Caltrans anticipates the westbound State Route (SR) 168 onramp at Fowler Avenue will be impacted by southbound traffic. Caltrans proposes the addition of a lane, widening the ramp to accommodate traffic growth. At this time, estimated costs per vehicle trip have not been determined. Therefore, Caltrans recommends the city account for the cost of this improvement when adjusting their impact fee schedule.

If there are questions regarding these comments, please contact me at (559) 488-7307 or email Jamaica.Gentry@dot.ca.gov.

Sincerely,

JAMAICA GENTRY
Associate Transportation Planner
Transportation Planning - North



County of Fresno

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

September 17, 2019

George Gonzalez
City of Clovis
1033 Fifth Street
Clovis, California 93612

SUBJECT: Teague Fowler Southwest Reorganization

Dear Mr. Gonzalez:

The County of Fresno appreciates the opportunity to review and comment on the subject Teague-Fowler SW RO301, GPA2019-006, R2019-007 and TM6284. Fresno County requests that the following items be addressed in the Conditions of Approval and CEQA review:

Environmental Health Division:

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 demolition/construction project has the potential to expose nearby residents and tenants 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.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

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 structures: Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties. In the process of demolishing the existing structures, 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 structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements:

California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.

United States Environmental Protection Agency, Region 9, at (415) 947-8000.

State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

Land Use/Planning:

Annexation of the subject 53.4-acre territory to the City requires a Notice of Intent (NOI) to be submitted to the County 30 days prior to the submission of the annexation application to the Fresno Local Agency Formation commission (LAFCO) for a determination of consistency of the proposed annexation with the Standards of Annexation contained in the Memorandum of Understanding between the City of Clovis and the County of Fresno. The NOI must include the Resolution of Annexation, and Pre-Zoning of the territory approved by the City Council, and approval of the entitlements by the City (City Council or Planning Commission), and the environmental assessment conducted by the city for the project per the California Environmental Quality Act (CEQA), if applicable to the project.

Transportation:

County staff is currently working with the City of Clovis and project applicant to assist in the preparation of a Traffic Impact Study (TIS) for the proposed project. County staff will comment on potential impacts to the County's road maintained system after it has been given the opportunity to review the TIS. However, in the interim, the County does reiterate the previous comments provided to the City associated with City applications GPA2016-06, Prezone R2016-07, and Vesting Tentative Tract Map TM6154 (see attached). In addition, the County requests that Teague Avenue be improved from the project limits west to the Teague/Sunnyside Avenue intersection consistent with prior developments and the this segment of right-of-way, including the Teague/Sunnyside Avenue intersection, be included in the annexation request. Further, the County requests that the City of Clovis be responsible for maintenance of the remaining segment of Fowler Avenue south of the proposed annexation boundary to Nees Avenue.

If you have any questions, you may e-mail me at thdavis@fresnocountyca.gov or contact me at (559) 600-9669.

Sincerely,



Ethan Davis, Planner
Development Services and Capital Projects Division

ED:

G:\4360Devs&Pin\PROJSEC\PROJDOCS\Environmental\OAR\City of Clovis\Teague-Fowler SW RO301 GPA2019-006 R2019-007 and TM6284\OAR S\Teague Fowler Comment Letter.docx

- cc. Steve White, Director
- Bernard Jimenez, Assistant Director
- William M. Kettler, Development Services and Capital Projects Division
- Chris Motta, Development Services and Capital Projects Division



County of Fresno

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

August 22, 2016

Bryan Araki, City Planner
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

VIA EMAIL

Subject: Teague Assemblage: General Plan Amendment GPA2016-06,
Prezone R2016-07, Vesting Tentative Tract Map TM6154

Dear Mr. Araki,

The County appreciates the opportunity to review and comment on the subject applications. The County is aware that the Clovis Planning Commission considered the subject applications on July 26, 2016, without benefit of the County's comments. As you are aware, the California Environmental Quality Act (CEQA) requires a Lead Agency (City of Clovis) to consult with affected and Responsible Agencies prior to a decision made on a project. As a result, the County requests that Clovis consider, respond to, and amend, as necessary, its CEQA document to address the County's comments contained in this letter. The County further requests that this occur before the next public hearing is held to consider the above applications. The following comments and request for information are based upon the County's review of the subject applications.

Transportation/Circulation:

Please provide a complete Project Description including any phasing for the proposed development. Please also provide the project's trip generation and trip distribution breakdown to the County threshold of 100 or more daily trips along a road segment (both directions combined) or 10 additional peak hour trips at an intersection. Once County staff has this information, a determination can be made regarding which County road segments and intersections need to be studied. Upon review of the current trip distribution in the existing Traffic Impact Study (TIS), the County would, at minimum, request that the Fowler and Teague Avenue segments and the Teague/Shepherd Avenue and Teague/Armstrong Avenue intersections be analyzed. Please note that this is a preliminary determination that may be modified in the future based on our request for additional information.

Traffic Impact Study Comments

- On Page 1, 14, 16, 17 – Page 1 makes reference to the intersection of Fowler and Shepherd Avenues, however, page 2, under Impact NT-1, reference is made to Fowler and Teague Avenues, and both references are noted as operating at Level of Service (LOS) F. Further, the report states that 'The intersection of Fowler Avenue and Teague Avenue (Node 2) drops to an LOS E during the PM Peak hour'. Other portions of the report indicate that the intersection of Fowler and Teague Avenues remains as a two-way stop sign. If the intersection of Fowler and Teague Avenues operate at LOS F/E then appropriate mitigations needs to be required. Also, please confirm that the reference to Fowler and Teague Avenues are correct.

- On Page 1, the TIS states 'The Project will contribute its fair share of mitigation measures identified in the Near Term and Cumulative Year 2035 plus Project scenarios with payment of the applicable City of Clovis Street Fee that includes the outside travel lane, center travel lane, traffic signal, bridges and quadrant intersections. Any reimbursable cost of mitigation improvements constructed by the Project that are qualified under the City's fee programs shall be credited against the total fee.

This is acceptable to the County as long as the County does not need to participate financially in upgrading the intersection of Fowler and Shepard. It is recommended that that the full width of right-of-way of Fowler Avenue along the eastern boundary of the proposed subdivision be annexed as part of the proposed project. If this does not occur, then Fowler Avenue, which is designated as an Arterial in the Fresno County General Plan, should be designed and constructed accordingly. Also, Fowler Avenue is designated as a Class II Bike lane in the Fresno County Regional Bicycle and Recreational Trails Master Plan and should be included in the widening of Fowler Avenue.

- On Page 1, the final configuration of the intersections analyzed are as follows: Fowler & Shepherd – Signalized; Fowler & Teague – Two-Way Stop; Fowler & Nees – Signalized. This is acceptable to County as long as lane configurations are acceptable to the City of Clovis and see next bullet for Page 5 below.
- On Page 5 – Table 2 Summary of Queue Lengths for all Scenarios, for Fowler & Teague Intersection in year 2035 Cumulative + Project shows Storage Length of NBL of 150' and SBL of 250'. On Page 16, it also indicates a two southbound through lanes. Is this the ultimate configuration of the intersection per City of Clovis standards? Will these improvements be constructed by the project? Depending on the funding, all improvements shown in Figure 20 may not be in place by year 2035. The report also states that 'all existing queue lengths do not exceed existing available storage.' Please confirm that this statement is applicable to this intersection?
- On Page 12, ITE code of 220 – for Apartments is used in Table 6 but Single Family Home is listed in the description and the trip generation utilized in the TIS is consistent with Single Family Homes. Please utilize the correct ITE Code.
- On Page 13, the TIS indicates that review was performed for 2 points on ingress and egress on Fowler Avenue and no deficiencies were noted. In Summary Table 2, provide the information for the analysis performed for left turn warrant analysis and/or right lane acceleration rate at these access points.
- On Page 15, Intersection Lane Configuration and Level of Service Section. The basis of analysis is unclear; was the existing layout configuration of an intersection used for 2035 analysis or was the future 'planned' configurations used? The 2035 analysis should be based on existing layout of an intersection (except Shepherd and Fowler) since there is no assurance that the funds will be available for any future improvements. The report repeatedly states that 'all existing queue lengths do not exceed existing available storage.' Inconsistencies within the report.

Mr. Araki, City of Clovis
August 22, 2106
Page 3

- Segment Analysis: No analysis was included in the TIS to determine the lane configuration of Fowler Avenue between Shepherd and/or Teague Avenue. Does the City of Clovis have ultimate lane configuration for Fowler and Teague Avenue and how will this development contribute toward it?

There appears to be some inconsistency in the TIS about whether or not the Fowler/Teague Avenue intersection is ultimately a two-way stop or four-way stop, although the mitigation only includes the developer's payment of the City's Street Impact Fees. It also appears to reference the Fowler/Teague Avenue intersection when Fowler/Shepherd Avenue is intended.

The staff report for the proposed subdivision requires the developer to widen Fowler Avenue and install curb and gutter along their Fowler Avenue frontage, so the width will be greater than the current two-lane road configuration. The TIS is unclear regarding when the road will be improved to four lanes.

The TIS does not address the two points of access to the subdivision off Fowler Avenue. Fowler Avenue is a divided road south of Nees Avenue and north of the Enterprise Trail. The conditions of approval in the staff report indicate that the developer is to increase the westerly half of the right-of-way from 30 feet to 60 feet and place curb and gutter and median islands along Fowler Avenue. However, there are two lots between the two points of access off Fowler that are not part of the subdivision, and County staff was unable to locate a reference to right-of-way acquisition across these two parcels. The engineer should provide information to show whether or not there will be two-way access to Cole Avenue located on the east side of Fowler Avenue north of Teague.

In order to completely evaluate the proposed project, the County requests that the following information be provided as follows:

1. Cross section showing improvements to be constructed along Fowler Avenue and Teague Avenue
2. Limits of road improvement work along Fowler and Teague Avenues, including proposed work across the frontages of parcels not included in the subdivision, which may or may not be included in the proposed annexation
3. Information to show whether or not there will be two-way access to Cole Avenue located on the east side of Fowler Avenue north of Teague
4. Extent of proposed transition paving, if any, beyond the limits of the subdivision along Teague and Fowler Avenues
5. A corrected Traffic Impact Study that would correct "mistaken" references to intersections proposed to be signalized

The County request that a formal TIS scoping meeting be scheduled and that the County be given an opportunity to participate and provide input into the revised TIS scope. In addition, the TIS prepared by Yamabe and Horn appears to post-date the published Mitigated Negative Declaration. Was there additional analysis performed that was not considered in the CEQA review.



September 9, 2019

George Gonzalez
Planning and Development Services Dept.
1033 Fifth St.
Clovis, CA 93612

SUBJECT: TM 6284, GPA2019-006, R2019-007
South side of Teague Avenue between Sunnyside and Fowler Avenues
APN 563-021-03,04,37,69

Dear Mr. Gonzalez:

The purpose of this letter is to provide school district information relative to the above-referenced development and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the developer/owner and the State Department of Real Estate.

In regards to this project with GPA2019-006 the district has concern regarding the re-designation of the approximately 34 acres of land located on the south side of Teague Avenue, between Sunnyside and Fowler Avenues. Currently this project site has a designation of Rual Residential (Min 2 AC/DU), the district does not feel confident in the ability to accommodate students associated with a re-designation to Low Density Residential (2.1 to 4.0 DU/AC). The district would like to bring this concern to the attention of the planning department and owner/sub divider.

1. Elementary School Information:

- (a) The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: *Century Elementary*
Address: *965 N Sunnyside Ave Clovis CA 93611-2061*
Telephone: *(559) 327-8400*
Capacity: *800*
Enrollment: *624 (CBEDS enrollment 2018-19 school year)*

- (b) Because of projected growth in the District and the District's plans for construction of new school facilities, it is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the school listed above, and (2) students residing in the project area may attend more than one elementary school within the District during their elementary school years.

Governing Board

- Christopher Casado
- Steven G. Fogg, M.D.
- Susan K. Hatmaker
- Glnny L. Hovseplan
- Elizabeth J. Sandoval
- Tiffany Stoker Madsen

Administration

- Elmear O'Farrell, Ed.D.
Superintendent
- Don Ulrich, Ed.D.
Deputy Superintendent
- Norm Anderson
Associate Superintendent
- Barry S. Jager, Jr.
Associate Superintendent
- Michael Johnston
Associate Superintendent

George Gonzalez
September 9, 2019
Page 2

2. Intermediate School Information:

School Name: *Alta Sierra Intermediate*
Address: *380 W Teague Ave Clovis CA 93619-8332*
Telephone: *(559) 327-3500*
Capacity: *1500*
Enrollment: *1376 (CBEDS enrollment 2018-19 school year)*

3. High School Information:

School Name: *Buchanan High School*
Address: *1560 N Minnewawa Ave Clovis CA 93619-7600*
Telephone: *(559) 327-3000*
Capacity: *3000*
Enrollment: *2726 (CBEDS enrollment 2018-19 school year)*

- 4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
- 5. The District currently levies a school facilities fee of \$5.15 per square foot (as of July 1, 2019) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact me if you have any questions regarding this letter.

Sincerely,

Michael Johnston
Associate Superintendent
Administrative Services



August 30, 2019

LU0020186
2604

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

Dear Mr. Gonzalez:

PROJECT NUMBER: RO301, GPA2019-006, R2019-007, TM6284

RO301, A resolution of Application for the Annexation of the Territory known as the Teague-Fowler Southwest Reorganization. **GPA2019-006**, A request to amend the General Plan to redesignate approximately 34 acres of land from County Rural Residential (RR) to Low Density Residential (R-1). **R2019-007**, A request to approve a prezone of approximately 53.4 acres of land from the County R-R Zone District to the Clovis R-R and R-1 Zone Districts. **TM6284**, A request to approve a vesting tentative tract map for a 74-lot single-family residential development for land located on the south side of Teague Avenue between Sunnyside and Fowler Avenues.

APN: 559-021-03, -04, -37 & -69

ZONING: County R-R to City of Clovis R-1

ADDRESS: South Side of Teague Avenue between Sunnyside and Fowler 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 demolition/construction project has the potential to expose nearby residents and tenants 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.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from

Promotion, preservation and protection of the community's health

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

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the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- 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 structures:

- Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structures, 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 structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements:
 - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
 - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
 - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.
- Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

KT

cc: Steven Rhodes- Environmental Health Division (CT. 55.22)
Matt Smith- Applicant (matts@woodsidehomes.com)

September 17, 2019

George Gonzalez, MPA
Associate Planner
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

Subject: Comments regarding concurrent applications RO301, GPA2019-006, R2019-007, TM6284 for territory located on the south side of Teague Avenue between Sunnyside and Fowler Avenues.

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

RO301, a resolution of application for the annexation of the territory known as the Teague-Fowler SW Reorganization.

GPA2019-006 a request to amend the General Plan to redesignate approximately 34 acres of land from Rural Residential to Low Density Residential.

R2019-007, a request to approve a prezone of approximately 53.4 acers of land from the County R-R Zone District to the Clovis R-R and R-1 Zone Districts.

TM6284, a request to approve a vesting tentative tract map for a 74-lot single-family residential development for land located on the south side of Teague Avenue between Sunnyside and Fowler Avenues.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. Commission action on the annexation request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the City's environmental documents prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to

support a determination on the proposed reorganization.

Unless a territory is at full build-out, LAFCo law and Commission policy require that territory be rezoned before it may be annexed to a city so that LAFCo may find that the proposed project is consistent with a city's general plan. Given the multiple proposed zone districts, please be sure to identify what land is rezoned to the appropriate zone district in the annexation proposal area.

Be advised that extraneous conditions of rezoning ordinance bills can impair the Commission's ability to approve projects. LAFCo staff is available to review and comment on the city's draft rezoning ordinance to ensure that it meets Commission standards.

It is important to note that LAFCo standards for annexation state a proposal for annexation is acceptable if one of the following can be provided by the City:

- There is existing substantial development provide the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
- Development exists that requires urban services which can be provided by the City
- If no development exists, at least 50% of the area proposed for annexation has:
 - a. Approved tentative subdivision map(s)(S.F. residential)
 - b. Approved site plan (for other uses)

As we have discussed, staff and the Commission will evaluate this project in light of the Commission's adopted policies and procedures, which include minimizing "creation of peninsulas and corridors, or other distortion of boundaries." It is therefore important that Clovis' application provides sufficient context as to how this proposal contributes to "planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl."

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,



Juan Lara
LAFCo Analyst II



SEP 11 2019

George Gonzalez
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Project: TM6284, GPA2019-006, Reorganization RO301, R2019-02

District CEQA Reference No: 20191070

Dear Mr. Gonzalez:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a pre-zone of approximately 53.4 acres of land from the County R-R Zone District to the Clovis R-R and R-1 Zone Districts, and a resolution for the annexation of the territory known as the Teague-Fowler Southwest Reorganization, and to amend the General Plan to re-designate approximately 34 acres of land from Rural Residential to Low Density Residential, and a vesting tentative tract map for a 74-lot single-family residential development (Project) located on the South side of Teague Avenue between Sunnyside and Fowler Avenues, in Clovis, CA. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions – The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 (Indirect Source Review) - District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The Project is subject to District Rule 9510 if it

Samir Sheikh

Executive Director/Air Pollution Control Officer

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

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

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

equals or exceeds 50 residential dwelling units and has or will receive a project-level discretionary approval from a public agency. If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

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

3. District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) - In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.
4. Regulation VIII (Fugitive PM10 Prohibitions) - The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*. Information on how to comply with Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm
5. Other District Rules and Regulations – The above list of rules is neither exhaustive nor exclusive. For example, the Project may be subject to the following District rules, including: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To identify other District rules or regulations that apply to this Project or to obtain information on the District's permit requirements, such as an Authority to Construct (ATC), the Project proponent is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888 or e-mail SBA@valleyair.org. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.

6. Potential Air Quality Improvement Measures - The District encourages the following air quality improvement measures to further reduce Project related emissions from construction and operation. A complete list of potential air quality improvement measures can be found online at:
<http://www.valleyair.org/ceqaconnected/aqimeasures.aspx>.
- a. Cleaner Off-Road Construction Equipment – This measure is to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
 - b. Improve Walkability Design – This measure is to improve design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.
 - c. Improve Destination Accessibility – This measure is to locate the project in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the (vehicle miles traveled) VMT.
 - d. Increase Transit Accessibility – This measure is to locate the project with high density near transit which will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:
 - A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or

- A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
 - Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
 - Neighborhood designed for walking and cycling
- e. Voluntary Emission Reduction Agreement - Design elements, mitigation measures, and compliance with District rules and regulations may not be sufficient to reduce project-related impacts on air quality to a less than significant level. In such situation, project proponents may enter into a Voluntary Emission Reduction Agreement (VERA) with the District to reduce the project related impact on air quality to a less than significant level. A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that funds and implements emission reduction projects. A VERA can be implemented to address impacts from both construction and operational phases of a project.

The District recommends that a copy of the District's comment letter be provided to the Project proponent. District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Carol Flores at (559) 230-5935 or e-mail carol.flores@valleyair.org. When calling or emailing the District, please reference District CEQA number 20191070.

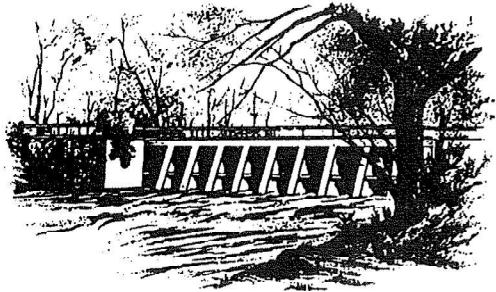
Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: cf



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AGENDA ITEM NO.6

FRESNO IRRIGATION DISTRICT

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

September 17, 2019

George Gonzalez
Planning and Development Services Dept.
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Vesting Tentative Tract Map 6284
S/W Teague and Sunnyside avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map 6284 for which the applicant request approval for a 74-lot single-family residential development, APN: 559-021-03, 04, 37, & 69. This request is being processed concurrently with GPA2019-006, R2019-007, and RO301FID has the following comments:

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 Enterprise No. 109 runs northwesterly, crosses Fowler Avenue approximately 2,000 feet northeast of the subject property, crosses Sunnyside Avenue approximately 2,300 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Fowler Avenue, Sunnyside Avenue, or in the vicinity of this canal, FID requires it review and approve all plans.
3. For informational purposes, Stream Groups Big Dry Creek No. 150 runs southwesterly approximately 1,900 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements in the vicinity of this canal, FID requires it review and approve all plans.
4. For informational purposes, FID's Little Teague No. 415 runs southwesterly approximately 1,800 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements in the vicinity of this pipeline, FID requires it review and approve all plans.

5. For informational purposes, FID's Helm Colonial No. 116 runs southwesterly approximately 2,100 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements in the vicinity of this pipeline, FID requires it review and approve all plans.
6. For informational purposes, a privately owned pipeline known as the Nees #2 No. 541 runs westerly, crosses Teague Avenue approximately 60 feet north of the subject property, and traverses the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private pipeline. FID's records indicate this pipeline is active and will need to be treated as such. FID can supply a list of known users to the City upon request.
7. The proposed development may negatively impact local groundwater supplies. The area is currently open land, with little to no water demand. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in an increase in the consumption of water, this deficit will increase. FID suggests the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.
8. 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.

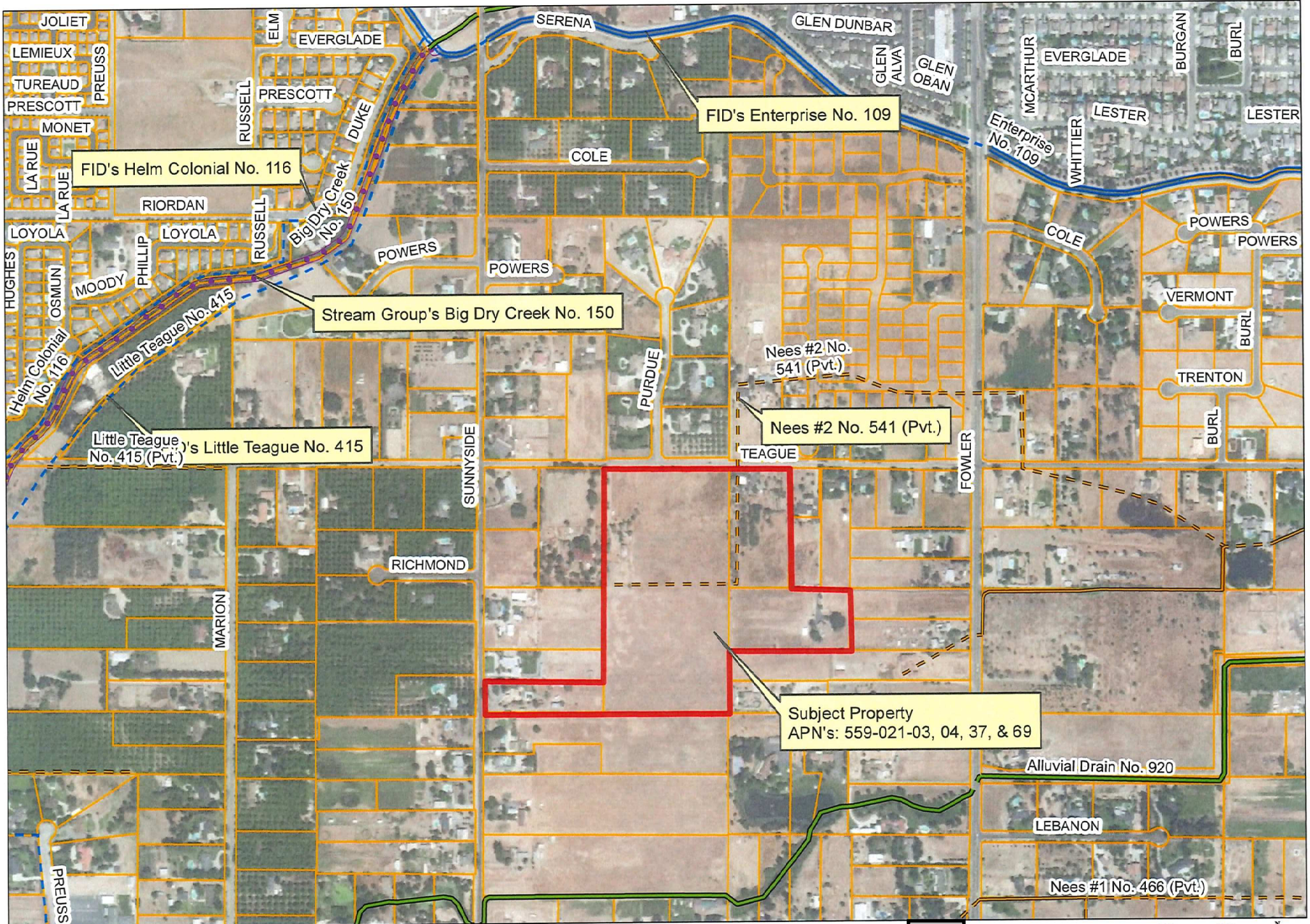
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment

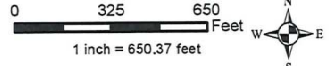


This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown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

Legend

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

210 Parcel



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

AGENDA ITEM NO.6

Page 1 of 5

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

MATT SMITH, WOODSIDE 06N, LP
9 RIVER PARK PLACE, SUITE 430
FRESNO, CA 93720

PROJECT NO: 6284

ADDRESS: S/S TEAGUE BTWN SUNNYSIDE AND FOWLER

APN: 559-021-69, 03S, 37, 559-021-04

SENT: 10/1/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
BT	\$418,019.00	NOR Review	\$1,619.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$4,519.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review		For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$418,019.00		Total Service Charge: \$6,138.00		

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 2/29/20 based on the site plan submitted to the District on 8/27/19 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL TRACT No. 6284

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 5

AGENDA ITEM NO.6

CL TRACT No. 6284

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

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

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

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

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO.6

Page 3 of 5

CL TRACT No. 6284

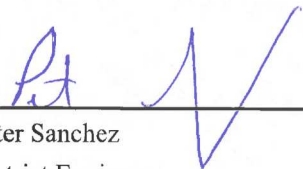
- 6. ___ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal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

- 7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
 - a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.


- 8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.

- 9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.

- 10. X See Exhibit No. 2 for additional comments, recommendations and requirements.



Peter Sanchez
District Engineer



Michael Maxwell
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 5

AGENDA ITEM NO.6

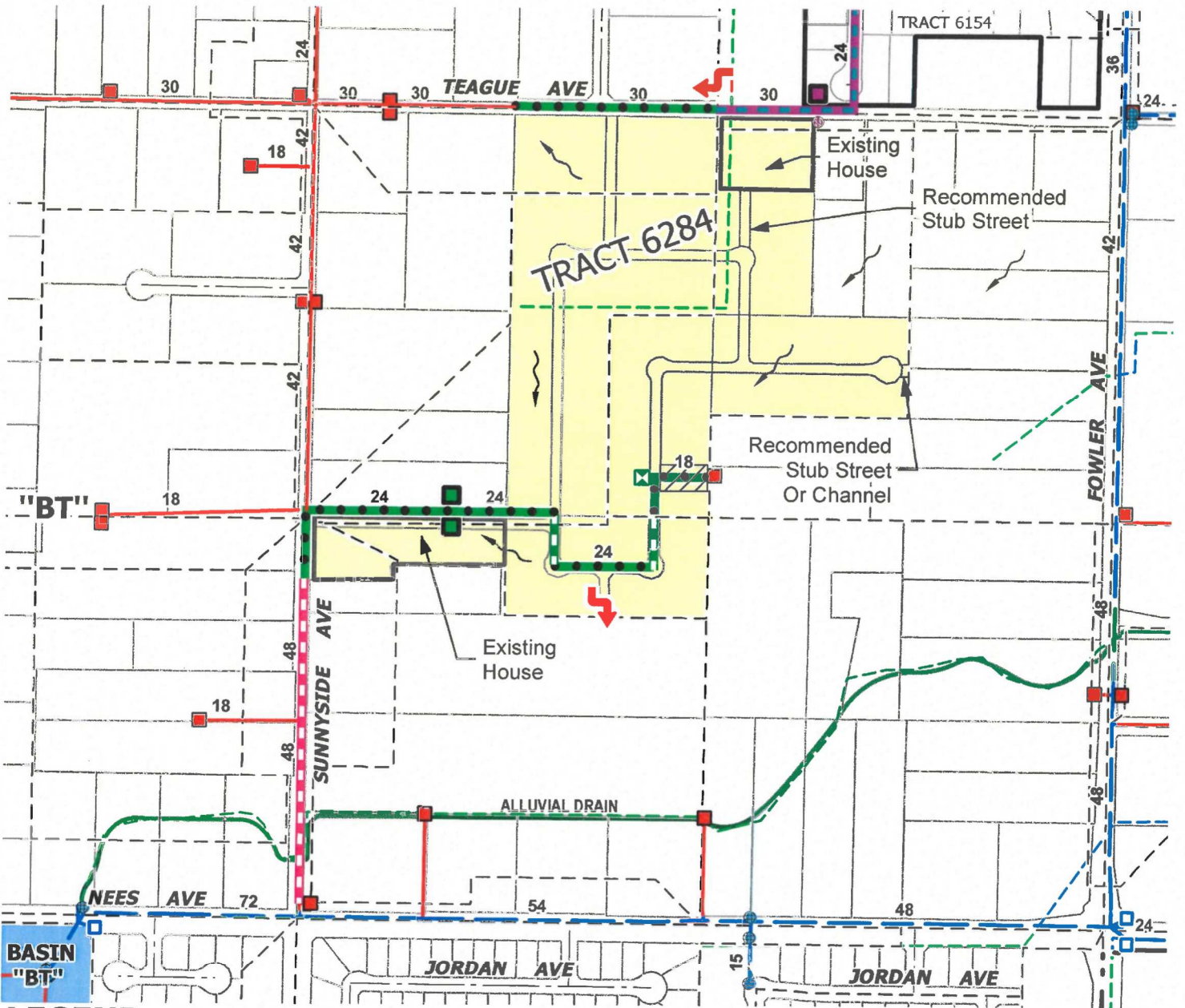
CC:

YAMABE & HORN ENGINEERING, INC.

2985 N. BURL AVE., SUITE 101

FRESNO, CA 93727

CL TRACT No. 6284



LEGEND

- Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet
- Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
- Optional Master Plan Facilities To Be Constructed By Developer For Permanent Service - Pipeline (Size Shown) Eligible For Fee Credit
- Master Plan Facilities To Be Constructed By Developer Of Tract 6154
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Existing FID Facilities
- Direction Of Drainage
- Inlet Boundary
- Minimum 15' Wide Storm Drain Easement To Be Dedicated To District By Developer
- Major Storm Breakover



TRACT 6284
DRAINAGE AREA "BT"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

Drainage from the site shall be directed as shown on Exhibit No. 1. The construction of the "Optional Master Plan Facilities" as shown on Exhibit No. 1 will provide permanent drainage service to the portion of Tract 6284 directed towards Sunnyside Avenue. If these optional facilities are not constructed, the District recommends temporary facilities until permanent service is available.

Permanent drainage service will not be available to the portion of Tract 6284 directed to Teague Avenue. The District recommends temporary facilities until permanent service is available.

Tract 6284 shall not block the historical drainage patterns of existing homes located on the remainder parcels or block existing development along the east side of the tract. The developer shall verify to the satisfaction of the District that runoff from these areas has the ability to surface drain to adjacent streets. Either a stub street or channel shall be provided for those areas shown on Exhibit No.1. Additionally, the developer shall provide a drainage report addressing how the existing homes will be protected from major storm flows.

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.

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

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. 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.

Development No. Tract 6284

k:\permits\exhibit2\tracts\6284.docx(mam)

February 27, 2020

VIA EMAIL ONLY to georgeg@cityofclovis.com

Mr. George Gonzalez, MPA
Associate Planner
Planning and Development Services, City of Clovis
1033 Fifth Street
Clovis, CA 93612

**Re: Public Review Comments on Woodside Homes of Fresno, LP
GPA2019-006, R2019-007, R2020-002, TM6284, & RO301 Initial Study
and Mitigated Negative Declaration**

Dear Mr. Gonzalez:

Thank you for the opportunity to review the Initial Study Mitigated Negative Declaration, dated February 2020 for the Woodside Homes of Fresno, LP project located at the southwest corner of Fowler and Teague. We want to be assured that the City properly evaluates the project’s environmental impacts consistent with the legal requirements of the California Environmental Quality Act (CEQA). As outlined below, we believe there are deficiencies that need to be addressed prior to adoption of the CEQA document and project approval.

Project Description

The project description states that the project would construct 74 single-family residences on 32.19 acres and rezone a total of 50.8 acres to Clovis R-1 (Single Family Residential). Therefore, in addition to the 74 homes, the full development potential of the site includes an additional 18.61 acres that would be developed in the future as Single Family Residential.

Although the R-1 designation allows for residential uses at a density between 2.1 to 15.0 units per acre, the Dry Creek Master Plan limits the maximum density to no more than 2.3 units per acre. We understand that a Tract Map will be circulated at a later date, however, for purposes of this CEQA analysis, which includes the entire 50.8 acres of rezoning, the CEQA analysis must consider the full development potential of the project rezone. CEQA prohibits project “piecemealing” so the entire project site as outlined in Figure 1 of the Initial Study/MND must be considered in the CEQA analysis.

As described below, the CEQA analysis is inadequate because throughout the technical analysis only 74 units and 32.19 acres of the project site were evaluated. All of the technical studies, including the air quality, traffic, biological, and cultural resources are based on a 32 acre project site and 74 units. Based on the rezone of an additional 18.61 acres to R-1, under the Dry Creek Preserve Master Plan, the project has the

development potential of up to 42 homes, in addition to the 74 currently proposed. Therefore, impacts are significantly underestimated.

The analysis must be revised to consider the full project development potential of the rezone, and the CEQA document must be recirculated for public review.

Traffic

The Traffic Impact Analysis attached as Appendix D prepared by Peters Engineering is inadequate to determine project impacts for the following reasons:

Outdated Traffic Counts: The City of Clovis Traffic Impact Study Guidelines requires that the existing traffic count data be less than 12 months old. The traffic data used in the analysis is from 2017 (see Appendix A of the TIA), and therefore does not account for the buildout of the Whisper Creek Development or the substantial development that has occurred to the east of the project site, which has significantly increased traffic on Fowler Avenue and Teague Avenue within the last three years since the counts were taken. The traffic study needs to be revised with current traffic count data in order to determine the impacts of the project.

Project Trip Generation: The project trip generation is underestimated as it only includes the traffic generated by the 74 units, and does not account for the development potential of the additional 18 acres of rezoned property. Trip generation should be revised to account for the full development potential of the project site.

Near Term Analysis: There are several approved projects, near approved, or in the pipeline within the proximity of the proposed project. This includes but is not limited to recently approved TT6263, which estimated that a “up to 200 more daily trips will likely use Sunnyside Avenue under the scenario which includes access to Shepherd Avenue” (see, e.g., page 37 of the revised Traffic Impact Study dated December 31, 2019). TT6263 has the potential to drastically change traffic on Sunnyside Avenue, which is significant to the proposed project – especially under the potential future condition of a project access road onto Sunnyside. The analysis should consider the following development projects in the near term analysis. TT6263, TT 5546, TT5550, TT5720, TT6109, TT6128, TT6134, TT6145, TT6180, TT6190, TT6200.

Mitigation Measures: The City needs to provide evidence that the necessary improvements identified in TRAF-1 will be funded. Mitigation Measure TRAF-1 would require the developer to pay a proportionate share of signalization; however, there is no evidence that the mitigation measure will be implemented prior to project opening year which would be required to mitigate the project. Under the CEQA Guidelines, there can be no assumption that impacts would be mitigated simply by paying a fee. Therefore this mitigation measure is inadequate to mitigate the project’s traffic impacts.

It should also be noted that even if funding were available to implement Mitigation Measure TRAF-1, the traffic study shows that signalization by itself is not adequate to mitigate the project. The traffic model output sheets [Traffic Impact Analysis HCM 2010 Signalized Intersection Summary for Fowler and Nees (page 97-108/110 in the TIA pdf)]

assumes a completely modified intersection is needed with additional turning lanes, including eastbound left, westbound left, northbound left, southbound left, and widening of Fowler Avenue from 2 to 4 lanes. The IS/MND erroneously excludes these improvements from the mitigation measure. These improvements need to be included in the mitigation measure and should be implemented prior to project occupancy.

Mitigation Measure TRAF-1 must be revised to reflect the full intersection geometry for each intersection evaluated in the TIA under the mitigated scenario.

The City should clarify this mitigation measure to state what the proportional fee is and the timing of payment. Additionally, based on a revised traffic analysis (one that considers the current traffic volumes, includes all previously approved development projects, and provides an accurate project trip generation), the City should determine if mitigation is required to be implemented prior to project occupancy.

Air Quality

Again, the air quality analysis only included an emission assessment of the 74 homes. The Air Quality Impact Analysis should be revised to assess the total impacts of the full development potential.

Thank you for the opportunity to comment on this project. We look forward to reviewing the updated technical studies and recirculated initial study checklist.

Sincerely,



Corey File

City of Clovis
Planning Commission
1033 Fifth Street
Clovis, CA 93612

RE: AGENDA ITEM #4 (Commission Meeting February 27, 2020) Items associated with approximately 50.80 acres of land located in the southwest area of Teague and N. Fowler Avenues.

Dear Council Members:

The Dry Creek Preserve Master Plan (“DCP Master Plan”), which the Council approved on June 4, 2018, discussed several circulation elements within the Dry Creek Preserve (e.g., Focus Area 7). Among them:

- Faster traffic will be encouraged to use Fowler Avenue. Speeds must be slower, and traffic patterns calmer on Sunnyside, Armstrong, and Marion Avenues. (Sec. 12.0)
- Provide for through traffic circulation across the Plan Area only on major roads such as Fowler and Nees Avenues. (Sec. 12.0)
- Discourage non-Plan Area-related traffic from utilizing the minor Area roads to avoid adverse noise and safety issues. (Sec. 12.0)
- In general, the DCP streets, except the Fowler Avenue Arterial, have been designed at minimum levels for their forecast traffic, with the intent to: 1) encourage heavy and faster traffic to utilize more highly developed roadways, and 2) reduce the degree of change and resultant traffic congestion impacts which will exist within the road development transitions across the area. (Sec. 12.1)
- Sunnyside Avenue is a designated Collector Street in the Clovis General Plan and Regional Transportation Plan. (Sec. 12.2.2)
- Sunnyside Avenue is planned to remain a rural-appearing collector street, with one twelve-foot-wide travel lane in each direction. (Sec. 12.2.2)
- Developments fronting onto Sunnyside will be required to provide along their street frontage, an 11'-wide travel lane, a 5'-wide bicycle lane, construction of asphalt curbs and competent street drainage [], and a four-foot-wide decomposed granite or asphalt walkway. (Sec. 12.2.2)
- Non-developed reaches of Sunnyside will have an 11-foot-wide travel lane, a five-foot-wide bike lane, and a four-foot unpaved shoulder, without drainage facilities []. (Sec. 12.2.2)
- Teague Avenue between Fowler and Sunnyside is planned to have one eleven-foot-wide travel lane and a five-foot-wide bicycle lane in each direction. In developed reaches, a five-foot-wide walkway will also be required, separated from traffic by a four-foot-wide landscaped separator on the developed side, wherever development with street frontage occurs. (Sec. 12.2.3)

It should be abundantly clear that the Council’s intention for the Dry Creek Preserve was to maintain and provide a unique residential element, including maintaining slower less intensive traffic on Sunnyside Avenue and Teague Avenue. Pursuant to the DCP Master Plan, Sunnyside Avenue and Teague Avenue (between Sunnyside and Fowler) were each to have the following street configuration and required right-of-way widths for segments of the roadway that are adjacent to both developed and undeveloped properties:

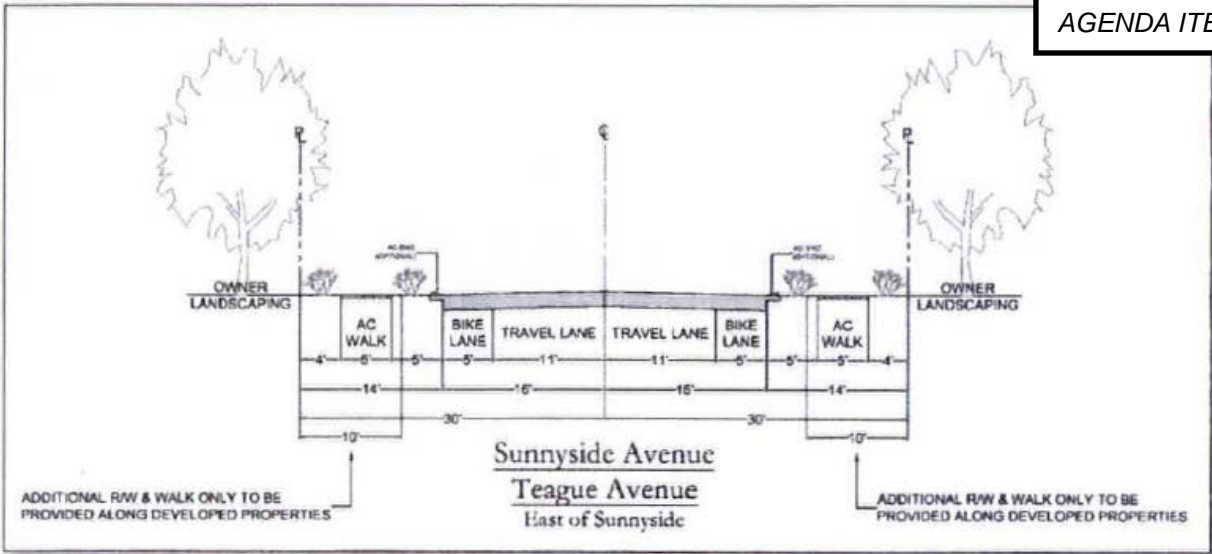


Figure B: Sunnyside Avenue and Teague Avenue East of Sunnyside

In the Traffic Impact Study for the Proposed McKenney Assemblage prepared by Peters Engineering Group on February 4, 2020 (the “TIS”), “traffic counts” and analyses are provided for the (i) Teague Avenue / Sunnyside Avenue, (ii) Teague Avenue / Fowler Avenue, (iii) Nees Avenue / Sunnyside Avenue, and (iv) Nees Avenue / Fowler Avenue intersections (“Study Intersections”), analysis are provided for (i) Fowler Avenue between Teague and Nees Avenues and (ii) Sunnyside Avenue between Teague and Nees Avenues road segments (“Study Segments”), and signal warrant analyses are provided only at Teague / Sunnyside and Teague / Fowler (“Warrant Analyses”). The TIS explicitly states that excluded from the Warrant Analyses are the intersections of Shepherd / Sunnyside, Nees / Fowler, Shepherd / Fowler, and Nees / Armstrong because those intersections are already signalized or other projects have been conditioned upon construction of signals.

The only “Near-term” projects which were considered in the relevant portions of the analysis were limited to two: the Applicant’s Tract 6154 (NW Corner Fowler and Teague; 95 units) and Lennar Phase 1 Tract 6200 (Shepherd and Clovis; 586 units). In contrast, the recent Traffic Impact Study for TM 6263 (Lennar South of Shepherd between Clovis and Sunnyside, with the “Preuss Access” issue that this Commission just heard in January, itself not considered in the TIS for the current project), considered fifteen near-term projects.

Observations

As an initial matter, there are two significant flaws in the TIS: it uses old traffic count data and doesn’t contemplate all of the “Near-term” projects in the area. Without knowing existing and likely future traffic impacts, it is impossible to perform a legally sound CEQA analysis.

The TIS rests on traffic counts from November 29, 2017 and November 30, 2017. Per the City of Clovis *Traffic Impact Study Guidelines* approved August 25, 2014, “[a]vailable existing counts can be used if they are less than twelve (12) months old **and** the traffic volumes have not been significantly changed due to more recent development in the vicinity.” There is no ambiguity in the guidelines – existing counts must be less than 12 months old and within those 12 months volumes have not been

significantly changed (i.e., the guideline cannot be read in the alternative). **The TIS, dated 2020, rests on traffic counts well more than twelve months which cannot properly be used.** AGENDA ITEM NO.6

The TIS further fails to consider, as above, all of the “near-term” projects. It should consider at least the following projects

<i>Approved or Pipeline Project Name</i>
TT 5546
TT 5550
TT 5720
TT 6109
TT 6128
TT 6134A
TT 6145
TT 6154
TT 6180
TT 6190
TT 6200
TT 6263

Importantly, TM 6263 was recently approved by the Council and includes a Shepherd Avenue access point, which per the Traffic Impact Study for that project, estimates that “up to 200 more daily trips will likely use Sunnyside Avenue under the scenario which includes access to Shepherd Avenue”. **Yet the TIS fails to at all consider that project.**

The TIS, as above, selectively omits to study the impact of the Sunnyside and Shepherd intersection and the Fowler and Shepherd intersection. The omission is understandable given that these are already problematic intersections. However the TIS is misleading in stating that other than Nees and Sunnyside, “[t]he other study intersections will continue to operate at acceptable levels of service with acceptable queuing conditions”. This is true only because it omits particularly problematic intersections such as Sunnyside and Shepherd (which every other TIS in the region identifies as LOS F in the near term).

As to mitigation measures, the TIS indicates that Nees and Sunnyside impact may be minimized by an eight-phase signal system, including on the southbound approach, “one left-turn lane and one through lane with a shared right turn” and that Teague’s maximum ultimate lane configuration may include a TWLTL along the center. Yet it also looks only to the City of Clovis General Plan – completely omitting consideration of the circulation element of the Focus Area 7 Master Plan (i.e., the “Dry Creek Preserve Master Plan”). It is altogether troubling that the TIS procured by Woodside Homes fails to give any consideration to the circulation elements of the Dry Creek Master Plan which itself coauthored and supported less than two years ago. **As illustrated above, Sunnyside and Teague Avenues – absent an amendment to the Dry Creek Master Plan, cannot support the mitigation measures that are suggested in the TIS, namely, anything other than two lanes.**

Lastly, and albeit perfunctory to match the analysis provided, the TIS identifies that “consideration may be given to converting the emergency access to a public street.” To be concise: unless this project explicitly seeks to designate the connector to Sunnyside as a public street now, and a full CEQA analysis is done on that basis, any discussion of a public street is extraneous and a full CEQA analysis would have to be done proximate in time to the proposed conversion. The CEQA analysis cannot be done in the

alternative to “reserve” the option in the future – the project as submitted to this City Council must be sufficiently defined to analyze. **For this reason alone, each of the actions pertaining to this project must be denied subject to commitment by the developer, City of Clovis, and the County of Fresno on whether the road is and will be an EVA or a public street.**

It is respectfully requested that all actions in this meeting relating to approximately 50.80 acres of land located in the southwest area of Teague and N. Fowler Avenues be denied subject to a revised Traffic Impact Study that provides recommendations which rely on current count data, address the correct scope of “near term projects”, and are consistent with the Dry Creek Preserve Master Plan. Furthermore, denial of all actions is required until such time that definiteness be brought to the status of the EVA / public road matter so a proper CEQA analysis can be done.

Respectfully,

Marcus N. DiBuduo

NORMAN D. MORRISON IV
8195 North Sunnyside Avenue
Clovis, California 93619

February 26, 2020

VIA E-MAIL AND U.S. MAIL
Planning Commission, City of Clovis
1033 Fifth Street
Clovis, California 93612

Dear Members of the Planning Commission:

This letter is written on behalf of myself and other concerned residents and neighbors in the Dry Creek Preserve in response to the application by Woodside Homes for Agenda Item #4 on the February 27, 2020, Planning Commission Meeting, consisting of a Mitigated Negative Declaration for General Plan Amendment GPA2019-006, Prezone R2019-007, Prezone R2020-002, & Vesting Tentative Tract Map TM6284.

I. The Hearing Must Be Continued to March, 2020

As an initial matter, we request that the Commission decline to hear these items as scheduled on the February 27, 2020, calendar, and instead continue the hearing and associated dates until the March 26, 2020, hearing. Recently, Woodside Homes held the required community meeting at Dry Creek Elementary, which was attended by numerous members of the community, many of whom were learning of the proposed development for the first time and had not had an opportunity to review the documents and proposed actions relating to the project. Due to a variety of factors, including concerns regarding traffic impacts and accuracy of traffic data, Matt Smith from Woodside Homes advised those who were present that Woodside was continuing the Planning Commission hearing from February to March to address concerns and issues. Matt Smith has subsequently confirmed Woodside’s intention to continue the hearing through e-mails, and has advised that the matter is on the calendar as it apparently could not be removed or withdrawn.

Accordingly, the matter must be continued as the members of the community have been specifically advised by the project proponent that the hearing would be taking place in March, and not February.

II. The Mitigated Negative Declaration and Supporting Documents are Deficient and Defective

A review of the CEQA documents submitted in support of the Proposed Project demonstrates that they are based upon outdated, erroneous materials and fail to take into account not only the actual, current traffic upon Sunnyside, but also fail to take into account the effect of

other developments and projects that are either proposed or actually underway. Accordingly, the documents cannot support the conclusions reached.

First, the traffic study used is based upon outdated and unreliable information. The City's Traffic Impact Study Guidelines require the use of traffic count data that is less than 12 months old. The traffic data used and relied upon in support of this project dates from 2017. As such, not only does this data not include the additional traffic associated with (1) the buildout and completion of Whisper Creek Development; (2) the traffic impacts associated with the Heritage Grove project to the north of Shepherd (which will result in potentially thousands of vehicle trips per day once completed); (3) the traffic impacts associated with the recently approved "right in-right out" for the Lennar Project to the South of Shepherd between Clovis and Sunnyside (which the project proponents themselves have recognized will lead to several hundred additional vehicle trips per day upon Sunnyside Avenue); (4) the pending request by Leo Wilson for the inclusion of the Cal Pecan orchard property at the northeast corner of Shepherd and Sunnyside to be brought within the City's sphere of influence for development (which again will result in significant increased vehicle trips upon Sunnyside and surrounding streets); (5) the increased traffic associated with the shopping center at the intersection of Herndon and Sunnyside (which has resulted in commercial delivery trucks, shoppers, and others using Sunnyside to access the shopping center); (6) increasing through-traffic along Sunnyside from individuals accessing Herndon and highway 168; and (7) other developments, both occurring and proposed, in the neighboring areas.

Additionally, it is noted that the figures used in this traffic study differ significantly from figures used in connection with other traffic studies of the same area. There is no explanation for such a wide disparity in numbers. Nor does the traffic study evaluate the increase in the number of motor vehicle accidents that have occurred at the intersection of Sunnyside and Nees, as many of us who live in the Dry Creek Preserve have either been involved in one or more accidents in recent years or have narrowly avoided being involved in such an accident.

Accordingly, any analysis should consider at a minimum current and proposed development projects in the analysis. This would include TT6263, TT 5546, TT5550, TT5720, TT6109, TT6128, TT6134, TT6145, TT6180, TT6190, and TT6200. It must also include an analysis of the impact of other developments in the nearby area that will affect traffic use on Sunnyside, Teague, and Fowler Avenues.

The traffic study additionally fails to provide any evidence or support for the funding of the proposed mitigation measures, some of which are highly improbable and infeasible due to the physical constraints of Sunnyside Avenue and the existing easements and utility infrastructure. For example, mitigation proposals have been made to widen Sunnyside to accommodate additional lanes, and for the signalization of the intersections at Sunnyside and Nees and Sunnyside and Shepherd. While the signalization of Sunnyside and Shepherd may be feasible, the signalization of Sunnyside and Nees will not address the physical limitations of the roadway

at that intersection which create a “choke point” for traffic. This “choke point” cannot be easily eliminated, due to the existing public utility easements and usage (including use of the property immediately adjacent to the road on both sides for flood control purposes and for electrical transmission lines), the proximity of established homes to the roadway, and other concerns.

III. City’s Requirement for a Neighborhood Access Road on Sunnyside

The proposed project identifies an Emergency Vehicle Access corridor (“EVA”) along the southern edge of the project, extending to Sunnyside along the northern border of the property located at 8210 North Sunnyside, and existing immediately across from my property located at 8195 North Sunnyside and my neighbor’s property located at 8255 North Sunnyside Avenue. According to the project description, the EVA will consist of a developed, hard-surfaced (paved) roadway with control limited by two Opticom-controlled gates. Utilities (sewer, water, etc.) will also be run north along Sunnyside and through the EVA easement. While the project map identifies the EVA as a 60’ easement, City staff has made it clear throughout repeated discussions and meetings that the City’s express intent is for this EVA to eventually become a full neighborhood access roadway, which residents of the proposed development would use to access directly onto Sunnyside.

The existing CEQA documents do not contain any analysis of the impact and effect of a neighborhood public access roadway vs. an EVA. The CEQA documents do not include any analysis of the impact of a public access roadway upon the neighbors, the safety considerations, or the potential for increased traffic upon Sunnyside (and how much expected traffic could be expected), among other considerations. Nor does the CEQA document identify any considerations or mitigation measures to alleviate concerns of neighbors who reside on Sunnyside. For instance, the proposed EVA/access roadway will exist directly opposite my property, and individuals existing onto Sunnyside will look directly into my children’s bedroom windows. The exit point will also be directly opposite a commercial business that has trucks, trailers and other apparatus accessing it on a regular basis throughout the day. The proposed location also consists of a narrow section of roadway, with power poles and mailboxes immediately adjacent to the roadway and across from the proposed access point. The proposed EVA/access roadway is also in a location where there are numerous driveways existing onto Sunnyside (on both sides), and where not only is vision of approaching traffic restricted, but traffic regularly accelerates along this stretch of roadway from the intersection of Sunnyside and Nees.

Further none of the existing CEQA-related traffic studies and analysis for surrounding projects considered or included a proposed public roadway/neighborhood access along Sunnyside. This includes the analysis performed for Heritage Grove and other developments to

the North, Woodside's prior development along Teague and Fowler, and the developments to the South of Nees. We have also been advised that the County will not consent to any such use of the easement.

While the neighbors understand the concerns leading to the requirement for an EVA, we believe that it would be more appropriate for any future neighborhood public access roadways to be designed to funnel traffic to Fowler, as outlined and required by the Dry Creek Master Plan. This could consist of Woodside being required to purchase an easement allowing access now, or an option to allow for the future acquisition of an easement (with appropriate funding being secured and set aside to allow for such further funding). It is understood that Woodside is seeking to utilize the EVA to allow it to minimize the expenses it would incur in connection with running the required utilities, as it would not have to underground the utilities beyond the EVA to Teague and then down Teague into the proposed development. The costs associated with such a savings could certainly be used to fund the purchase of a required regular access point onto Fowler.

Accordingly, as the City has made it clear its intent is for the EVA to become a regular public access roadway in the future, and such a plan is not identified, discussed, analyzed or considered by the CEQA documents, the plan is flawed and deficient.

IV. Other Concerns

Residents of the Dry Creek Preserve additionally have other concerns regarding the impact of the proposed development. One key concerns relate to the significant likelihood of smoke, dust, odor and similar complaints made by future residents of the proposed development. The residents of the Dry Creek Preserve in this area rely, either primarily or in part, upon using wood burning fireplaces to provide heat for their residences in the winter months. We do not have access to natural gas, and as such are exempt from the various requirements imposed by the Air District, including "Burn/No Burn days" and other similar restrictions. Due to the proximity of the proposed development to neighbors who have wood burning heaters, there exists a strong probability that these residents will lodge complaints regarding the smoke. Similar concerns exist with dust, fumes, odors and other conditions associated with a rural, agricultural lifestyle as many neighbors still have horses and other large animals and/or trees, and as a result significant amounts of dust accumulates in the area of the proposed development. These concerns have been expressed to both City staff and the Project Proponent, and they have advised they believe a Right to Farm and similar notification would provide some protection. Accordingly, any approval of the project should require such notifications, and specifically identify that the surrounding Dry Creek Preserve properties are intended third-party beneficiaries and have the right to enforce such agreements in the future.

Neighbors additionally have concerns about the Air Quality and health risk impact assessment, and believe that these elements need further analysis and mitigation measures.

February 26, 2020

Re: Public Review Comments on Woodside Homes'

GPA2019-006, R2019-007, R2020-002, TM6284, & RO301

Application, Initial Study and Mitigated Negative Declaration

Page 5 of 5.

Other concerns are also expressed about the impact of the proposed development upon surrounding wildlife, as the project site is known to harbor a wide variety of wildlife including raccoons, skunks, foxes, possums, raptors, birds, coyotes, ground squirrels, and other animals. No adequate mitigation for the loss of habitat has been identified, and the loss of habitat. As it currently stands, many of us in the Dry Creek Preserve are experiencing an increase in rodents (including rats and ground squirrels) that has increased since surrounding development projects have commenced. It is expected that our properties will be directly and adversely affected by the loss of habitat associated with the project. As such, we would request that adequate mitigation measures be implemented.

Thank you for the opportunity to comment on Woodside's project. We look forward to the opportunity to review any updated materials, including any updated technical studies and recirculated initial study checklist/CEQA documents. We additionally reserve the right to submit additional comments due to the continuance of the hearing.

Please do not hesitate to contact me if you or any members of the City Staff have any concerns. I am planning on being present at the hearing on this matter.

Sincerely,

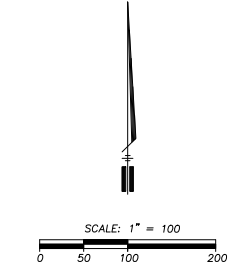
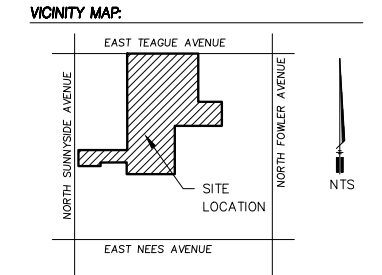


Norman D. Morrison IV

VESTING TENTATIVE SUBDIVISION
TRACT NO. 0204
 A RESIDENTIAL DEVELOPMENT
 IN THE CITY OF CLOVIS
 FRESNO COUNTY, CALIFORNIA

AGENDA ITEM NO.6

VESTING TENTATIVE SUBDIVISION
 TRACT NO. 0204
 A RESIDENTIAL DEVELOPMENT
 IN THE CITY OF CLOVIS
 FRESNO COUNTY, CALIFORNIA



- LEGEND**
- EXISTING PROPERTY LINE
 - - - PROPOSED PROPERTY LINE
 - - - PROPOSED 6" WOOD FENCE W/PARALLEL 6" CHAIN LINE FENCE
 - PROPOSED 6" CMU FENCE
 - EXISTING SECTION LINE
 - EXISTING EASEMENT LINE
 - EXISTING RIGHT-OF-WAY LINE
 - EXISTING CENTERLINE
 - FUTURE RIGHT-OF-WAY LINE
 - (---) EXISTING IRRIGATION LINE
 - (---) EXISTING WATER LINE (SIZE AS NOTED)
 - (---) EXISTING SEWER LINE (SIZE AS NOTED)
 - ▲ PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES PER MAP OF NEES COLONY RECORDED IN BOOK 2 OF RECORD OF SURVEYS AT PAGE 57, F.C.R.
 - ▲ PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES PER PARCEL MAP NUMBER 2903 RECORDED IN BOOK 19 OF PARCEL MAPS AT PAGE 33, F.C.R.
 - ▲ PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES PER DOC. NO. 9611002 O.R.F.C.
 - PUBLIC STREET EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE.
 - * EXISTING BUILDING TO BE REMOVED

- SITE INFORMATION**
- EXISTING TREES TO BE REMOVED**
 - EXISTING BUILDINGS TO BE REMOVED**
 - EXISTING USE**
ONE (1) EXISTING HOME TO BE REMOVED
 - EXISTING ZONING**
R-1
 - PROPOSED USE**
SINGLE FAMILY RESIDENTIAL
 - PROPOSED ZONING**
R-1
 - EXISTING ZONING**
AE-20
 - SOURCE OF WATER**
CITY OF CLOVIS
 - SOURCE OF SEWAGE DISPOSAL**
CITY OF CLOVIS
 - SOURCE OF ELECTRICITY**
PG&E
 - SOURCE OF GAS**
PG&E
 - SOURCE OF CABLE T.V.**
COMCAST
 - SOURCE OF TELEPHONE**
AT&T
 - ASSESSOR'S PARCEL NUMBER**
559-021-03S, 04, 37, & 69
 - SITE AREA**
37.27± AC. GROSS
36.45± AC. NET
 - PHASING**
MULTIPLE FINAL MAPS MAY BE RECORDED FROM THIS VESTING TENTATIVE TRACT MAP.
 - MINIMUM LOT SIZE**
11,375 SQ.FT.
 - MAXIMUM LOT SIZE**
38,163 SQ.FT.
 - AVERAGE LOT SIZE**
15,611 SQ.FT.
 - DU/AC - GROSS ACREAGE**
2.30 DU/AC (FOR 74 TRACT LOTS)
32.19± AC. GROSS TRACT LOTTING

PREPARED BY: YAMABE & HORN ENGINEERING, INC.
 2985 N. BURL AVENUE, SUITE 101
 FRESNO, CALIFORNIA 93727
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SUBDIVIDER: WOODSIDE O&N, LP
 9 RIVER PARK PLACE, SUITE 430
 FRESNO, CALIFORNIA 93720
 PH. (559) 437-5007

OWNER:
 APN: 559-021-03 TROY A. MCKENNEY AND DEBRA A. MCKENNEY
 APN: 559-021-04 CHARLES MERRILL AND SHEREE LEE MERRILL
 APN: 559-021-37 AMARDEEP S. AULAKH
 APN: 559-021-69 RICK J. WARREN AND SUSAN M. WARREN

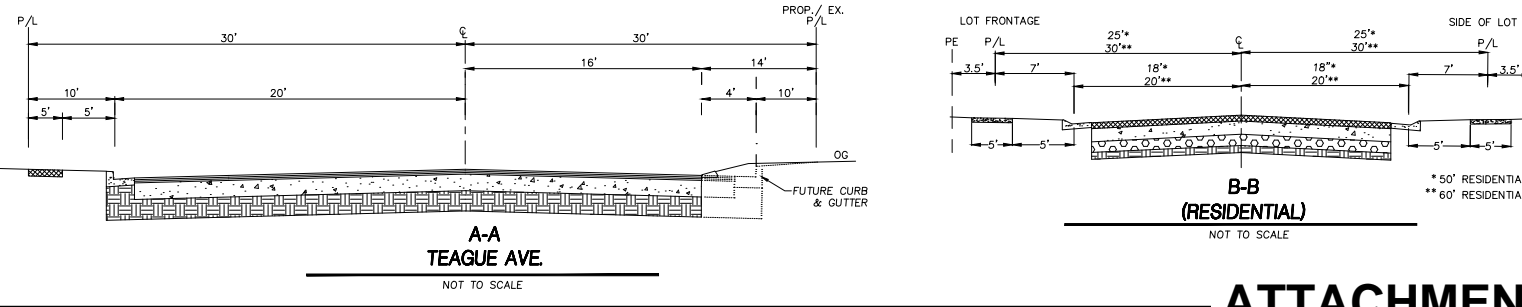
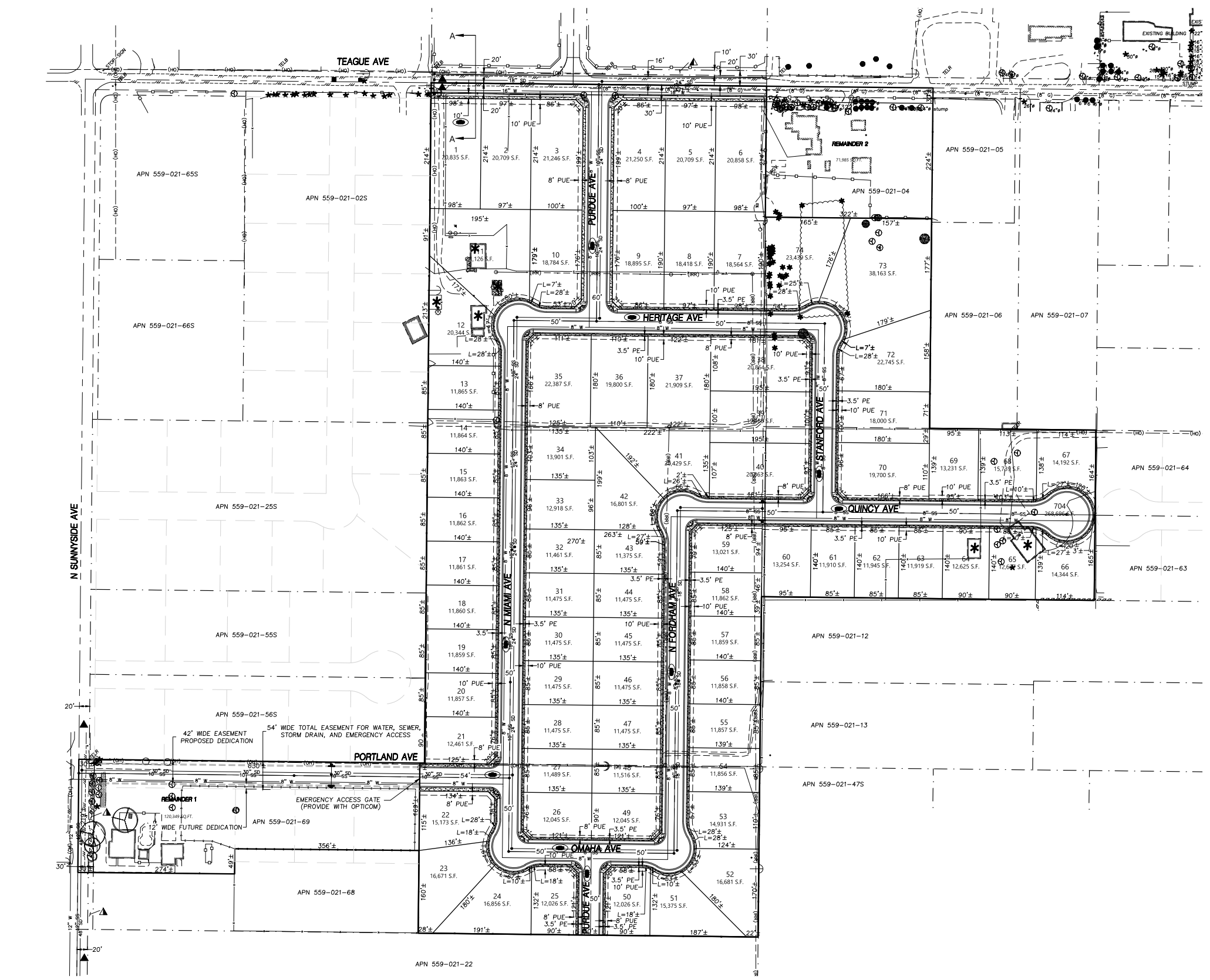
BASIS OF BEARINGS

THE GEODETIC OBSERVATION OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN TO BE NORTH 89°24'18" WEST.

BASIS OF ELEVATIONS

BM NO. 124 - BRASS CAP MONUMENT ON TOP OF CURB, 20± WEST OF WEST RETURN, SOUTHWEST CORNER OF NEES AND FOWLER AVENUES WITH AN ELEVATION OF 383.302 FEET, AS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988, IS THE BENCHMARK FOR THIS SURVEY.

NAVD88 = NGVD29 + 2.53'



ATTACHMENT 13

	Yamabe & Horn Engineering, Inc. CIVIL ENGINEERS • LAND SURVEYORS 2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727 TEL (559) 244-3123 WEBSITE YAMAHORN.COM	APPROVALS CONSTRUCTION MANAGEMENT _____ TRAFFIC DEVELOPMENT REVIEW _____ STREETS _____ PARKS _____ SOLID WASTE _____ UTILITIES _____	REVISIONS DATE APPROVED Δ _____ Δ _____ Δ _____ Δ _____ Δ _____	CITY OF CLOVIS PROJECT TITLE: TRACT NO. 6284 SHEET DESCRIPTION: VESTING TENTATIVE TRACT MAP	PLANNING AND DEVELOPMENT SERVICES DEPARTMENT Project No. _____ V&H No. 19-191 Dr. By: AL Ch. By: CK Date: 08/19/2019 of 1 Sheets	230
		APPROVED (INITIALS) _____ DATE _____	SHEET NO. _____ DATE: 08/19/2019 of 1 Sheets	F:\2019\19-191\Map\Tentative Map\FINAL_TTM_6284_3-12-2020\19-191_TTM_6284_74 lots.dwg		



DRY CREEK PRESERVE MASTER PLAN



CITY of CLOVIS
PLANNING & DEVELOPMENT

Draft Document Updated 05/25/2018

DRY CREEK PRESERVE



Dry Creek Preserve Master Plan Acknowledgements

City Council

- Bob Whalen, Mayor
- Drew Bessinger, Mayor Pro Tem
- Lynne Ashbeck
- Jose Flores
- Vong Mouanoutoua

Planning Commission

- Paul Hinkle, Chairperson
- Amy Hatcher, Chair Pro Tem
- Alma Antuna
- Mike Cunningham
- William Terrence

County of Fresno

- Steven White, Public Works Director
- Bernard Jimenez, Assistant Public Works Director

City Staff

- Luke Serpa, City Manager
- John Holt, Assistant City Manager
- Dwight Kroll AICP, Director of Planning & Development Services
- Bryan Araki, City Planner
- Mike Harrison, City Engineer
- Scott Redelfs, Public Utilities Director
- Stephanie Andersen, GIS Specialist
- David Wolfe, City Attorney

Special Thanks

- Dry Creek Preserve Property Owners
- Dry Creek Preserve Neighborhood Committee Participants

DRY CREEK PRESERVE



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DRY CREEK PRESERVE



1.0 Introduction

1.1 Foreword

This document contains the Master Plan for the area referred to as the Dry Creek Preserve (DCP). Understanding the roots of the DCP and the last half century of its history, which have produced this unique area of the Clovis Community, is essential in the planning and visioning for the area. The DCP includes approximately 795-acres which was originally part of the 50,000 acres farmed for dryland wheat by Clovis Cole. Since that time, the land has been mostly levelled, irrigated, and divided into more than 235 different private ownership parcels. However, much of the original agricultural and open space character and appearance of the land still exists today.

By the late 1960s, considerable land division was occurring. To protect the remaining area farmland, Fresno County designated the area as AE-20 (Exclusive Agriculture -20-acre minimum), in their County General Plan. In 1974, the DCP was included within the Clovis Sphere of Influence. The City then began to plan for the area, pursuant to the City-County Memorandum of Understanding (MOU). Under the Agreement, the County continued its jurisdiction over land use decisions, permitting and enforcement, but the County would confer with the City in making those decision.

In 1988, the area was included in the City's Herndon Shepherd Specific Plan. In that planning action, the entire area was designated as R-R (Rural Residential), with a minimum parcel size of two acres. That designation reflected very strong preferences, as expressed at the time by a large majority of DCP landowners who desired to keep the area's rural lifestyle. Under the two-acre minimum parcel designation, many of the larger parcel owners submitted proposed Parcel Maps to the County, asking to divide their 20-acre properties into various configurations of two-acre or larger rural-residential parcels. The area was developing into a decidedly rural-residential community.

The R-R designation attracted buyers who desired larger land parcels for a variety of reasons. Many wanted small farming operations or just space for larger homes and yards. Many others desired to keep horses or other livestock. Still others needed larger properties for storing equipment or materials or as a larger base for their home-based businesses, then allowed under the County's designation. Varied as it is, the R-R lifestyle has become a very important part of

DCP residents' lives, based on the expectations created by the two-acre provisions of the Herndon-Shepherd Specific Plan.

The residents have repeatedly defended their preference to remain under County jurisdiction (avoid being annexed into the City of Clovis) and keep their existing Rural-Residential zoning and lifestyle. There are however, some landowners who desire to further develop their DCP properties into more intensive uses. Consequently, several studies have been conducted with the intent to document the desires of DCP owners. The earliest was a Master's Degree Thesis by Deborah Morley, in 1988, which pertained to the entire Herndon-Shepherd Specific Plan area. In her mail-based survey, only 13 percent of small (2-5 acre) parcel owners desired to be annexed into Clovis. Of larger Parcel owners, 43 percent responded affirmatively. Another survey was conducted in 2009 by the DCP Neighborhood Committee. In that survey, with only about 25 percent of owners responding, over 90 percent of respondents desired for the DCP to keep its rural character. Only 8 percent expressed desire to further divide or develop their property. The most recent survey was an in-depth effort carried out by the DCP Neighborhood Committee and closely coordinated with the City of Clovis, in 2014. In that mail survey effort, 94 of the ±231 contacted landowners responded. 86 percent of respondents (79 percent of the land area) expressed desire to retain the DCP's rural open space character and existing R-R designation. 13 percent (21 percent of land area) desired more development. Of the 12 respondents who desired to develop, four owned less than three acres, and nine were absentee owners.

That is the background that was faced in trying to identify a future vision for the area. A very large fraction of owners desire no major changes. Others desired or needed to develop their property. It was the intent to consider the interests of both groups in prescribing development guidelines. In addition, the City of Clovis and Fresno County also have particular needs with regard to area infrastructure, services and associated costs that also need to be a part of the discussion. It quickly became apparent that no one would receive everything they desire or need under this Master Plan. It would have to be a compromise process, with a goal to meet as many people's needs as possible. Substantial effort and communication, as described herein, has occurred to understand the array of different needs, and to address those needs where possible. The discussions were lengthy and the compromises reached were often difficult. The process itself has created expectations that the compromises reached will be real and reliable, and will not be freely upset over time. A major goal of this Master Plan was to achieve certainty and predictability for the area residents and interested parties.

DRY CREEK PRESERVE

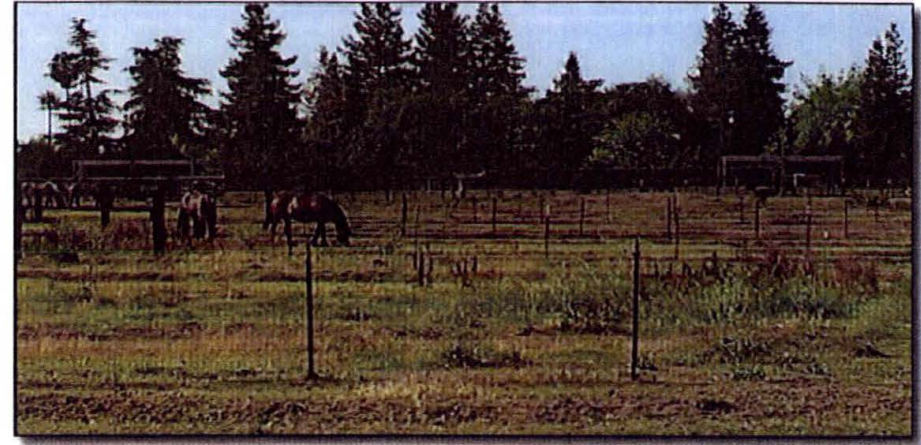


The outcomes, as detailed in this Master Plan, are: 1) most DCP land area will continue to be designated as R-R, and there will be few major changes made to properties whose owners desire to maintain that status and 2) larger properties will be able to reasonably develop, subject to General Plan Amendment applications, but there will be constraints upon that development, including limits on the types and design of allowed development, the maximum allowed density of residential tracts, and a minimum 10.0 – acre project size required for residential tract development. These standards and guidelines are intended to provide reasonable development opportunity, while assuring the maintenance of the existing quiet rural neighborhood, with less intensive traffic, and few urban features, as preferred by area residents.

The area is intended to provide a unique residential element, characterized by variety, in which families desiring to live in residential developments, but on larger land parcels to support their outdoor lifestyles, larger families, larger custom homes, or other spatial needs will be able to find what they are seeking. Likewise, families who desire to keep livestock, or practice small scale farming will also be able to do so on Rural Residential properties of 2 acres or larger, which will remain available. Owners of properties in excess of 4 acres, who desire to divide off portions of their property for sale will be able to submit Parcel Map requests to the County or City, per the City-County MOU, depending on jurisdiction. Residences will continue to be a mix of owner-residents and rental properties.

The vision also includes the eventual orderly annexation of the DCP into the Clovis City Limits. To accomplish that would likely have been a challenge, given the vast majority of owners' general aversion to being annexed, largely due to differences between City and County permissible land uses, and the City's cost considerations in contemplating annexation and provision of services to a thinly populated area. Considerable time and effort has gone into the development of an Annexation Agreement to establish landowner protections preparatory to eventual future annexations. It is expected that the Annexation Agreement will dispel most landowner concerns and enable them to comfortably support the jurisdictional changes needed by the City and County for delivering efficient services.

The DCP area will continue to have a wide variety of land parcel sizes and land uses. That variability and individuality is desirable. It is a part of the DCP's historical and present day character, which is so desired by area residents. Maintaining the wide diversity of uses, architectural appearances and land use intensities should therefore be fundamental principle as future DCP land use changes are contemplated.



DRY CREEK PRESERVE

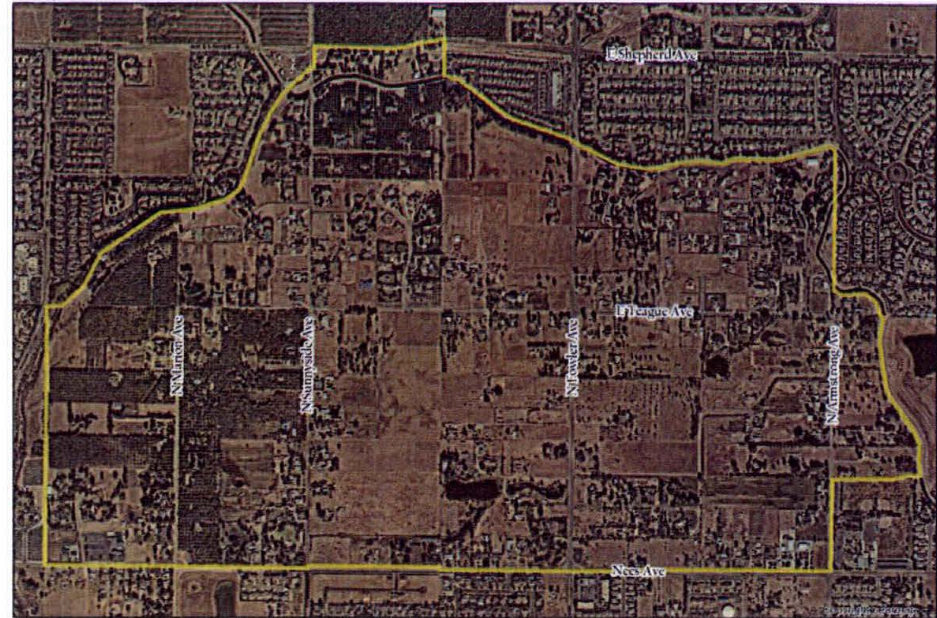


1.2 Dry Creek Preserve Master Plan Introduction

This Master Plan defines the future direction of a unique area of Clovis, the 795-acre Dry Creek Preserve. It is intended to satisfy the major goals for the area: 1) to guide future preservation of the much desired rural character, appearance, land uses, and diverse wildlife of this neighborhood, while 2) prescribing general design parameters and standards to allow rural-compatible development to proceed.

In accord with the City of Clovis General Plan and Herndon-Shepherd Specific Plan. It seeks to provide:

- Continued support for large residential and/or agricultural parcels and protection of the owner property rights and land uses needed to manage those larger properties.
- Development lot minimum sizes to assure compatibility and logical transitions between future developments and the area's preferred farm-like character
- A distinctly rural neighborhood character and appearance, characterized by less intense traffic, rural appearing streets, absence of urban appearing concrete sidewalks, and in areas that are not intensively developed, absence of curbs, gutters, block walls, or urban landscaping features that are replaced by individual owner designed yard fencing, and landscaping
- A clear neighborhood identity or "Brand" for the area, that helps to define and set future expectations about what the area is and is not; utilizing monuments, rural appearing materials, and features such as street furniture, stylish lighting, and landscaping -- or the absence of such features in cases where the area's rural character may be better served.



Aerial overview of the Dry Creek Preserve (Aerial provided by NearMap, October 2017)

DRY CREEK PRESERVE



1.3 Purpose and Intent

The purpose of this Master Plan is to acknowledge and preserve the 795-acre Dry Creek Preserve (DCP) area's desirable open space character and provide standards and design guidelines to encourage future development which is compatible with that rural neighborhood. It memorializes a set of land use and general development design guidelines which will allow for landowners within the DCP to reasonably use and develop their properties, while respecting and maintaining the area's character. It will enable efficient annexation of lands within the area into the City of Clovis. In conjunction with the City of Clovis General Plan and Herndon Shepherd Specific Plan, it is intended to provide a guide for policymakers, landowners, and developers, in maintaining a unique part of Clovis which, similarly to the Central Clovis Specific Plan, blends thoughtful future development with the City's history and agricultural heritage.



The Dry Creek Trail and Trailhead offer easy access to the DCP for bicycling or walking



Open, softer-appearing streets without hardened edges help create a restful neighborhood character

DRY CREEK PRESERVE



Marlon Avenue

1.4 Site Description

The DCP is located in the City of Clovis' Sphere of Influence; bounded by Nees Avenue on the South, and the Enterprise and Dry Creek Canals on the North, East, and West. The area lies atop a broad alluvium and has fertile loamy soils suitable for agriculture. About one half of the DCP area is managed as orchards, pastureland or other agricultural uses. A wide variety of livestock are also kept on various size parcels throughout the area. The remaining area is principally developed into single family residences on Rural Residential sized lots.

Area housing and demographics are widely varied, with many different values and styles of homes situated on parcels which range from one acre to about 20 acres in size. (There is a scattering of older, legally non-conforming parcels of less than two acres, which were formed prior to the Rural Residential designation by Fresno County.) There are 251 separate privately owned parcels, totaling 747 acres, with more than 235 permanent residences throughout the area. Most residences are owner occupied; however, a number of rental properties are also present. The area currently has a high degree of individuality in home architecture and lot appearance. That variety is a key part of the area's bucolic character which the majority of DCP residents indicate that they prefer.

The existing parcels are designated Rural Residential, in accordance with the Herndon-Shepherd Specific Plan's Land Use Designations. One 31-acre area, the Whisper Creek Development, is annexed to the City of Clovis and has been subdivided into approximate three-quarter acre home sites, pursuant to a 2010 General Plan Amendment.

DRY CREEK PRESERVE



2.0 Background

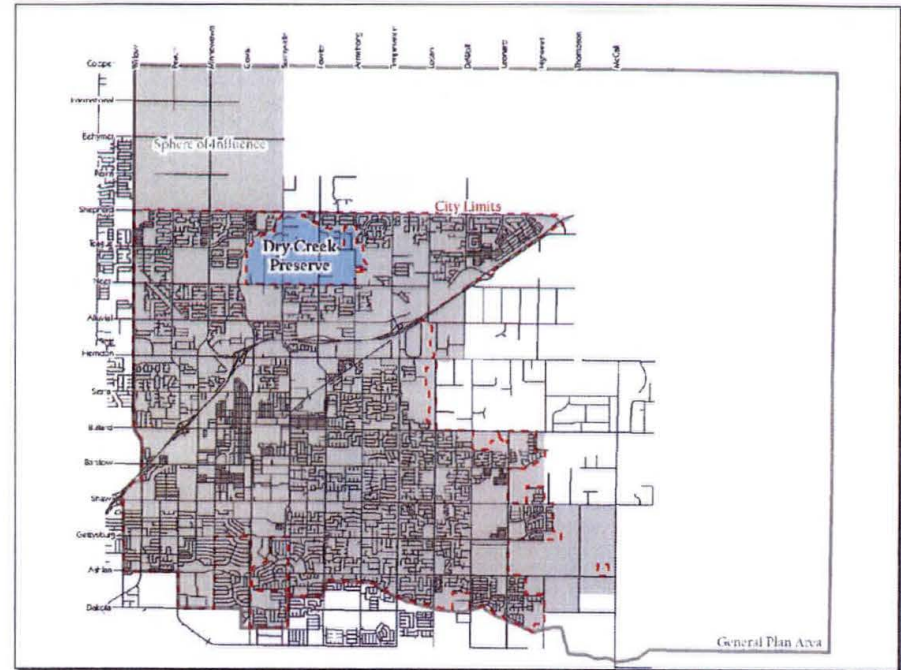
2.1 Clovis City Sphere of Influence

In 1972, Local Agency Formation Commissions (LAFCOs) throughout the State of California were granted authority to determine spheres of influence for cities. A Sphere of Influence (SOI) is a planning boundary outside of the City limit that designates the City's probable future growth boundary and service area. It is updated on a regular basis as the City grows and future growth plans become better defined. Projects proposed within the SOI are usually referred to the City for planning and consideration.

In May 1974, the first version of the City of Clovis' SOI was adopted. In addition to the many other areas of future growth, the DCP was included. To date, the area has not been annexed to the City of Clovis, except for the 31-acre Whisper Creek Development, located north of Teague Avenue, which was annexed in 2010. This Master Plan attempts to plan for the annexation of the area, while carefully considering and balancing the needs, operations and desires of the current landowners.

2.2 Planning Background

The Herndon-Shepherd Specific Plan was adopted in 1988. It designated the entire DCP area as Rural Residential, with a 2-acre minimum parcel size. That designation persists today. The City's 2014 General Plan Update reiterated the R-R designation, and identified the area as Focus Area #7, for which the General Plan requires completion of a Master Plan, prior to approvals of General Plan Amendments (GPAs) seeking denser development. By requiring a Master Plan for development to proceed, the City has acknowledged the complexity of the area and the need for a holistic approach in moving forward. This Master Plan is designed to meet that General Plan requirement.



Relationship between Dry Creek Preserve and the Clovis Sphere of Influence

DRY CREEK PRESERVE

2.3 Growth North of Herndon Avenue

Since the adoption of the Herndon Shepherd Specific plan in 1988, the City of Clovis has experienced significant development north of Herndon. The DCP, however, has remained outside of the City boundaries largely because: 1) most of the landowners in the Plan area have expressed a preference to keep the area's current R-R land use designation, and 2) the two-acre minimum designation has made it unprofitable for builders to pursue development projects, and to annex the area into the City. As such, this area remains undeveloped. Only one area of the DCP is within the current City boundary, the 31-acre Whisper Creek Development. This subdivision was annexed prior to adoption of the Master Plan requirement within the 2014 General Plan. The Whisper Creek development has 31 approximate three-quarter-acre lots.

In recent years, County Peninsulas and Islands have been under significant scrutiny for the inefficiencies they create. The State of California, recognizing the inherent problems with County Islands, has passed legislation (Government Code 56375.3) streamlining the annexation of lands. This Master Plan will assist the eventual annexation of the DCP area by inclusion of a Master Annexation Agreement which will enable owners to protect their preexisting property rights and uses after annexation of their properties. LAFCO, the City of Clovis, and the County of Fresno will play pivotal roles in determining the annexation boundaries as development proceeds.

DRY CREEK PRESERVE



2.4 Dry Creek Preserve Neighborhood Self-Planning Initiatives

A decade ago, a group of residents within the DCP began meeting regularly to discuss land use planning for the area. The group was open to any owner within the DCP who wished to participate in the planning effort, and periodic outreach efforts were made to include new participants. This group recognized the importance of proactively planning for the area, rather than reacting to sequential General Plan Amendment applications that inevitably would be considered for approval by the City. Accordingly, the group has regularly coordinated with City Staff with the goal of developing a Specific Plan for the DCP area. The group named itself the Dry Creek Preserve Neighborhood Committee, and as the area's name suggests, one of their main goals was preservation of the DCP's less intensive land use plan and lifestyle. Most residents within the DCP have expressed a desire for the area to remain rural. In fact, it was largely in response to requests by many of these landowners that the General Plan designation of this area remained Rural Residential in the 2014 General Plan Update and in previous planning efforts, dating back to 1988.

Significant time and energy was invested into these early planning efforts, including more than a hundred Committee meetings and production of sequential drafts of a Specific Plan, which were forwarded to the City Staff, requesting feedback. When the 2014 General Plan Update was adopted, it included a requirement that a Master Plan, rather than a Specific Plan, be developed for the DCP area, prior to any further development within the area. That provision presented the opportunity for a neighborhood goal-focused land use planning endeavor to advance. Considerable cooperation and compromise occurred between participating developers and the neighborhood during development of this Plan, which incorporates the input and many of the previous products from the Neighborhood Committee. The concepts expressed in this Master Plan thus represent give and take by all parties. They advance a workable compromise between area residents and property owners (with varied opinions and interests), the City of Clovis and Fresno County.



One of many Dry Creek Preserve Neighborhood Committee meetings



Neighborhood Committee



2.5 Relationship to the General Plan

One of the goals of this Master Plan is to remain consistent with the goals and policies of the City's General Plan. The 2014 Clovis General Plan referred to the Dry Creek Preserve Area as Focus Area No. 7. The General Plan provided direction for this area, which included the requirement for a Master Plan to be prepared for the entire area prior to any further development, with the over-arching intent to preserve the rural residential character of the area. The purpose and intent of this Master Plan is to fulfill the area-wide policy requirement.

Below are the pertinent goals and policies from the 2014 General Plan update and summaries of how this Master Plan fulfills these goals and policies.

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

While we don't normally think of above average income housing as a place of need, the movement toward higher density over the years had led to smaller lot sizes and fewer options for higher income or larger families, or families who prefer an outdoor lifestyle. By allowing for larger lots, this Plan will allow builders to offer unique house plans and designs which will address the needs of Clovis families and residents that are currently being ignored. Our initial research has shown many Clovis families want more home and yard than they currently have but they want to stay within the City of Clovis so that they can enjoy City services and Clovis Unified Schools. This Master Plan targets an underserved population in Clovis; buyers with larger families and, in some cases, higher incomes that are not being met by other parts of the new home market in Clovis.

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.*

This Master Plan puts a ceiling on residential development densities at .5 units per acre unless the proposed development parcel is 10.0 net acres in size or greater, in which case, the density of development applications may reach as high as 2.3 units per acre. These large lot sizes are relatively unique for the City of Clovis and approximately three times the median lot size currently being developed in the City. These larger lots also achieve the New Housing Goal of the Fresno Multi-Jurisdictional Housing Element recently adopted in April 2016 to "facilitate and encourage the provision of a range of housing types to meet the diverse needs of residents."

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

By allowing lot sizes not typically found in the City of Clovis, the Master Plan will offer housing product types that are not easily found elsewhere in Clovis. For example, the plan will allow the construction of large single-story homes that could provide a large usable backyard. With the recent move to density, many residents have expressed both a desire to build wider single story homes with three-bay garages. There is a large group of home buyers who are concerned about the almost entirely indoor lifestyle of their children, and who are seeking space to learn and enjoy outdoor activities. In other cases, aging individuals are seeking single-story housing for safety reasons, but they still are in need of larger size homes to house belongings or visiting relatives, or to provide living space for live-in caretakers or relatives, as need arises. Second homes within a parcel are also allowed, up to 640 square feet for family members or care givers subject to City requirements.

DRY CREEK PRESERVE

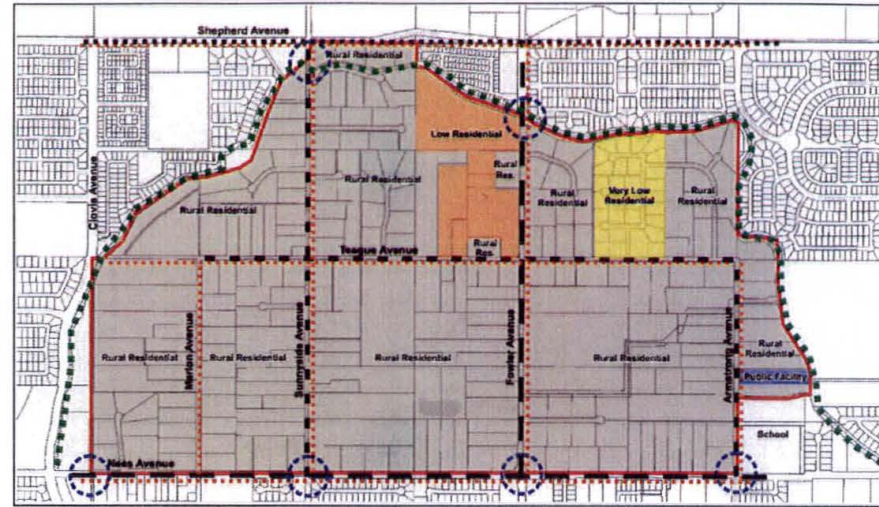


Policy 5.5: Jobs for residents. Encourage development that provides job opportunities in industries and occupations currently underserved in Clovis.

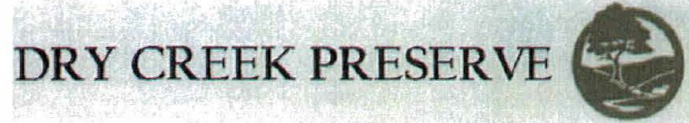
By addressing an underserved but higher income market, the Plan aims at creating larger lots and custom home capability, with the aim of attracting professionals and executive level individuals who may be looking at Clovis as a place to site new businesses or locate professional practices.

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

The movement in recent years towards higher density has left a void at the upper-end of the market. There are fewer and fewer opportunities for families who desire more than an urban style home on an urban size lot in a typical subdivision in Clovis. Many of them live in homes that worked when their children were younger or their families were smaller, but now they need more house and more yard. Rather than have them leave for the County or other cities, this Master Plan provides a unique offering which will help keep Clovis workers in Clovis and may also serve to attract workers from neighboring cities as well.



General Plan Focus Area 7



3.0 Community Outreach and Feedback

The Plan area encompasses over 795 acres and more than 235 parcels. Parcel owners have a wide variety of opinions about development in the area; particularly concerning future annexations. It is difficult to find middle-ground between those different interests. In spite of the differences, several common themes have emerged from the various meetings held to discuss this Master Plan and future development in the area. Listed below are the most common themes raised in the Community Meeting.

Common Theme 1: Maintaining and Protecting the Rural Lifestyle. The DCP has long been associated with a slower pace of life inherent in rural residential living. Street lights don't exist in the area allowing the stars to be seen at night. The two-acre minimum lot size, rights to have domestic and farm animals, and less restrictive regulations and standards, helped provide, for many, a very desirable lifestyle. All of the Rural Residential properties rely upon individual wells for domestic water supply and upon individual in-ground septic disposal facilities. Some residents also have small agriculture operations on their properties which are dependent upon surface water rights and deliveries from Fresno Irrigation District. For this broad array of uses, lower housing densities, and the area's uniqueness, to be preserved, the City recognizes that some area-specific changes and variances to existing City Ordinances and Regulations may be needed and forthcoming, in the event properties within the area becomes annexed to the City. As an over-arching principle, the City intends to continue to allow all Rural Residential property uses that were legally conforming to the County requirements at the time when the property is annexed to Clovis.

Common Theme 2: Concerns Regarding Annexation to the City of Clovis. Given their strong desire to maintain their current lifestyle, many owners have expressed concerns about the possibility of losing their existing Rural Residential land uses and associated rights if or when their property becomes annexed into the City Limits. At one of the neighborhood meetings this topic, landowner rights, was the main topic of conversation. Following this meeting in late 2016, certain neighbors took these concerns to the City Council. The Council then encouraged City Staff to work on an Annexation Agreement for the area. The resultant Annexation Agreement is incorporated into this Master Plan, as Appendix A.

Common Theme 3: Desire to Sell or Develop Property. There are also a dozen or more owners of larger parcels who desire to either sell their property to developers or to develop themselves. These owners have been frustrated by the General Plan Land Use Designation of Rural Residential, as it has limited their ability to sell or develop their land. Developers have expressed concerns regarding the profitability of building at the 0.5 unit per acre density. Some landowners believe the current General Plan Designation has put a ceiling on their property values and restricted their ability to liquidate their property.

Common Theme 4: Importance of Surface Water Rights to the Continuation of Agriculture. A significant number of residents in the area currently have small agricultural operations which are completely dependent upon surface water assignments from Fresno Irrigation District (FID). A major purpose of this Master Plan is to preserve the historical small-scale agriculture to the extent the owners desire it to continue. Water assignments associated with these parcels are extremely important to the owners. The purchase prices of the parcels were originally much higher because of the inclusion of the FID water assignments and facility access. In most cases the water entitlement and facilities access is a recorded feature of the property deeds, and the owners have intended to recover that extra cost if and when the property is ever sold. Normally, at the time an owner requests to be connected to City residential water supply, the FID water allocation to the property would be transferred to the City and it thus offsets City costs in acquiring additional water sources to supply the requested domestic water. In the case of the Dry Creek Preserve, the City has agreed to allow property owners who sign Annexation Agreements to keep their individual water allocations, subject to a one-time "water acquisition fee" intended to enable the City to otherwise acquire the water needed to supply the requested domestic water. This process is detailed in the Annexation Agreement (Appendix A). It will facilitate the continued agricultural use of properties in the area. Area-specific exceptions to existing City ordinances and regulations may need to be made to accommodate the terms of the Annexation Agreements.

DRY CREEK PRESERVE



Common Theme 5: Need for Predictability. Many area residents have expressed a desire to have a Master Plan in place so that the neighborhood will not be surprised by future development applications with higher levels of density or development being proposed in unexpected areas of the Plan area. This Plan is intended to provide predictability to area development (or lack of development).

Common Theme 6: Desire for a Unique Area Visual Signature. It is intended that the Dry Creek Preserve should have its own unique visual appearance and “signature” which defines the area as a unique “softer” appearing area of Clovis, reflecting the area’s valuable open space attributes and its agricultural roots in history.

Landowner Issue Resolution Each of the above Common themes is addressed in the various sections of this Master Plan. In most, but not all cases, issues have been successfully negotiated with resulting landowner consensus.

DRY CREEK PRESERVE

4.0 Master Plan Goals

- Maintain the DCP's Rural Character and Appearance. Establish area-unique design standards to maintain the preferred semi-rural look and feel of the area.
- Protect the Ability of Current Landowners to Maintain Their Current Lifestyle. This is accomplished through thoughtful standards for future development, provision for owners to execute individual Annexation Agreements with the City of Clovis, required recordation of "Right to Farm" covenants on developing lands, and the grandfathering of all preexisting permissible land uses which have existed within the Rural Residential zoning of Fresno County.
- Provide a Framework for Future Development. Identify desirable development guidelines which promote lower housing densities to allow compatible development, but encourage a rural look and feel for the Plan area.
- DCP Wildlife are plentiful. They are enjoyed by area residents and visitors and are an important part of preserving the area's character and identity.

- Build Identity. Create a "signature look" for the plan area, to set it apart as a unique and special place, which is semi-rural in character and thus preserves the Historic Clovis Western Way of Life.
- Establish Predictability in Land Use Changes. Respect the guidance and direction provided in the development guidelines that were collaboratively developed.

This Master Plan does not alter the General Plan designation for any of the Plan area. Upon adoption of this Master Plan, the RR designation will remain in effect over the Plan area, with allowances for denser development applications up to 2.3 SFR units per acre to be considered in the future on qualifying larger parcels, subject to General Plan Amendment approvals. One of the purposes of this document is to clarify understandings regarding allowable future General Plan Amendments in the Plan area. Such future GPAs will amend the land use designations for specific development areas and parcels, and must be consistent with the density and other standards advanced within this Master Plan.



Young Grey Foxes explore a DCP residential garden



A male Wood Duck rests in a DCP pecan orchard



A pair of young raccoons await their mother's return

DRY CREEK PRESERVE



5.0 Plan Application and Implementation

This Master Plan is intended to serve as guidance for community groups/individuals, the City, Fresno County, and prospective developers within the area.

- 1) All landowners in the Dry Creek Preserve will be able to sign an annexation agreement with the City of Clovis, protecting their rural lifestyle rights. This agreement will be available for owners to sign for a specified period of time after approval of this Master Plan or at the time an annexation is proposed for their property. This agreement protects the rights of each landowner in the case of annexation.
- 2) Those who wish to develop their land to the County standard of .5 residential units per acre can apply in the County, while their property remains in the County, per the terms and conditions of the City-County Memorandum of Understanding.
- 3) If a property is annexed into the City, the landowner can file a development application to the City per the then-current zoning code. Under the current General Plan Designation of Rural Residential, the City would allow development of up to .5 residential units per acre.
- 4) If a General Plan Amendment is sought from the City, this Master Plan is intended to guide landowners, applicants, and policy makers to limit approvals to 1) densities of no greater than .5 units per acre for projects smaller than 10.0 net acres, and 2) no more than 2.3 units per acre for projects of 10 net acres or greater (See Section 9.1 for specific requirements).

New residential development will be held to maintaining a semi-rural look and feel through compliance with development standards. (See Section 9.2.1 for specific requirements).

- 5) Projects requiring a public hearing are subject to legal notification per the Development Code, which requires a mailed notice to all property owners within a specific radius of the project boundaries. Additionally, a mailed notice shall be sent to all property owners within the boundaries of the Dry Creek Preserve.

- 6) Minor modifications to the Master Plan. A minor modification requested or agreed to by the property owner shall be intended to accomplish one or more of the following:

Any change or modification which does not change the basic intent of the Master Plan such as modifying plant materials, allowable uses as a result of Code changes, and amendments due to State or Federal regulations. A minor Modification may be approved by the Director of Planning and Development Services through a Minor Modification process.

An appeal of the Director's determination regarding the minor modification shall be processed in compliance with Chapter 90 of the Clovis Development Code.

- 7) Major modifications to the Master Plan. A major modification includes any modification which does not qualify as a minor modification including but not limited to changes to circulation patterns, density, rural residential rights policies, and annexations. A major modification shall be processed and reviewed by the Commission and approved by the Council in compliance with the Development.



5.1 Plan Significance

This Master Plan will allow the City to continue to prepare for the annexation of this county peninsula, into its boundaries, which will increase efficiencies in the delivery of services to the area. At the same time it will protect the area's agricultural roots and lifestyle.

The Dry Creek Preserve will continue to be a pastoral-appearing, less intensively developed neighborhood, with evident viable agriculture, equestrian and other livestock use, long views, and other rural attributes. It will continue to have a Rural Residential designation over most of its area, which allows single-family residences to be placed on very large parcels, where desired. It will thus provide a residential housing option wherein people who desire to have larger yards or other connected land area; either for agriculture, gardening, privacy, play areas for children, workshops, livestock, other kinds of outbuildings or just open space surroundings can enjoy those lifestyles, and not be found in violation of City ordinances or regulations, following annexation.

For landowners, this plan will provide predictability when considering the future of the area. The Annexation Agreement will also protect their current allowable rights. For some landowners, this Master Plan will also allow them to consider developing their land, or selling their property for development. For all parties involved, this Master Plan further identifies how Fowler Avenue will be improved over time, as development comes to the area.

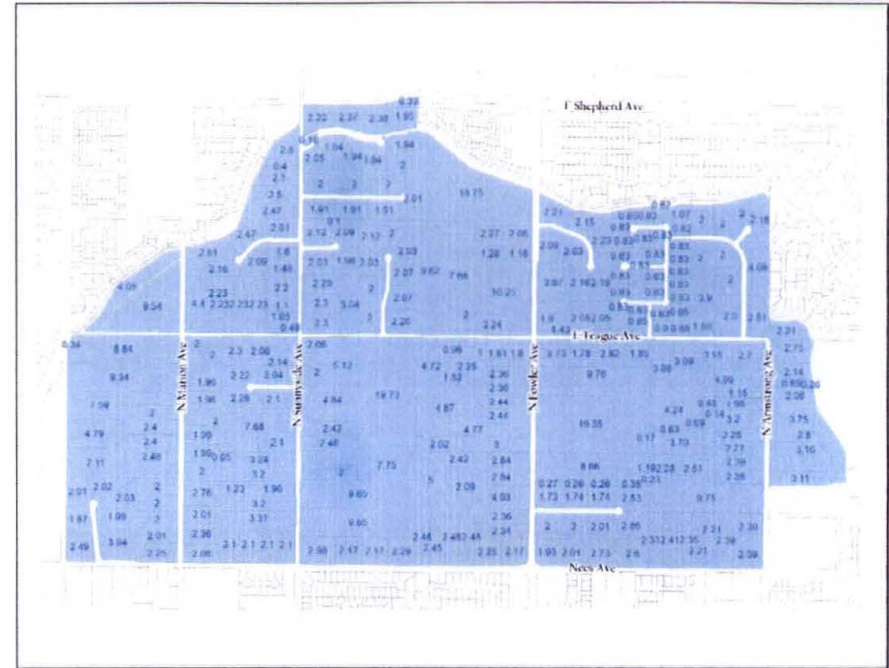
New development of large parcels is likely to occur. The 10.0 net acre minimum project size (per this Master Plan) will cause much of the Plan area to remain largely rural, as it is today. Potentially, up to 145-165 of the 747 privately owned acres of the Plan area could be built-out with new, more intensive development. Under this scenario, about 20-22% of the Master Plan area may eventually consist of new development with up to 2.3 SFR units per acre, and 78-80% would remain in its current Rural Residential status. Very importantly, the Plan will provide the community more assurance regarding the type of developments that may be coming to the Plan area, and where those developments could be located.

DRY CREEK PRESERVE



6.0 Land Use and Future Development

- 1) Future residential development greater than 0.5 SFR units per acre within the Dry Creek Preserve requires a General Plan Amendment, per the Herndon-Shepherd Specific Plan. The Large Lot Residential designation (maximum 2.3 units per acre) reinforces the "Community Brand/Identity" of the DCP, serves to reduce peak traffic loading, and reduces development impacts upon the rural character of the area.
- 2) Future residential development of projects smaller than 10.0 net acres (excluding required street rights of way) will be limited to a minimum Rural Residential lot size of 2 acres nominal, unless they are landlocked, or adjacent to a previously developed subdivision, pursuant to section 9.1d.
- 3) New residential development that is approved would conform to the DCP Master Plan with respect to density, community aesthetics, materials, and street furniture as later described in the Dry Creek Preserve Design Guidelines.



Dry Creek Preserve parcels



6.1 Annexations

Purpose. The purpose of this Policy is twofold. First, to identify an annexation program describing the probable properties that the City of Clovis, County of Fresno or the Fresno Local Agency Formation Commission ("LAFCo") will request be annexed concurrently with development project property ("Non-Development Annexed Properties"). Second, to identify protections that will be made available to the Non-Development Annexed Properties. It is the overall intent that the owners of these properties be allowed to continue with their rural residential lifestyle as permitted under the Ordinance Code of Fresno County in effect at the time of annexation.

6.1.1 Annexation Program

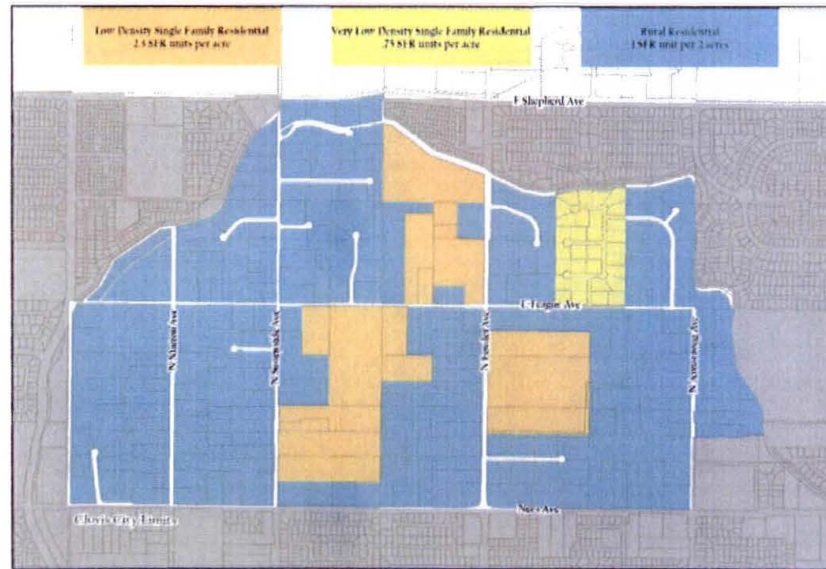
Development of land at a higher density than .5 units per acre within the DCP will require the Project to be annexed to the City of Clovis. Depending upon the location of the Project, the annexation boundary could encompass several surrounding properties. Currently, the City of Clovis and County of Fresno are party to a Tax Sharing Agreement which includes policies regarding annexation boundaries. Additionally, the Fresno Local Agency Formation Commission (LAFCo), has policies and Codes which further address annexation boundaries. This Master Plan includes an exhibit which illustrates scenarios which may or may not follow strict Codes and Policies for annexation boundaries. The intent of the scenarios is to illustrate the challenge of development in the DCP as it relates to annexation.

6.1.2 Annexation Agreements

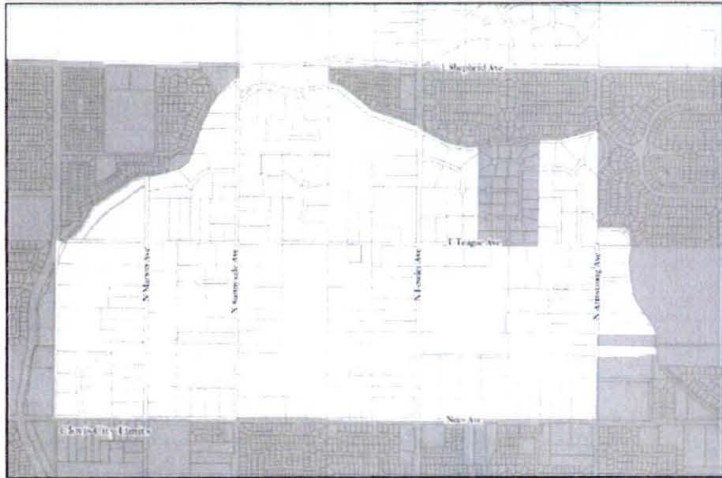
Owners of Non-Development Annexed Properties will be offered an opportunity to enter into an annexation agreement ("Annexation Agreement") with the City which spells out how the owners will be allowed to continue with their rural residential lifestyle. A form of the Annexation Agreement is included in Appendix A. Owners of Non-Development Annexed Properties shall have two opportunities to enter into the Annexation Agreement as follows:

- (1) For a period of one hundred twenty (120) days after approval of the Master Plan ("Initial Execution Period"); or
- (2) At the time of being asked to annex their property.

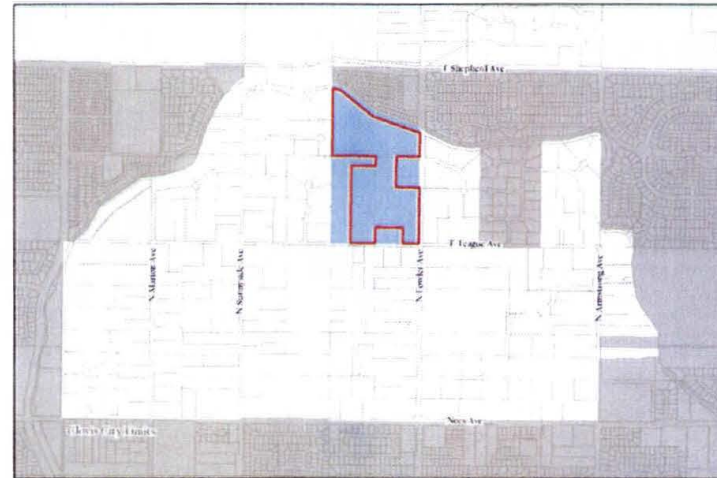
During the Initial Execution Period, the City Clerk may arrange for specified dates and times to have the agreements signed, notarized, and recorded.



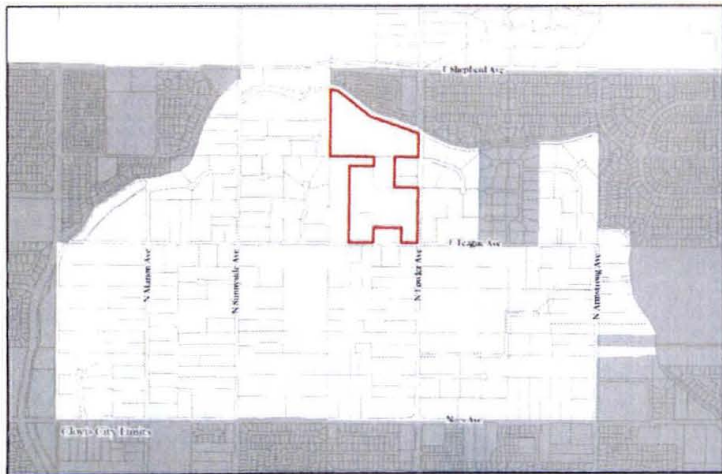
Expected 20-Year Level of Development



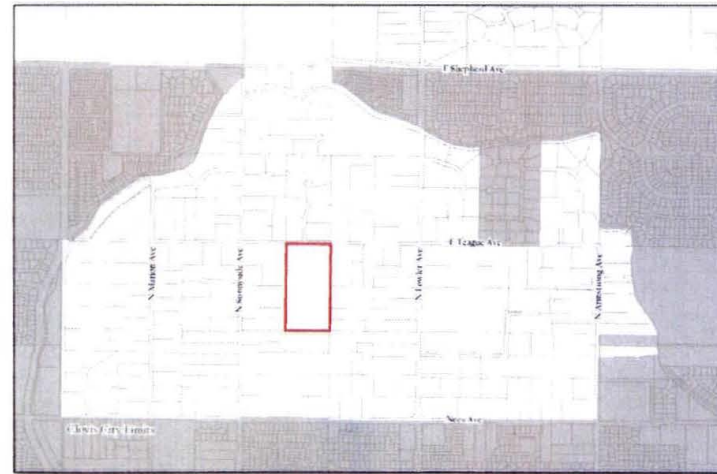
Annexation Program Scenarios



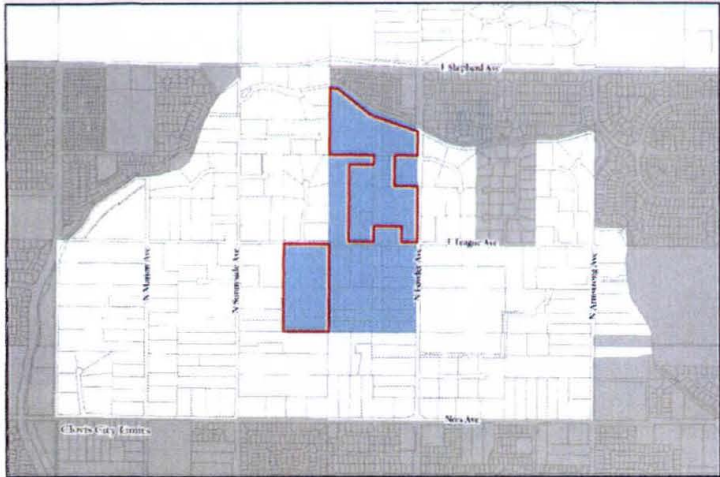
Annexation Scenario A



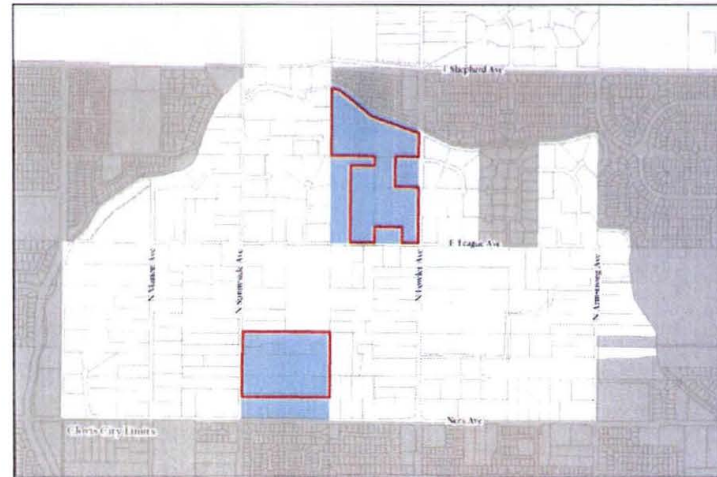
Tract 6154 Development



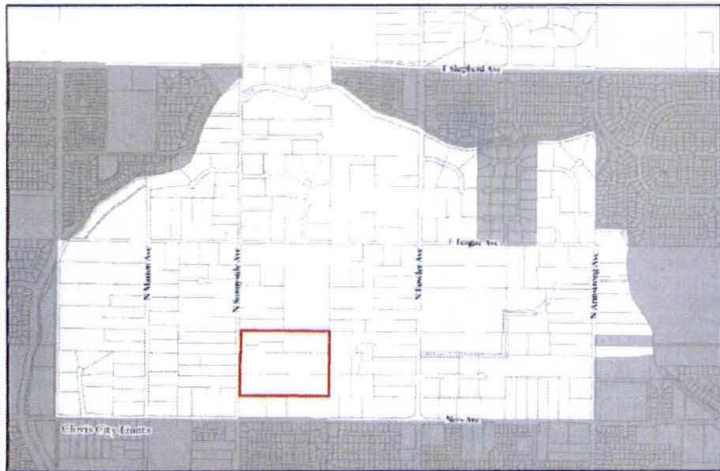
Potential Development B



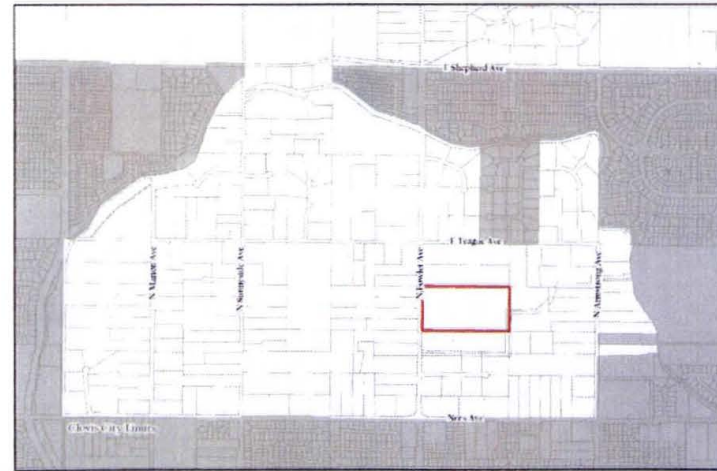
Annexation Scenario A & B



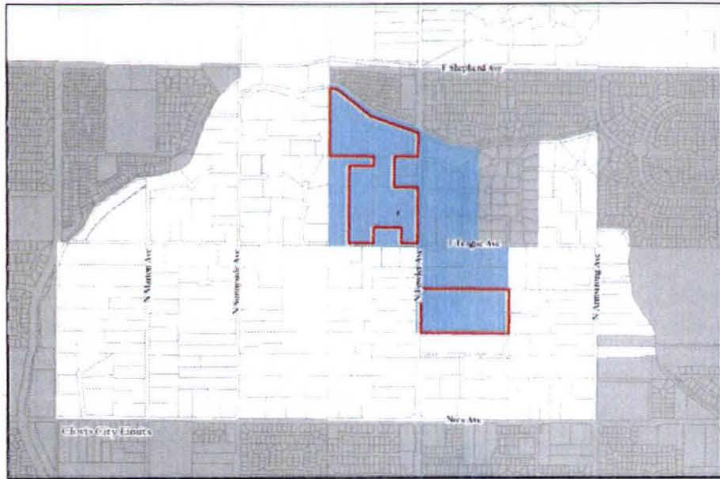
Annexation Scenario A & C



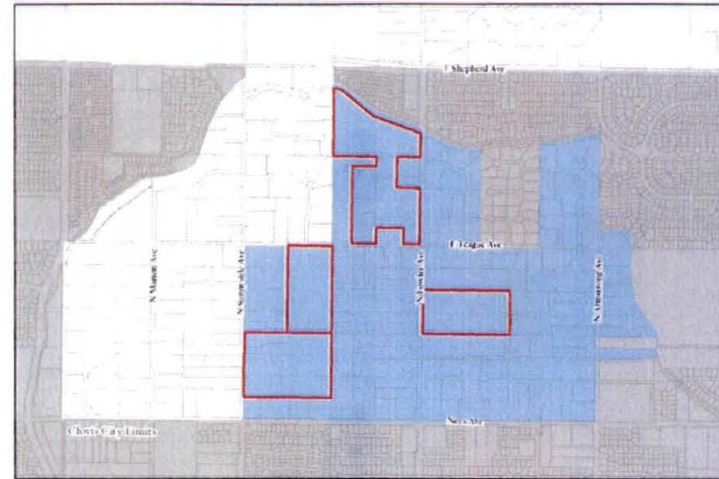
Potential Development C



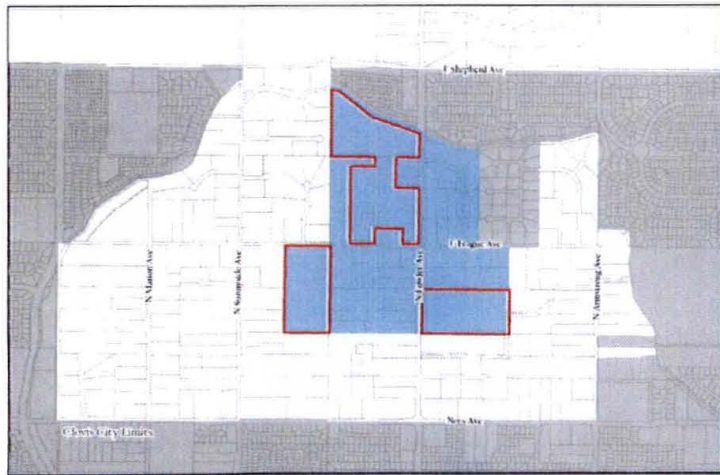
Potential Development D



Annexation Scenario A & D



Annexation Scenario A, B, C, & D



Annexation Scenario A, B, & D

7.0 Agriculture

Protecting Agricultural Operations

Protection and continuation of DCP agriculture is a key element of this Master Plan. It will be facilitated as follows:

- Agricultural uses will continue to be allowed and encouraged within the DCP, as long as owners wish to maintain them. This will help maintain the DCP's open space values and keep alive Clovis' historical agricultural heritage.
- An Annexation Agreement (Appendix A) is provided herein as the primary basis for protection of many aspects of individual parcel agricultural operations.
- Where public landscaping is utilized along roads, trails and parks, only non-toxic (to livestock) plant materials will be utilized.
- Because free-roaming or feral dogs represent a threat to livestock, wildlife, and humans, the Plan Area shall be subject to strictly enforced licensing, leash laws, and animal control laws and ordinances. The use of chain-link or other livestock protective fencing will be allowed, provided it meets structural requirements per City and County regulations.
- Agricultural irrigation using FID surface water is encouraged and will continue to be allowed. Agricultural water entitlements will remain with parcels per the Annexation Agreement.
- Agricultural operations will be protected by Right to Farm covenants, to be recorded by the developers of any property within the DCP.



DRY CREEK PRESERVE



7.1 Protecting Agricultural Uses

Agriculture has long been a principal use exercised by Plan Area residents. These agricultural uses have collectively helped to foster and maintain, over time, the historical rural appearance and the open space character of the Dry Creek Preserve Area. There continue to be small, profitable operations. Most are family operations, conducted by resident-owners. A relatively small variety of harvested crops is grown, including pecans, grapes, walnuts, almonds, stone fruit, and occasional small-scale row crops. Some are marketed on a commercial scale, others are marketed through “farm gate” or Farmers Market sales.

Numerous DCP landowners keep large or small animals or poultry as a part of their lifestyle. The animals include horses, cows, mules, donkeys, burros, llamas, alpacas, goats, sheep, various poultry or ornamental birds, and others. Most often these animals are kept as pets, for personal riding enjoyment or for vegetation control. However, some owners do occasionally breed horses, dogs, or other animals with intent to sell the progeny. Others raise cattle or other animals for food. The diversity of large and small animals present across the Area is one of the principal attractions to recreationists, who commonly bicycle or walk with their children, pausing to view and interact with horses or other animals. This interaction is desirable, since it helps “soften” the urban lifestyle and serves to reconnect Clovis with its historical “Western Way of Life”.

For Area agriculture to persist and continue to provide aesthetic and commercial value, it will be necessary to protect existing or new farming operations from conflicts with other uses, including residential uses. This Plan is intended to create an explicit right to farm policy. It contains the following standards to assure that neighbor conflicts over otherwise legal noise, dust, spraying, harvesting, permitted burning, or other activities will not eventually preclude and/or displace the agricultural uses from these fertile lands.

The following specific agricultural use protections are identified as specific policies, within the Dry Creek Master Plan area.



DRY CREEK PRESERVE



7.1.1 Standards for Protection of Farming Operations

- 1) Agricultural uses will continue to be allowed and encouraged within the DCP, as long as owners wish to maintain them. This will help maintain the DCP's open space values and keep alive Clovis' historical agricultural heritage.
- 2) An Annexation Agreement (Appendix A) is provided herein as the primary basis for protection of many aspects of individual parcel agricultural operations.
- 3) Where public landscaping is utilized along roads, trails and parks, only non-toxic (to livestock) plant materials will be utilized.
- 4) Agricultural operations will be protected by Right to Farm covenants, to be recorded by the developers of any property within the DCP.
- 5) Agricultural irrigation using FID surface water is encouraged and will continue to be allowed. For Rural Residential zoned properties, existing access to and use of surface irrigation water, through Fresno Irrigation District facilities, and/or to groundwater through private wells will continue to be allowed, subject to an Annexation Agreement, in the event lands are annexed.
- 6) Operators making modifications to lands or developing or maintaining public works projects will be required to provide for downstream water users to have uninterrupted use and access to preexisting conveyance capacity of irrigation water, including structures, valves, pipelines, ditches, canals and other features, to enable them to normally irrigate agricultural crops or pastures, or provide water for livestock, pursuant to the Fresno Irrigation District rules. Developers and builders will have the right to realign and/or improve existing irrigation lines, structures, valves, pipelines, etc. that traverse developer owned property.
- 7) Agricultural pumping will continue to be allowed throughout the Plan Area. Pumping from existing wells for agricultural uses will not be subject to local requirements for new (i.e., not required on or prior to January 1, 2014) permits, fees, testing or other regulation, except as may be required under laws of the State of California.
- 8) Noise traditionally associated with agricultural operations (e.g, from normal operations such as harvesting, wind machines, bird control, pruning, discing, ripping, leveling, hauling, processing or other agriculture related activities) shall not be construed as a "nuisance" or other basis for legal restriction in neighbor disputes affecting City or County permitting. All such agricultural noise shall be restricted between the hours of 7:00 A.M and 10:00 P.M.
- 9) Dust arising from agricultural operations shall be in compliance with State law and with regulations of the San Joaquin Valley Regional Air Pollution Control District. No other restriction of dust from agricultural operations are intended to be imposed.
- 9) Legally compliant agricultural chemical spraying or other pest control is a permissible activity within the Dry Creek Area and will not be restricted.
- 10) No other agricultural use shall be restricted or curtailed due to concerns expressed by neighbors, unless the operations are found not to be legally compliant.
- 11) Agricultural property owners within the Area shall continue to have authority to protect livestock from injury or harassment by free-roaming domestic dogs.
- 12) Livestock protective fencing up to 7 feet in height will continue to be allowed.
- 13) Because free-roaming or feral dogs represent a threat to livestock, wildlife, and humans, the Plan Area shall be subject to strictly enforced licensing, leash laws, and animal control laws and ordinances. The use of chain-link or other livestock protective fencing will be allowed, provided it meets structural requirements per City and County regulations.

DRY CREEK PRESERVE



7.2 Right to Farm Covenants

The City's existing "right to farm" covenant, as spelled out in Clovis Municipal Code § 9.40.180, will be made applicable to all development projects within the Dry Creek Preserve. The right to farm covenant contains a subdivider's and owner's disclosure statement which acknowledges the subdivider's and owner's understanding of the presence of nearby commercial agricultural use and the City's policy regarding its right to continue.

- The commercial covenant reads as follows:

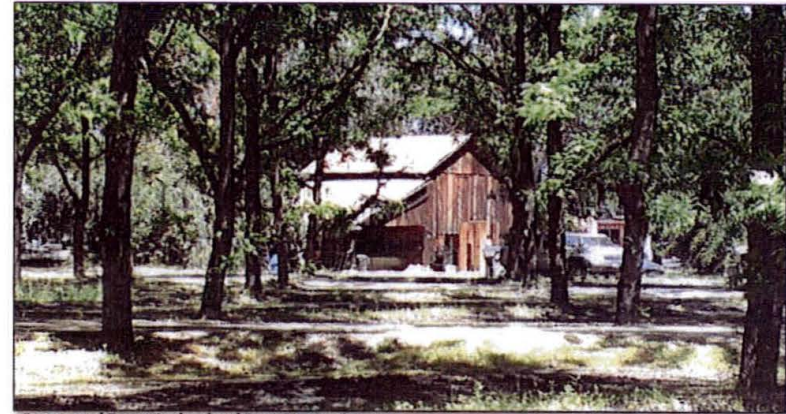
The undersigned in consideration of recordation of said subdivision by the City of Clovis, do hereby covenant and agree with the declared policy of the City of Clovis (Right-to-Farm Ordinance) to preserve, protect, and encourage development of its agricultural land consistent with the California Civil Code Section 3482.5 which provides that no agricultural activity, operation, or facility, or appurtenances thereof, as defined in the code, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began; that the described property is in or near agricultural districts and that the residents of the property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. This covenant shall run with the land and be binding upon all future owners, heirs, successors, and assigns to the property.

In addition, a further covenant will be required as a condition of approval recognizing the presence of adjacent rural residential properties that may conduct small scale non-commercial farming operations.

- The rural residential covenant reads as follows:

The undersigned in consideration of recordation of said subdivision by the City of Clovis, do hereby covenant and agree that rural residential properties, as defined under the Ordinance Code of Fresno County or the City of Clovis Municipal Code, lie adjacent and nearby to the property and that the residents of the property should be prepared to accept the

inconveniences and discomfort associated with normal farm activities occurring on rural residential properties, provided those activities are conducted in a lawful manner and in compliance with the applicable Ordinance Code of Fresno County or the City of Clovis Municipal Code. This covenant shall run with the land and be binding upon all future owners, heirs, successors, and assigns to the property.



Commercial Pecan Orchard and Barn, Teague Avenue



8.0 Land Use Guidelines

These land use guidelines operate by providing standards to apply to any development which might occur at any location within the Plan area. Currently, the entire Plan Area is in County of Fresno jurisdiction, and is designated Rural Residential, Single Family, two-acre minimum.

8.1 Rural Residential Use

The Herndon Shepherd Specific Plan designated the entire Plan Area for Rural Residential use. This was one of four general housing types advanced in that 1988 Plan. Today, all the other areas designated within the Herndon-Shepherd Plan are built-out, and at a much higher density than the current Rural Residential (two-acre minimum) standard in the Plan area. This Master Plan proposes to retain the RR designation throughout the Plan Area, except as proposed for development through the General Plan Amendment process on developments of at least 10.0 acres in size.

The RR lifestyle is desirable to many people who choose not to live in denser communities, or where elements of their lifestyle involve activities or uses that either require space or are not well tolerated by close neighbors. Some owners also have home-based aspects to their businesses, (e.g., nurseries, veterinary clinics, equipment overnight storage, arts, crafts, etc.) which were the reason they selected RR lands with suitable space and with County-approved permissible uses. Those preexisting conforming uses will continue to be allowed under this Master Plan.

Rural residential housing within the Area occupies a wide range of home values and sizes, including rentals, small older homes, new custom homes and very large estate-size developments. These housing types are mixed across the landscape in various clusters, typically containing more than one type of home.

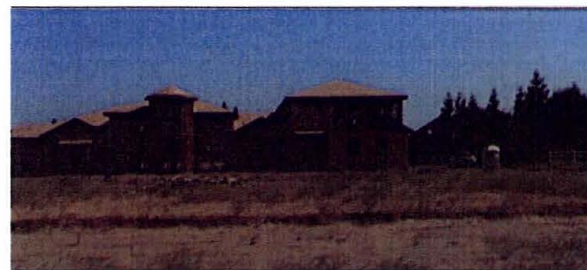
Rural Residential land use can be typified only by its variety and individualism. Few properties are alike, reflecting the owners' diverse lifestyles and land management practices.



Rural Residential Homes, Purdue Lane



Horse pasture, Teague Avenue



A new Rural Residential home under construction on Teague Avenue

DRY CREEK PRESERVE



8.1.1 Rural Residential Permissible Uses

All property uses and features that are legally allowed or permitted by Fresno County at the time when properties are annexed into the City of Clovis shall continue to be allowed after annexation occurs, without restriction, unless necessary to comply with State laws or regulations.

Subject to their conformance with Fresno County standards at the time of annexation, or with City of Clovis Rural Residential standards, the allowable uses on Rural Residential parcels shall specifically include, but not be limited to the following.

- 1) Large or small farming or ranching operations, including growing, harvesting, processing, shipping of produced commodities (except commercial poultry growing, confined livestock operations --i.e., feed lots, dairies, etc.-- or other operations with associated objectionable odors or potential for groundwater contamination) and disposal of agricultural waste, including by permitted burning or shredding. All above actions continue to be subject to USDA, CDFG, CARB and San Joaquin Valley Air Pollution Control District regulations.
- 2) Maintenance shops to construct or maintain resident-owned equipment.
- 3) Construction of facilities, barns, sheds, solar facilities, etc., connected to farming, livestock, or other resident-owner activities. Keeping of large animals, including livestock, horses, donkeys, llamas, alpacas, goats, sheep, or other mammals, property fencing as needed to protect those animals will also continue to be allowed.
- 4) Keeping of birds or poultry as pets or for personal use.
- 5) Drilling, maintenance and/or repair of new or existing agricultural or residential water wells upon Rural Residential parcels will be allowed pursuant to an Annexation Agreement.
- 6) Surface irrigation of crops, pastures or other features, as allowed by Fresno Irrigation District and if the parcel has FID water rights. (Properties which are annexed to Clovis and are supplied with City domestic water must have and be in compliance with an Annexation Agreement in order to continue to use FID-supplied agricultural irrigation water.)
- 7) Continued individual access to operate and maintain irrigation supply facilities, such as FID or community ditches, control structures, valves, stand-pipes or pipelines, pursuant to preexisting easements and to an Annexation Agreement.
- 8) Gardening or landscaping associated with residential uses.
- 9) Cottage industries: (Artwork, crafts, etc.).
- 10) Individual parcel fencing of any type is permitted upon Rural Residential parcels up to a maximum height of seven (7) feet. Above 7 feet requires separate permitting by the City of Clovis or Fresno County, as applicable.
- 11) Visible storage and use of parcel owner's equipment and materials, including: 1) any farm implements, 2) recreational equipment, 3) yard or residential maintenance equipment, 4) up to one commercial truck and trailer, 5) up to two (2) shipping containers, or 6) other stored materials. Storage of equipment in excess of the above standards is allowed, but must be in a concealed area of parcels, not visible to the roadways or to neighboring properties.
- 12) Non-commercial construction/fabrication of equipment, welding, wood working, or other light industrial activities.

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New Low Density Residential construction on 1/4 acre lots at 31-acre Whisper Creek

9.0 New Housing Development

The following policy objectives will guide development, in order to avoid adverse impacts of development upon the core rural area values, area residents, uses and resources of the DCP. As such, the following objectives shall be implemented in all decisions regarding DCP area rezoning, permitting, or other land use decisions.

9.1 Residential Density

Maximum residential densities for the DCP area shall be 2.3 single family Units/Acre. This density is consistent with the maximum residential density standards used in the General Plan and sewer and water master plans (2.5 Units/Acre) for planning available sewer and water supply capacity to the area. In addition, 10.0 net acres or more is required for development at these densities, with limited exceptions as set forth below. The following standards shall be applied:

- A. The maximum residential density shall be 2.3 Units/Acre. This density is based upon gross acreage, which is defined as follows: The total area within the lot lines of a parcel before public streets, easements, or other areas to be dedicated or reserved for public use are deducted from the parcel.
- B. Densities at greater than 0.5 Units/Acre, up to the maximum density of 2.3 Units/Acre shall be limited to 10.0 net acres or more. Net acres is defined as follows: The total area within the lot lines after deducting existing public street rights-of-way.
- C. Notwithstanding the foregoing, developments up to the maximum density of 2.3 Units/Acre may occur on less than 10.0 net acres under the following circumstances:
 - (1) On landlocked parcels. Landlocked parcels shall mean those parcels which are contiguously surrounded on all sides by either (a) preexisting City approved subdivisions, or (b) one or more major through streets (Marion, Sunnyside, Fowler, Armstrong, Nees, Teague, and Shepherd Avenues, or other major public facilities (Dry Creek Elementary, Dry Creek alignment, Enterprise Canal, or Fresno Metropolitan Flood Control District facilities).
 - (2) On single parcels of 9.5 net acres or larger, but less than 10.0 net acres, if the parcel is contiguous to a previously developed City residential tract within the DCP area. Contiguous shall mean: sharing a common boundary, not separated by: (a) a dedicated public road or street, (b) Dry Creek, (c) Enterprise Canal, (d) any FMFCD maintained surface drainage canal, or (e) any other public trail or right of way. Previously developed City residential tract shall mean a fully permitted subdivision project under a single subdivision map application, which is either completed or actively under construction.

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D. Properties of less than 10.0 net acres may be developed as rural residential parcels at 0.5 Units/Acre, or combined with other adjacent parcels to form 10.0 plus net acres, thereby allowing densities up to 2.3 Units/Acre.

In adopting these standards, the Council finds that they are necessary to preserve the rural residential character of the DCP area and that any development inconsistent with these standards interferes with this fundamental goal.

The Council additionally finds that allowing landlocked and contiguous parcels to develop at the higher densities pursuant to the exceptions in C(1) and C(2) above, protects property owners that may otherwise not have any opportunity to utilize their property due to prior development patterns, while still preserving the essential goals of the Master Plan.



9.2 Development Standards

9.2.1 Development Design Standards

- All development shall comply with the City of Clovis' building and development codes. No architectural design template is imposed for new development within the Plan area, however variety in residence size, cost, style, and appearance/design should be provided.
- Residences located adjacent to existing homes that carry the Rural Residential City or County designation (Existing Home), may be either single or two-story homes unless the proposed home will lie within 100 feet of an Existing Home. If the proposed home is within 100 feet of an Existing Rural Residential Home, the proposed home shall be limited to one story. The Developer may request an Administrative Use Permit to consider a two-story home upon an agreement with the owner of the adjacent Existing Home, and mitigating measures (the planting of trees between the homes, etc.).
- Developers of all new housing projects shall record a "Right to Farm" covenant over each of the subdivided parcels. This covenant shall disclose that living near farming operations may cause inconveniences to new home buyers. This document gives the farming operations standing to continue their practices as they were in place before the new development was proposed.
- Construction of residential subdivisions or units, or construction of any other feature pursuant to this Plan must not obstruct, reduce, interfere with, or in any way prevent the free use of surface irrigation facilities and/or water for agricultural purposes. Developers of new projects may reroute or replace old irrigation lines, but will coordinate this with adjacent landowners and in all cases, must provide for the flow of water through their developed property to adjacent and downstream parcels. The developer will not however, be required to fix broken irrigation systems on property that is not a part of their development, unless they participated in the breakage.

- To preserve the undeveloped character of the Plan area, on Arterial and Collector Roads concrete sidewalks will not be installed adjacent to development projects. Rather, walkways made of asphalt, decomposed granite, or other more rural appearing material will be installed. For the interior tract development of new residential homes, concrete sidewalks may be replaced with either: 1) no sidewalks (upon Council approval), or 2) sidewalks made of asphalt or decomposed granite, etc.
- The development of road frontage and the requirement for dedicated right of way shall only exist on: 1) land that is actively being developed, 2) frontage from a landowner who has sold a portion of a parcel for active development, or 3) areas otherwise needed for orderly street access. Where improved streets front along land parcels that are not developed more densely than 0.5 Single Family Residence units per acre, urban appearing landscape vegetation will not be required, and owner landscaping will be allowed.

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10.0 Commercial Uses

At present, few commercial uses exist within the Dry Creek Area. Existing commercial uses include commercial agriculture, a veterinary clinic, a nursery, equestrian center, a boutique winery, and several cottage industry uses. All of these uses were/are properly permitted under Fresno County, and are permissible uses under the County's Rural Residential designation. Many of these are mixed uses, wherein the business owners reside at their place of business. Most existed under existing County RR (2 acre-minimum) zoning, or were allowed pursuant to County-issued variances or permits. All such prior permitted uses shall be grandfathered here and continue to be allowed within the Plan area.

It is the intent of this Plan that particular types of commercial use that are not allowed under Fresno County's Rural Residential designation will not be allowed within the Dry Creek Preserve.

Several landowners have expressed interest in very low intensity commercial enterprises, such as bed and breakfast facilities, a winery, a commercial community gardening enterprise, along with the several existing commercial uses already noted above.

To the extent that these uses are consistent with County regulations for Rural Residential parcels at the time of annexation or City Rural Residential regulations, including any required permits under those regulations, they will be allowed.



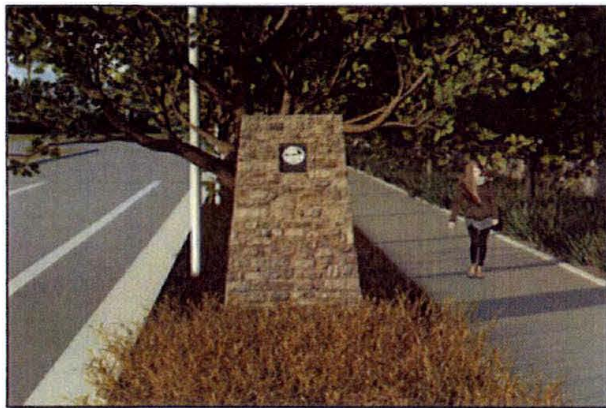
DRY CREEK PRESERVE



11.0 Area Signature and Branding

One of the major goals of this Master Plan is to help set this Plan Area apart from all other areas and to celebrate its uniqueness. This plan proposes to create a "signature look" for developed portions of the area that ties the area together and is found through the project in its monuments, signage, and street signs.

The logo from the Dry Creek Trailhead was deemed to be a good choice for the area (see figure below). It will appear on Dry Creek Preserve Street Signs throughout the DCP area and on various public structures and monuments.



Fowler Avenue is the primary entry to the Dry Creek Preserve. As guests and owners heading south, cross over the Enterprise Canal into the Dry Creek Preserve, there will be a large monument on the west side of Fowler, providing a clear message that one is entering a special place, set apart from others in the City and County.



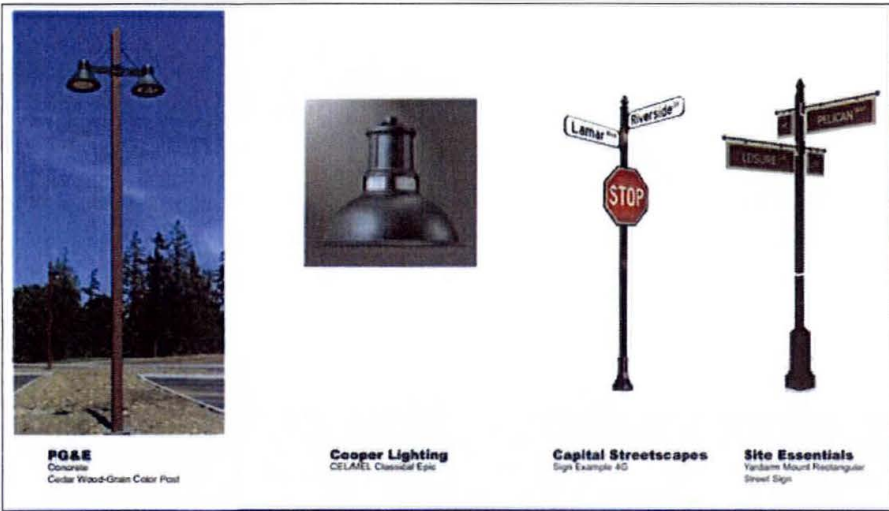
Welcome Entry Monument

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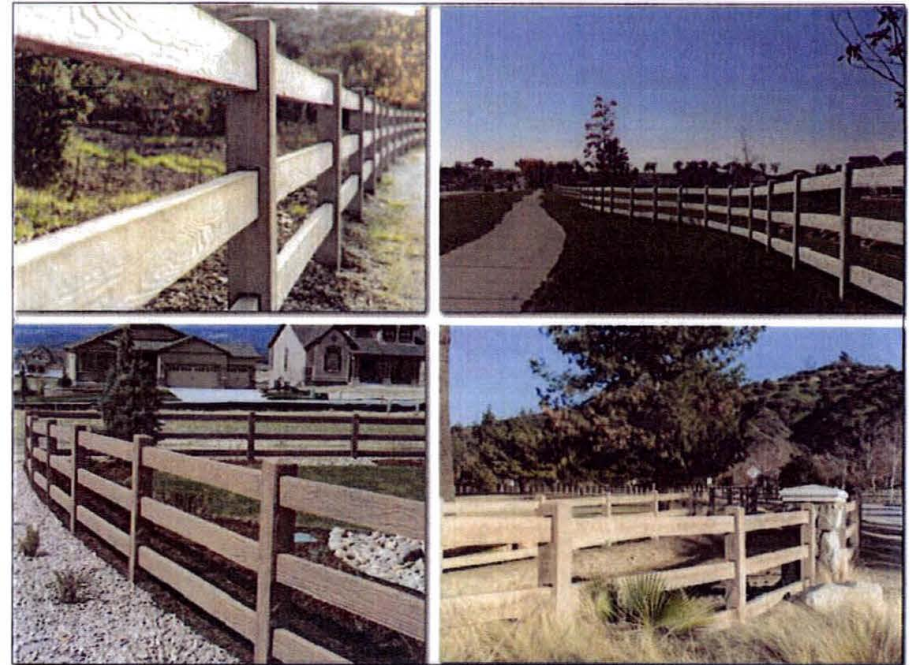
11.1 Lighting

Street lights located in new residential developments shall be hooded to direct the light downward (with approvals needed by PG&E). This is an important restriction that will keep ambient light to a minimum throughout the area, thus helping to preserve the rural nature of the Dry Creek Preserve and enable area nocturnal wildlife (owls, foxes, raccoons, etc.) to continue to exist. Lighting at intersections and along developed streets will be provided by Pacific Gas and Electric Company and will be directed downward. Lamp posts and signage will be according to PG&E, and City standards, except that a Dry Creek Preserve logo will be a part of signage within the area.

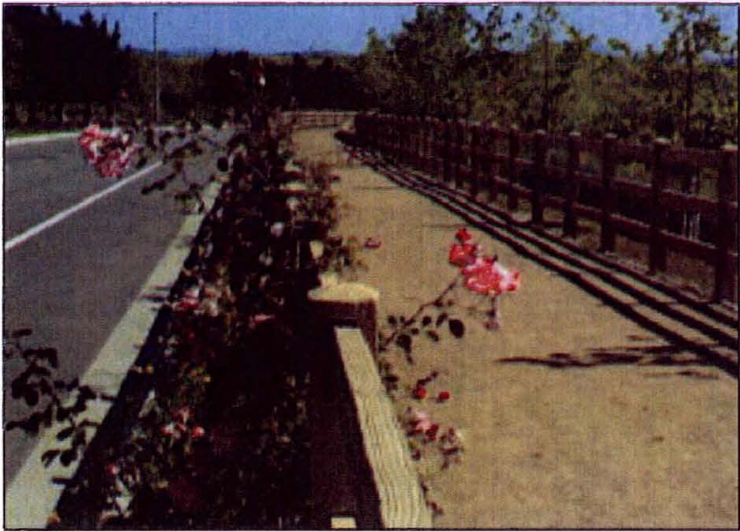


11.2 Split Rail Concrete Fencing

Split rail/concrete fencing is recommended as an accent for new development projects. This will help promulgate the countryside look and feel throughout the plan area.



DRY CREEK PRESERVE



Material Matrix

ELEMENT	MATERIAL								
	A-1 Stone Veneer	A-2 Metal Copper Steel	A-3 Reclaimed Wood	A-4 4 cm x 8 cm Block (Earth Tones)	A-5 Crushed Rock (Colored)	A-6 Decomposed Granite (1 in)	A-7 Colored Concrete	A-8 Asphalt	A-9 Powder Coated Metal
Community Walls				*					
Accent Walls	*								
Pilasters	*			*		*			
Sidewalks					*	*	*	*	
Fencing	*	*	*						*
Street Lighting	*	*	*				*	*	*
Monumentation / Signage	*	*			*	*	*	*	*

11.3 Asphalt Rather than Concrete Walkways

Developers shall utilize asphalt or other materials in place of concrete when constructing walkways on the exterior of projects, in order to maintain the rural look and feel of the area.

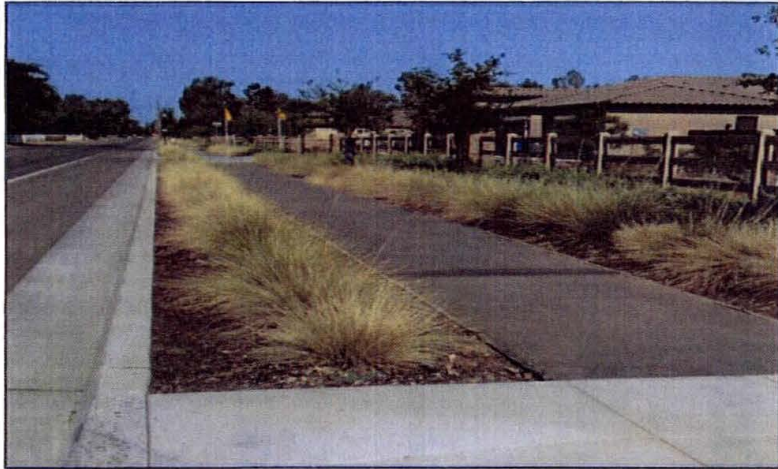
DRY CREEK PRESERVE



11.4 Landscaping

11.4.1 Ornamental Trees, Grasses, and Shrubs

Street vegetation and landscaping will be required along new development parcels. Remaining areas of the DCP will retain their existing rural appearance, without curbs, gutters, sidewalks, street trees or other public landscaping. Landscaping in the undeveloped areas will remain as it is today, individually placed and managed by property owners, unless and until further development occurs. The goals of the landscaping palette will be to keep a simple and rural look to the developed area, while avoiding the use of any noxious plants or plants that are toxic to livestock. On the following pages are the tree, shrub, and groundcover matrixes to be used along developed street segments:



Typical Developed Street Landscaping along east Teague Avenue, Whisper Creek Development



Typical Undeveloped Street with Owner Landscaping – Teague Avenue, west of Sunnyside

DRY CREEK PRESERVE



Tree palette

SYM	Common Name	Botanical Name	Water Use	Deciduous/ Evergreen
T-1	Strawberry Tree	Arbutus unedo	L	E
T-2	Lemon, orange, etc	Citrus spp.	M	E
T-3	Goldenrain Tree	Koelreuteria paniculata	M	D
T-4	Crape Myrtle (Red)	Lagerstroemia indica 'Dynamite'	L	D
T-5	Crape Myrtle (White)	Lagerstroemia indica 'Natchez'	L	D
T-6	Crape Myrtle (Pink)	Lagerstroemia indica 'Muskogee'	L	D
T-7	Bay Laurel	Laurus nobilis	L	E
T-8	Saratoga Bay	Laurus nobilis 'Saratoga'	L	E
T-9	Olive	Olea europaea	VL	E
T-10	Fruitless Olive	Olea europaea 'swan hill'	VL	E
T-11	Chinese Pistache	Pistacia chinensis 'Keith Davies'	L	D
T-12	London Plane	Platanus X acerifolia and cvs.	M	D
T-13	Holly Oak	Quercus ilex	L	E
T-14	Valley Oak	Quercus lobata	L	D
T-15	English Oak	Quercus robur	M	D
T-16	Cork Oak	Quercus suber	L	E
T-17	Southern Live Oak	Quercus virginiana	M	E
T-18	Interior Live Oak	Quercus wislizeni	VL	E
T-19	Brisbane Box	Tristaniopsis laurina	M	E
T-20	Saw Leaf Zelkova	Zelkova serrata	M	D



T-1



T-2



T-3



T-4



T-5



T-6



T-7



T-8



T-9



T-10



T-11



T-12



T-13



T-14



T-15



T-16



T-17



T-18



T-19



T-20

DRY CREEK PRESERVE



Shrub matrix

SYM	Common Name	Botanical Name
S-1	Prostrate Acacia	Acacia redolens 'Desert Carpet'
S-2	Fern Leaf Yarrow	Achillea 'Moonshine'
S-3	Lily of the Nile	Agapanthus africanus 'Queen Anne'
S-4	Weber Agave	Agave weberi
S-5	Crimson Pygmy Barberry	Berberis thunbergii atropurpurea
S-6	Japanese Boxwood	Buxus m. japonica
S-7	Bottle Brush	Callistemon citrinus 'Little John'
S-8	Fortnight Lily	Dietes bicolor
S-9	Pineapple Guava	Fejoa sellowiana
S-10	Evergreen Euonymus	Euonymus japonicus
S-11	Daylily (Evergreen varieties)	Hemerocallis spp.
S-12	Red Yucca	Hesperaloe parvifolia
S-13	Red Hot Poker	Kniphofia uvaria
S-14	Bay Laurel	Laurus nobilis
S-15	Spanish Lavender	Lavandula stoechas 'Otto quas'
S-16	Japanese Privet	Ligustrum japonicum 'texanum'
S-17	Little Olive Dwarf Olive	Olea europaea 'Montra'
S-18	Russian Sage	Perovskia atriplicifolia
S-19	New Zealand Flax	Phormium tenax
S-20	Dwarf Pittosporum	Pittosporum tobira 'Wheeler's Dwarf'
S-21	Dwarf Indian Hawthorne	Rhaphiolepis indica 'Ballerina'
S-22	Yeddo Hawthorne	Rhaphiolepis umbellata
S-23	Carpet Rose	Rosa
S-24	Floribunda Rose	Rosa floribunda
S-25	Rosemary	Rosmarinus officinalis 'Tuscan Blue'
S-26	Trailing Rosemary	Rosmarinus 'Prostratus'
S-27	Germander	Teucrium chamaedrys 'Nanum'
S-28	Society Garlic	Tulbaghia violacea
S-29	Laurustinus	Viburnum tinus
S-30	Yellow Bells	Tecoma stans
S-31	Stacked Bulbine	Bulbine frutescens
S-32	True Myrtle	Myrtus communis
S-33	Lantana	Lantana
S-34	Gopher Spurge	Euphorbia rigida



S-1



S-2



S-3



S-4



S-5



S-6



S-7



S-8



S-9



S-10



S-11



S-12



S-13



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S-21



S-22



S-23



S-24

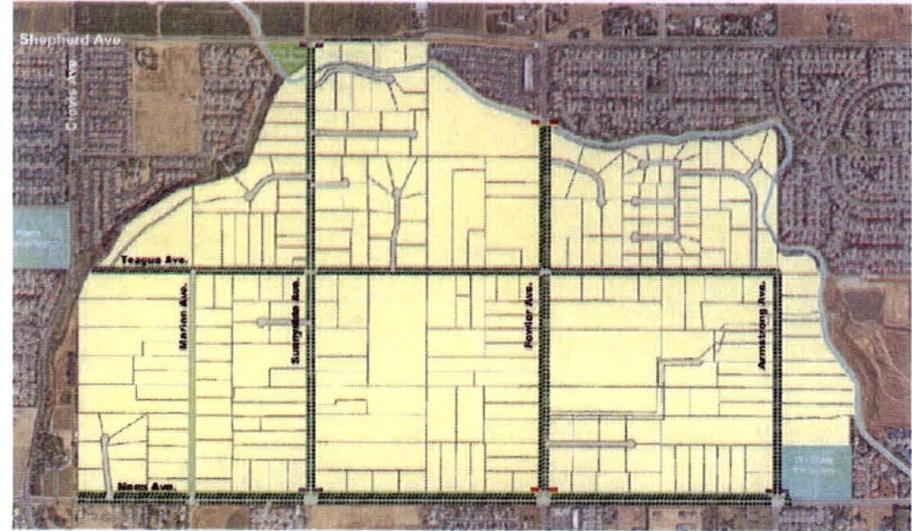
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12.0 Circulation and Traffic Objectives

When traffic enters the DCP, drivers will know they are entering a less intensive neighborhood of different character, intensity and uses. Faster traffic will be encouraged to use Fowler Avenue. Speeds must be slower, and traffic patterns calmer on Sunnyside, Armstrong, and Marion Avenues.

Circulation Objectives:

1. Provide for through traffic circulation across the Plan Area only on major roads such as Fowler and Nees Avenues, while recognizing the need for speed limits and other traffic controls to be consistent with side-entering private driveways, passive recreationists, and multi-modal transportation.
2. Discourage non-Plan Area-related traffic from utilizing the minor Area roads to avoid adverse noise and safety issues.
3. Support safety of non-motorized modes of transportation including walking, bicycling, and equestrian.
4. Provide attractive signage along through roads to promote the unique identity of the area and its recreational values, and to interpret the need, reasons for and values associated with slower speed travel within the area.
5. Require land developments to mitigate for their traffic impacts by dedicating rights-of-way for public streets and roads and upgrading roads to serve their developments, including constructing frontage improvements and left-turn channelization where appropriate, and where consistent with the neighborhood appearance.



DRY CREEK PRESERVE



12.1 Street Design Criteria

The following street design criteria will apply to streets within the Master Plan area. The diagrams and descriptions include street segment designs for areas that are more intensively developed (usually shown on the left side of diagrams), as well as for areas that remain in their existing rural residential use (right side on most diagrams). The different design intensities are provided because, where development does not occur, improvement of the streets will not have an available financing source.

In most cases, roads adjacent to properties that are not developed will have little change from their present condition, unless or until development occurs. This reflects the desire for slower, less intensive streets in the rural residential neighborhoods and where multiple individual driveway entries exist. In general, the DCP streets, except the Fowler Avenue Arterial, have been designed at minimum levels for their forecast traffic, with the intent to: 1) encourage heavy and faster traffic to utilize more highly developed roadways, and 2) reduce the degree of change and resultant traffic congestion impacts which will exist within the road development transitions across the area. Those objectives are consistent with the overall goal of providing a quieter, more rural environment within the DCP.

12.1.1 Service Streets

The Plan Area has eight existing local streets which serve the residents of rural residential areas. They include:

- o Cole Avenue (2 reaches)
- o Serena Avenue
- o Linda Lane
- o Powers Avenue (2 reaches)
- o Richmond Avenue
- o Lebanon Avenue
- o Purdue Avenue
- o Preuss Drive

Many of these streets end in a cul-de-sac; therefore, although they are dedicated public rights of way, they are not a part of the through traffic circulation within the Plan Area. These street reaches will remain public rights of way. They will be paved but will have no lane striping.

12.1.2 Intersection Traffic Control

Intersections can be controlled with two-way or all-way stop signs, traffic signals, or roundabouts. The appropriate type of traffic control is determined by guidance in the California Manual on Uniform Traffic Control Devices.

12.1.3 Traffic Signals

A traffic signal is currently in place at the intersection of Nees and Fowler Avenues. Additional traffic signals are planned at Nees and Sunnyside Avenues, Nees and Armstrong Avenues, and Shepherd and Sunnyside Avenues when warrants are met. Signalization at the Fowler-Teague intersection may also be required, if future traffic loads make it necessary.

12.1.4 Bicycle Facilities

Substantial walking and bicycle recreation exists today along the quiet Plan Area streets and roadways. It is intended that this non-developed recreation will continue, until more formally developed facilities are in place. Subject to funding and normal road improvement timetables, bikeways will be provided along all area roads and streets, in accordance with the design diagrams included for each area roadway segment.



12.2 Circulation Implementation and Road Design Standards

See below for the design plans for the various streets in the Plan Area adjacent to developed subdivisions or undeveloped rural residential parcels. Where new Rural Residential parcel maps or lot line adjustments are proposed, rights of way for eventual street development will be required. However, full build-out of streets will not be required of such parcel divisions as long as the resulting lots remain Rural Residential parcels.

The network of roads and bicycle and pedestrian facilities has been designed to meet the needs of the residents of the Dry Creek Preserve community, as well as the needs of other users who visit or commute through the area. Facilities will not be over-designed, in order to minimize the associated capital improvement and ongoing maintenance costs and also to maintain more of a rural appearance to area streets, consistent with the Master Plan and Clovis 2014 General Plan objectives. Additional facility improvements may be needed to meet regional transportation needs beyond the 20-year horizon of this Master Plan, and the City of Clovis Planning and Development Services Department shall ensure that sufficient rights-of-way are set aside for future improvements.

The roadbeds and rights-of-way within the DCP are described below with accompanying typical street cross-sectional diagrams.

12.2.1 Fowler Avenue

Fowler Avenue, north of Nees Avenue is designated as an Arterial Roadway in the Clovis General Plan and Regional Transportation Plan. It carries Dry Creek Preserve traffic, as well as regional traffic from the unincorporated area to the north. Because this route connects to State Highway 168, it carries substantial traffic loads at times, particularly during peak commute hours. During these commute hours, there is occasionally traffic congestion primarily at controlled intersections.

Normally, street intersections are improved at the time adjacent property is developed, but in an attempt to remediate congestion issues on Fowler more quickly, the City of Clovis and the development community (those adding trips to Fowler Avenue) will participate in completing certain Fowler Avenue improvements on an accelerated time line.

The improvement and widening of Fowler Avenue will take place as development occurs adjacent to the roadway. Improvements to intersection capacity will take place as warranted and to mitigate impacts associated with new development within the plan area. The ultimate configuration of Fowler Avenue will depend on whether the adjacent predominant development is intensified (density higher than 0.5 du/ac). On these frontages, the right-of-way width will be 60' and improvements will include 16' landscaped median, 2- twelve foot travel lanes, an eight foot bike lane, curb and gutter, and a 20' wide landscape and pedestrian strip. Along frontages that are to remain predominantly rural in character, the right-of-way width will be 53' and improvements will include 16' landscaped median, 2- twelve foot travel lanes, a 6' bike lane and 15' for drainage and pedestrian use. It is intended that as properties are divided or developed along these roadway segments, the right-of-way would be dedicated and cleared, but the improvements would not be required as a condition of development. Such improvements would be done when warranted or when there is participation from the City or other sources. The Fowler Avenue cross section showing both conditions is depicted in Figure A.

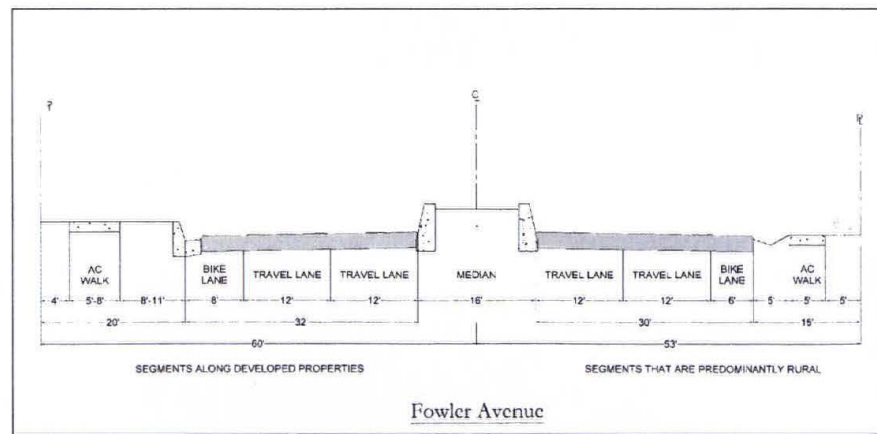


Figure A: Fowler Avenue

DRY CREEK PRESERVE



12.2.2 Sunnyside Avenue

Sunnyside Avenue is a designated Collector Street in the Clovis General Plan and Regional Transportation Plan. Today, it principally carries traffic between Shepherd and Nees Avenues, thus serving the areas north and east of the Dry Creek Preserve, and connecting the DCP area to the Clovis Central District. Because a major school facility, Century Elementary School, is located on Sunnyside just south of the DCP, considerable traffic utilizes Sunnyside during morning and afternoon hours. The roadway is adequate to carry this traffic at present, and because Sunnyside does not connect directly to State Highway 168, it is less likely than Fowler Avenue or Clovis Avenue to experience major future increases in traffic loads.

Sunnyside Avenue is planned to remain a rural-appearing collector street, with one 11-foot-wide travel lane in each direction. Figure B shows the street configuration and required right-of-way widths for segments of the roadway that are adjacent to both developed and undeveloped properties. The vehicular travel lanes will be separated by solid double striping and be signed to prohibit vehicles passing. This is due to the number of existing rural residential driveway entries located along both sides of the roadway. Sunnyside will be signalized at its intersections with Nees Avenue and Shepherd Avenue, and initially be maintained as a four-way stop at its intersection with Teague Avenue. If land development occurs which materially increases the traffic loads and causes delays at the Teague-Sunnyside four-way stop intersection, the City may require those developments to mitigate project impacts by signalizing the Teague intersection or by providing alternative traffic accommodations, such as a roundabout at this location. Developments along Sunnyside will also be required to provide needed signalization and left-turn channelization at Nees Avenue, Shepherd Avenue and Teague Avenue intersections, if traffic studies at the time indicate need.

Sunnyside is planned with five-foot-wide bicycle lanes on both sides (Figure B). It is understood that the bicycle and pedestrian facilities will not be constructed unless either: 1) external grant funds can be secured to construct them, or 2) sufficient properties with Sunnyside frontage become developed to enable financing of the facilities through project mitigation or other fees.

Developments fronting onto Sunnyside will be required to provide along their street frontage, an 11'-wide travel lane, a 5'-wide bicycle lane, construction of asphalt curbs and appropriate street drainage (if required based on site characteristics), and a 5'-wide decomposed granite or asphalt walkway. The needed right of way for these facilities will also be required to be dedicated.

Non-developed reaches of Sunnyside will have an 11-foot-wide travel lane, a five-foot-wide bike lane, and a four-foot unpaved shoulder.

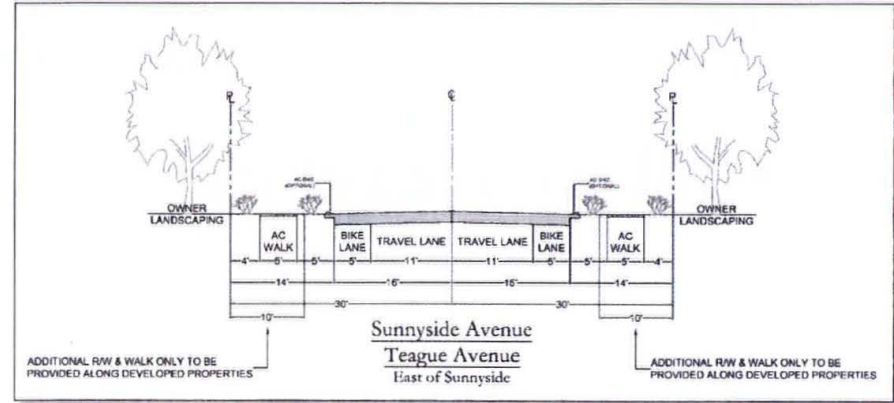


Figure B: Sunnyside Avenue and Teague Avenue East of Sunnyside

DRY CREEK PRESERVE



12.2.3 Teague Avenue East of Sunnyside Avenue

Teague Avenue is designated as a Collector Street in the Clovis 2014 General Plan. It carries traffic in an east-west direction across the DCP, providing a northern connection between Armstrong and Marion Avenues. Its principal traffic use occurs between Fowler and Sunnyside Avenues. The reach of Teague extending west from Sunnyside Avenue is quite different from the remainder of the street. It primarily serves a rural residential neighborhood planned to have less than 50 residences, located along Teague, west of Sunnyside, and Marion Avenues. This western reach is thus planned separately as a Residential Street. It is described together with Marion Avenue, below.

The characteristics of the eastern segment of Teague Avenue are shown in Figure B. This street reach is planned to have one eleven-foot-wide travel lane and a five-foot-wide bicycle lane in each direction. In developed reaches, a five-foot-wide walkway will also be required, separated from traffic by a four-foot-wide landscaped separator on the developed side, wherever development with street frontage occurs. The reach located east of Fowler Avenue has already been improved equivalent to those standards, with the development of the Whisper Creek Subdivision. The remaining area between Fowler and Sunnyside Avenues will be improved incrementally at the time development occurs within that street segment. It will be financed similar to the mechanisms described for Sunnyside Avenue.

12.2.4 Teague Avenue West of Sunnyside

This segment of Teague Avenue extends for less than 1/4 mile, terminating at its intersection with Marion Avenue. At present, it has only a 16-foot paved width, with unpaved shoulder and no striping. It is adequate for its low volume of traffic, being one of two streets serving about 50 Rural Residential parcels, with less than 500 combined trips per day. This segment is planned to have one 11-foot-wide travel lane and a 5' bicycle lane in each direction (see Figure C, below), however in the expected absence of future subdivision activity, it is doubtful that financing will be available for the improvements in the foreseeable future, unless external grants or other funding can be arranged. Planned improvements for this street segment are shown in Figure C, in the event such financing becomes available.

Potential may exist for a trail connection extending west from Sunnyside Avenue, along Teague Avenue to Marion Avenue, then west to the Dry Creek Trail. It would require acquisition and use of a currently undedicated private dirt farm access road. Future grant acquisition could be

considered to finance a bicycle and walking path through that alignment, including a pedestrian-bicycle bridge over Dry Creek to connect with the existing Dry Creek Trail. Because the west end of the trail would emerge in the immediate vicinity of Woods Elementary School, State Safe Routes To School grant program funding may have application for this feature.

12.2.5 Marion Avenue

Marion Avenue is planned to have 11-foot-wide travel lanes and 5-foot-wide bicycle lanes in each direction, accommodated within the existing 40' right-of-way. The design characteristics are shown in Figure C, below.

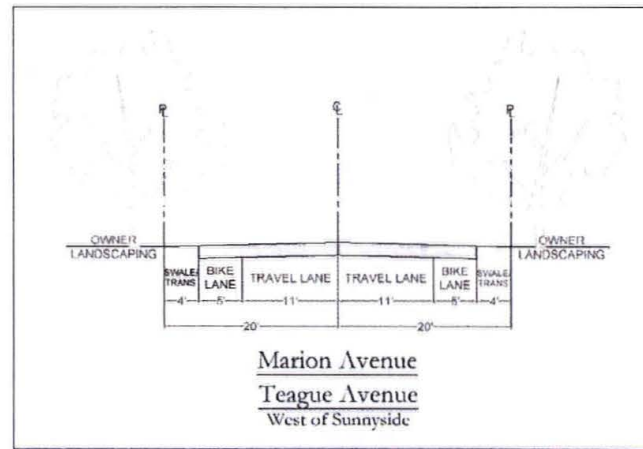


Figure C: Marion Avenue and Teague Avenue West of Sunnyside

Properties adjacent to Marion Avenue and the west segment of Teague Avenue area are already nearly fully built out into rural residential homesites, and potential exists for less than twenty additional rural residential SFR units in that area at maximum build out. Absent subdivision development, street improvement financing will not exist, unless outside funding sources can be identified, such as grants to build bike lanes.

DRY CREEK PRESERVE



12.2.6 Armstrong Avenue

Armstrong Avenue is designated a Collector Street in the Clovis 2014 General Plan and Regional Transportation Plan. The street terminates on the north at the intersection of Teague Avenue, therefore it does not carry significant traffic from areas outside the Dry Creek Preserve. It principally serves a rural residential neighborhood of about 40 existing homes, and the Whisper Creek subdivision, containing 31 homes. Because the Master Plan objective is to preserve the existing rural residential neighborhoods within the Dry Creek Preserve, there is little expectation of future subdivision development within the Armstrong Avenue corridor in the foreseeable future.

Armstrong Avenue has traffic congestion at times, due to the position of Dry Creek Elementary School at the intersection of Armstrong and Nees Avenues. During peak times, the school generates significant traffic. But the school size is unlikely to change significantly, and the roadway is currently able to handle the traffic loads, therefore Armstrong Avenue north of Nees Avenue is planned to remain largely a residential street, with paths intended to provide safe pedestrian passage along the roadway and safe access to and from Dry Creek School. Figure D shows the planned street configuration for Armstrong Avenue.

Armstrong is planned to have one eleven-foot-wide travel lane and a five-foot-wide bike lane in each direction, along with a five-foot-wide pedestrian and bicycle path that is separated from vehicular traffic by a four-foot-wide landscaped strip. The intersection at Nees Avenue will remain a four-way stop, unless future traffic loads increase and warrants for installation of a traffic signal are met. Left turn channelization is not currently present at this intersection, but will be considered as future traffic conditions warrant.

Absent planned development within the area, it is unlikely that the planned pedestrian path and divider strips will be constructed along Armstrong Avenue, unless external grants (e.g., State Safe Routes To School Grant Program) or other financing can be secured.

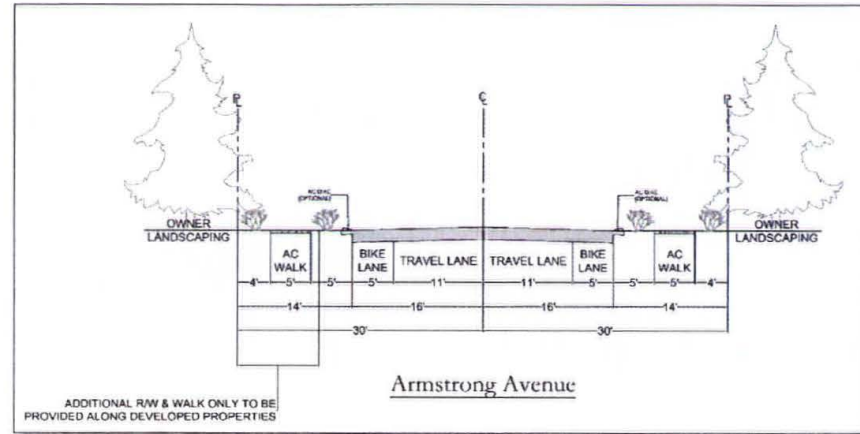


Figure D: Armstrong Avenue

DRY CREEK PRESERVE



13.0 Concluding Remarks and Vision for the Dry Creek Preserve

The Dry Creek Preserve is truly a unique place – a place with surprisingly sparse development, considering its location in the heart of what Clovis is to become as it gradually occupies its intended footprint. Today, we are at a crossroads in determining the DCP's future destiny and providence as a part of that surrounding urban Clovis Community. Here we have 795 acres of land, of which 747 acres are privately owned, under about 250 individual ownerships. The area is still largely undeveloped, by urban standards, so it offers a more or less blank pallet upon which to create a future landscape. On one hand, we might create yet another intensively developed urban residential area, like so many others that provide their particular array of benefits to the community. They may have architectural, location and price-point distinctions, but to the 30,000 foot view, their variation from the rest of the urban landscape is unremarkable.

We have chosen a different path for the DCP – one that allows the area to offer a reasonable amount of residential development opportunity, including housing on much larger Rural Residential, Estate Level, and/or Low Density lots and parcels, to accommodate a segment of the housing market that is currently underprovided. At the same time, the Dry Creek Preserve will live up to its name, by being “preserved” as a more bucolic place, right in the heart of Clovis, where residents' families can have space enough to enjoy outdoor activities or gatherings, and where visitors to and through the area can enjoy longer, softer landscape views, and hopefully relax and reconnect with Clovis' agricultural roots. Living quality will be the emphasis within the DCP area – both for residents and for Clovis residents who will come to appreciate and utilize the area for enjoyment, passive recreation, and relaxation.

Serious compromises took place to produce this Master Plan. It reflects the results of many discussions, negotiations and compromises. As such, neither the Plan nor its Appendix (Annexation Agreement) should be taken lightly, as future land use and public works decisions are contemplated. The Plan provides a reasonable balance between interests, while providing what we believe to be a unique “Quality of Life” asset for the benefit of Clovis. It provides aesthetic as well as economic benefits, given that new companies seeking to locate in Clovis will appreciate the added range of housing types and the community living quality which this Plan provides. The area's community aesthetic values will exist regardless of whether lands within the DCP are ever annexed into the City Limits. They have existed and been utilized by surrounding City residents for some time. Landowners have become accustomed to having families bicycle or trek through their neighborhoods, interacting with their livestock

and enjoying the wildlife that is abundant throughout most of the area. Most owners view that passive recreation as desirable and a part of their land stewardship.

It is hoped that nothing in this Master Plan will materially alter the DCP's long-term cohesiveness as a Clovis community, or change its land uses and character to the extent that landowners and residents no longer appreciate its uniqueness and value. Hopefully the limited development allowed within this Plan will not materially change the character of the area, but will be sufficient to finance any infrastructure that may become critically needed by residents or by the surrounding community in the future. The Dry Creek Preserve will thus continue to be an important Clovis asset.



DRY CREEK PRESERVE



Appendix A

Draft Annexation Agreement to Protect Landowner Rights During Annexation

DRY CREEK PRESERVE MASTER PLAN